



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined ninth to eleventh periodic reports of South Africa

Note by the Country Rapporteur*

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session¹ that the Country Rapporteur would send to the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Statistics on the demographic composition of the population based on self-identification, disaggregated by ethnic or national origin and languages spoken, as well as on Indigenous peoples, migrants, refugees, asylum-seekers and stateless persons. Economic and social indicators on various groups living in the territory of the State party, disaggregated by national or ethnic origin, gender and age, in particular on Indigenous peoples.²

Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 3, 4 and 6)

3. Updated information on the ongoing process of enacting the prevention and combating of hate crimes and hate speech bill.³ Measures taken to prohibit and punish racist hate speech, incitement to racial hatred or to racial discrimination, racist hate crimes and organizations that promote and incite racial discrimination, in line with article 4 of the Convention, and on all grounds of discrimination mentioned in article 1 of the Convention. Information on other specific measures taken or envisaged to combat racist hate speech, including in political discourse and in the media and on the Internet.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

¹ [A/65/18](#), para. 85

² [CERD/C/ZAF/CO/4-8](#), para. 7; and [CERD/C/ZAF/9-11](#), paras. 6 and 22–25.

³ [CERD/C/ZAF/CO/4-8](#), para. 13; and [CERD/C/ZAF/9-11](#), paras. 96–102.



4. Detailed information on the results achieved under the national action plan to combat racism, racial discrimination, xenophobia and related intolerance and its implementation plan for the period 2019–2024, as well as measures taken or planned to assess its effectiveness.⁴
5. Statistics and details on registered complaints before courts, including the Equality Courts, or any other national institution for acts of racial discrimination, racist hate speech and racist hate crimes, including on the Internet and through media outlets, and on the number of investigations, prosecutions and convictions of perpetrators.⁵
6. Specific measures taken or envisaged to ensure that police and other law enforcement officers do not engage in racial discrimination, including racially motivated violence and practices that amount to racial profiling.
7. Updated information on measures taken to implement the recommendations of the Truth and Reconciliation Commission, in particular to investigate human rights violations and abuses committed during the apartheid era, to prosecute perpetrators and to provide reparations to victims.⁶
8. Updated information on the implementation of recommendations made by the Human Rights Commission in order to strengthen the realization of the rights enshrined in the Convention and on other measures taken to ensure the provision of adequate financial resources for the Commission to execute its mandate effectively.⁷

Situation of ethnic groups and Indigenous peoples (arts. 2, 5 and 6)

9. Updated information on special measures to redress the inequalities resulting from the former apartheid era, in particular in the enjoyment of economic, social and cultural rights, including access to education, adequate housing and employment, as well as detailed information on the impact of such special measures.⁸
10. Updated information on measures to combat and end harmful cultural or traditional practices, such as *ukuthwala* (bride kidnapping), against women and girls, in particular those in rural and remote areas, and information on cases reported and prosecuted and the conviction of perpetrators.⁹
11. Information on measures taken to combat intersecting forms of discrimination faced by black and marginalized ethnic women and girls and to guarantee their full and equal enjoyment of economic, social and cultural rights, in particular to education, employment, housing and health services.¹⁰
12. Information on measures taken or envisaged to protect persons with albinism from violence, abduction, discrimination and stigmatization, including on investigations carried out and the prosecution of perpetrators, as well as information on the review of the Witchcraft Suppression Act.¹¹
13. Information on the legislative framework on the rights of Indigenous peoples, including the Traditional and Khoi-San Leadership Act and the Traditional Leadership and Governance Framework Amendment Act. Information on measures, including special measures, to ensure the ability of Indigenous peoples to fully enjoy all the rights covered by the Convention, without discrimination, as well as measures to ensure the right to consultation and free, prior and informed consent on administrative and legislative procedures affecting them.¹²

⁴ CERD/C/ZAF/9-11, paras. 35–41, 84 and 85.

⁵ CERD/C/ZAF/9-11, paras. 103, 104 and 117–119.

⁶ CERD/C/ZAF/CO/4-8, para. 11; and CERD/C/ZAF/9-11, paras. 120–126.

⁷ CERD/C/ZAF/CO/4-8, para. 9; and CERD/C/ZAF/9-11, paras. 112–116.

⁸ CERD/C/ZAF/CO/4-8, paras. 15 and 19; and CERD/C/ZAF/9-11, paras. 7–34, 140–156 and 160–168.

⁹ CERD/C/ZAF/CO/4-8, para. 17; and CERD/C/ZAF/9-11, paras. 85–90.

¹⁰ CERD/C/ZAF/CO/4-8, para. 23; and CERD/C/ZAF/9-11, paras. 42–55.

¹¹ CERD/C/ZAF/CO/4-8, paras. 21; and CERD/C/ZAF/9-11, paras. 61–65.

¹² CERD/C/ZAF/CO/4-8, paras. 15 and 25; and CERD/C/ZAF/9-11, paras. 75–80.

Situation of migrants, asylum-seekers, refugees and stateless persons (arts. 2, 5 and 6)

14. Information on the legislative and policy frameworks on migrants, asylum-seekers, refugees and stateless persons and measures to ensure their access to justice, education, employment and health services, without discrimination.¹³ Information on measures taken or planned to end the unlawful and prolonged detention of asylum-seekers and refugees.¹⁴ Measures taken to ensure that all children born in the State party have access to birth registration immediately after birth, regardless of the residence status or citizenship of their parents or any other reason.

15. Information on measures taken to combat racial discrimination and violent attacks against migrants, refugees, asylum-seekers and stateless persons, including by addressing its root causes, as well as information on the investigation of incidents of racial discrimination and violence against migrants, refugees, asylum-seekers and stateless persons and information on ways in which perpetrators are brought to justice and victims or their families provided with effective remedies.¹⁵

16. Information on measures to prevent and combat the exploitation and abuse of migrant workers, in particular domestic migrant workers and undocumented migrant workers, by their employers and to facilitate the lodging of complaints by victims, and statistics on registered complaints and on the number of investigations, prosecutions and convictions of perpetrators. Updated information on measures to ensure that migrant workers and their families enjoy equal access to education and health care.

Human rights education to combat prejudice and intolerance (art. 7)

17. Information on the measures to promote human rights education, including on ways to combat racial discrimination, in all school curricula, university programmes and teacher training programmes and on measures to raise awareness among the general public, civil servants, law enforcement and judicial authorities on the importance of cultural diversity, tolerance and inter-ethnic education.¹⁶

¹³ CERD/C/ZAF/CO/4-8, para. 27; and CERD/C/ZAF/9-11, paras. 66–74.

¹⁴ CERD/C/ZAF/CO/4-8, para. 27; and CERD/C/ZAF/9-11, paras. 66–74 and 127–132.

¹⁵ CERD/C/ZAF/CO/4-8, para. 28; and CERD/C/ZAF/9-11, paras. 81–84.

¹⁶ CERD/C/ZAF/CO/4-8, paras. 19 and 30; and CERD/C/ZAF/9-11, paras. 135–139 and 157–159.