



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination 111th session

### Summary record of the 3031st meeting\*

Held at the Palais Wilson, Geneva, on Monday, 27 November 2023, at 3 p.m.

*Chair:* Ms. Shepherd

## Contents

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

*Combined ninth to eleventh periodic reports of South Africa*

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\* No summary record was issued for the 3030th meeting.

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*The meeting was called to order at 3 p.m.*

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

*Combined ninth to eleventh periodic reports of South Africa (CERD/C/ZAF/9-11); CERD/C/ZAF/Q/9-11)*

1. *At the invitation of the Chair, the delegation of South Africa joined the meeting.*
2. **Mr. Lamola** (South Africa), introducing his country's combined ninth to eleventh periodic reports (CERD/C/ZAF/9-11), said that his Government was taking steps to align itself with international human rights treaties and its international obligations and was in the process of ratifying the International Convention on the Suppression and Punishment of the Crime of Apartheid, in recognition of the role that instrument had played in the country's history. The country's foreign policy was predicated on human rights, anti-discrimination efforts, racial equality and ending apartheid practices wherever they still occurred. His country had thus expressed unwavering support for Palestinian statehood.
3. A recent national census had revealed that over 80 per cent of the country's population of 62 million self-identified as African, over 8 per cent as coloured, over 7 per cent as white and nearly 5 per cent as Indian or Asian. Progress had been made in the implementation of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, which had been approved in February 2019 along with its five-year implementation plan. Governance structures had been established to coordinate the plan's implementation, and a number of mechanisms had been set up to monitor and respond to incidents of racism and xenophobia. There were plans to develop a data repository to monitor the prevalence and patterns of racism in communities, identify hotspots and inform appropriate interventions. Thirty-two anti-xenophobia campaigns had been carried out since 2019, and a baseline study had been commissioned to determine levels of racism, anti-foreigner sentiment, homophobia and racial incidents and to monitor inter-racial relations and perceptions of national identity in the country.
4. On 14 March 2023, the National Assembly had passed the Prevention and Combating of Hate Crimes and Hate Speech Bill, which had been referred to the National Council of Provinces for concurrence and would be returned to the National Assembly for its final approval before being signed into law. Between 2014 and 2019, 3,227 cases referring to complaints of discrimination and hate speech had been brought before the Equality Courts.
5. Training on human rights and diversity was part of basic training provided to police officers. Such training covered the Bill of Rights and how to work with and interview offenders while ensuring respect for human rights and complying with international protocols.
6. The recommendations of the Truth and Reconciliation Commission were being implemented to ensure that victims of apartheid would receive reparations. Community rehabilitation and education assistance reparations for basic and higher education were being distributed, and a recommendation had been finalized that called for the provision of one-off individual reparations of 30,000 rand to people who had been identified as victims. Prosecutors and investigators continuously engaged with the families of deceased victims. At present, 137 cases of apartheid crimes were under investigation, 18 had been finalized and 13 were on the court rolls. One case had resulted in a murder conviction in November 2023, with the perpetrator sentenced to 10 years' imprisonment.
7. Several measures had been taken to redress the apartheid-era denial of economic, social and cultural rights, in particular with respect to education, housing, employment and entrepreneurship. The South African Schools Act stipulated that education was compulsory for all children aged 7 to 15 and that special education must be available to all children with disabilities. Access to basic education had improved, and around 10.3 million children currently benefited from the "no-fee schools" policy. To improve access to adequate housing, subsidies were available to qualifying beneficiaries. The proportion of households living in informal dwellings had halved. Basic services were being provided to informal settlements, and targeted efforts were being carried out to upgrade such settlements. The Employment

Equity Act prohibited discrimination in the workplace. The Broad-based Black Economic Empowerment Act had been enacted in 2003 to reverse the legacy of apartheid and enhance the meaningful participation of African, coloured and Indian citizens in the economy, with a view to increasing the representation of people of different races in ownership and management structures and in skilled roles in new and existing enterprises.

