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HATE CRIME VICTIMISATION IN SOUTH AFRICA: EMPIRICAL PATTERNS, INTERSECTIONAL VULNERABILITIES AND INSTITUTIONAL RESPONSES (2013-2026)**Tersoo Solomon Shaminja^{1*}, Merlyn Barkhuizen²***Department of Criminology and Security Science, University of South Africa, Pretoria, South Africa**E-mails: ^{1*} Tersoolive2015@gmail.com (Corresponding author); ² barkhm1@unisa.ac.za**Received 15 May 2026; accepted 30 July 2026; published 30 September 2026*

Abstract. Hate-motivated crimes continue to undermine South Africa's constitutional commitments to equality and human dignity. Hate crimes and violence remain a challenge despite the enactment of the Prevention and Combating of Hate Crimes and Hate Speech Act (Act 16 of 2023). Using the Hate Crimes Working Group (HCWG) Monitoring Form Project (2013-2017) as its primary empirical source for assessment, this study examines victimisation patterns and incident typologies documented in the HCWG dataset (2013–2017) and assess whether these patterns persist after that period; analyse victim and offender characteristics associated with hate-motivated incidents; and evaluate institutional responses to hate crime and identify the implementation gap between legislative enactment and enforcement. Using descriptive statistics from the HCGW dataset, triangulating with post-2017 civil society publications (including Xenowatch, 2025). The data reveal a high incidence of recurrent victimisation and underreporting of hate crimes. The study confirms the persistence and intensification of xenophobic and anti-LGBTQ+ violence, institutionalised through groups such as Operation Dudula, notwithstanding new legislation in the post-2017 period. The study recommends a national hate crime database, strengthening of institutional accountability, and dedicated victim support services, particularly for intersectionally vulnerable groups.

Keywords: hate crime; vulnerability, victimisation; intersectionality; institutional response; South Africa

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1. Introduction

Hate crimes are a problem confronting many societies worldwide. Hate crimes instil fear among entire targeted groups, as supported by substantial empirical evidence (Hardy & Chakraborti, 2020; Díaz-Faes & Pereda, 2022; Mas Grau et al., 2025). Hate crimes manifest across nations and regions with diverse cultural traditions, colonial and post-colonial histories, religious traditions, political systems, and economies. This crime results in violence in which the denigration of a person's perceived identity, such as their 'race,' their ethnicity, gender, religion, sexual orientation, disability status, or sexual identity, plays some role. Although hate crimes may differ from country to country and even within individual countries (Iganski & Levin, 2015), their effects on individuals and society are disastrous. For instance, hate crime resulting in violence led to the September 11, 2001, al-Qaeda terror attacks on the World Trade Centre, in rural Pennsylvania, and against the Pentagon in the United States were evidence of hate crime and political, economic, and military might. The casualties were the nearly 3,000 people, mostly civilians, who lost their lives in a horrible conflagration. The acts combined religious conviction, loathing of

secular society, and hatred of the United States (Iganski & Levin, 2015). Hate speech, disseminated in print and by radio, led to genocidal crimes in Rwanda with disastrous consequences for the country.

The threat Index ranking of countries compiled by The Minority Rights Group International, a campaigning non-governmental organisation founded in the 1970s to defend the rights of disadvantaged minorities and indigenous people, has been recording annually the risk of genocide, mass killing or other systematic violent repression like hate crimes across the globe. According to the rights watch, the threat of hate crimes manifests in the form of religious, sectarian, or ethnic conflict and persecution. Hate crimes in the guise of religious hatred are prevalent in the Middle East and African states, with people most at risk of mass killings. Eight countries, including Somalia, Sudan, the Democratic Republic of Congo, Afghanistan, Iraq, Pakistan, Myanmar (formerly Burma), and Ethiopia, have consistently ranked in the top ten each year as the most at risk. Each year, Somalia has been ranked at the highest risk, and since 2010, Sudan has been ranked second, having risen from third in 2008 and 2009. A few other countries have featured intermittently in the top ten at greatest risk: Chad (2010), Côte d'Ivoire (2011), Iran (2012), Israel/Palestine (2009), Nigeria (2013), South Sudan (2012), Syria (2013 & 2014) and Yemen (2014) where hate crimes in the modes of religious and sectarian conflicts feature prominently in a number of these countries (Iganski & Levin, 2015).

