



ANNEX 1

OFFICIAL GOVERNMENT RESPONSE

PROGRESS MADE IN THE IMPLEMENTATION

OF THE

22 RECOMMENDATIONS FROM THE 1ST CYCLE OF THE UPR

REPUBLIC OF SOUTH AFRICA

13TH SESSION OF THE UPR WORKING GROUP

31 MAY 2012

<i>Recommendation no.</i>	<i>Action taken</i>
<p>Recommendation 1</p>	<p>Corporal Punishment</p> <p>With the advent of democracy in 1994, the South African democratic Parliament and government proceeded immediately to repeal all the apartheid laws to eliminate discrimination, abuse and all else that had been repugnant in our society. To this end the South African Parliament promulgated, over the year, the following range of legislation aimed at outlawing and addressing corporal punishment in all its forms and manifestations:</p> <ul style="list-style-type: none"> • The South African Schools Act, 1996 provides that no person may administer corporal punishment at a school to a learner. • The National Education Policy Act, 1996 • The Abolition of Corporal Punishment Act, 1997 (Act No. 33 of 1997) is a general law outlawing corporal punishment. • The Regulations Promulgated under the Child Care Act 74 of 1983 were amended during 1998 to prohibit corporal punishment of children in the residential care system including children in children’s homes, schools of industry and reform schools. The regulations also prohibit foster parents from using physical punishment upon children in their care. • The Further Education and Training Colleges Act, 2006 <p>The South African Children’s Act is currently being reviewed to provided maximum protection to children as part of the vulnerable groups in the country, and, among others, the Amendment Act will reinforce the governments position that children do not have to subjected to corporal punishment. The above pieces of legislation supported by a range of policy documents collectively empower law enforcement agencies to intervene and take corrective measures in cases of unlawful corporal punishment meted to children.</p> <p>Additionally, South Africa is also a State Party to regional and international Conventions signatory and subject to a number of international laws and conventions prohibiting the corporal punishment of learners:</p>