8. Several awareness campaigns had been carried out in traditional communities where there had been reported cases of *ukuthwala*, a traditional practice involving the abduction of young brides, which had contributed to a fall in the number of child marriages, from 1,984 in 2008 to 207 in 2021. In addition, a new marriage bill would increase the legal age of marriage to 18. A report on the subject had been drawn up in consultation with traditional and Khoi-San leaders and several traditional communities, and those consultations had resulted in an agreement to increase engagement with the communities most affected by the practice. The National House of Traditional Leaders was currently working with communities to learn about the traditional practices they considered to be harmful and their root causes and to explore how they could be addressed. The Customary Initiation Act had been enacted in 2021 to regulate the practice of initiation and protect initiates against abuse.

9. Significant efforts had been made to prioritize the advancement of women in all sectors of public life. However, although much progress had been made in the public sector and the civil service, gendered norms and practices prevailed in the private sector, and businesses had been reluctant to take steps to ensure gender equality. Thanks to measures taken to transform the judiciary, its composition now broadly reflected that of South African society. The Judicial Service Commission, which nominated individuals for appointment as judges, had made commendable progress in improving the diversity of the judiciary. In 1994, the judiciary had been dominated by white men. At present, nearly half of the country's 256 judges were women, and 124 judges were Africans, 30 were coloured persons, 23 were Indians and 79 were white. The Traditional Courts Bill, which had been signed into law in 2022, provided a framework for dispute resolution under the terms of customary and Indigenous laws and recognized the role of women in traditional courts, while indicating that such courts must operate in line with the Constitution.

10. A national task force on albinism had been established to monitor implementation of policies and the provision of services to persons with albinism, and a national action plan on albinism had been developed to promote their access to health, education, social protection, justice and economic opportunities. In the context of the Witchcraft Suppression Act, local rapid response teams had been established to support victims of discrimination. The Government was currently reviewing the Traditional and Khoi-San Leadership Act to ensure its consistency with the Constitution; it had repealed the Traditional Leadership and Governance Framework Amendment Act.

11. A number of laws had been promulgated to protect the rights of migrants, asylum-seekers, refugees and stateless persons, and their provisions were supported by policy frameworks and programmes aimed at promoting social cohesion. The Government sought to address issues raised by migration through integrationist solutions. However, irregular migration posed a major challenge. The abuse of immigration policies by some migrants had disadvantaged persons who were genuinely seeking asylum. A vetting system for work visas had been established to combat exploitative and discriminatory employment and to penalize the abuse of migrant workers, in particular domestic workers and undocumented workers. In addition, a national labour migration policy had been introduced in 2022 to manage the rapid expansion of international migration flows. To end statelessness, measures had been taken to ensure that all births in the country would be registered, and a confirmation of the birth of migrant children was issued on request. The Government continued to implement the vision set out by Nelson Mandela: to build a rainbow nation, in which all South Africans were assured of their inalienable right to human dignity.

12. **Mr. Payandeh** (Country Rapporteur) said that he welcomed the update of the State party's common core document, in particular the inclusion of updated demographic statistics and economic and social indicators, and he noted that some of the Committee's recommendations had been implemented. However, the State party had not provided disaggregated data on non-citizens, nor had it included information on their socioeconomic status. Information on undocumented non-citizens was also lacking. Furthermore, the

Committee had learned from alternative sources that coloured, Indian and Asian people and non-citizens were often left out of statistical analyses. He therefore wished to know whether measures were in place to collect data regarding non-citizens and, where possible, undocumented non-citizens. If such measures were not in place, he would like to know why, and how the State party would rectify the problem.

13. The State party used categories dating from the apartheid era to assess the socioeconomic situation of certain groups. With that in mind, he would appreciate confirmation from the delegation as to whether data collection was based on the principle of self-identification and self-classification and whether that principle was applied in all official data-collection contexts, such as the census, affirmative action programmes and employment. Since certain Indigenous Peoples were included in the “black” and “coloured” categories in some contexts, the Committee would like to know whether the State party was considering changing that classification so as to ensure official recognition of the Khoi-San community and other Indigenous Peoples. If not, he wished to know how the State party planned to ensure that their distinct nature as recognized Indigenous Peoples would be safeguarded.