Statement of the problem

South Africa remains one of the countries battling with hate crimes. Recent media reports from March and April 2026 document fresh xenophobic attacks and rising tensions against foreign nationals in areas such as Durban, Gauteng, KwaZulu-Natal, and the Western Cape (Ngcobo & Naadi, 2026). Constitutional efforts have been made to tackle hate crimes in South Africa. Despite this, cases of hate crimes have continued to be evidenced in violent attacks, violence against LGBTQ+ persons, racial intolerance, and xenophobia, underscoring a troubling gap between the law and reality (Human Rights Watch, 2024). According to Mlambo et al. (2023), hate-motivated violence includes corrective rape of lesbian women, violent intimidation of religious and ethnic minorities, and xenophobic attacks on African migrants. The empirical research on hate crime in South Africa, however, is still sparse. Other examples of hate crimes include violent intimidation of religious groups, corrective rape of lesbian women, xenophobic attacks on African migrants, and ethnic minorities, all of which are hate-motivated violence (Dahlberg & Thapar-Björkert, 2023). In a study by Mitchell and Nel (2017), it is reported that the Hate Crimes Working Group (HCWG) Monitoring Form Project has documented 945 incidents between 2013 and 2017 across five provinces, revealing systematic victimisation of migrants, LGBTQ+ persons, and other marginalised groups, alongside high levels of underreporting and weak institutional response. The poor documentation of hate crime reports by the government or relevant authorities since 2017 has created a critical empirical gap (Nel & van Wyk, 2024).

Act 16 of 2023, which explicitly criminalises hate-motivated offences and adds hate motive as an aggravating sentence factor, was passed in South Africa in response to civil society advocacy against hate crimes in 2003. Several studies have highlighted serious concerns about poor implementation and delays, insufficient operational reporting mechanisms, and a continued lack of credible data (PPM Attorneys, 2026; Mamba Online, 2026)

Despite legislative enactment of Act 16 of 2023, disability-based hate crimes have receive nearly no dedicated empirical attention; post-Act evaluation is still lacking, with literature ending at draft regulations (November 2025); intersectionality applications are limited, concentrating primarily on single biases; a systematic review of the provided reference corpus (2018–2026) reveals several critical gaps, offender motivations lack integrated causal models beyond economic scapegoating; and (5) data remain fragmented and geographically limited. This study seeks to bridge the gap by triangulating the HCWG baseline with post-2017 sources (including Xenowatch, 2025, and the 2025 Johannesburg High Court judgment against Operation Dudula), analysing disability as an understudied bias, and proposing suggestions.

This study addresses the identified gap by analysing patterns of hate crime victimisation using the HCWG dataset and situating these findings within post-2017 institutional and legislative developments. The study set to investigate these specific objectives: (1) to examine victimisation patterns and incident typologies documented in the HCWG dataset (2013–2017) and assess whether these patterns persist after that period; (2) to analyse victim and offender characteristics associated with hate-motivated incidents; and (3) to evaluate institutional responses to hate crime and identify the implementation gap between legislative enactment and enforcement.

2. Literature Review

Conceptualisation of hate crime

Conceptualising hate crime is quite problematic in terms of one's interpretation. In the academic and grey literature, a recent Campbell Systematic Review identified 423 definitions, 168 measurement instruments, and 83 legislative definitions, highlighting the lack of global agreement (Vergani et al., 2024). For operational purposes, the broad definition advanced by Act 16 of 2023 defines hate crime as an offence committed where the perpetrator is motivated by prejudice or intolerance based on the victim's race, nationality, sexual orientation, gender identity, religion, disability, or albinism, among other characteristics (Prevention and Combating of Hate Crimes and Hate Speech Act, 2023).

Hate victimisation patterns and incident typologies documented 2018-2026 after the HCWG dataset (2013–2017) period

South Africa faces the challenge of hate and discriminatory crimes to date. Available data and literature indicate that the problem exists in different patterns and at varying incidences. For example, a xenophobic movement founded in Soweto on June 16, 2021, Operation *Dudula* spread across the country. It was characterised by UN human rights experts as a catalyst for murder, arson, and vigilantism (Al Jazeera, 2023). In the wake of the 2024 general elections in South Africa, Global Witness and the Legal Resource Centre (2024) documented the influence of social media platforms such as Facebook, YouTube, and TikTok on the promotion of xenophobic advertisements in South African languages. It recorded xenophobic attacks in South Africa between 2022 and 2024, including 255 incidents, 57 fatalities, 6,134 displaced persons, and 810 looted stores, and is also detailed in the Xenowatch report (2025). 83 incidents (2024 resurgence), 62 incidents (2023 decline), and 110 incidents (2022 peak) annually. The most frequent category (109 occurrences) was violence, which was followed by threats (22), health xenophobia (21), harassment (32), extortion (26), evictions (16), and refused services (7).