<p>Recommendation 2 and Recommendation 7 (part B)</p>	<ul style="list-style-type: none"> • Convention on the Rights of the Child, Article 19, Section 1 • The African Charter on the Rights and Welfare of the Child, Article 16 • The African Charter, Article 11.5 <p>Additional to the above, there are other complementary programmes and policies aimed at raising national awareness on the scourges of corporal punishment and the empowerment of parents with on various issues and positive discipline and values. In addition, the Department of Social Development (DSD) also published a Green Paper on Families, in the context of which the issue of corporal punishment will be discussed as part of a public consultation process. The Green Paper gives emphasis to positive discipline contains a parenting framework to assist and guide parents in discharging their responsibilities towards their children. The framework adopts a positive approach to parenting, without being prescriptive. It encourages parents to give positive re-enforcement to positive behaviour from their children, and provides guidance on how to deal with negative behaviour. The electronic South African School Administration and Management System (SA SAMS) facilitates continuous monitoring of such incidences. However not all schools are utilising this system optimally as yet. In addition, the national Department of Basic Education monitors the incidence of violence experienced in schools through the General Household Survey (GHS) which is conducted annually by Statistics South Africa. These incidences of violence include both corporal punishment as well as other forms of violence. According to the GHS, in 2010, 16% of children experienced some of violence in schools. This figure is an improvement on that of 19% reported in the 2009 GHS.</p> <p>As a result of all the afore-going measures, the country has experienced a significant reduction in regard to corporal punishment, and offenders are duly prosecuted in competent courts and, where applicable, disciplinary committees, especially in the context of schools. The remaining challenges and gaps in this regard are currently being consulted on, through public hearings, for the promulgations of the Children Amendment Act.</p> <p>Legislation to prevent and eliminate torture and combat impunity as well as the outstanding ratification of the OP-CAT</p> <p>The South African Cabinet has recently approved a Draft Bill aimed at criminalising torture in South Africa. This draft Bill aligns the South African legislation with the UN Convention Against Torture or Other Cruel, Inhumane or Degrading Treatment or Treatment. Currently the Bill has been referred to Parliament for eventual promulgation in a process that will involve public hearings, interrogation by relevant Parliamentary Committees and public interest represented by civil society formations. The Acts of Parliament creating all organs of State Security make provision for the establishment of special oversight bodies to investigate all allegations of torture, against persons deprived of their liberty, committed by law enforcement agencies, and to present annual reports to Parliament in this regard. The Bill, in addition, to the current legal framework as far as torture is concerned, creates a very specific offence of torture in line with the Convention and also deals with the questions such as extra-territorial jurisdiction and extradition, among others.</p> <p>Furthermore, the Correctional Services Amendment Act, 2008 (Act No. 25 of 2008), amongst others, abolishes the concept and practice of solitary confinement in all South African Correctional facilities and also obligates all correctional officers to immediately report all instances where inmates have been placed under mechanical restraint i.e. handcuffs or</p>
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<p>Recommendation 3</p>	<p>leg irons. The total effect of this amendment is that there is now a robust mechanism for detecting and punishing all acts of torture in correctional services. Law Enforcement and the judiciary are working strictly in accordance with the provisions of this Amendment Act to ensure the elimination and punishment of acts of torture in all Correctional Facilities.</p> <p>A decision has been taken, at the political level, to ratify the Optional Protocol Against Torture (OPCAT). As has been noted on the foreword to this UPR Report by the President of South Africa, the South African government has reflected and is at an advance stage of ratifying the Optional Protocol to the Convention Against Torture and Other Cruel and Degrading Treatment. It is envisaged that instruments of ratification in this regard, would be deposited with the Office of United Nations Secretary General during this year's Treaty Event during September in New York. The ratification of the OP-CAT has taken longer than initially envisioned as the South Africa has had to grapple with reaching unanimity on the nature and suitability of a National Preventative Mechanism for this purpose.</p> <p>Integrating a gender perspective</p> <p>The fourth Administration of the democratic South Africa established in 2009, a fully fledged Department for Women, Children and People with Disabilities (DWCPD). Through this decision the work of individual Offices on these thematic issues, which were previously located in the Presidency, has been integrated in a single Department. The decision by the government to establish the DWCPD underscores government's commitment to ensure that the voice of vulnerable groups remains a priority issue for which maximum protection should be ensured. Its vision aims to work towards "A fully inclusive society free from unfair discrimination, inequality, abuse and exploitation."</p> <p>The primary responsibility of the DWCPD is to focus on the advocacy for the mainstreaming of gender, protection of children and promotion of the rights of persons with disabilities throughout all the programmes of government for the empowerment of these vulnerable segments of society as well as for the attainment social transformation. The DWCPD also constantly identify the protection gaps and critical areas requiring strengthening through the adoption further legislative, administrative and judicial measures in order to ensure maximum protection, adequate remedies and the combating of impunity for all forms of violence against women, children and persons with disability. The following administrative measures are in place and a proposed Bill on the Empowerment of Women and Gender Equality is undergoing national consultative processes:</p> <ul style="list-style-type: none"> • The National Policy for Women's Empowerment and Gender Equality provides the guiding principles for mainstreaming the gender perspective across the day to day work of government departments in all three spheres. • Development of a National Gender Mainstreaming Strategy and a Gender Responsive Budgeting Strategy, as well as spearheading the development of the Women's Empowerment and Gender Equality Bill, which will enforce implementation of mainstreaming and provide for sanctions for non-compliance. • The White Paper on an Integrated National Disability Strategy, released in 1997, is regarded as best practice