14. He invited the delegation to explain why human rights and diversity education were not provided as compulsory subjects in the formal school curriculum and to specify whether there were plans to introduce such subjects. The Committee would be interested to hear about any specific plans to improve knowledge among South Africans of the Constitution and of their fundamental rights, including the right to non-discrimination. He wished to know how the State party ensured that school curricula promoted tolerance, respect and non-discrimination, and whether the Government cooperated with civil society and academia in developing school curricula and programmes on those principles. The Committee would appreciate an update on measures taken to provide specific training on racial discrimination to judges and law enforcement officers, in particular in the context of the reportedly underused Equality Courts.

15. The Committee had received reports that the Government had failed to take action against large-scale violent attacks perpetrated against non-citizens. Non-citizens and people perceived to be non-citizens were often used as scapegoats for a wide range of societal problems, and negative stereotypes of non-citizens were deeply entrenched in the country. The Committee would thus appreciate it if the delegation could provide more specific and comprehensive information on the measures taken to prevent discriminatory acts, in particular violence against non-citizens, and details of concrete measures taken by the State party to combat xenophobia as part of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance. While he commended the Government for establishing the National Anti-Xenophobia Task Team, he would like to find out more about the current status of the programme mentioned in the periodic report that would help to end attacks on foreign nationals. It would also be interesting to hear more about the Early Warning System and Rapid Response Mechanism mentioned in the periodic report, including the extent to which those mechanisms could prevent and respond to discriminatory acts and violence against non-citizens. Further information on the Government’s efforts to counter anti-migrant narratives, in particular in the context of election campaigns, would also be welcome.

16. He wished to know why the State party had not provided information on the number of cases of xenophobic crimes reported and the number of perpetrators prosecuted, which had been requested by the Committee. The delegation might wish to outline how the Government intended to strengthen policing in areas prone to outbreaks of xenophobic violence and how it monitored cases of police brutality and corruption involving non-citizens. Information on existing and planned measures aimed at reigning in hate speech against non-citizens would also be helpful. The Committee would like to receive further information on the Government’s plans to combat vigilante organizations that attacked non-citizens and people that their members assumed to be non-citizens. Lastly, he would like to know whether non-citizens were aware of the existence of the Equality Courts and, if not, how the Government would raise their awareness of them. Information on the use of the Equality Courts by the general public and non-citizens would also be appreciated.

17. **Ms. Esseneme** (Country Task Force), noting the significant progress made towards the adoption of the Prevention and Combating of Hate Crimes and Hate Speech Bill that was

mentioned in the opening statement, said that she would be interested to know whether the bill's review process had involved consultations with grass-roots organizations, particularly those advocating for women, young persons, persons with disabilities and other marginalized groups. Noting from the periodic report that the bill did not appear to contain all of the grounds of racial discrimination set forth in article 1 of the Convention, she said that she would like to know to what extent the bill could be re-examined to make it compliant with the Convention. She would also welcome more information on whether the bill criminalized online hate speech and hate speech by politicians and public figures, in line with article 4 of the Convention. It would be useful to the Committee to hear whether a decision had been reached on whether it would be constitutional to integrate grounds of discrimination into the bill that were not set forth in article 9 of the Constitution, including such criteria such as nationality and albinism. She would like to know how the constitutionality of laws was monitored in the South African judicial system and how the Constitutional Court was involved in cases where laws were suspected of being unconstitutional. Noting the absence of a specific law against hate crimes and hate speech, she said that she would welcome information on measures taken to prohibit and punish perpetrators of those offences. Did the State party have any policies or programmes to enable the implementation of article 4 of the Convention, and particularly to combat hate speech in the traditional media, online and in the political sphere?