Anti-LGBTQ+ violence continued as a pattern of hate crimes was also recorded. The U.S. Department of State (2021) records that more than 22 LGBTQ+ persons were killed in South Africa in 2021 alone, with nine further deaths recorded in 2022 (U.S. Department of State, 2024), while Human Rights Watch confirmed that Black lesbians and transgender women in townships face killings, sexual assault, and harassment (HRW, 2022, 2023, 2024). The study by Ngidi, Ntinga, Oswald and Fredriksen-Goldsen (2025) highlights the South African early-access version of a comprehensive empirical study of the incidents of violence and discrimination against LGBTIQ+ people from 2013 onwards, which is central to any study of intersectional hate crime vulnerability in South Africa. The authors vividly capture the disconnect between South Africa's progressive constitution and laws, which are among the earliest in the world to explicitly guarantee equal rights to women, men, transgender and gender non-conforming people, to which LGBTIQ+ people are entitled and the high rates of physical assault, sexual violence, harassment and social exclusion that they experience in their daily lives. The study also focuses on the intersection of race, gender identity, and geographical location to adjust risk. Black LGBTIQ+ people living in township neighbourhoods are seen as having far higher risks than those living in urban, predominantly white or middle-class neighbourhoods, thus substantiating the intersectional hypothesis that guides the analytical approach adopted in the present article.

Furthermore, Ngidi et al. (2025) name institutional failure as systemic police officers are reported to be indifferent, sceptical and hostile towards LGBTIQ+ persons when they file complaints for hate-motivated crimes

and conviction rates in such cases are reported to be negligible. In a desk review study, Van Der Schyff (2025) discovered that gay males and social dynamics, such as gender-based violence, abduction, victimisation, and queercide, were increasing in certain South African areas. The research analysed online reports, between 2022 and 2024, by a community organisation on cases of violence against gay men. Derogatory language and discrimination were also reported to be on the rise, as a prelude to actual hate crimes (Kteily & Landry, 2022). Strong empirical evidence supports Iganski's (2001) fundamental theory of the "in terrorem" effect, which holds that hate crimes cause dread throughout entire targeted communities (Díaz-Faes & Pereda, 2022; Hardy & Act 16) of 2023's portrayal of verbal and physical hate as points on a continuum.

Onwukwe's (2024) study focuses on the survivors rather than the perpetrators and the structures of the analysis. The article does fieldwork with Nigerian immigrants in Cape Town and Johannesburg and describes how xenophobic violence forces migrants to constantly negotiate their identities, including when they consciously adapt their communication to avoid being stigmatised. The Nigerian respondents mention code-switching, accent suppression and selective disclosure of nationalities as common adaptations that are protective strategies to everyday life as a hate crime target that is significant. It is important to note that Onwukwe's results align with the present article's intersectional perspective, which offered an insight into the complex interplay between ethnicity, nationality and language and how these factors place certain groups of migrants at greater risk, as well as the fact that victimisation is not a one-off experience, but an ongoing process influencing self-presentation and community belonging.

Victim and offender characteristics associated with hate-motivated incidents

Important trends from the HCWG project (2013–2017) include demographics and socio-economic profile: Most victims are between the ages of 21 and 40; 41% were between 21 and 30, and 35% were between 31 and 40. The average age of victims was around 31 years, and most of them were Black/Africans (59%) of instances where race was established, with a notable percentage of foreign nationalities (particularly East African [28%] and Central African (18%); Ethiopian 8%, Somali 6%). Gender identity revealed that 64% of victims were men, 28% were women, and 8% were transgender women; 68% of victims were men. Employment varied but included significant percentages of shop clerks, sex workers, and self-employed/informal traders (especially among foreign-national and LGBTI victims); in summary, 14% were specifically jobless. Most of these people resided in townships or urban/informal settlements (48% of informal urban residences), and while secondary education was prevalent, many lacked postsecondary education. According to HCWG researchers (Nel & van Wyk, 2024) victims were singled out for perceived or unchangeable traits, resulting in "message crimes" that terrorise the entire communities. + Ableism is emphasised as a motivation that is different from general vulnerability in disability-specific work (Holness, 2021). Offender data gaps persist, while economic scapegoating dominates explanations, integrated causal models remain underdeveloped in the literature.