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<p>Recommendation 4 and 5:</p>	<p>internationally, and is currently under review to incorporate commitments contained in the UN Convention on the Rights of Persons with Disabilities and sectoral policies and programmes adopted since the White Paper was released.</p> <ul style="list-style-type: none"> • The DWCPD is furthermore in the final stages of releasing a Monitoring and Evaluation Framework that sets out the institutional mechanisms and disaggregated development indicators for the three sectors. <p>While all Departments have obligations to mainstream gender issues and to promote social development (advancement of the rights of children, persons with disabilities, empowerment of the youth and the elderly), the South African Department of Social Development has specific and special obligations in this regard which, among others include: the establishment of a Gender Unit, convening of Gender and Masculinity Workshops, Gender Dialogues, the empowerment of Gender Mainstreaming for Community Development Practitioners, a comprehensive approach to poverty eradication which includes the right of access to social security for all vulnerable groups, access to basic services and the provision of pensions.</p> <p>A Parliamentary Portfolio Committee as a legislative monitoring framework on the promotion and protection on the rights of women and the attainment of gender equality also oversees the rights of children and persons with disabilities. The Commission on Gender Equality was established in 1996 through a Constitutional provision, enacted through the Commission on Gender Equality Act (Act 39 of 1996). It is an autonomous body to promote and protect the achievement of gender equality and reports directly to Parliament.</p> <p>Violence against women and children</p> <p>Kindly also refer to the responses provided under recommendation 3 above.</p> <p>Substance abuse and poverty in all its forms and manifestations are the root causes around which all other social evils emanate, including all forms of gender-based violence. The South African government has adopted a multi-sectoral approach and an integrated strategy to address the serious challenges of gender-based violence. While many programmes are in place to address the after-effects, government has taken a more proactive approach and is now giving greater attention to preventive measures in order to reduce the incidence of violence against women. Policies and programmes aimed at preventing and combating violence against women include:</p> <ul style="list-style-type: none"> • Integrated National Policy Guidelines for Victim Empowerment to ensure that holistic and integrated services are rendered to victims of crime and violence. The Policy Guidelines were officially launched in July 2009. The implementation of the VEP Policy Guidelines intends to achieve a society in which the rights and needs of victims of crime and violence are acknowledged and effectively addressed within a restorative justice approach. This approach is fully in concert with international trends over the past decade to promote a victim-friendly approach in criminal justice. Through the VEP, the following has been implemented
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- Women at risk are taken to places of safety, under the custodianship of the Department of Social Development. At these places, comprehensive services are provided to the victims.
- A feasibility study on the development of the Victim Empowerment Legislation is completed to address better registration and funding of shelters. The proposed Legislation will also support and ensure that more funds are channelled towards VEP Civil Society Organisations.
- Development a Men and Boys Strategy for the prevention of gender based violence
- Government annually raises awareness and empowers communities on their rights and urged to break the cycle on gender-based violence such as during the 16 Days of No Violence Against Women Campaign.
- Crime Victims' Rights Week has been observed every year since the year 2008 with the aim of raising community awareness on the rights of victims of crime and violence.
- The National campaign on 16 Days of Activism of No Violence Against Women and Children is commemorated every year with the purpose of raising awareness to communities on gender based violence against women, children and people with disabilities.
- A VEP conference is held every two years as part of raising awareness among the general South African public of the victims empowerment programme, its objectives and government's implementation plan.
- Substance abuse is one of the contributing factors to the incidence of gender-based violence. The government of South Africa developed an Anti-substance Abuse programme of Action to: develop policy, review and align liquor legislation, educate and create awareness on substance abuse, promote equal access to resources across South Africa, respond to policies and legislation with regard to drugs and organized crime, review institutional mechanisms to prevent, coordinate and manage alcohol and drug use in the country.
- In addition, the Prevention of and Treatment for substance Abuse Act 70 of 2008 was developed to regulate the provision and management services to service users. In addition to the development of the legislation the government further developed and implemented the following programmes:
 - *Kemoja*(I am fine without drugs) awareness campaign (for Children and youth)
 - Substance abuse prevention model for adults
 - Reintegration and After care model for those that have received rehabilitation services
 - Community based model for prevention and treatment at community level
 - Youth treatment model