18. She cited reports that between 2016 and 2021, some 364 white farmers had been murdered, that such murders had been encouraged by the racist hate speech of politicians who denied the existence of such a phenomenon and that large tracts of agricultural land had also been destroyed in acts prompted by such hate speech. She wondered what judicial action had been taken in response to cases of that nature and how the Government intended to ensure that politicians distanced themselves from hate speech or incitement to hatred and racially motivated violence. What was the Government doing to monitor the ideology of political parties to ensure that it conformed with the constitutional principles of non-discrimination and equality and international human rights law?

19. The Committee would be interested to know what activities had been carried out since the entry into force of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, particularly during its first phase, and in 2023. It would appreciate it if the delegation could provide disaggregated information on the results achieved by the National Action Plan and on the mechanisms used to follow up on it and evaluate its effectiveness, along with examples of any discriminatory laws that it had helped identify for amendment or repeal. The delegation was invited to provide information on how the activities provided for in the National Action Plan, such as actions to encourage data collection on racism and racial discrimination, had been implemented.

20. **Mr. Diaby** (Country Task Force) said that he would appreciate updated information on the implementation of the recommendations made by the South African Human Rights Commission to strengthen the realization of the rights set forth in article 9 of the Convention. He would especially like to find out whether there was a coordination mechanism to ensure that their implementation was effective. The Committee would be interested to know whether the Government planned to amend the South African Human Rights Commission Act of 2013 in order to bolster the Commission's ability to properly discharge its mandate and to receive the necessary financial resources. It would be of interest to hear whether other measures were envisaged to ensure that the Commission was adequately resourced.

21. It would be useful to learn what action had been taken in the case of the former captain of the South Africa national cricket team, Graeme Smith, who had been accused of racism and racial discrimination against his black colleagues and subsequently cleared by an independent inquiry. Had the investigation helped to clarify the facts?

22. He would welcome information on the process for compensating victims of apartheid and would like to know whether any such cases were still ongoing. The Committee would like to find out what action the Government had taken in response to the reported exclusion of non-white residents from the town of Orania and whether the delegation could provide more information on that situation. Did the work of the Truth and Reconciliation Commission extend to addressing the legacy of slavery?

23. **Mr. Kut** (Follow-up Coordinator) said that the State party had duly submitted its interim report in November 2017. The Committee had recommended that it increase funding to the South African Human Rights Commission, but the Government had replied that such funding must be seen in the context of shrinking fiscal resources. He took that response to mean that the Committee's recommendation would not be followed.

24. The Head of Delegation had in his opening statement reported that the Prevention and Combating of Hate Crimes and Hate Speech Bill had been referred to the National Council of Provinces for concurrence. The Committee would welcome more information on the nature of that procedure and how long it would take, as well as on the proposed amendments with which the bill had been approved by the Select Committee on Security and Justice. It would be helpful for the Committee to hear how much time would be needed for the National Assembly to consider any proposed amendments. Given that the definition of racial discrimination provided in the bill was itself not in line with the Convention, the Committee would appreciate it if the delegation could provide information as to whether there were plans to make the bill fully compliant with the Convention. How much time would be needed to do so?

25. **Mr. Amir** said that the State party had demonstrated its humanity in its efforts to eradicate apartheid. The reconciliation between black and white people advocated by South Africa was not always in evidence in Europe, where racial discrimination was increasingly taking hold, with the growth of far-right political parties. He hoped that the support of the State party for the people of Palestine as they faced the acts of a terrorist State would set an example to be followed by the international community. Silence on the part of the international community had contributed to tragedy in the past.

26. **Ms. McDougall** said that she would be interested to know precisely what action the Government had taken not only to counter the activities of Operation Dudula, which carried out anti-migrant actions and demonstrations, but also to intervene to protect the lives and security of the migrants being attacked by it and similar groups.

