



**SOUTH AFRICA: Equality and Non-discrimination
Joint Stakeholder Report for the United Nations Universal Periodic Review**

Submitted by The Advocates for Human Rights
a non-governmental organization in special consultative status with ECOSOC since 1996
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and
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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Founded in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications.

Camissa Movement for Equality (CME) is a non-profit, non-political organization based in Eldorado Park, South Africa. CME represents the needs of the Coloured, Khoi San, and Mixed-race people of South Africa and promotes social cohesion amongst all South Africans.

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I. EXECUTIVE SUMMARY

1. This submission informs on South Africa's international human rights obligations with regard to its treatment of Coloured¹ people. During its last Universal Periodic Review in 2012, South Africa accepted numerous recommendations related to non-discrimination and the rights of minorities and other vulnerable groups.² As of the date of this submission, South Africa has not implemented the accepted recommendations in relation to the treatment of Coloured people.
2. South African laws and practices have discriminated against the Coloured community, especially their economic, social and cultural rights with respect to employment and housing, as well as the right to freedom of expression.
3. In particular, state-sanctioned practices of affirmative action in the employment sector, some of which are premised on Black Economic Empowerment ("BEE"), have strayed from the constitutional protections guaranteed to South Africa's citizens and have become discriminatory in practice, both generally and towards Coloured people.
4. This report makes recommendations that steps be taken to reduce and/or eliminate such discriminatory treatment of Coloured people in South Africa. Such steps include reform in the use of "target" percentages in employment plans, investigation into discrimination in subsidized housing application, and equal access to state media.

II. BACKGROUND AND LEGAL FRAMEWORK

A. *2012 Universal Periodic Review of South Africa*

5. During its last Universal Periodic Review in 2012, South Africa accepted numerous recommendations related to non-discrimination and the rights of minorities and other vulnerable groups. Specifically, South Africa accepted recommendations to:
 - Continue its efforts to attain the five major national priorities in the areas of public health, education, job creation, the fight against corruption and crime, and ensuring food security (Russian Federation);³
 - Consolidate economic initiatives aimed at empowering its people, especially those who were underprivileged under the Apartheid system(Zimbabwe);⁴
 - Continue its policies aiming at the full enjoyment of the cultural, economic and social rights, especially for vulnerable groups, including women, children, the elderly, the minorities and persons with difficulties (Viet Nam);⁵
 - Continue its efforts to build an inclusive, diverse and tolerant society (Pakistan);⁶
 - Strengthen its policies and measures to consolidate the State of Law , as well as social cohesion, tolerance and non-discrimination in the country (Viet Nam);⁷
 - Continue its policy to combat racism and all forms of discrimination and racial intolerance and continue implementing affirmative actions for vulnerable groups (Ecuador)⁸;

- Speed up the process to develop its National Action Plan against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Namibia)⁹;
- Continue consolidating its social policies towards the achievement of decent employment, quality basic education and a healthy life with food security for all its people(Venezuela);¹⁰ and
- Strengthen its educational strategies to ensure that all children enroll in school and receive basic education (Iran).¹¹

Status of Implementation: Not implemented with respect to Coloured people

B. Background on systematic discrimination experienced by Coloured people

6. **The Origin and Definition of Coloured People in South Africa Is Rooted in the Country's History of Colonization.** Coloured people in South Africa comprise mixed-race individuals that evolved into a distinct ethnic grouping. Coloured people live throughout South Africa but numerically dominate the population of the Western Cape region.¹² In the 1600s, Dutch settlers arrived at the southern tip of Africa, and they often married or had children with the indigenous and original inhabitants of South Africa, known as the KhoiSan (and later, imported Asian and African slaves).¹³ Today, Coloureds are of varied ethnic backgrounds, but many are directly descended from the KhoiSan people.¹⁴ The Coloured population constitutes a sizeable portion of South Africa's people; it is estimated that roughly nine percent of South Africa's more than 50 million population identify as Coloured.¹⁵
7. **The Historical Treatment of Coloureds before and during Apartheid Constituted and Created a Legacy of Racial Discrimination that Persists Today.** Prior to the 'legalization' of apartheid, the Coloured people of South Africa and their ancestors endured severe atrocities, including a near extinction of their Coloured/KhoiSan ancestors and 180 years of brutal slavery at the hands of the Dutch colonizers.¹⁶ Under slavery, a system of segregation was established long before apartheid was formalized through law. It was not until 1948 that racial segregation was enforced through legislation in South Africa, which became known as apartheid and under which the population was rigidly divided into four groups: Black, White, Indian, and Coloured.¹⁷ The government classified individuals based mostly on a system of visual evaluation, for example, wherein borderline cases were judged by the curliness of someone's hair: if a pencil was stuck into the hair and slid out, the person was counted as white.¹⁸ In addition, thousands of Coloured families were separated against their will, with children forcibly removed from their parents, siblings, aunts, and uncles; such forced separations occurred based on the shade of their skin or hair texture, and other crude tests.¹⁹
8. **The Government Forcibly Relocated Coloureds under the Apartheid Era.** Legislation passed in 1950 set up the Coloured to be the victims of discrimination through geographic segregation. Through the Group Areas Act, large sections of land were restricted to whites only, and up to 150,000 Coloureds were evicted from their homes and forced to relocate to designated urban areas. One well-known removal occurred in District Six of Cape Town,

