



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
14 June 2016

Original: English
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

Ninetieth session

2-26 August 2016

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 fourth to eighth periodic reports of South Africa

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) 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.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 2, 4, 6 and 7)

2. Updated information on progress in bringing domestic legislation in line with the Convention, and eliminating the direct and indirect impact of former apartheid laws and policies (CERD/C/ZAF/4-8, para. 53).
3. Updated information and disaggregated statistical data on the impact of various special measures aimed at the advancement of racial or ethnic groups that have experienced discrimination (CERD/C/ZAF/4-8, paras. 33-39).
4. Progress in the development and adoption of the national action plan to combat racism, racial discrimination, xenophobia and related intolerance, in accordance with the Durban Declaration and Programme of Action (CERD/C/ZAF/4-8, paras. 105, 106, 128 and 205).
5. Information on the content and adoption of the Prohibition of Hate Speech Bill (CERD/C/ZAF/4-8, paras. 84 and 111) and updated information on action taken to address hate crimes, hate speech and racial propaganda, including statements attributed to political

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and public figures in the media and on the Internet (CERD/C/ZAF/CO/3, para. 14; CERD/C/ZAF/4-8, paras. 108-110).

6. Disaggregated statistical data and information on complaints of racial discrimination, including investigations of such complaints and prosecutions and convictions of the perpetrators by domestic tribunals and other competent bodies (CERD/C/ZAF/CO/3, para. 25; CERD/C/ZAF/4-8, paras. 85, 107, 114 and 130).

7. Information on the training of judges, police officers and other law enforcement officials on human rights, in particular the rights in the Convention, and the impact of such training on the elimination of racial discrimination (CERD/C/ZAF/CO/3, para. 23; CERD/C/ZAF/4-8, paras. 25 and 45).

Condemnation of racial segregation and apartheid practices (art. 3)

8. Updated information on progress in the work of the Truth and Reconciliation Commission Unit, in particular with regard to final reparations (CERD/C/ZAF/4-8, paras. 96-98).

9. Updated information on the progress made as a result of the anti-segregation measures that have been adopted in terms of health, education and housing (CERD/C/ZAF/4-8, paras. 99 and 100).

Situation of black and ethnic minority women and girls (arts. 2-7)

10. Updated information on black and ethnic minority women's and girls' access to land rights, education, health care and equal employment opportunities (CERD/C/ZAF/4-8, paras. 146, 150, 153 and 156).

11. Updated information on efforts to address harmful traditional practices, such as the rape of minors or forced child marriage (*Ukuthwala*), affecting women and girls, in particular those belonging to certain ethnic communities (CERD/C/ZAF/4-8, paras. 136-145) and updated information on the investigation and potential law reform in this regard by the South African Law Reform Commission and the work of the Department of Women, Children and People with Disabilities (CERD/C/ZAF/4-8, para. 141).

Situation of indigenous peoples (arts. 2 and 5)

12. Updated disaggregated demographic data on the number of indigenous peoples in the State party (CERD/C/ZAF/4-8, para. 16).

13. Information on special measures that specifically address the situation of indigenous peoples, including access to services, land rights and participation in political and public life (CERD/C/ZAF/CO/3, para. 19; CERD/C/ZAF/4-8, paras. 67-71).

14. Information on indigenous peoples' access to basic services, housing, health care and education, and on the recognition of traditional authorities, and data on the participation of indigenous peoples in political and public affairs (CERD/C/ZAF/4-8, para. 68).

Situation of non-citizens, including migrants, refugees and asylum seekers (arts. 2-7)

15. Updated disaggregated demographic data on the number of migrants and non-citizens currently in the State party, including refugees, asylum seekers and stateless persons (CERD/C/ZAF/4-8, para. 16).

16. Updated information on access by non-citizens, including children and undocumented non-citizens, to basic services such as health care, education, employment and legal assistance (CERD/C/ZAF/4-8, paras. 23 and 212-216).

17. Updated information and statistical data on the number and status of refugee and asylum cases, and on efforts to reduce the backlog of cases, to eliminate alleged corruption in the refugee determination process and to protect against refoulement (CERD/C/ZAF/CO/3, paras. 21 and 23; CERD/C/ZAF/4-8, para. 131).

18. Information on the circumstances and conditions of detention of non-citizens (CERD/C/ZAF/4-8, paras. 123 and 124).

19. Information, including disaggregated data, on reported cases of discrimination or violence against non-citizens, in particular with regard to the violent attacks and displacement of “foreigners of African origin” in 2008 and 2015, hate crimes, attacks on businesses of non-citizens and harassment of non-citizens by police and others, as well as information on such complaints, investigations, prosecutions, sanctions and convictions, and reparations to victims (CERD/C/ZAF/4-8, paras. 125, 201, 206 and 211).

20. Updated detailed information on measures taken to protect non-citizens from violence and xenophobia, including measures taken to address the root causes of xenophobic violence, and recent workshops and training in that regard (CERD/C/ZAF/CO/3, para. 27; CERD/C/ZAF/4-8, paras. 126-131 and 210).

21. Updated information on the counter-xenophobia and immigrant-integration strategies, and on the work and impact of the Counter-Xenophobia Unit (CERD/C/ZAF/4-8, para. 132).

22. Information on efforts taken to prevent human trafficking, including of migrants, and to increase the number of cases reported and convictions of perpetrators under the Prevention and Combating of Trafficking in Persons Act No. 7 of 2013, and statistical data on reported cases of human trafficking, including on prosecutions and convictions (CERD/C/ZAF/4-8, para. 133).