27. **Mr. Guissé** said that he would appreciate more information on the distinction made by the State party in its periodic report between black African and coloured persons, which might not be universally understood, and the process of self-identification that might underlie it. It would be useful to learn the distinction between the two categories respectively classified as Indigenous Peoples and minorities, which appeared to overlap in the periodic report.

*The meeting was suspended at 4.10 p.m. and resumed at 4.35 p.m.*

28. **Mr. Lamola** (South Africa) said that the Prevention and Combating of Hate Crimes and Hate Speech Bill, which had initially been delayed by a challenge to its constitutionality, had now been approved by the National Council of Provinces, which was the second house of the Parliament of South Africa. If approved by the National Assembly, the bill would next require presidential assent in order to be adopted into law, which he believed would happen soon.

29. Under the system of checks and balances in place in South Africa to ensure the constitutionality of legislation, any declaration of unconstitutionality made by the High Court was subject to confirmation by the Constitutional Court.

30. The actions of Operation Dudula, which was not a State-sponsored group, had been condemned by the Cabinet of South Africa and the police had fulfilled its responsibilities with respect to any violation of the law by that group. The Constitution guaranteed free speech to all, including to political parties, and the monitoring of ideologies was repressive and unconstitutional. Cases relating to the commission of criminal conduct in political discourse had, however, been brought before the Equality Courts, which had issued rulings on them.

31. South Africa had a problem of violent crime, and anyone could fall victim. No specific groups were targeted on the basis of their members' race or ethnicity. Murders occurred on farms, but killings were also committed elsewhere throughout the country, against persons of all backgrounds. All such cases were handled in accordance with the law.

32. **Mr. Nkosi** (South Africa) said that South Africa had a long history of welcoming foreign nationals from neighbouring countries and beyond. Migrants had been successfully integrated into society and various sectors of the economy and had contributed immensely to the country's development. Programmes were in place to educate the population about the importance of accepting and living harmoniously with foreign nationals. In a context of limited opportunities and scarce employment, there were, however, occasionally attacks against migrants, but they were not indicative of a generalized stance on migrants. The Government's response to migration was predicated on respect for human rights.

33. **A representative of South Africa** said that, while the official figure for foreign nationals living in South Africa was 2.5 million, the real number was likely far higher, owing to illegal migration. Farmers tended to employ – and often exploit – undocumented migrants, which was bound to cause tensions amid a job shortage. It was not fair, however, to characterize the situation as scapegoating of undocumented migrants.

34. Since the adoption of the Constitution in 1996, the Government had run a robust programme to raise awareness of it among the population. Although the level of knowledge of rights and freedoms had yet to be assessed, it could not be characterized as low, as there was a large number of cases of individuals challenging the constitutionality of laws or asserting their constitutional rights before the courts. The delay in the adoption of the Prevention and Combating of Hate Crimes and Hate Speech Bill was partly due to a constitutionality suit. Despite widespread cutbacks to the budgets of State entities due to a constrained fiscal environment, the Committee should rest assured that the South African Human Rights Commission would not be shut down, nor would its programmes be compromised.

35. It was not easy for the Government to set up a mechanism to monitor ideological movements, but as soon as such movements formed into organizations, for example in the case of Operation Dudula, the police could and did take action. Moreover, there were cases before the Equality Courts demonstrating that the State did not tolerate ideologies that promoted hatred towards specific racial or national groups. There had been no cases to suggest that the anti-discrimination provisions in the Constitution were insufficient and would thus warrant the addition of nationality and albinism as prohibited grounds of discrimination. The difficulties persons with albinism faced related more to violence than discrimination, and there were programmes in place to address that problem.

36. **A representative of South Africa** said that the deliverables under the current five-year National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was scheduled to end in 2024, included a baseline study, which had been completed and contained recommendations regarding targeted interventions, programmes and training. Furthermore, the Department of Justice and Constitutional Development was coordinating and implementing anti-discrimination programmes focused on race and was conducting campaigns on constitutional rights, in collaboration with civil society, the South African Human Rights Commission and United Nations agencies.

