



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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17 May 2018

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, in the course of its 95th session, considered the follow-up report submitted by the Government of South Africa, pursuant to Article 9 (1) of the Convention, and Rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 9 and 13 of the Concluding Observations (CERD/C/ZAF/CO/4-8), adopted following the consideration of the State party's combined 4th to 8th periodic reports, at its 90th session held in August 2016.

The Committee appreciates the opportunity provided to continue its dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its 9th to 11th periodic reports to be submitted in a single document by 9 January 2020.

Paragraph 9 of the Concluding Observations: The Committee thanks the State party for the information it provided concerning the planned implementation of the recommendations of the South African Human Rights Commission and the funding provided to the Commission. The Committee notes the State party's information concerning budget constraints, and the increase in funding for advocacy efforts of the Commission in 2017-18. However, the Committee is concerned that the overall funding for the Commission may be insufficient to ensure its effective functioning, and that a relatively small portion of the Commission's budget is allocated to mandated activities. The Committee requests that the State party provide in its next periodic report information about the results of the Commission's activities related to combatting racial discrimination, and encourages the State party to increase the Commission's funding.

Her Excellency Ms. Nozipho Joyce Mxakato-Diseko
Permanent Representative of South Africa
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Paragraph 13 of the Concluding Observations: The Committee thanks the State party for the information it provided on the Prevention and Combating of Hate Crimes and Hate Speech Bill, the prosecution of hate speech, and educational campaigns focused on human rights. The Committee is however concerned that the aforementioned Bill remains pending, and encourages the State party to accelerate its adoption, while ensuring that it conforms to the Convention and to the Committee's general recommendations No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech. The Committee requests that the State party provide in its next periodic report: (1) information on the status and content of the Bill; (2) statistics on complaints, investigations, prosecutions and sanctions relating to acts of racist hate speech, incitement to racial hatred and other racist hate crimes, as well as information on remedies provided to victims; and (3) information on the content of anti-racial discrimination and anti-hate speech educational campaigns, including those targeting journalists and public officials.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of South Africa, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Nouredine Amir
Chair

Committee on the Elimination of Racial Discrimination