

PRESENTATION
TO THE
10TH EDITION RESEARCH SEMINAR

“REFLECTION ON THE IMPLEMENTATION OF THE
NATIONAL ACTION PLAN TO COMBAT RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA AND
RELATED INTOLERANCE”

AT THE SCHOOL OF PUBLIC LEADERSHIP:
STELLENBOSCH UNIVERSITY, BELLVILLE,
CAPE TOWN

06 MAY 2026

ADV. K.A SEDUPANE



the **doj & cd**

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



LIVING
**OUR
VALUES**
as justice officials

EXECUTIVE SUMMARY

- ❑ **Extracts points from the African Peer Review Mechanism: Second-Generation Country Review Report, 2022**
 - Observations/acknowledgements, and
 - Concerns

- ❑ **Reflecting on the implementation of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP), 2019**
 - What has been done? and
 - Where are we?

- ❑ **National Evaluation Plan: to evaluate NAP (Department of Planning Monitoring and Evaluation)**



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials

EXTRACTS FROM THE APRM 2ND GENERATION COUNTRY REVIEW REPORT

❑ **Extract from foreword** - President Ramaphosa: concerns in the Review Report:

- rising inequality and unemployment,
- corruption,
- incidents of xenophobia and poor service delivery..

❑ **Extract from the executive summary** - APRM Country Review Mission (CRM) concerns and observations:

- racism and xenophobia, particularly against black Africans, is a potential conflict issue.
- SA continues to experience direct and subtle institutional racism, mostly against the majority black population resulting in internal uprisings, and strained relationships between South Africa and other African countries whose nationals are targeted in racist attacks in the country.



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



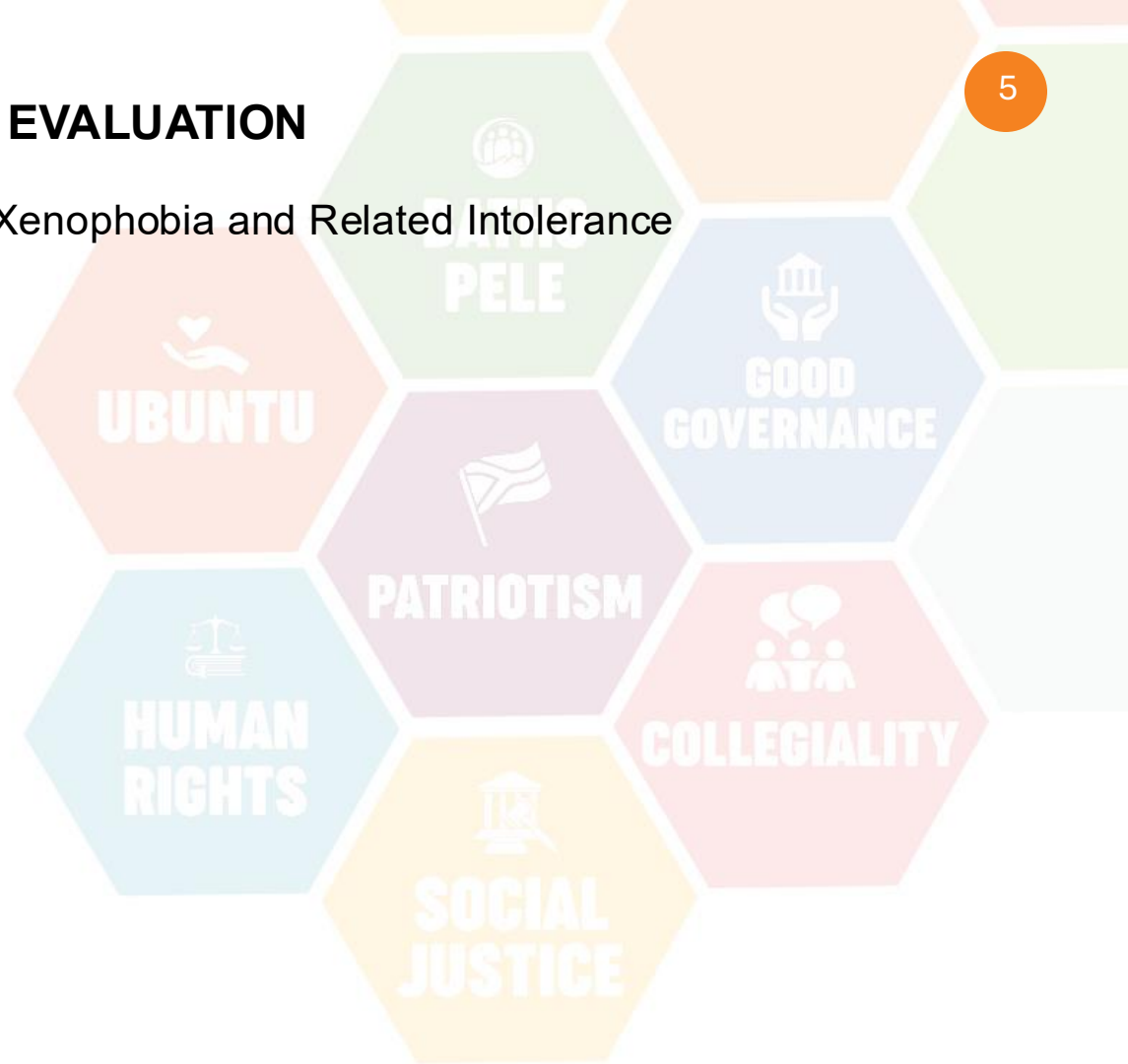
**LIVING
OUR
VALUES**
as justice officials