37. Although there were many laws and policies in place, attitudes and behaviours still needed to change, and much of the work in that regard was being done at the grassroots level, through various media outlets and engagement with students. Terms of reference had recently been developed for the establishment of a rapid response mechanism, or task team, for incidents of discrimination or racism. The task team, with support from the International Organization for Migration and civil society, had recently engaged with Community Policing Forums to administer the use of questionnaires, as there was a concern about where to direct efforts in the lead up to the 2024 elections. A database was being developed to measure racism, racial discrimination and xenophobia; the initial focus would be on cases handled by the criminal justice system. Lastly, the Department of Justice had held sessions around the country using various media to raise awareness about the Equality Courts.

38. **A representative of South Africa** said that the values of the Constitution and human rights had not only been mainstreamed across the curriculum, but had also been made a stand-alone part of the life skills course taught in basic education. Shortly before the coronavirus disease (COVID-19) pandemic, a programme called Teach for Respect, which was based on programmes developed by the United Nations Educational, Scientific and

Cultural Organization, had been introduced to improve the ability of teachers to impart human rights education. The programme had already been rolled out in 10 of the country's 26 public universities, with plans for further expansion.

39. Another programme, called Values in Education, identified 10 key values to be promoted throughout the education system. It had been rolled out some 20 years prior and was currently being reviewed. The goal of that programme was to ensure that children in particular understood subjects such as the contents of the Bill of Rights. The Department of Basic Education had worked closely with other government departments and the South African Human Rights Commission to develop and distribute simplified versions of the Constitution. It also ran election-related activities for children, which were currently being stepped up to encourage participation in the 2024 elections by persons who would be of age. Government departments cooperated with a wide range of civil society organizations, even though doing so often caused delays in implementation of their activities.

40. **A representative of South Africa** said that mechanisms to ensure that all persons legally in the country were accounted for included the registration of all births on South African soil. Children born to foreign nationals were issued with a notice of birth enabling their parents to register them with the relevant embassy. In addition, all citizens and permanent residents were registered in the national population register, and information on asylum-seekers and refugees was entered in the national immigration information system. Persons in the country for work or study purposes appeared in the visa adjudication system.

41. There were a total of approximately one million asylum-seekers and refugees in South Africa. They were not placed in camps and were afforded the opportunity to integrate in society. Refugees and permanent residents were entitled to the same rights as citizens, apart from the rights to vote, stand for election and establish a business. Children could not be denied access to education, irrespective of their parents' legal status or lack thereof. Most of the attacks on migrants were due to competition over scarce jobs, as undocumented migrants typically lived in informal settlements together with the poorest segments of the population. Immigration issues, including the rights of foreign nationals in South Africa, were governed by the Border Management Authority Act and the recently adopted white paper on citizenship, immigration and refugee protection.

42. **A representative of South Africa** said that in the Children's Amendment Act of 2022, migrant children and unaccompanied minors were treated on an equal footing with South African children.

43. **A representative of South Africa** said that a project known as Project 25 of the South African Law Reform Commission had been aimed at identifying all apartheid-era laws that had contained discriminatory clauses. At the Project's conclusion, the Department of Justice and Constitutional Development had brought those clauses to the attention of all Government ministries. The Department was also doing its own work to identify such laws. The national judiciary was authorized to declare any discriminatory law unconstitutional. In some cases, the Constitutional Court could effectively amend the provisions of such laws.

44. **A representative of South Africa** said that, regarding data on non-nationals, the Government was adopting mechanisms to ensure that all persons in the country, including undocumented migrants, were officially registered. In addition to the national population register, a National Identification System was being developed to give a full overview of registrations. Notices of birth were issued to the children of foreign nationals so that they could be registered at the appropriate consulate. With few exceptions, foreign nationals, including refugees, had the same rights as citizens, such as entitlement to health and education services. Asylum-seekers and refugees were given appropriate documentation. There were no refugee camps in the country, as the State's policy was aimed at integrating refugees into society.