Institutional Responses and the Legitimacy Crisis

Arising from the Human Sciences Research Council (HSRC, 2022 and 2025) and the South African Social Attitudes Survey, there was an erosion of public confidence in the South African Police Service (SAPS). The police in South Africa have witnessed a decline in public trust. The driving factors for the distrust include inadequate oversight, financial pressures on officers, and political interference (Molokomme & Motebe, 2025). Nel and van Wyk (2024) note that institutional failure has produced a critical dependence on civil society organisations as primary service providers for hate crime victims. An eighteen-month gap between Act 16 of 2023's assent in May 2024 and the publication of draft Regulations in November 2025, during which SAPS officers had no prescribed forms, standard operating procedures, or formal training mandate to tackle hate crime. Sibanda, Muringi, Masinga and Lelope's (2025) research examines a facet of xenophobic victimisation in the South African literature with respect to the particular vulnerabilities of migrant and refugee entrepreneurs whose economic livelihoods are attacked in addition to their persons during outbreak events. The study is multi-sectoral in nature to determine the level of socio-economic services available to business owners impacted by a xenophobic attack, and it examines Government departments, civil society organisations, and informal support

networks as potential response mechanisms. The results show high vulnerability to segregation in services and that, while some victims of entrepreneurship receive short-term humanitarian assistance, there is little systematic support to help businesses recover, resulting in long-term precarity and a heightened risk of re-victimisation. This evidence directly feeds into the present study's findings on the capacity of the state in South Africa to respond to immediate violence, rather than to address the structural conditions, such as economic exclusion, that give rise to it. With its attention to questions of pedagogy and moral formation, John's (2025) is a unique departure from the purely structural accounts. He explores the role that poverty and political opportunism play in sustaining violence against migrants in South Africa, but looks more closely at the entrenched epistemic frameworks, learned dispositions of dehumanisation that circulate in and are generated by public discourse, media representation, and everyday social interaction. The study draws on humanisation theory and critical pedagogy to suggest that it is essential to "unlearn" the ongoing practices of intentional racialisation of migrants as threatening and/or sub-human for enduring prevention and prevention of xenophobic hate crime. This analysis adds to the institutional responses dimension of the current article, as it suggests that policing, prosecution, and policy reform are necessary but not sufficient in the absence of parallel investments in transformative civic education.

The study by Chekenya (2024) offers a valuable theoretical synthesis to explain the perpetuation of anti-migrant violence in South Africa despite its constitution's promise of human dignity. Based on theoretical orientations and empirical findings, Chekenya makes the case that xenophobia in South Africa is not a byproduct of the South African society, but rather a social product of economic marginalisation, competition for resources and scapegoating of foreign nationals in South Africa. The study further shows that "state complicity" in township economies through the use of selective law enforcement and the inaction of state officials in bringing prosecution against repeat victimisation acts as a structural enabler of repeat victimisation, while migrants from sub-Saharan Africa are overrepresented in those same economies. In particular, migrants in Chekenya are found to be relying on community-based protection forms, often the only ones available to them, which are also precarious and context-specific, particularly at the point of implementation, where formal legal protection mechanisms are often absent or ineffective. The institutional divide between legislative promises and their actual implementation is a cross-cutting theme in the post-2013 literature examined in this paper. Yingi, Ncube and Benyera (2024) build on Chekenya's structural reading by strategically situating South African xenophobia within a longer post-colonial and pan-African story of thwarted liberation. The authors develop the notion of 'dashed prospects of independence' to describe the disillusionment of former colonies that had hoped that democratic freedom would lead to material improvement. This frustration is transferred onto migrants from other African countries, where they are seen as taking up the few jobs and the limited housing and social services, in the South African context. From a theoretical perspective, Yingi et al. suggest that xenophobic violence is, in part, a racialised and nativist reaction to the failure of the post-1994 democratic settlement, which highlights the need to tackle economic inequality not only as a development goal, but as a hate crime prevention strategy. The most important finding of the study for the present article is that hate crime victimisation is not a problem that can be separated from the macrostructural conditions of its production: analysis of the problem and effective institutional responses must take account of socio-economic conditions rather than focusing only on individual incidents and the law enforcement response to these incidents.

The systemic needs for effective hate victimisation prevention and monitoring, as presented by Nel and Venter (2024), provide a South African and African perspective. Nel and Venter evaluate the current state of hate crime legislative, institutional and civil society responses in terms of international expectations and best practices in the collection of hate crime data, supporting victims, and holding perpetrators accountable. One of their key conclusions is that South Africa is experiencing an urgent need for dependable hate crime statistics, namely, statistics that are disaggregated and that provide information on the bias-motivation of an offence. Nel and Venter call for the formalisation of hate crime monitoring procedures that align with international best practice, such as dedicated hate crime units within the prosecution services and the mandatory recording of bias indicators by the police. The recommendations in this article align with the empirical patterns dimension of the present article,

which also addresses the challenge of obtaining reliable incidence data in the absence of formally adopted legislation on hate crimes and hate speech.