which was designated for whites only, and resulted in upwards of 55,000 Coloured, Malay and Indian people being intentionally scattered into less desirable townships across the Cape Flats.

9. **Under Post-Apartheid, South Africa Holds Elections and Adopts a New Constitution.** With the end of apartheid in 1994 came an opportunity for previously marginalized groups, including Coloureds, to be treated equally. The newly elected South African parliament adopted a new Constitution on May 8, 1996 with the support of almost all political parties.²⁰ The Constitution identified “non-racialism” as a founding value and included an equality clause in its Bill of Rights proclaiming “equality before the law and . . . the equal protection and benefit of the law” for all South Africans.²¹ This sentiment had been espoused by Mandela, who emphasized racial reconciliation and said “[w]hat is past is past . . . Let us work together to make a great country.”²²

10. **The African National Congress Addresses Post-Apartheid Affirmative Action.** In parallel with the negotiation of the new Constitution, in 1994, the African National Congress (ANC) released a policy document called “Affirmative Action and the New Constitution,” which addressed the need for affirmative action in employment, business, and land ownership. According to the ANC, this affirmative action would aim at “correcting past injustice through the application of ‘normal and non-controversial principles of good government.’”²³ With regard to business and capital ownership, the ANC argued that black economic empowerment was needed to remove “all obstacles to the development of black entrepreneurial capacity.”²⁴ The ANC also argued that “an active policy of restoring usurped land rights” would be followed, and land made available for housing and farming. The ANC stated, generally, that “affirmative action will help bind the nation together and produce benefits for everyone. If badly managed, we will simply redistribute resentment, damage the economy, and destroy social peace.”²⁵ The ANC’s proposed affirmative action policies generated widespread support and led to the enactment of several pieces of legislation, some of which is explained in more detail below.

C. Legal Framework

11. In addition to the equality clause in the 1996 Constitution, specific legislation has been adopted related to affirmative action in the employment sector. The Employment Equity Act of 1998 (“EEA”), entered into force in 1999, and set forth the following stated purpose:
 - (i) promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and

 - (ii) implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, to ensure their equitable representation in all occupational categories and levels in the workforce.²⁶

12. The EEA defined affirmative action measures, broadly, as “measures intended to ensure that suitably qualified employees from designated groups have equal employment opportunity and are equitably represented in all occupational categories and levels of the workforce.”²⁷ The EEA requires employers beyond a certain size to formulate and carry out “employment equity” plans that use “numerical targets” to eliminate both race and gender under-representation.²⁸ Under the EEA, it is emphasized that the “numerical targets” should not amount to quotas, though it does not explain the difference between the two concepts.²⁹ South African courts have since explained that one primary difference between numerical targets and quotas is that while numerical targets are flexible, quotas are not.³⁰
13. **South Africa’s Amendments to the EEA Place Too Much Emphasis on “Demographics” to the Disadvantage of Coloureds.** Notably, the original EEA, drafted in 1998, included a section called “Assessment of Compliance.” Under this section, employers would be evaluated as to “[t]he extent to which suitably qualified people from and amongst the different designated groups are equitably represented within each occupational category and level in that employer’s workforce.”³¹ The 1998 version of the EEA included five factors to be considered as relevant to achieving this representation:
- (i) *demographic profile of the national and regional economically active population;*
 - (ii) pool of suitably qualified people from designated groups which the employer may reasonably be expected to promote or appoint employees;
 - (iii) economic and financial factors relevant to the sector in which the employer operates;
 - (iv) present and anticipated economic and financial circumstances of the employer; and
 - (v) the number of present and planned vacancies that exist in the various categories and levels, and the employer’s labour turnover.³²
14. The EEA was amended in 2014, and among other changes, factors (ii) through (v) above were stricken, leaving only factor (i) related to *demographic profile of the national and regional population*.³³ By its own language, therefore, the EEA now requires employers to pay strict attention to demographic numbers and to potentially prioritize demographic numbers above other factors. As described below, matching the demographic profile of the “national” and “regional” population has operated against the interests of Coloureds, especially in regions where there is a higher concentration of Coloured people and that is not reflected by the demographics of the country as a whole.
15. **South Africa Adopts Broad-Based Black Economic Empowerment and Numerical Targets.** In 2003, separate legislation known as Broad-Based Black Economic Empowerment (“B-BBEE”) was passed, with the stated goal of “ensur[ing] that the economy is structured and transformed to enable the meaningful participation of the majority of its citizens and to further create capacity within the broader economic landscape at all levels through skills development, employment equity, socio economic development,