45. The incidents that the Committee had described as xenophobic attacks against foreign nationals were not driven by hatred, but by competition for scarce resources, as evidenced by the fact that the number of those attacks had increased as the country's economy had weakened. Law enforcement officials took the same action in response to crimes, regardless of whether the victims were foreign nationals, undocumented migrants or citizens.



46. **Mr. Lamola** (South Africa) said that the classifications in use by the Government were important for redressing the imbalances of the past. In programmes aimed at addressing such imbalances, persons identifying as “coloureds” and “Indians” were included among people classified as black because they had been among the groups disadvantaged by apartheid.

47. Quota systems in rugby and cricket had been abolished in favour of establishing clear objectives as to how sport could become truly representative. While the national rugby and cricket teams were representative, the financial supporters of some sports had racial prejudices. The South African Judicial Education Institute trained judges on racial discrimination, equality laws and the preservation of the supremacy of the Constitution.

48. **Mr. Payandeh** said that, while violent crime affected the whole of South African society, race still played a role in some cases. Some groups appeared to be more affected even by crimes with no obvious racial intent, as seemed to be the case for non-nationals. The Committee paid particular attention to undocumented migrants due to their particularly vulnerable situation.

49. The Committee had not suggested that there might be any State-sponsored, orchestrated discrimination against foreigners. It would, however, appreciate information on any xenophobic attacks that had occurred in the country, to complement information about occasional surges of violence. He would welcome any data that was available on the number of prosecutions for xenophobic crimes, including those related to Operation Dudula.

50. **Ms. McDougall** said that she would appreciate more information about the process to improve representation in sports teams and the degree to which they were representative of the South African population.

51. **Ms. Esseneme** said that she wished to know what interpretation was given to the term “hate speech”. The Equality Courts responsible for punishing hate speech were reportedly underused.

52. **Mr. Kut** said that he would like to know whether the Prevention and Combating of Hate Crimes and Hate Speech Bill would be amended to bring it into line with the provisions of the Convention and with the Committee’s general recommendations Nos. 15 on article 4 of the Convention and 35 on combating racist hate speech.

53. **Mr. Diaby** said that he would like to know whether any measures were envisaged to mitigate the constant decrease in resources available to the South African Human Rights Commission; to give effect to the reform of the law establishing the Commission; and to implement the Commission’s recommendations for combating racial discrimination. He wondered whether there were any measures in place to protect human rights defenders, in particular those protected by the provisions of the Convention. The Committee would also like to know how the apartheid era and enslavement were depicted in school textbooks.

54. **Mr. Lamola** (South Africa) said that murders of farmers were economic crimes; they were the result of disputes over resources. Some of those crimes had been found to be racially motivated. A number of such cases had been prosecuted and had returned a guilty verdict, and others were still under way. There was no orchestrated action to murder farm owners on the basis of their being white. Any special protection provided to white farmers would have to be justified to the rest of the population; the Government was required to protect the rights of all of its citizens.

55. **A representative of South Africa** said that the delegation would provide further information on the implementation of recommendations issued by the South African Human Rights Commission at the next meeting. The Government would appreciate the Committee’s assistance in finding donors to support the Commission. The Government had always had a positive attitude towards its human rights commissions, on the understanding that the country’s democracy could be only as strong as its institutions. While the term “human rights defenders” was not used by the Government, that group had the freedom to operate in South Africa and litigate against the State.

56. School history books gave a full explanation of what had happened in South Africa from the colonial era onwards. Orania was a town on private land, and its founding

documents and by-laws did not expressly exclude anyone on the basis of race. There was no law prohibiting such development. Its residents were generally from a single group and there was no interest on the part of others to live there.

57. **The Chair** said that she would like to know the meaning of the term “coloured” as used by the State party; the reasons for its use; and the role played by social intervention in reducing crime rates. The Committee would also like to know whether any measures were in place to raise awareness of the reform of apartheid-era laws and what effects their implementation was envisaged to have on societal behaviour.

*The meeting rose at 6 p.m.*