In a philosophically driven study by Sesanti (2025), the question is posed: what values should guide South Africa's response to hate-crime victimisation, and how has the post-apartheid constitutional settlement failed to capture these values adequately? Sesanti claims that the absence of Ubuntu, the African philosophy that emphasises personhood in relation to others, communal solidarity and interdependence from the South African Constitution, has left a normative void that can make xenophobic violence more understandable and harder to address. Any approach to Ubuntu's ethic of mutual obligation, however, is missing from the dominant liberal understanding and discourse, which limits responses to rights talk and the enforcement of the law, and ignores the relationship reconstruction needed to restore social trust between migrants and host communities. Sesanti locates this argument in the pan-African critique. Xenophobia towards other Africans is a crime and a failure of civilisational values that drove the fight against colonisation and apartheid. The study has implications for the present study's assessment of institutional responses, in that efforts to be truly transformative in institutional responses to hate crime cannot simply be based on Euro-American value systems but must instead be grounded in indigenous African value systems. The pedagogy of Sesanti, so to speak, of humanisation thus complements John's (2025) pedagogy of humanisation and underscores the importance of culturally grounded prevention strategies in addition to institutional reform.

All the literature reviewed in the study found that there is a structural disconnect between South Africa's legal landscape and the lived experience of hate crime victims, whether migrants or LGBTIQ+, which is reinforced by the institutional inability, gaps in enforcement, and cultural resistance of law enforcement agencies. Second, the literature clearly shows how unable single-axis analyses are: the experience of hate crime victimisation in South Africa is a product of the intersectional nature of nationality, race, class, gender identity, sexual orientation, language and geography, and responses to it need to be attuned to this intersectional complexity. In addition, the literature as a whole draws attention to macrostructural conditions, the post-apartheid inequality and labour market exclusion and how these contribute to the social resentments that hate crime perpetrators draw on.

3. Theoretical Framework

The study is anchored on four theoretical frameworks. First, is the Message crime theory by Iganski (2001), which holds that hate crimes communicate to the victim's entire community that they are unsafe and unwelcome, producing secondary victimisation far beyond the individual victim. Second, is Intersectionality theory by Crenshaw (1991), which holds that overlapping disadvantages generate unique vulnerabilities for those with marginalised identities. Individuals who are simultaneously foreign-born, Black, and LGBTQ+ face compounded exposure to multiple hate vectors. Third is the Critical Hate Studies framework by James and McBride (2022), which holds hate as a structural phenomenon produced by power, inequality, and the social organisation of difference conditions deeply embedded in South Africa's apartheid legacy. This theory explains that, despite legislation, structural conditions persist. Fourth, procedural justice theory, as formulated by Tyler (2006), holds that institutional legitimacy depends on the perceived fairness and respect with which authorities treat people. This explains why communities disengage from formal reporting of hate crimes because of the procedural challenge, characterised by underreporting. These theories are relevant to understanding why hate crimes, vulnerability and victimisation persist in nations like South Africa.

4. Methodology

Research Design

This study employs an ex post facto, secondary data analysis design appropriate for investigating phenomena that have already occurred and cannot be manipulated experimentally. The study design enables the analysis of already collected empirical data.

Primary Dataset

The primary data source is the HCWG Hate and Bias Crimes Monitoring Form Project (January 2013–September 2017), see Appendix 1 in the reference section, the most comprehensive dataset currently available on hate crime victimisation in South Africa. In five provinces, the Eastern Cape, Gauteng, KwaZulu-Natal, Limpopo, and Western Cape, more than 150 trained monitors from 85 partner groups gathered 945 documented cases. In-person interviews (44%) and case file review (46%) were used to collect data. This dataset provides a unique empirical baseline because there is no official police classification of hate crimes in South Africa (Nel & van Wyk, 2024).

Study Setting

South Africa has diverse races, ethnicities, languages, and cultural identities, and is a constitutional democracy. Despite a legal framework guaranteeing equality, the nation has had high rates of hate-based violence that continue to pose serious tensions and development challenges to the nation.

Unit of Analysis and Sampling

The HCWG selected occurrences reported by partner organisations and trained monitors working within designated provinces to use purposeful case documenting. Although this method allows for depth of information, it does not produce a nationally representative probability sample.

Data Analysis

The HCWG dataset was subjected to descriptive statistical analysis, frequency distributions, and percentage computations to identify victimisation patterns, event typology, and the institution's response.

Ethical Considerations

Sensitive personal data and victim names are anonymised in the HCWG dataset. The study complies with accepted ethical standards for secondary data research, ensuring that data are used exclusively for academic purposes and that results are presented in a manner that prevents the disclosure of individual identity.