EXTRACTS CONTINUED

- ❑ **Extract from the executive summary - APRM Country Review Mission (CRM) observation and acknowledgement**
 - In 2019, the South African government adopted a “National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance”.
 - Under this Plan, the government decided to set up a legal and policy framework to prevent racism and xenophobia, particularly in areas such as immigration policy, policing and administration of justice, human rights training for government officials, and the promotion of the benefits of cultural and social diversities.
 - The CRM commends this effort to fight racism and xenophobia and implores the government to ensure that all actions in the plan are implemented in a timely manner.

ASSESSMENT, REFORMULATION, & EVALUATION

- ❑ The National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP)
 - Assessment: Close-out report (2019/2024 MTSF)
 - Reformulation of NAP Actions (& Implementation Plan)
 - Evaluation (DPME)



the doj & cd

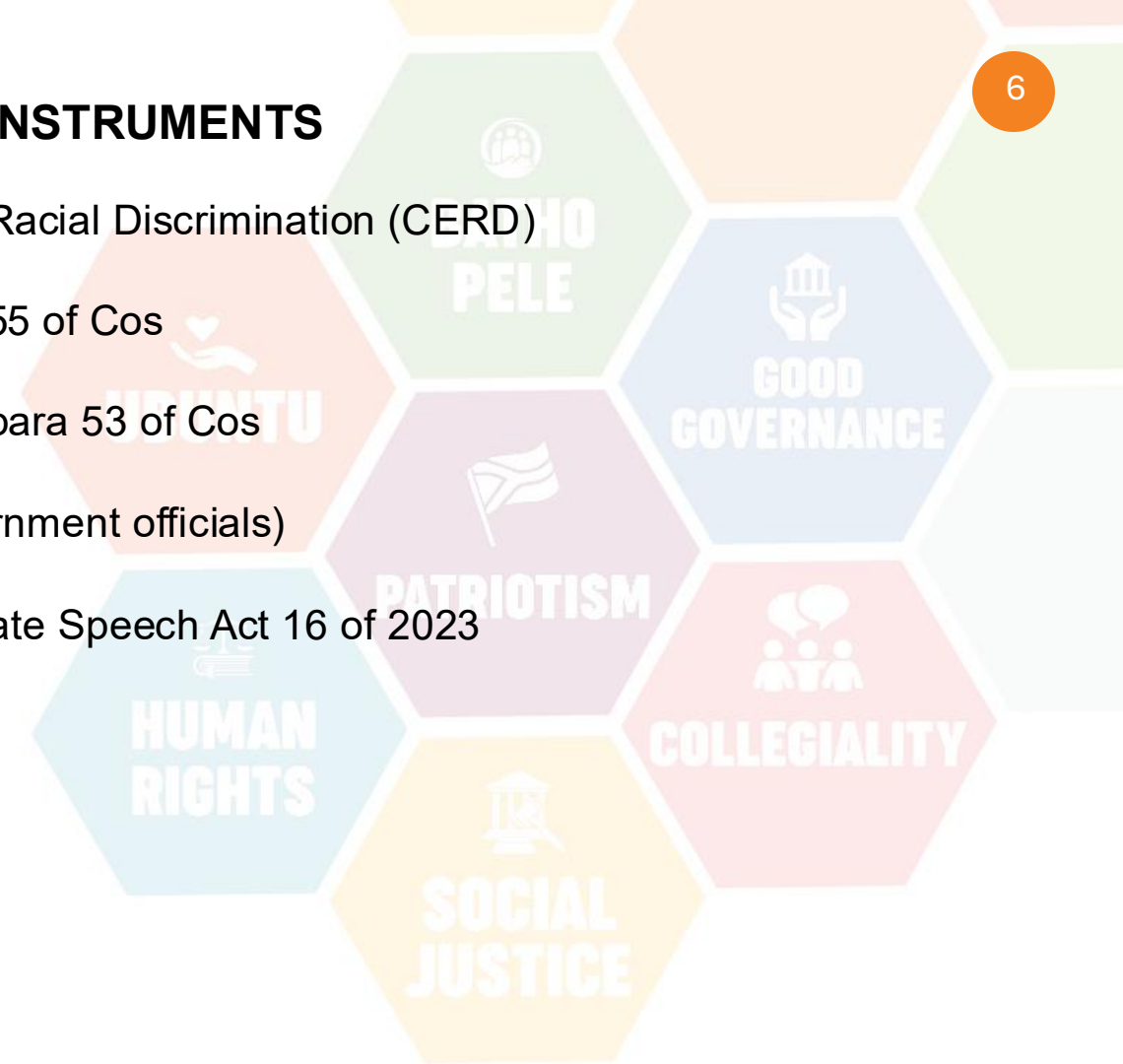
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials

COMMITMENT TO INTERNATIONAL INSTRUMENTS

- ❑ Concluding observations (Cos) of the Committee on Elimination of Racial Discrimination (CERD)
- 12th to 14th Combined report (due date: 09 January 2028) per para 55 of Cos
- Follow-up response approved by Cabinet on 29 October 2025: per para 53 of Cos
 - Training of law enforcement officers (human rights training for government officials)
 - Enactment of the Prevention and Combating of Hate Crimes and Hate Speech Act 16 of 2023



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials

CLOSE-OUT REPORT: IMPLEMENTATION & EVALUATION

The close-out report on the actions set out in the NAP and activities per its Implementation Plan

- 19 Actions per the NAP assigned to respective departments
 - 84 activities per the Implementation Plan
 - Engagement meeting with DPME on the National Evaluation Plan: to evaluate NAP
- It is from this report that we will conduct:
- Direct observation assessment (per department)
 - Evaluation (Assess implementation modalities: resources)
 - Impact assessment



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials

PHASED IMPLEMENTATION - FIRST FIVE-YEAR 2019/24 /ALIGNED TO MTSF (ACTIONS)

- Developed Baseline study to determine levels of racism, anti-foreigner sentiments, racial incidents, etc: conducted, with some of the recommendations progressively implemented.
- Governance structure established: Plenary, PIC, RRM-Task Team & Monitoring and Evaluation Task Team
- Funding Model: produced in 2021
- Directory of Service Providers for victims of discrimination developed in 2021
- Integrated Strategy for Public Education on NAP for government departments developed in 2021
- Creation of NAP portal with information on DOJ&CD website – in 2019 and link is <https://www.justice.gov.za/nap/index.html>



