**REPUBLIC OF SOUTH AFRICA**

**IN THE HIGH COURT OF SOUTH AFRICA**
**GAUTENG DIVISION, JOHANNESBURG**
**Sitting as the Equality Court**

**Case Number: 2025-189884**

1. Reportable: No
2. Of interest to other judges: No
3. Revised

WRIGHT J
19 June 2026

In the matter between:

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| **Transhope** | **First Complainant** |
| **The Hate Crimes Working Group** | **Second Complainant** |
| **The South African Human Rights Commission** | **Third Complainant** |

and

| | |
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| **Ngizwe Mchunu** | **First Respondent** |
| **Meta Platforms Inc** | **Second Respondent** |

## JUDGMENT

**WRIGHT J**

1. Transhope is an unincorporated voluntary association, founded in 2017 for the support of transgender persons in KZN.
2. The Hate Crimes Working Group is a multi-sectoral network of civil society organizations set up to spearhead advocacy and reform initiatives pertaining to hate crimes in South Africa and beyond.
3. The South African Human Rights Commission is an institution established in terms of section 184 of the Constitution and is governed by the South African Human Rights Commission Act 40 of 2013.
4. The first respondent is Mr Mchunu, a cultural leader, traditional healer and online content creator and influencer who was a radio presenter. Mr Mchunu has an audience of many thousands.
5. Transhope and the Hate Crimes Working Group sought and obtained an urgent, ex parte order on 16 October 2025 against Mr Mchunu. Temporary relief was granted pending the final determination of the present matter. Mr Mchunu was, in short, interdicted from organising a march or demonstration at Kwai Mai Mai in Johannesburg which promoted discrimination against LGBTQIA+ persons or communities. Mr Mchunu was ordered to remove offensive material from online platforms. Mr Mchunu was interdicted from publishing offending material.
6. The complaints, in affidavit form, against Mr Mchunu include but are not limited to allegations that he –

   6.1 referred to gay persons as izitabane – a derogatory slur.

6.2 referred to gay persons as dogs, faggots and moffies who deserve jail.

6.3 referred to gay persons as dogs with genitals.

6.4 said that men who sleep with men are disgusting.

6.5 likened gay and lesbian persons to street dogs.

6.6 told his viewers that gay and lesbian persons deserve death and jail.

6.7 accused gay and lesbian persons of grooming children.

6.8 accused gay and lesbian persons of corrupting Zulu culture.

6.9 told gay and lesbian persons to f-ck off.

6.10 likened same sex intercourse to incest.

6.11 claimed that gay and lesbian persons are acting against God.

6.12 suggested that marching against gay and lesbian persons was necessary to protect humanity.

7. Mr Mchunu received a letter of demand to desist. He did not desist.

8. Mr Mchunu, duly served with the complainants' papers, declined every opportunity to file an opposing affidavit or otherwise participate in the pre-hearing procedure or to participate in the final hearing.

9. The statements of Mr Mchunu are, quite obviously, hate speech, harassment and unfair discrimination under sections 10, 11 and 6 of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. Mr Mchunu has acted against the Constitution and he has insulted and threatened persons who enjoy Constitutional rights.

10. The complainants seek various forms of relief. Most of the relief sought is, in my view relief that is readily grantable. A declarator is sought that the utterances are hate speech, harassment and unfair discrimination. A permanent interdict is sought as is an apology. It is sought that Mr Mchunu pay R250 000 to

Transhope or the Hate Crimes Working Group. Mr Mchunu is to undergo 20 hours of human rights sensitisation to be conducted by the SAHRC or an institution nominated by it. Costs are sought, on the party and party scale A.

11. There is a prayer for an order that Mr Mchunu pay any income received " *in relation to engagement with the twelve videos and the flyer to the HCWG*." This relief may be apposite in principle but it would be extremely difficult to calculate and the practical complications in attempting to obtain and enforce such an order would be immense. It was sensibly abandoned by Mr Winks and Ms Petje for Transhope and the HCWG and by Mr Nqeto for the SAHRC.
12. No relief is now sought against the second respondent, Meta.

**ORDER**

1. The twelve videos and the flyer published by the first respondent ("**Mr Mchunu**") on his Facebook page between 30 September and 6 October 2025 (as identified in the complaint) constitute hate speech, harassment and unfair discrimination against gay, lesbian and transgender people, in contravention of sections 10, 11 and 6 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 ("**the Act**").
2. Mr Mchunu is permanently prohibited from publishing any further material on any online platform that directly or indirectly discriminates against any LGBTQIA+ persons or communities.

3. Mr Mchunu's march to Kwa Mai Mai Traditional Market on 5 October 2025 constituted harassment and unfair discrimination against gay and lesbian people, in contravention of sections 11 and 6 of the Act.
4. Mr Mchunu is permanently prohibited from instigating, organising, leading or participating in any march or other demonstration that directly or indirectly discriminates against any LGBTQIA+ persons or communities.
5. Mr Mchunu shall, within five days of the handing down of this order, publish an unconditional apology to gay, lesbian and transgender people on his Facebook page, with the apology to be 'pinned' as the top post on his page for a period of three months.
6. Mr Mchunu shall, within 60 days of the handing down of this order, pay R250 000 to the first or second complainant, whichever of the two organisations he chooses, in an effort to support their work in promoting education, sensitisation, social cohesion, and the prevention of hate crimes and bias in South African communities, especially rural communities.
7. Mr Mchunu shall, within 120 days of the handing down of this order, undergo 20 hours of human rights sensitisation training to be conducted by the South African Human Rights Commission or an institution nominated by it.
8. Mr Mchunu shall pay the complainants' legal costs, including the costs of two counsel where so employed, on the party-and-party scale A.

**WRIGHT J**

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| Heard | 19 June 2025 |
| Delivered | 19 June 2025 |

Appearances

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| 1st and 2nd Complainants | Adv B Winks<br>Adv M Petje |
| Instructed by | Lawyers for Human Rights |
| | Kayan Leung |
| | [redacted] |
| | Palesa Maloisane |
| | [redacted] |
| | Deborah Sebola |
| | [redacted] |
| 3rd Complainant | Adv A O Nqeto |
| Employed by | SAHRC |
| First Respondent | No appearance |