5. Findings

Victim Demographics

Victim ages spanned from infancy to 81 years. The dominant age cohorts were 21–30 years (41%) and 31–40 years (35%), indicating that economically active adults bear the greatest burden of victimisation; 22 victims were identified as children or adolescents under 18. As shown in Figure 1, Black/African individuals comprised 62% of victims. Among foreign nationals, those from East Africa accounted for 28%, those from Central Africa for 18%, and those from Asian countries for 8%. LGBTQ+ persons constituted 43% of all victims (35% lesbian or gay; 8% transgender). Thirty-six per cent of victims had not completed Grade 12, and 4% had no formal education. It is worth noting that, according to the findings, victims were frequently identified as foreign by language: offenders selected targets upon hearing non-South African accents or home languages, consistent with scholarship on the embodied performance of belonging and exclusion (Dahlberg & Thapar-Björkert, 2023).

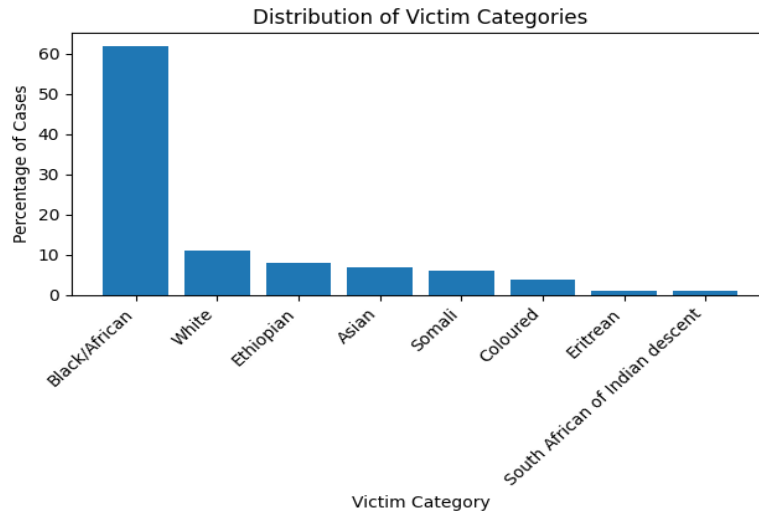


Figure 1. Bar chart presenting Victim Racial Categories (HCWG Dataset, 2013–2017)

Source: The author used the HCWG Dataset (2013–2017), as cited in Mitchell & Nel (2017), to generate the bar chart

Incident Scale, Offenders, and Typology

Of 669 personal attack cases, at least 1,113 individuals were directly affected (approximately 1.7 victims per incident). Offender profile data reveal a critical governance dimension as SAPS officers accounted for 7% of identified offenders, public officials for 4%, school or college staff for 2%, and medical professionals for 1%. 34% of offenders were known to victims, and another 34% were members of the victim's own community. The leading crime categories were robbery/theft (30%), property damage (27%), and illegal eviction (17%), as shown in Figure 2. Electronic hate crime accounted for 6% of cases, a proportion that has grown substantially in the post-2018 digital environment. Among hate speech and discrimination incidents, intimidation was most prevalent (34%), followed by hate speech (24%), harassment (22%), intentional unfair discrimination (19%), and defamation or harm to dignity (11%).

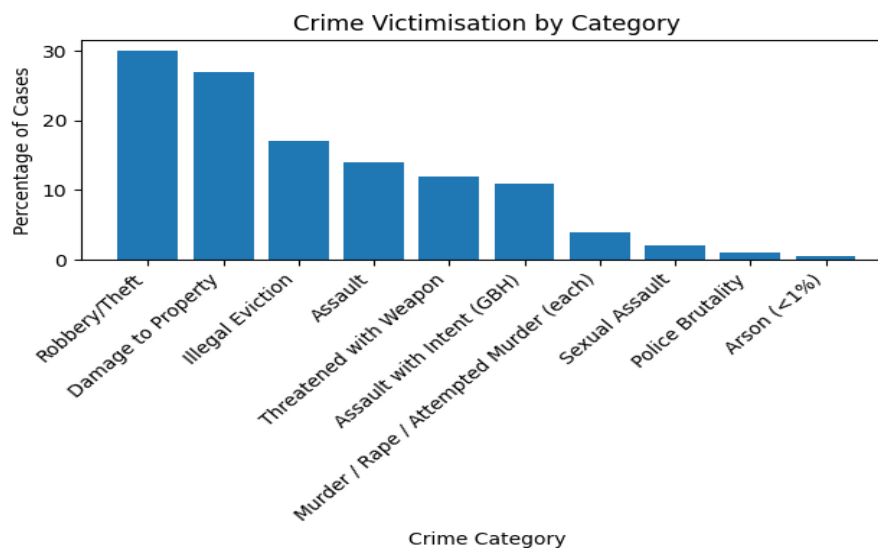


Figure 2. Hate Crime Typology (N = 945)