the doj & cd

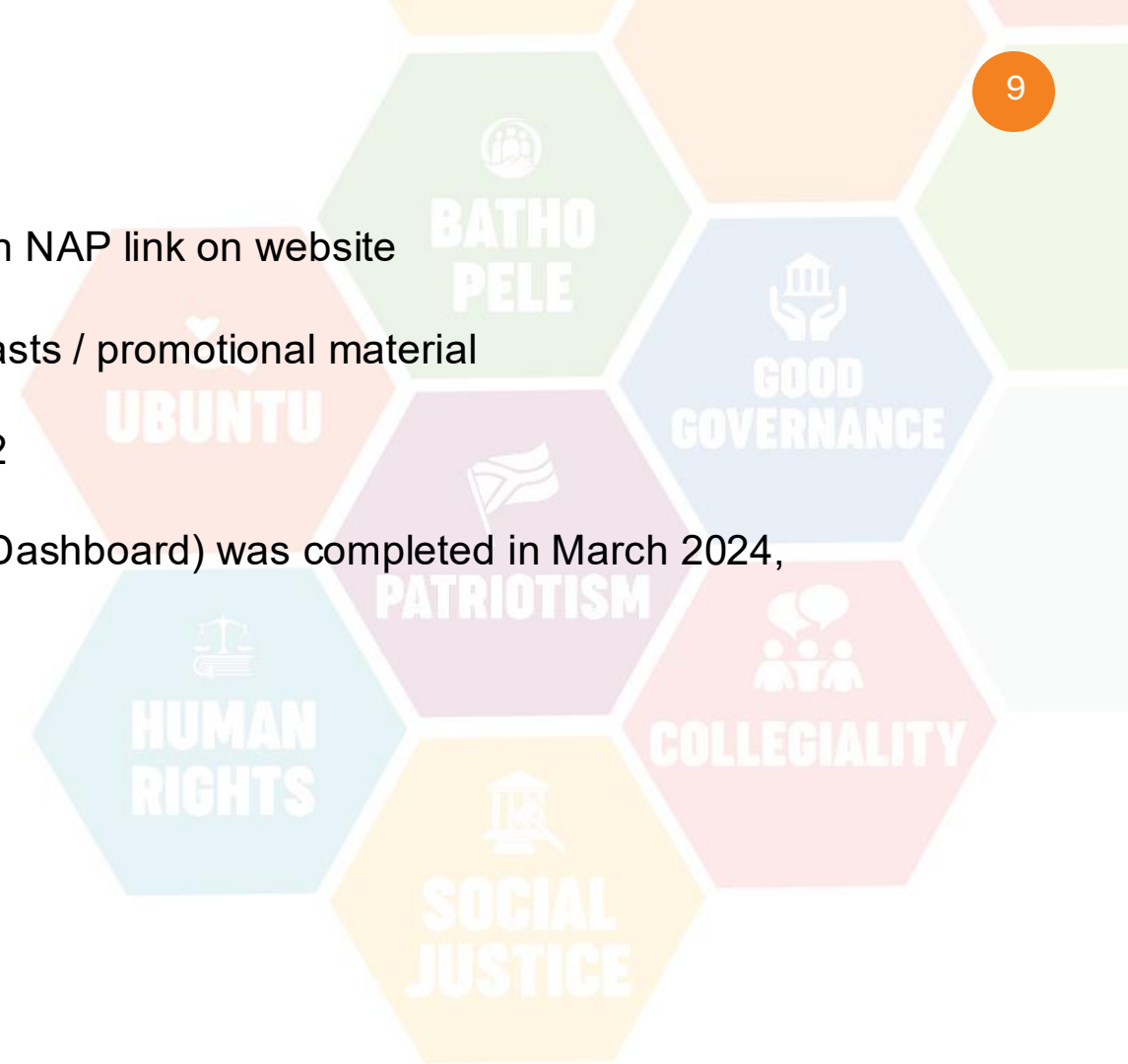
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials

ACTIONS

- Translations of NAP into 7 of the official languages, uploaded on NAP link on website
- NAP Materials produced – reports / posters / pamphlets / podcasts / promotional material
- WCAR+20 National conference hosted in May, 23-24 May 2022
- The first phase of the development of Virtual Data Repository (Dashboard) was completed in March 2024, enhancement is in progress.



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials

ENHANCED EFFORTS 2024 TO DATE

10

- **Forums:** Dialogues conducted (2024/25 & 2025/26 financial years) – 7 dialogues (influence policy & legislation)
- **Promote, protect and advocate** for eradication of all forms of racism, racial discrimination, xenophobia and related intolerance:
 - Information sessions conducted, including on Hate Crimes Act – vast reach via radio interviews (2024/25 & 2025/26 financial years)
 - Anti-Racism Week activations and collaborations
 - Enhancement of Virtual Data Repository (VDR) 2025/26 with IJS.
 - Repository of Key Messages on Racism, Racial Discrimination, Xenophobia and Related Intolerance (2025/26)
 - Booklet of NAP (2025/26)
 - Factsheets on racism (2025/26); Toolkit and Media statements