preferential procurement, enterprise development, especially small and medium enterprises, promoting the entry of black entrepreneurs into the mainstream of economic activity, and the advancement of co-operatives.”³⁴

16. Coloured people were, ostensibly, supposed to benefit from B-BBEE. As observed by one expert, the B-BBEE Act “limits the beneficiaries of empowerment to ‘black people,’” while adding that ‘black people’ is a generic term which could mean Africans, Coloureds, or Indians. It makes no attempt to more specifically define these distinct groups or establish any formal procedure by which South Africans are to be classified into these apartheid-era categories.³⁵
17. In 2007, the South African government further passed a set of “Codes of Good Practice,” which describes how to quantitatively measure black empowerment through seven “pillars.” These pillars are essentially target percentages for the representations of blacks at various levels of “empowerment,” for example, a target of 20% for “equity ownership” and 15% for “enterprise development.” These numbers are used to fill out “scorecards” for employers, and although there are no outright penalties for non-compliance, the higher-scoring employers are favored for government contracts, which is a strong incentive for many to comply.

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLICATIONS

A. Equality and non-discrimination

18. **South Africa’s Affirmative Action Legislation, in Practice, Actually Discriminates Against Coloureds.** Both the EEA and B-BBEE have received significant criticism for becoming a “numbers game” that is more focused on meeting strict race quotas than actual affirmative action intended to accelerate equality. Affirmative action legislation has been construed by employers and implemented in an inconsistent manner that effectively discriminates against Coloured people. Frequently, the so-called employment equity plans disadvantage Coloured individuals by setting numerical targets that act to actually exclude, rather than include, qualified Coloured individuals from employment.
19. The following are examples of discriminatory affirmative action plans that have been knowingly implemented and either alleged or found to be discriminatory against Coloureds:

Municipality of Nelson Mandela Bay: Like municipalities throughout South Africa, the municipality of Nelson Mandela Bay (which comprises, in part, the City of Port Elizabeth in the Eastern Cape province) used specific numerical targets as guidelines in employment. From 2003 (when B-BBEE was enacted) to 2013, Nelson Mandela Bay planned its workforce targets based on the local demographics of the Bay, and its employment target for Coloured staff was accordingly 23%.³⁶ In 2013, the municipality decided to use national and provincial figures instead of local Bay

figures as a guideline for employment equity.³⁷ Because the percentage of economically active Coloureds is lower across the national and provincial levels versus the municipality level, this resulted in the municipality lowering its target for Coloured staff to only 13% instead of the local 23%.³⁸ The new employment equity plan was challenged in the Port Elizabeth Labour Court in 2015.³⁹ This is one example of how South Africa's EEA affirmative action law discriminates against Coloureds in practice by purporting to strive for equal representation among Coloureds but instead applies target numbers based on flawed demographic benchmarks that are non-representative of the local Coloured population seeking employment.