Source: The author used the HCWG Dataset (2013–2017), as cited in Mitchell & Nel (2017), to generate the bar chart

Language, Repeat Victimisation, and Geographic Distribution

Perpetrators audibly used derogatory or dehumanising language in 68% of cases characterised by the HCWG as "unmistakable indicators of the reasons for the attack" (Mitchell & Nel, 2017). Half of all victims reported at least one prior prejudice-based incident; 15% had been explicitly threatened before the incident. In many instances, organised defamatory campaigns preceded physical attacks by months, consistent with escalation dynamics in Critical Hate Studies (James & McBride, 2022). Geographic concentration was highest in the Eastern Cape (27%), Western Cape (26%), Gauteng (20%), KwaZulu-Natal (14%), and Limpopo (7%).

Reporting, Impact, and Institutional Response

Nearly two in three victims (67%) did not report their experiences to SAPS, consistent with procedural justice predictions of institutional disengagement (Tyler, 2006). Of the reported cases, only 36% of victims found the police helpful. Police officers were identified as accomplices or perpetrators in 66 recorded cases. Among cases that reached the court, hate motivation was formally recognised in only 16 of 89 cases (18%). The psychological and economic toll was substantial: 50% of victims experienced emotional harm, 7% reported combined mental health effects, and 35% suffered economic harm. Civil society organisations (CSOs, NGOs, CBOs) provided the primary source of support in 43% of cases, compared with 26% for SAPS, underscoring the state's failure as the primary service provider.

Disability-Based Victimisation: An Understudied Gap

The HCWG dataset and post-2017 sources provide disaggregated data on disability-based hate crimes despite albinism and disability being listed in Act 16 of 2023. Victims with disabilities, according to findings, face unique vulnerabilities (e.g., mockery of mobility aids, financial exploitation, institutional abuse). However, empirical patterns remain underdocumented, mirroring the broader gap in the literature and underscoring the need for targeted future monitoring.

6. Discussion

The findings show concentration of victimisation among Black/African individuals, foreign nationals, LGBTQ+ persons, and the educationally marginalised, which reflects the systematic production of vulnerability through intersecting structural inequalities. Critical Hate Studies frames this not as individual prejudice but as structural practice: hate crime enforces social hierarchies and punishes difference (James & McBride, 2022). The post-2017 evidence confirms that these structural conditions have not diminished. Operation Dudula's institutionalisation of vigilante xenophobia organised digital hate mobilisation (Global Witness & Legal Resource Centre, 2024), and the ongoing corrective rape of LGBTQ+ individuals in townships collectively demonstrate that hate crime in South Africa is a durable structural feature, not a residual historical phenomenon. The multideterminant model illustrates how macro-economic grievances are reframed through digital platforms into meso-level vigilantism and micro-level impulses, with the 2025 Johannesburg High Court interdict against Operation Dudula providing judicial confirmation of this pathway (International Commission of Jurists, 2025).

The HCWG finding that 66 SAPS officers were implicated as perpetrators, combined with the fact that two in three victims never reported to police, must be read alongside the HSRC's post-2017 trajectory of declining police legitimacy. Procedural justice theory directly predicts the outcome: institutions experienced as complicit or indifferent are progressively abandoned by the communities they are meant to serve, entrenching underreporting and eroding governance effectiveness (Tyler, 2006).

Act 16 of 2023 closes the legislative gap that civil society spent a decade advocating to address. Its provisions include a statutory hate crime definition, mandatory sentencing aggravation, and electronic hate speech criminalisation. However, the eighteen-month implementation gap between the Act's assent in May 2024 and the publication of draft Regulations in November 2025 confirms that legislative enactment has not yet translated into

operational effectiveness. The near-complete failure of courts to recognise hate motivation in sentencing in 16 of 89 cases between 2013 and 2017 was primarily a failure of prosecutorial practice and judicial culture, which Act 16 of 2023 addresses in principle but has not yet resolved.

