

FOR IMMEDIATE RELEASE

Jon Qwelane's utterances declared hurtful and hate speech

The Psychological Society of South Africa (PsySSA) welcomes today's judgment in the South Gauteng High Court regarding the article, "Call me names, gay is not okay", written by high-profile political figure, Jon Qwelane, in 2008.

The court found that Qwelane's utterances in the article, published in the Sunday Sun, amount to hate speech in terms of the Section 10 of the Equality Act. In his judgment, Justice Moshidi stated that, "The offending statements are hurtful and harmful and have the potential of inciting harm towards the LGBTI community, and plainly propagate hatred towards them".

Juan Nel, Past President of PsySSA states that, "this finding sends a clear message to LGBTI people, and to society at large, that homophobic hate speech has no place in our constitutional dispensation".

The court also found that Qwelane's defence, which challenged the constitutionality of the Act, failed and was therefore dismissed. According to Kerry Williams, PsySSA's attorney and partner at Webber Wentzel, "Qwelane's failed attempt to challenge the Equality Act's hate speech provisions means that they remain in place as a powerful instrument through which those who express hurtful and harmful bigotry – in all its forms – can be brought to account."

The court order includes the following:

- That Qwelane tender an unconditional apology to the LGBTI community which is to be negotiated and settled with the parties.
 - That the apology be published in a national Sunday newspaper with the same or equal circulation as the Sunday Sun, and that proof of the apology be furnished to the court.
 - That the evidence lead in the matter, and the judgment, are to be forwarded to the Commissioner of the South African Police Service for further investigation.
- Qwelane was ordered to pay the costs of the other parties in the proceedings.

"This public denouncement of hate speech is a victory. It sends a loud message that those who hold significant political power are neither above the law, nor can they avoid being called to account for their words and actions", says Melanie Judge, advisor to PsySSA.

As 'friend of the court', The Psychological Society of South Africa (PsySSA) made submissions to the court regarding the importance of the relevant provisions of the Equality Act in stemming verbal and physical violence, and argued that these provisions meet constitutional muster.

To arrange media interviews
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About PsySSA:

PsySSA is a non-profit association of psychology practitioners and persons involved in the academic research and practical application of the discipline of psychology. Established in 1994, it is the nationally representative professional body for psychology in South Africa. PsySSA is committed to the transformation and development of South African psychology to serve the needs and interests of all South Africa's people. PsySSA advances psychology as a science, a profession and a means of promoting human well-being.

END
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