The purpose of these models is to, amongst others, maximise and increase the availability and provision of services to individuals, families and communities. These programmes are also aimed at reducing the social ills associated with the abuse of substances such as crime, domestic violence, gender based violence. To support and intensify the implementation of these programmes, the government further developed and implemented Minimum Norms and standards for In-patient and Outpatient services

South Africa has mainstreamed the country programme to prevent, combat and punish violence, particularly against women, children and people with disabilities, across the Government Machinery, inclusive of the Executive, the Legislative and Judiciary Arms of Government at all spheres. Fighting Crime and Corruption has been identified as one of the government's five national priorities, articulated through Outcome 3 – All South Africans **must feel free and safe**. is also working with relevant stakeholders on addressing violence and discrimination in the LGBTI sector and is working

<p>Recommendation 5</p>	<p>with the SA Law Reform Commission on the development of the Hate Crimes Bill. The Department is currently undertaking a survey of conditions in special schools for children with disabilities that contribute to violence and abuse of learners. The Department supports the National Child Protection Week programmes annually. The Department is currently partnering with UNICEF on a study on violence against children, including children with disabilities.</p> <p>The Department is advocating and raising awareness through the 16 Days Campaign on No Violence against Women and Children. The DWCPD supports the national campaign on prevention of trafficking in women and children, and is participating in the development of the Prevention of Trafficking Persons Bill. The Department coordinated programmes aimed at protecting children against trafficking and sexual abuse and exploitation during the 2010 Soccer World Cup. Monitoring and evaluating the effectiveness and impact of preventative measures aimed at eradicating violence. The Commission on Gender Equality, an independent statutory body established to promote and protect gender equality in the country, undertakes research, advocacy, public education and litigation in this regard. The Commission acts as a Friend to the Court, serving as <i>amicus curare</i> in cases pertaining to gender based violence. For example in the incident of taxi officials harassing young women wearing mini-skirts. It should be noted that implementation of specific preventative and implementation measures, takes place within sector departments.</p> <p>The afore-mentioned measures have contributed to the promotion of human rights, in particular combating violence against women, children and people with disabilities. For example, the 16 Days Campaign on No-Violence has been identified as the third most well-known campaign within communities in the country. An impact assessment that was conducted on the Campaign in 2007/08, highlighted that the campaign contributed significantly to an increase in reporting of domestic violence and sexual abuse incidents, and an increased awareness amongst women on access to criminal justice services, such as Thuthuzela Care Centres, victim empowerment services, the domestic offenders register, the sexual offenders register, child and family units in the police services and legal aid, among others.</p> <p>Following the presentation of the periodic CEDAW report to the UN CEDAW Committee in January 2011 and a subsequent assessment of the impact of the campaigns focusing on fighting the scourge of violence against women, children and people with disabilities, it was resolved to establish the National Council against Gender-Based Violence. Cabinet approved the establishment of the Council in 2011, and the DWCPD has convened a steering committee to accelerate the launch of the Council. This Council will be chaired by the Deputy President of the country, located in the Presidency, the highest office in the country.</p> <p>Kindly also refer to the responses provided under Recommendation 4 above as these 2 Recommendations are closely related.</p> <p>Furthermore, in terms of the South African Constitution, Act 108 of 1996, and the South African Police Service Act, all matters pertaining to law enforcement, including arresting and detaining offenders, lie in the purview of the South African Police Service (SAPS). Some of their key mandate and powers include:</p> <ul style="list-style-type: none"> • The re-establishment of the Family Violence Child Protection and Sexual Offences Unit in order to provide
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<p>Recommendation 6</p>	<p>specialized investigative capacity on matters that include rape and other sexual offences against children.</p> <ul style="list-style-type: none"> • As far as progress is concerned, the SAPS developed National Instructions for Children in Need of Care and Protection (3/2010) in order to provide clear directives to police officials on the implementation of the Children’s Act. The police have powers to remove a child in need of care and protection and in need of immediate emergency protection from a suspected abusive environment and must arrange for the placement of the in alternative care. “Alternative care” includes a Child and Youth Care Centre and the care of a responsible adult. • According to a Constitutional Court judgment delivered on 11th January 2012, the removal and placement of a child must always be subject to subsequent review or confirmation by a court. • Capacity Building and training of the SAPS members is an ongoing process commencing in basic training. • The SAPS engages in public awareness and education campaigns with the purpose of creating a greater awareness of the relevant legislation and government’s commitment to eradicating violence against women and children. These awareness campaigns have, over the years, encouraged communities to report these crimes to the police and also compelled the police to improve the policing of these crimes. • The SAPS has developed National Instructions on the Domestic Violence Act and the Criminal Law (Sexual Offences and Related Matters) Amendment Act in order to provide clear policy directives for the police in support of members to improve service delivery to victims. The instructions of the SAPS are aimed at ensuring that all complaints are dealt with without discrimination. Police training also places emphasis on respect for human rights and capacitate police officials during basic training and in-service training to deal with all people correctly and sensitively. Individual police members who do not comply with the legislative framework are guilty of misconduct and disciplined. The SAPS acknowledges that there are challenges in this regard, but they are continuously addressed through training and consistent implementation of the Disciplinary Regulations. <p>Kindly also see Recommendation 5.