**FACTORS WHICH SHAPED THE FIRST BRITISH HATE CRIME LAW. BUT WHITHER SOUTH AFRICA?**

**SUMMARY**

Hate crimes are crimes that are motivated by personal prejudice or bias. Hate crime laws specifically criminalise such conduct and allow for the imposition of aggravated penalties on convicted perpetrators. This article examines the main factors which influenced the enactment of the first British hate crime law. While Britain has a long historical record of criminal conduct that was motivated by the race and the ethnicity of victims, it was only in the twentieth century that the civil society sector first drew attention to the problem of violent racist crimes. Nevertheless, successive British governments denied the problem of racist crimes and refused to consider the enactment of a hate crime law. Following a high profile racist murder and a governmental inquiry, a British Labour Party-led government eventually honoured its commitment and passed a hate crime law in 1998. Some parallels are apparent between the British and the South African contexts. South Africa also has a long historical record of racially motivated hate crimes. In the post-apartheid era there have been numerous reports of racist hate crimes and hate crimes against Black lesbian women and Black foreigners. Despite several appeals from the academic and non-governmental sectors for the enactment of a hate crime law, such law has hitherto not been enacted in South Africa. This article posits that the enactment of a hate crime law is a constitutional imperative in South Africa in terms of the right to equality and the right to freedom and security of the person. While this article recommends the enactment of a hate crime law in South Africa, it is conceded that a hate crime law will not eradicate criminal conduct motivated by prejudice and bias.

**KEYWORDS**

Hate crime; hate crime laws; Britain; Crime and Disorder Act; South Africa; constitutional imperative.