

## PREVENTION AND COMBATING OF HATE CRIME AND HATE SPEECH BILL

**Title:** Skin colour (Ground)

### **Legislations:**

The Race Classification Act<sup>1</sup>

The Black (Native) Laws Amendment Act No. 46 of 1937.<sup>2</sup>

The Group Areas Act<sup>3</sup>

The Mixed Marriages Act<sup>4</sup>

1957 The Native Laws Amendment Act<sup>5</sup>

Constitution of South Africa 1996<sup>6</sup>

### BILL OF RIGHTS

***Definition/meaning of Colours in relation to Skin colour according to the dictionary:***<sup>7</sup>

***Black:*** The opposite of White. Belonging to or denoting any human group having dark coloured Skin, especially of African or Australian Aboriginal ancestry. “Black adolescents of Jamaican descent

***“Colour meanings:*** Black Colour Black symbolises Power and Sophistication. Black evokes images of death, misfortune, and evil spirits. It is said, it provokes deep-seated sadness and distress.

***Meaning of the Colour Black in Western countries*** Black is the colour of mourning, death and sadness. Black often represents the strong emotions and actions of rebellion.

***White:*** Is the symbol of goodness. God and eternal life, God is light and therefore light represent White.<sup>8</sup>

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<sup>3</sup> The Group Areas Act

<sup>4</sup> The Group Marriages Act

<sup>5</sup> The Native Laws Amendment Act of 1957

<sup>6</sup> The Constitution of South Africa 1996

<sup>7</sup> <https://www.Colour-meanings.com>

<sup>8</sup> <https://www.bournvreative.com>

**Religious:** The colour Black represent: Sin, Evil and Death. Black/Darkness symbolises suffering and death (it says is from the Bible its represent morning (Bible: Job 30 v 28, 30)

**Paint:** Images of the devil is always painted Black.

**Harm:** Cuts across all ages, deep scars of emotions and psychological disturbances and damage.

### ***History/Background***

Skin colour in South Africa having provided the above informationas the meanings from the simple dictionary, clearly was as a result of hateful and discriminating intensions toward certain races (particularly so called Blacks,Coloureds).

And one of the highlights of Apartheid was racial Classification. It is now an open secret that Apartheid was legal and had structural systems. Racial Classification was one of the weapons used and it had four main groups:

Whites

Black

Indians

Coloured (mixed race).

In the world, amongst all Nations including here in South Africa, Blacks, Coloureds, Whites are the only “races called in a very demining, degrading, undignified (Black and Coloureds) and discriminating manner.

There is no doubt, calling these races with such names should have came with deep hateful, destructive intentions toward those directed to them.

Unfortunately these were the results of the pervasive system of Apartheid which have been so deep that today as a country, one nation, we find ourselves not been able to move forward as a united, non-racial, non-sexist and democratic rainbow country that we envisaged before1994 democracy.

And therefore the proposal that Skin colour form part of the grounds not only listed as a characteristic, for the purposes of the proposed Hate Crime and Hate Speech Bill is not for anything else but just totry and correct the ills of the past and assist fight against racism in the country.

### ***Examples of the races (Nationals) in South Africa***

Blacks

Coloureds

Whites

Indians

Chinese

Nigerians

Congolese

Zimbabweans

Malawians

***Other African Countries;*** All Nationals are called by their countries.

***Europe; UK; United States of America; Asia:*** Nationals are called by their countries.

***Conclusion:***

The issue of Apartheid, Slavery Colonisation and its deep emotional and psychological results, left the South African Nation badly broken. Now it is up to us to try and repair what is repairable, close the gaps without opening the wounds.

We have an obligation in terms of the Constitution of South Africa 1996 and International Human rights prescripts to assist to fight racism in the country from all corners.

This submission is meant precisely for that reason, it is intended to motivate to the Justice Portfolio Committee for the skin Colour, to be added as one of the grounds. At the moment it is listed as the Characteristics only on the proposed working document of Hate Crime and Hate Speech Bill.

***REFERENCES***

Wilkinson and Another v Crawford N.O. and Others (CCT 130/19) [2021] ZACC 8; 2021 (6) BCLR 618 (CC); 2021 (4) SA 323 (CC)

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