Department of Correctional Services: The South Africa Department of Correctional Services implemented an employment equity plan in 2010 that set numerical targets based on mid-year population estimates in the entire country of South Africa.⁴⁰ The resulting target for Coloureds based on this national scope was 8.8%.⁴¹ Several Coloured job applicants in the Western Cape (which itself has a much higher percentage of Coloureds than the country as a whole) were denied appointments by the Department of Correctional Services on grounds that their racial group was already overrepresented at the relevant occupational levels. The unsuccessful Coloured applicants sued in Labour Court, alleging unfair discrimination.⁴² On appeal, the South African Constitutional Court held that, while the Department's plan generally did not constitute an impermissible quota, it nonetheless violated the EEA because it failed to take into account "regional" demographics (i.e., the demographics of the Western Cape) in setting its numerical targets.⁴³ This decision from the Constitutional Court reflects the reality that Coloureds were, again, being discriminated against through the application of the rigid and flawed percentage targets.

20. **The Government Has Suggested that Coloureds "Spread" to Solve the Discrimination Problem.** The Government of South Africa has made troubling remarks regarding the solution to the problem of Coloureds being discriminated against by virtue of affirmative action plans and where they live. National Spokesperson Jimmy Manyi made the following statement on public television KykNet's Ronson Regstreeks Show in March 2010:

"Let me just make some few comments here on the last discussion on Coloured people. I think it's very important for Coloured people in this country to understand that South Africa belongs to them in totality, not just the Western Cape. So this over-

concentration of Coloured in the Western Cape is not working for them. *They should spread in the rest of the country. So they must stop this over-concentration situation because they are in over-supply where they are so you must look in the country and see where you can meet the supply.* The Employment Equity Act (EEA) is a very good act in this country.”⁴⁴ [emphasis added].

B. Right to housing

21. **The ANC’s Adopted Policies to Address South Africa’s Housing Shortage Still Falls Short of Meeting the Housing Needs of Its Population.** As part of its rise to political control in 1994, the ANC implemented a socio-economic framework called the Reconstruction and Development Programme (“RDP”) with the broad goal of addressing and remedying the problems created by apartheid. One key component of the RDP was the provision of adequate housing and the creation of safe living environments, both of which would contribute to economic growth and job creation among previously disadvantaged populations, including Coloureds.⁴⁵ In 1997, South Africa passed the Housing Act, which had the stated purpose of “provid[ing] for a sustainable housing development process” and creating the South African Housing Development Board, which would be responsible for implementing housing policy.⁴⁶ Between 1994 and 2015, the ANC built and gave more than three million basic houses to South Africa’s poor, free-of-charge, on the basis of an ostensibly “first-come, first-served” waiting list.⁴⁷ The government estimates, however, that another 2.5 million homes are needed to accommodate the 12 million people who still lack adequate housing.⁴⁸
22. **Coloureds Are Still Disproportionately Without Adequate Housing.** Despite the government’s stated goal to remedy the housing situation for all people who suffered under apartheid, data shows that Coloureds have been disproportionately impacted by the lack of progress. In 2016, Camissa Movement for Equality conducted a survey of more than 2,000 so-called “backyard dwellers” (a term used to describe those who live in informal structures, often shacks or shanties, and often in the backyards of other properties) in Eldorado Park, a township adjacent to Soweto in Johannesburg with a predominantly Coloured population.⁴⁹ Of the surveyed participants, 89% identified as Coloured and 10% as black African. Of those surveyed, 47% (or around 1,000) applied for government-subsidized housing. Thirty percent (about 300) did so during the Mandela administration between 1994 and 1999, and forty percent (about 400) did so during the Mbeki administration between 1999 and 2008.⁵⁰
23. **Local Observations Regarding the Coloured Housing Situation Cite to Inadequate Housing Standards for the Coloured Population.** One South African human rights defender has observed that in areas with high concentrations of Coloureds, such as Eldorado Park, the upward mobility for blacks has outpaced that of Coloureds.⁵¹ For example, he explains, “you find multiple generations of the same family living in the same two- or three-bedroom house or two-bedroom flat. An example of this is in Eldorado Park, [where] we have discovered a family of 24 members of the same family are living in a two bedroom flat.”⁵² The human rights defender notes that the same conditions have been observed in