Novelty and contribution of the findings

To sum up, the following five unique and interrelated contributions to knowledge have been made in this study. First, it presents the first systematic empirical use of the structural framework of Critical Hate Studies in an analysis of hate crime data in South Africa over a period of thirteen years, demonstrating that incidents of victimisation follow axes of intersecting structural inequality rather than individual prejudice. Second, it builds and tests a multi-determinant pathway model that incorporates macroeconomic, digital mobilisation, and micro-level variables, providing an explanatory framework that surpasses that of most previous South African studies, which focus on a single level of the incident. Third, it brings a more stringent standard of institutional change to the specific context of police complicity and chronic underreporting than the literature to date has produced by employing procedural justice theory. Fourth, it offers a real-time baseline assessment of the trajectory of implementation of Act 16 of 2023, so that the evidence of successes and challenges before and after the Act has been enacted provides a before/after evidentiary baseline, and shows that the enactment of the Act is not enough to achieve effectiveness without the right trajectory. Fifth, it sets the evidential and infrastructural basis for nationally representative monitoring of hate crimes and outlines a clear research agenda for the future. Taken together, these contributions establish the study as a key reference for scholarship, policy, and advocacy on hate crime in South Africa, and, more generally, in post-colonial African democracies amid tensions between progressive constitutional provisions and structural forms of social violence.

Limitation of the study

A key limitation of this study is the reliance on the HCWG dataset, which, while the best available source, is based on purposive rather than probability sampling and covers only five provinces. Findings should therefore be read as indicative rather than nationally representative. The triangulation with post-2017 secondary sources (including Xenowatch, 2025) partially mitigates this limitation but cannot fully substitute for official statistics. Future research should prioritise the development of a nationally representative, longitudinal hate crime monitoring.

7. Summary, Conclusion and Recommendations

This study has documented a convergence of three interrelated failures in South Africa's response to hate crime: the empirical void left by the absence of official national hate crime statistics since 2017; the continuation and in some respects intensification of hate-motivated violence confirmed by Xenowatch data, human rights reporting, and academic research; and the implementation gap between Act 16 of 2023's enactment in May 2024 and the publication of operational Regulations in November 2025. The HCWG dataset remains the most rigorous empirical baseline available. The patterns it documents, systematic targeting of vulnerable groups, dehumanising language as a prelude to violence, institutional complicity and neglect, and civil society as the primary safeguard, are not historical artefacts. As Nel and van Wyk (2024) observe, significant progress remains elusive despite nearly three decades of advocacy. Based on these findings, the following recommendations are advanced:

1. The November 2025 draft Regulations must be finalised without further delay. Forms 1-5 should be rolled out across all SAPS stations, and the implementation gap should be treated as a governance emergency.
2. A hybrid national hate crime monitoring system should incorporate civil society data from Xenowatch (2025), HCWG, MambaOnline (2026), and Lawyers for Human Rights (2024) into a national database, immediately addressing the data void that has persisted since 2017.
3. Mandatory hate crime training for all SAPS officers should be introduced, with specific modules on LGBTQ+ rights, the constitutional rights of migrants regardless of documentation status, and hate crime recognition.

4. The National Prosecuting Authority's Rapid Response Team model should be extended beyond LGBTQ+ cases to cover all protected characteristics under Act 16 of 2023, with training to ensure hate motivation is systematically adduced as a sentencing aggravator.
5. Political leadership at all levels should work to address unambiguous national and provincial rejection of anti-immigrant rhetoric, alongside meaningful implementation of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance.
6. Act 16 of 2023's electronic communications provisions must be actively enforced, with formal engagement of social media platforms on content moderation obligations in South African languages.
7. Intersectionally sensitive support services should be developed for groups including undocumented migrants, persons with disabilities, and Black LGBTQ+ individuals, in partnership with civil society and grounded in an intersectional approach.

Appendix 1.

HCWG Dataset Summary Statistics (2013–2017)

Domain	Key Statistic
Total cases/threshold	945 / 900
Trained monitors/organisations	>150 / 85
Data sources	46% case files; 44% face-to-face interviews
Persons directly affected	≥1,113 across 669 personal attack cases
Majority victim age	21–40 years (76% combined); 22 victims under 18
Race majority	Black/African 62%
LGBTQ+ victims	35% lesbian/gay; 8% transgender (43% combined)
Education	36% < Grade 12; 4% no formal education
Derogatory language used	68% of cases
Prior victimisation	50% reported prior prejudice-based incidents; 15% explicitly threatened
Unreported to the police	~67% (2 in 3)
Police as accomplices	66 cases
Police perceived helpful	36% of reported cases
Convictions with a hate element	16 of 89 cases (18%)
Emotional/psychological impact	50% emotional; 7% combined mental health effects
Economic harm	35% of cases
Primary support source	CSO/NGO/CBO 43%; SAPS 26%

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Data Availability: The primary dataset (HCWG Monitoring Form Project, 2013-2017) is held by the Hate Crimes Working Group. Access requests should be directed to the HCWG. Secondary sources are publicly available as cited.

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