**PROGRESS MADE BY THE SA GOVERNMENT TO ENSURE THE PROTECTION AND PROMOTION OF THE HUMAN RIGHTS OF LGBTIQ+ PERSONS**

| **AREAS OF FOCUS** | **PROGRESS MADE** |
| --- | --- |
| 1. Update on the Prevention and Combating of Hate Crimes and Hate Speech Bill. | Prevention and Combating of Hate Crimes and Hate Speech Bill is before the National Assembly at the moment |
| 1. Response to hate crimes perpetrated against persons on the basis of their SOGIESC. | In 2014 the DOJCD established the Rapid Response Team to monitor pending hate crimes within the criminal justice system.  DOJCD is chairing a Rapid Response Team (RRT) on Hate Crimes, consisting of South African Police Service, National Prosecuting Authority, and nominated civil society organisations. The RRT meets regularly and is responsible for the monitoring of pending hate crime cases within the criminal justice system and also to intervene where there are blockages to ensure successful investigations and prosecutions of hate crime cases. The following is the latest analysis of the reported and pending hate crime cases received by the RRT from civil society organisations and media, for the May 2022 – August 2022:  Total number of pending cases for April 2021: 38 (hate crime cases increased from 17 during State of Disaster in 2020 to 38)  Total number of cases for May 2022: 28 (included 2 at sentencing stage).  Total number of pending cases for 30 August 2022: 26 with 46% of the cases still under investigation.    Total number of pending cases for the June 2022 – September 2022: 29 with 52% on the court roll, 31% under investigation and 10% withdrawn  ***Note that more cases are periodically added and some are removed when finalised with convictions; withdrawn by complainants or undetected.*** |
| 1. Sensitization workshops on LGBTIQ rights. | The following awareness sessions were conducted:  Community and commercial radio interviews on the SA LGBTIQ+ Programme and human rights of LGBTIQ+ persons. The public was reached through all the community radio stations in each of the targeted provinces.  National virtual awareness session on sexual orientation, gender identity, expression and sex characteristics (SOGIE) matters.  Community dialogues were also conducted with schools and communities in the targeted rural areas. |
| 1. Protections of the human rights of transgender and intersex persons | The SA-EU Policy Dialogue on the Rights of Transgender and Intersex Persons was held wherein the Minister of Justice and Correctional Services delivered a key note address of the Dialogue.  The national dialogue focused on the current Legal Framework on Legal Gender Recognition for Transgender people in South Africa and the need for self-determination for Legal Gender Recognition and the violations experienced by Intersex persons and the necessity to have Intersex specific Legal Framework that addresses Intersex Genital Mutilation (IGM).  A number of International Experts made presentations to the Policy Dialogue, including the UN Independent Expert on SOGIESC Rights as well as the EU Rapporteur on LGBTI Rights. Dr Tlaleng Mofokeng, the UN Rapporteur UN Special Procedure also made a presentation on South Africa’s obligations. Deputy Minister Dhlomo also delivered an address on measures taken by the Department of Health. The event was live streamed via You Tube, Facebook, Twitter and Community Radio Stations. CSOs, government departments and Chapter 9 Institutions attended the dialogue with key note inputs from the CGE and the SAHRC. The Department is taking forward the recommendations of the national dialogue together with the Departments of Home Affairs and Health. |
| 1. Training and capacity building of officials at service points | Given the high levels of secondary victimisation suffered by the LGBTIQ+ communities and the discriminatory attitudes of communities towards the LGBTIQ+ persons, there is a great need for sensitisation of service providers who interface with victims of hate crimes and discrimination. In this regard, the National Task Team developed document: “Working with Diverse Communities: Understanding sexual orientation, gender identity and expression: A Guide for service providers”.  The Guide for Service providers was successfully piloted in 2019 in targeted provinces and rolled out nationally, through training workshops in 2022. Further, a number of training workshops on SOGIESC matters are being conducted targeting officials at service points in the government departments, Chapter 9 institutions and community advice offices in the provinces. |