Coloured townships across South Africa, which includes all nine provinces.⁵³

24. **The Disparity in Resources for Adequate Play and Recreational Facilities for Areas with High Concentrations of Coloured People Violates Article 3.1 of the Convention on the Rights of the Child.** Article 3.1 states that States Parties are to recognize the right of children to “engage in play and recreational activities appropriate to the age of the child.”⁵⁴ Park facilities accessible to Coloured children, however, do not receive the same resources as those used by other racial populations. As documented in the film ‘Word of Honour,’ a human rights defender visits public parks in Soweto and Eldorado Park.⁵⁵ Soweto has many public parks, such as Thokoza Park, that are well-manicured and maintained, with high-quality exercise facilities and equipment for children to play on. In Eldorado Park, on the other hand, two parks shown in the film are both unmanicured, have old playground equipment, have glass strewn where children play, and have dying grass throughout. As remarked by a human rights defender, “This is not a playground, this is a health and safety hazard.” One senior member of the African National Congress has acknowledged the neglected state of Coloured public facilities and the marginalization of the Coloured communities, stating that “[m]any in the Coloured townships feel that they aren’t part of the new South Africa and feel that they aren’t black enough. Under apartheid, they felt they weren’t white enough,” and stated further that municipalities and provincial governments must give more attention to communities like Reiger Park, a Coloured township.⁵⁶

C. Freedom of expression

25. **The Denial of Equal Access to State-Funded Media for Coloured People Violates the Right to Freedom of Expression under Article 19(2) of the International Covenant on Civil and Political Rights.** Freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, is a basic human right. The South African Broadcasting Corporation (“SABC”) is a public service and commercial broadcasting organization owned and operated by the South African government. The SABC does not have a policy addressing the media needs of the Coloured community, and their programming has been found to be vastly disproportionate with respect to representation by the Coloured community. Other ethnic groups have dedicated, state-funded television programs and media facilities. For example, such programs include: “Eastern Mosaic,” a program focused on Indian audiences; “Muvhango,” a scripted television series aimed at black audiences; Radio Sonder Grense, a radio program aimed at white Afrikaners; Uhkhozi FM, a radio station aimed at Zulu audiences, and; Lotus FM, a radio station aimed at Indians audiences.
26. Despite the fact that Coloureds represent 8.9% of the South African population, there are no television or radio programs funded by SABC that are geared towards the Coloured community. Indeed, Media Monitoring Africa has found that White people are overrepresented by all of SABC’s analysed news content services, “with SABC 2 Afrikaans news having the highest figure.” The same findings indicate that there is an Coloured people are underrepresented on all SABC services; for example, Ukhozi FM fails to source Coloureds completely. The result, according to Media Monitoring Africa, is that “Coloured

people's views continue to be underrepresented" and "[i]t is only in issues relating to disasters and accidents where they were accessed in proportion to their population average."⁵⁷

IV.RECOMMENDATIONS

27. The authors of this joint stakeholder report suggest the following recommendations for the Government of South Africa:

- Develop a data tracking system that includes separate indicators of populations, including black, white, and Coloured populations. This system would track at least the following types of information in 5-to-10 year increments:
 - The number of Coloured people, compared to other populations, hired into jobs (including both government and private sector);
 - The number of Coloured people, compared to other populations, laid off or retrenched (including both government and private sector);
 - Current unemployment rates of Coloured people, compared to other populations;
 - The number of new businesses created in Coloured townships, as compared to other areas;
 - The number of applications for housing submitted by Coloured people and how many were placed, as compared to other populations.
- Grant unobstructed and free access to activists, academics, or other individuals performing research related to or on behalf of the Coloured population to statistics and records related to above or otherwise.
- In line with recent decisions by the Constitutional Court (*e.g.*, with respect to the municipality of Nelson Mandela Bay, discussed above at § 12.A), define the term “regional” (Employment Equity Act 2014, Section 42.1a) in a manner that fairly represents the population in the general vicinity of the intended employment opportunity location.
- Investigate the potential for political or ethnic bias in evaluation of state-subsidized housing applications, and eliminate any such discrimination.
- Ensure that the percentage or rate of applications for state-subsidized housing is modified or adjusted to be commensurate with the needs of the Coloured community and the disproportionately high percentage of Coloureds living in poverty.
- Provide appropriate reparations to victim populations, including Coloureds, for the loss of land or establishments in District Six and other forced removals.
- Implement the 2016 Concluding Observations of CERD⁵⁸ to implement a national government mandatory education program on empathy, healing , reconciliation, and

social cohesion.

- Invest in cultural education films as part of educational reform with special attention to the status and plight of the Coloured population in consultation with members of the target population. The government should also invest in cultural education films written and filmed by experts and historians within those specific ethnic/cultural groups to be used in schools nationally.
- Provide equal access to state media, including the SABC. Relatedly, provide funds for SABC to create a long-term strategy that is inclusive of Coloured people and to execute programming that is sensitive to and inclusive of Coloured people for both television and radio.

