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| **To:** | **The Select Committee on Security and Justice** | |
| For attention:  Per email: | Mr Gurshwyn Dixon  [HateCrimesBill9B-2018@parliament.gov.za](mailto:HateCrimesBill9B-2018@parliament.gov.za) | |
| **Re:** | **Comments on the Prevention and Combating of Hate Crimes and Hate Speech Bill [B9B – 2018]** | |
| **From:** | Organisation: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | Name / Surname: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | Capacity: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | Tel: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | Email: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**Date:** **DD / MM / YYYY (Deadline for comments: 13h00 Monday, 22 May 2023)**

1. [INSERT FULL NAME OF YOUR ORGANISATION] is [explain who the organisation is, e.g. a non-denominational Christian church of approximately 500 members, situated at 15 Orange Street, Cape Town.]
2. As a faith-based institution, weoppose the [**Prevention and Combating of Hate Crimes and Hate Speech Bill [B9B – 2018]**,](https://static.pmg.org.za/Hate_Speech_Bill_B9B-202316065.pdf) for the following reasons:
3. **We are** **concerned that the Bill violates our constitutional rights as religious persons to express our religious beliefs without fear of punishment or persecution** (section 15, read with section 16).
4. Additionally, we believe the Bill will undermine South Africa’s **social cohesion**, because it will make religious organisations’ job of mediating conflicting views in society impossible as **people’s closely held opinions will be stifled due to the danger of them being prosecuted**. Religious organisations, like us, would thus be unable to perform our **reconciliatory** function as people will not engage for fear of facing unwarranted charges and the possibility of being prosecuted should they air their views / beliefs / opions.
5. We specifically oppose the Bill’s:
   1. wide definition of “*harm*” (in Clause 1);
   2. failure to define “*hatred*” (in Clause 1); and
   3. definition of, and creation of, the crime of “*hate speech*” (in Clause 4).
6. We are concerned that the creation of the crime of “hate speech” for saying / distributing something which could possibly be construed as “harmful”, will have certain **unintended consequences, namely the criminalisation of good / well-meaning people** who will be prosecuted for saying what they sincerely believe (according to their holy texts) and sent to jail.
7. There are already sufficient existing laws dealing with “hate speech”.
8. For all of the above reasons, we strongly oppose this Bill which we believe to be unconstitutional and unnecessary, and we ask:
   1. For the scrapping of the “hate speech” sections from the Bill altogether;

*Alternatively,* *should the “hate speech” provisions remain part of the Bill, we ask:*

* 1. That “*harm”* be defined as: “*gross emotional and psychological detriment that objectively and severely undermines the human dignity of the targeted group*”; and
  2. That “*hatred”* be defined as: “*strong and deeply-felt emotions of enmity, ill-will, detestation, malevolence and vilification against members of an identifiable group, that implies that members of that group are to be despised, scorned, denied respect and subjected to ill-treatment based on their group affiliation*”.
  3. That Clause 4(2)(d) (the “religious exemption clause”) be strengthened as follows:

*“expression of any religious conviction, tenet, belief, teaching, doctrine or writings, by a religious organisation or an individual, in public or in private, to the extent that such expression does not actively support, instigate, exhort, or call for extreme detestation, vilification, enmity, ill-will and malevolence that constitutes incitement to cause gross emotional and psychological harm that severely undermines the dignity of the targeted group, based on race, ethnicity, gender, religion or sexual orientation”.*

Yours faithfully,

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