SOUTH AFRICA has a strong legal framework for the protection of the right to non-discrimination on the basis of sexual orientation but there are high levels of violence against individuals who do not conform to prevailing gender norms.

In 1996, South Africa became the first country in the world to protect against discrimination on the basis of sexual orientation, and in 2006 the first African country to legalize same-sex marriage.

In 2003, the Constitutional Court declared the prohibition of adoption by same-sex couples unconstitutional.

At the same, South Africa registers a high level of violence against gender non-conforming individuals, in particular lesbians, trans people, and black gay men.

In 2011 a Human Rights Watch report concluded that abusers of people known or assumed to be lesbian, bisexual, or transgender act with near-total impunity.

In addition to turning deadly, the violence leaves many scars in the LGBT community, and has a high cost to society as a whole.

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1 Unless otherwise indicated, all trade and demography data from the Central Intelligence Agency (CIA) World Factbook found at https://www.cia.gov/library/publications/the-world-factbook/ (accessed on July 18, 2014), and refers to 2013.


3 South Africa Constitution, Section 9(3).

4 Preamble of the Civil Union Act 17 2006; Minister of Home Affairs and Another v. Fourie and Another 2006 1 SA 524.