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials

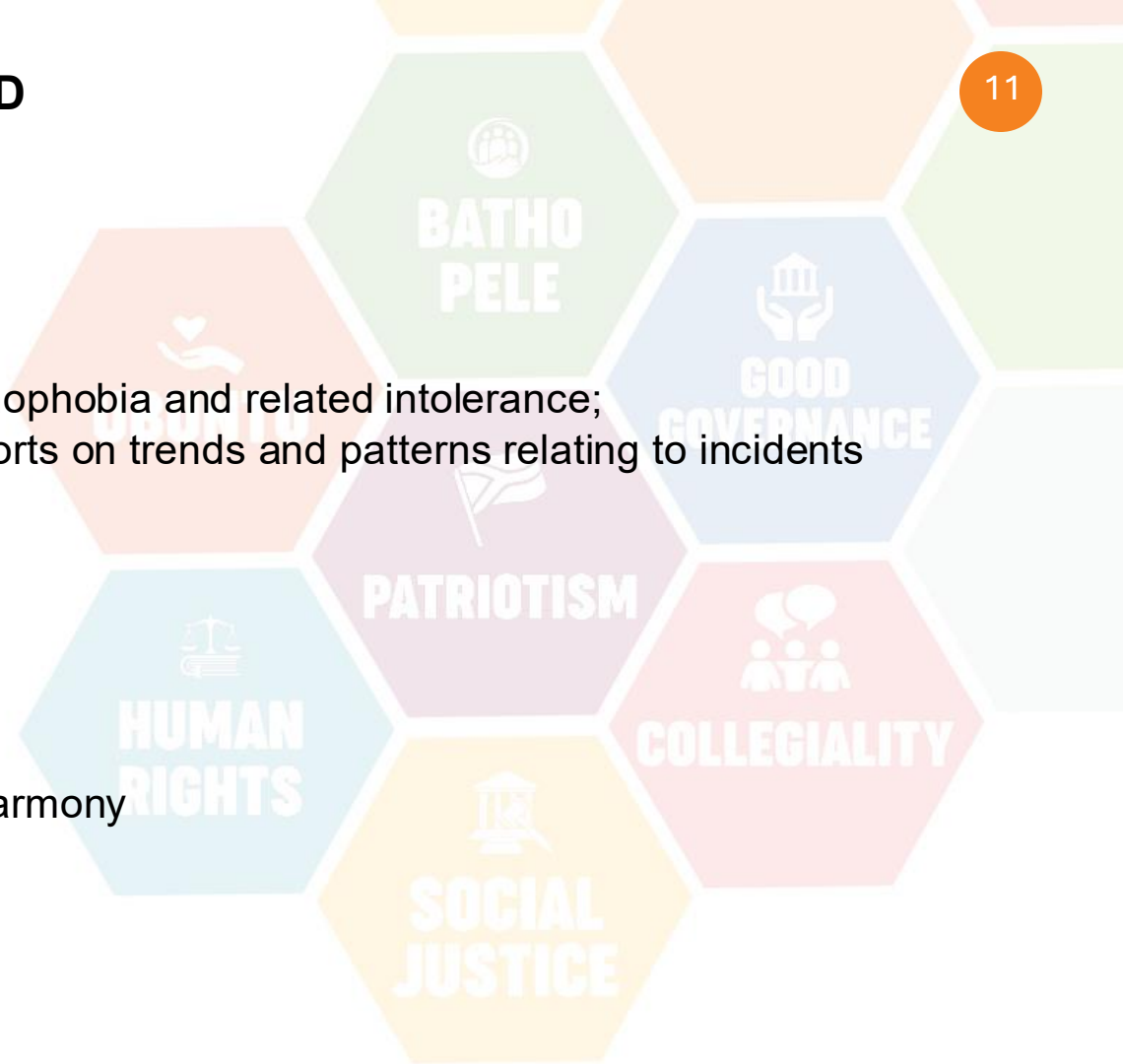
ENHANCE EFFORTS CONTINUED

➤ **Monitoring and evaluation**

- Monitor trends and incidents of racism, racial discrimination, xenophobia and related intolerance; Collection/analysis of data, create a database and generate reports on trends and patterns relating to incidents within the scope of NAP
- Task Team established (April 2025)