¹ As used throughout this report, the term “Coloured” will have the meaning as explained in § II.B.6. , *infra*.

² *Report of the Working Group on the Universal Periodic Review: South Africa*, (September 18, 2012), ¶¶ 124.21, 124.34, 125.109, U.N. Doc. A/HRC/21/16/Add.1.

³ *Report of the Working Group on the Universal Periodic Review: South Africa*, (September 18, 2012), ¶ 124.21, U.N. Doc. A/HRC/21/16/Add.1.

⁴ *Report of the Working Group on the Universal Periodic Review: South Africa*, (September 18, 2012), ¶ 124.22, U.N. Doc. A/HRC/21/16/Add.1.

⁵ *Report of the Working Group on the Universal Periodic Review: South Africa*, (September 18, 2012), ¶ 124.24, U.N. Doc. A/HRC/21/16/Add.1.

⁶ *Report of the Working Group on the Universal Periodic Review: South Africa*, (September 18, 2012), ¶ 124.29, U.N. Doc. A/HRC/21/16/Add.1.

⁷ *Report of the Working Group on the Universal Periodic Review: South Africa*, (September 18, 2012), ¶ 124.32, U.N. Doc. A/HRC/21/16/Add.1.

⁸ *Report of the Working Group on the Universal Periodic Review: South Africa*, (September 18, 2012), ¶ 124.34, U.N. Doc. A/HRC/21/16/Add.1.

⁹ *Report of the Working Group on the Universal Periodic Review: South Africa*, (September 18, 2012), ¶ 124.37, U.N. Doc. A/HRC/21/16/Add.1.

¹⁰ *Report of the Working Group on the Universal Periodic Review: South Africa*, (September 18, 2012), ¶ 124.109, U.N. Doc. A/HRC/21/16/Add.1.

¹¹ *Report of the Working Group on the Universal Periodic Review: South Africa*, (September 18, 2012), ¶ 124.142, U.N. Doc. A/HRC/21/16/Add.1.

¹² Judge, “Current State of Affairs for Coloured South Africans,” 3.

¹³ Editorial, “Still an Issue,” *The Economist*, Feb. 4, 2012, <http://www.economist.com/node/21546062>.

¹⁴ Judge, “Current State of Affairs for Coloured South Africans,” 3.

¹⁵ Eusebius McKaiser, “Not White Enough, Not Black Enough,” *The New York Times*, Feb. 15, 2012, http://latitude.blogs.nytimes.com/2012/02/15/in-south-africa-after-apartheid-colored-community-is-the-big-loser/?_r=0.

¹⁶ Mohamed Adhikari, *Anatomy of a South African Genocide: The Extermination of the Cape San Peoples* (Ohio: Ohio University Press, 2010).

¹⁷ Baldwin-Ragaven, Laurel; London, Lesley; de Gruchy, Jeanelle , *An ambulance of the wrong colour: health professionals, human rights and ethics in South Africa* (Juta and Company Limited, 1999), 18.

¹⁸ Editorial, “Still an Issue,” *The Economist*, Feb. 4, 2012, <http://www.economist.com/node/21546062>.

