

Submission for Public Comment to the National Council of  
Provinces for the

# Prevention and Combating of Hate Crimes and Hate Speech Bill (B9B-2018)

**Date**

Wednesday 24 May 2023

**Attention** Hon. S Shaikh, MP, Chairperson: Select Committee on Security and Justice

[Redacted]

**Submitted by**

Mathilde Tomson-Myburgh  
Co-Founder of Shemah Koleinu

[Redacted]

*This letter serves as a submission for public comment on the Prevention and  
Combating of Hate Crimes Bill & Hate Speech Bill.*

## Subject

Submission on behalf of Shemah Koleinu - Promoting Inclusivity and Empowerment: Combating Homophobia, Transphobia and Antisemitism from a Jewish Queer Perspective

Dear Hon. S Shaikh, MP

We hope this message finds you well. We are writing to submit a statement on behalf of Shemah Koleinu, an organisation dedicated to promoting inclusivity and empowerment. Shemah Koleinu, through the intersectional lens of Judaism, LGBTQIA+ identity and feminism, aims to combat hate crimes and hate speech, focusing on issues such as homophobia, transphobia and antisemitism within marginalised communities. We kindly request that this submission be considered as part of the public comment process regarding the Prevention and Combating of Hate Crimes and Hate Speech Bill (B9B-2018).

Shemah Koleinu was founded by Anastacia Tomson-Myburgh, Mathilde Tomson-Myburgh, Jacqui Benson-Mabombo, and Sixolile Benson-Mabombo. Our organisation's mission is to foster a society where all individuals, regardless of their background or identity, are treated with dignity, respect, and equality. Through our initiatives, we strive to combat discrimination and promote understanding among diverse communities, with a particular focus on combating homophobia, transphobia and antisemitism.

## Key Points for Consideration

**Protection against Hate Crimes** | Shemah Koleinu recognises the urgent need for legislation specifically addressing hate crimes, including those motivated by homophobia, transphobia and antisemitism. While South African law provides general protection against discrimination, there is a lack of specific legislation to protect victims of hate crimes and enable them to seek justice. This results in a dearth of reliable statistics on hate crimes targeting Jewish and queer individuals, hampering the development of effective prevention strategies. We urge the implementation of comprehensive legislation that acknowledges the unique challenges faced by these communities and ensures their safety and well-being.



**Combating Antisemitism** | Antisemitism constitutes prejudice against Jewish people, whether defined as an ethnic or religious group or both. Acts of antisemitism, such as assault, vandalism, threats, and hate speech, continue to occur in South Africa. By swiftly passing the Prevention and Combating of Hate Crimes and Hate Speech Bill, which addresses hate crimes and hate speech motivated by bias or hatred, we can effectively combat antisemitism and ensure the protection of Jewish individuals, organisations, and property.

**Commitment to LGBTQIA+ Rights** | Shemah Koleinu firmly believes in promoting equality, equity, justice, and inclusion for LGBTQIA+ people. Combating forms of hate crime against LGBTQIA+ individuals, including homophobia and transphobia, is essential for building an inclusive society. The proposed legislation will bolster efforts to address hate crimes and hate speech targeting the LGBTQIA+ community, providing them with the necessary protections and promoting their rights and dignity.

**International Commitments** | South Africa has made commitments to uphold human rights, including those of LGBTQIA+ individuals and religious minorities, through various international agreements. By swiftly passing the Prevention and Combating of Hate Crimes and Hate Speech Bill, we can demonstrate our dedication to these international obligations and strengthen our reputation as a country that values human rights and equality.

**Implementation and Funding** | The successful implementation of the proposed legislation will require comprehensive training programs for law enforcement agencies, awareness campaigns, and sensitisation initiatives within government departments and institutions. Adequate funding and resources must be allocated to ensure the effective prevention and combating of hate crimes and hate speech, addressing the unique challenges faced also by Jewish and queer individuals.

**Call for Swift Passage** | Shemah Koleinu calls for the swift passage of the Prevention and Combating of Hate Crimes and Hate Speech Bill into law. Its enactment will send a strong message that South Africa is committed to protecting its citizens from discrimination and prejudice based on their identity. By promptly addressing the urgent need for legislation against hate crimes and hate speech, we can create a safer and more inclusive society for all.

**Collaboration and Engagement** | Shemah Koleinu is eager to collaborate with government agencies, civil society organisations, and relevant stakeholders in the

development and implementation of effective strategies to combat homophobia, transphobia and antisemitism. We believe that engaging diverse voices and perspectives is crucial in shaping legislation and policies that address the needs and concerns of marginalised communities. We urge the government to actively seek input from organisations like ours to ensure that the legislation reflects the experiences and realities of those affected by hate crimes and hate speech.

### Conclusion

Shemah Koleinu, a Jewish-led organisation, is deeply committed to promoting inclusivity, empowerment, and social justice. Guided by an interfaith and queer lens within the context of Jewish queerness, we are resolutely dedicated to combating homophobia, transphobia and antisemitism in South Africa. We firmly believe that the enactment of the Prevention and Combating of Hate Crimes and Hate Speech Bill will represent a momentous stride towards fostering a society that embraces diversity, upholds human rights, and safeguards the welfare of all its inhabitants.

Thank you for considering our submission. We look forward to the opportunity to contribute further and work collaboratively towards a more inclusive and equitable South Africa.

Sincerely,



**Mathilde Tomson-Myburgh**  
Co-Founder, Shemah Koleinu