➤ **Research**

- Conduct research on factors inhibiting the attainment of racial harmony
- Task Team to be established this financial year



the doj & cd

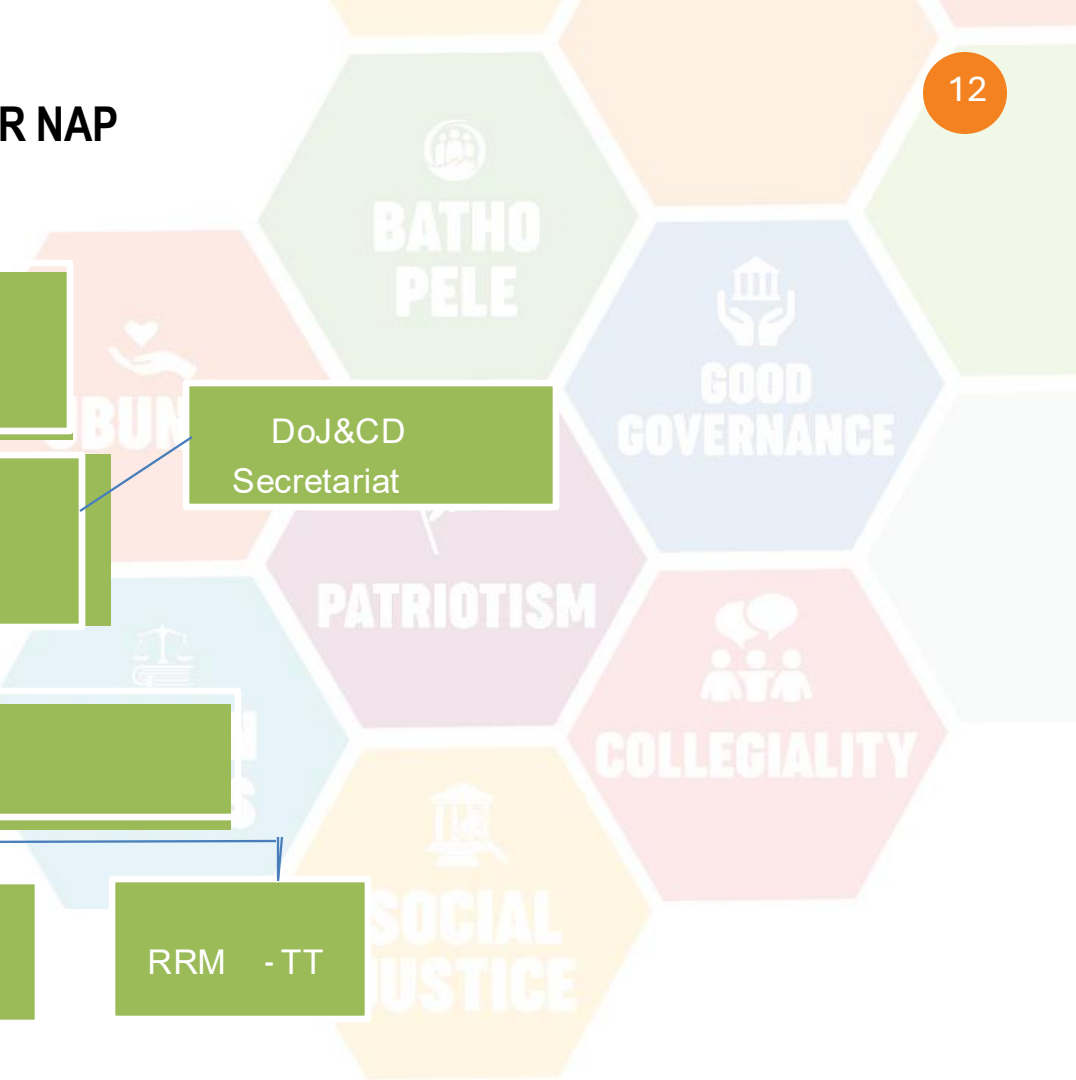
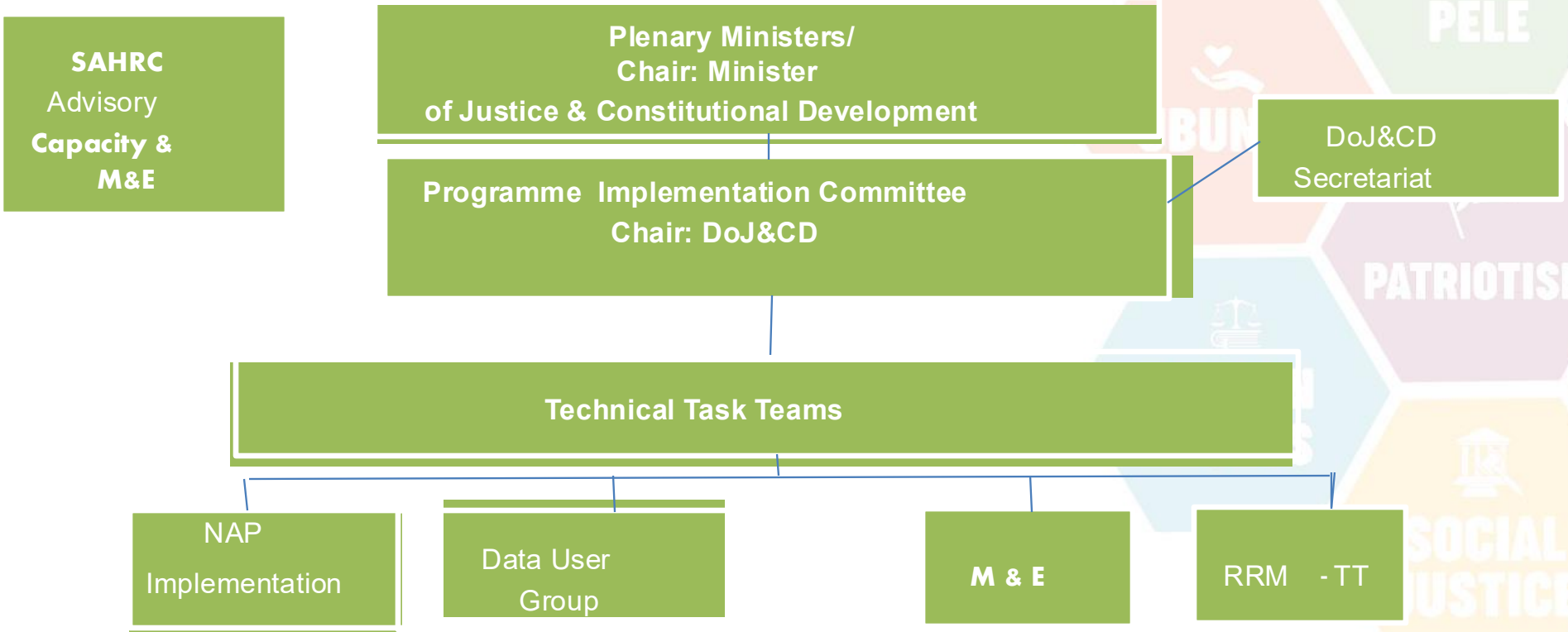
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials

GOVERNANCE STRUCTURE & THEMATIC AREAS AS PER NAP

Leaner Revised NAP GS Framework



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials

RECENT LITIGATION RELEVANT TO THE NAP

13

Kopanang Africa Against Xenophobia and Others // Operation Dudula and Others – (2023-044685) [2025] ZAGPJHC -
-- (4 November 2025)

□ Government cited as 2nd, Minister of Justice 6th and DBE as 9th Respondents

- **Relief sought against 2nd respondent –**
 - the implementation of the NAP

➤ **Order -**

*The **second respondent** be and is hereby directed and ordered to take reasonable steps to implement the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, including by:-*

- (a) taking steps to establish an early warning and rapid response mechanism regarding threats of xenophobic hate speech and hate crimes;*
- (b) collating and publishing disaggregated data in respect of xenophobic hate speech and hate crimes, including the prosecution and conviction of persons who commit such offences.*

Incidentally, the Directorate established the Monitoring and Evaluation Task-Team which comprises, inter alia, South African Police, National Prosecuting Authority, South African Human Rights Commission, etc. The M&E functions relate to the Hate Crimes Act regarding the collation and publishing disaggregated data.



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



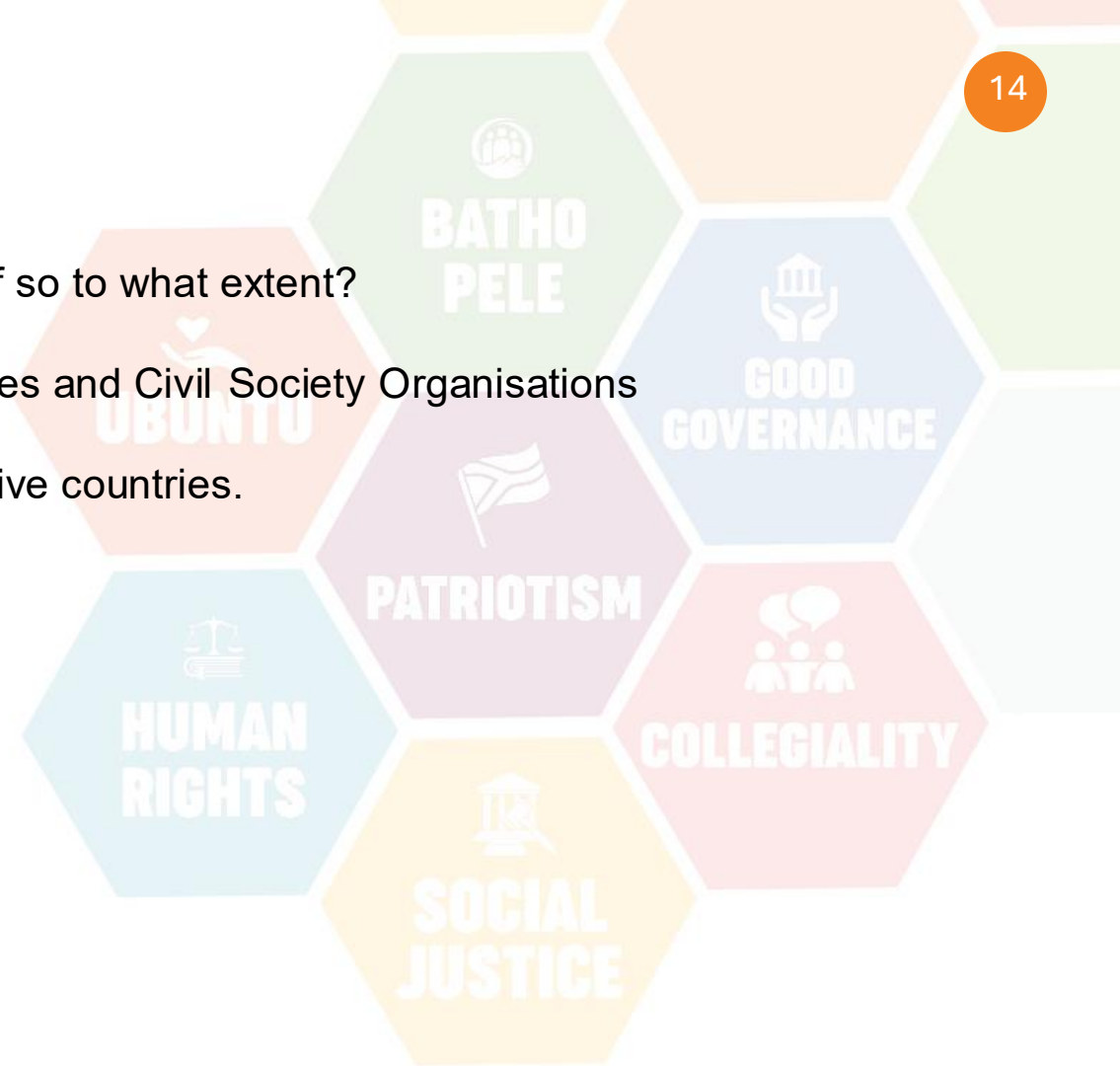
**LIVING
OUR
VALUES**
as justice officials

KEY QUESTIONS

14

Given all these challenges:

- Are African countries truthfully committed to people's inherent rights, if so to what extent?
- How impactful pressure groups including UN agencies and AU agencies and Civil Society Organisations
- How do we work together to hold one another accountable as respective countries.



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials

THANK YOU



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



**LIVING
OUR
VALUES**
as justice officials



LIVING OUR VALUES

as justice officials



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