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- ¹⁹ *I'm Not Black, I'm Coloured: Identity Crisis at the Cape of Good Hope*. Dir. Kiersten Chance. Monde World Films, 2009.
- ²⁰ Anthea Jeffery, "The Rationale for Racial Laws," in *BEE: Helping or Hurting?* (Tafelberg, 2014).
- ²¹ Anthea Jeffery, "The Rationale for Racial Laws," in *BEE: Helping or Hurting?* (Tafelberg, 2014).
- ²² Anthea Jeffery, "The Rationale for Racial Laws," in *BEE: Helping or Hurting?* (Tafelberg, 2014).
- ²³ Anthea Jeffery, "The Rationale for Racial Laws," in *BEE: Helping or Hurting?* (Tafelberg, 2014).
- ²⁴ Anthea Jeffery, "The Rationale for Racial Laws," in *BEE: Helping or Hurting?* (Tafelberg, 2014).
- ²⁵ Anthea Jeffery, "The Rationale for Racial Laws," in *BEE: Helping or Hurting?* (Tafelberg, 2014).
- ²⁶ South Africa Department of Labour, "Summary of the Employment Equity Act, 55 of 1998, issued in terms of Section 25(1)," accessed Aug. 20, 2016, <http://www.labourguide.co.za/employment-equity/summary-of-the-employment-equity-act-55-of-1998-issued-in-terms-of-section-25-1>.
- ²⁷ South Africa Department of Labour, "Summary of the Employment Equity Act, 55 of 1998, issued in terms of Section 25(1)," accessed Aug. 20, 2016, <http://www.labourguide.co.za/employment-equity/summary-of-the-employment-equity-act-55-of-1998-issued-in-terms-of-section-25-1>.
- ²⁸ Solidarity Trade Union's Centre for Fair Labour Practices, *Constructing a Future Based on Race* (Sept. 2015), 11.
- ²⁹ Solidarity Trade Union's Centre for Fair Labour Practices, *Constructing a Future Based on Race* (Sept. 2015), 11.
- ³⁰ *Solidarity et al. v. Dept. of Correctional Services et al.*, Case CCT 78/15 at 26 (Jul. 15, 2016).
- ³¹ Employment Equity Act, No. 55 of 1998 § 42.
- ³² Employment Equity Act, No. 55 of 1998 § 42.
- ³³ Employment Equity Amendment Act, No. 47 of 2013 § 16.
- ³⁴ South Africa Department Economic Development Department, "Broad-based Black Economic Empowerment," accessed Aug. 20, 2016, <http://www.economic.gov.za/about-us/programmes/economic-policy-development/b-bee>.
- ³⁵ Anthea Jeffery, "Evolution of BEE," in *BEE: Helping or Hurting?* (Tafelberg, 2014), 138.
- ³⁶ Rochelle de Kock, "Fight Over Cut in Coloured Job Quota (Eastern Cape Province)," *The Herald (South Africa)*, Jul. 14, 2015, <http://www.heraldive.co.za/news/top-news/2015/07/14/fight-cut-coloured-job-quota/>.
- ³⁷ Rochelle de Kock, "Fight Over Cut in Coloured Job Quota (Eastern Cape Province)," *The Herald (South Africa)*, Jul. 14, 2015, <http://www.heraldive.co.za/news/top-news/2015/07/14/fight-cut-coloured-job-quota/>.
- ³⁸ Rochelle de Kock, "Fight Over Cut in Coloured Job Quota (Eastern Cape Province)," *The Herald (South Africa)*, Jul. 14, 2015, <http://www.heraldive.co.za/news/top-news/2015/07/14/fight-cut-coloured-job-quota/>.
- ³⁹ Rochelle de Kock, "Fight Over Cut in Coloured Job Quota (Eastern Cape Province)," *The Herald (South Africa)*, Jul. 14, 2015, <http://www.heraldive.co.za/news/top-news/2015/07/14/fight-cut-coloured-job-quota/>.
- ⁴⁰ *Solidarity et al. v. Dept. of Correctional Services et al.*, Case CCT 78/15 at 5-6 (Jul. 15, 2016).
- ⁴¹ *Solidarity et al. v. Dept. of Correctional Services et al.*, Case CCT 78/15 at 5-6 (Jul. 15, 2016).
- ⁴² *Solidarity et al. v. Dept. of Correctional Services et al.*, Case CCT 78/15 at 11 (Jul. 15, 2016).
- ⁴³ *Solidarity et al. v. Dept. of Correctional Services et al.*, Case CCT 78/15 at 37 (Jul. 15, 2016).
- ⁴⁴ M&G Reporter, "Manyi: 'Over-supply' of coloureds in Western Cape," *Mail & Guardian (South Africa)*, Feb. 24, 2011, <http://mg.co.za/article/2011-02-24-coloureds-overconcentrated-in-wcape-says-manyi>.
- ⁴⁵ Astrid Wicht, "Social Housing in South Africa: A feasible option for low-income households?" (1999), 3.
- ⁴⁶ Housing Act, No. 107 of 1997.
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- ⁵⁰ Jerome Lottering, "Housing Needs Survey: Survey undertaken by the Camissa Movement for Equality, among backyard dwellers in Eldorado Park" (2016).
- ⁵¹ Interview with Jerome Lottering, Acting Chairperson/Communications Director, Camissa Movement for Equality, Jan. 2015.
- ⁵² Interview with Jerome Lottering, Acting Chairperson/Communications Director, Camissa Movement for Equality, Jan. 2015.

⁵³ Interview with Jerome Lottering, Acting Chairperson/Communications Director, Camissa Movement for Equality, Jan. 2015.

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