</p> <p>The SAPS has re-established the Family Violence Child Protection and Sexual Offences Unit in order to provide specialized investigative capacity on matters that include rape and other sexual offences against children.</p> <p>As far as progress is concerned, the SAPS developed National Instructions for Children in Need of Care and Protection (3/2010) in order to provide clear directives to police officials on the implementation of the Children’s Act. The police have powers to remove a child in need of care and protection and in need of immediate emergency protection from a suspected abusive environment and must arrange for the placement of the in alternative care. “Alternative care” includes a Child and Youth Care Centre and the care of a responsible adult. According to a Constitutional Court judgment delivered on 11th January 2012, the removal and placement of a child must always be subject to subsequent review or confirmation by a court.</p> <p>Capacity Building and training of the SAPS members is an ongoing process commencing in basic training.</p>
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<p>Recommendation 7 and 8</p>	<p>The SAPS engages in public awareness and education campaigns with the purpose of creating a greater awareness of the relevant legislation and government's commitment to eradicating violence against women and children. These awareness campaigns have, over the years, encouraged communities to report these crimes to the police and also compelled the police to improve the policing of these crimes.</p> <p>The SAPS has developed National Instructions on the Domestic Violence Act and the Criminal Law (Sexual Offences and Related Matters) Amendment Act in order to provide clear policy directives for the police in support of members to improve service delivery to victims.</p> <p>Following the enactment of the Sexual Offences and Related Matters Act in 2007, progress was made in addressing violence against women. We developed registers aimed at protecting women and children against sexual offences and abuse (known as the Sexual Offenders Register and the Child Abuse Register). The registers were established by the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 37 of 2007 and the Children's Act, 2005 respectively. Data on the Child Abuse register will enable employers to vet applications and ensure that convicted child abusers (including sex offenders) are not employed into positions where they are in contact with children. Similarly data on the Sexual Offences register will be drawn from recorded convictions of sexual offenders to include situations where victims are adult women.</p> <p>In order to improve handling of rape cases by Police the SAPS makes use of specialized investigative units called Family Violence, Child Protection and Sexual Offences Units.</p> <p>All FCS Units became fully operational by the 1 April 2011. The units were established in terms of the Policing Cluster Model at 176 Clusters country wide. The purpose of the FCS is to effectively and efficiently manage the prevention, combating and investigation of Family Violence, Child Protection and Sexual Offences. FCS investigators receive specialised training in dealing with sexual offences investigations and cases involving children addition to training as investigators.</p> <p>Ratification of the International Covenant on Economic, Social and Cultural Rights as well as the International Convention on the Protection of All Persons from Enforced Disappearance</p> <p>The Foreword to the present Report signed by the President confirms the primacy of the ratification of these Covenants by the South African government.</p> <p>Undoubtedly, and by constitutional imperatives, South Africa places a premium on economic, social and cultural rights and hence the ratification of the ICESCR and its Optional Protocol is of high importance. The internal government processes are advancing and it is envisaged that with the collaboration of all government actors, including oversight parliamentary committees, the South African government should be in a position to ratify the ICESCR and its Optional Protocol as soon as possible.</p>
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<p>Recommendation 9</p>	<p>The government is also strongly committed to ratify the International Convention on the Protection of All Persons from Enforced Disappearance.</p> <p>SAPS has specific instructions in place regulating the detention of the various categories of awaiting trial detainees, including medical care and safe custody of detainees which applies to all persons deprived of their liberty, on a non-discriminatory, including migrants. Various instructions are in place to ensure appropriate restraining measures, adequate facilities, nutrition, regular visits, transporting of detainees and appropriate action once a detainee needs specific attention/assistance including visitors. These measures apply equally to all undocumented migrants who are arrested. Children of arrested undocumented migrants, including unaccompanied children are dealt with in terms of the Childrens' Act, 2005. In respect of child offenders, the Child Justice Act, 2008, limits the arrest and detention of children only as a matter of last resort and for the shortest period.</p>
<p>Recommendation 10</p>	<p>Refugees</p> <p>With respect to adopting and implementing comprehensive immigration policy, the Department of Home Affairs is in the process of developing policy that is aimed at the secure, humane, efficient and holistic management of immigration. The areas receiving focused attention include establishing a new immigration paradigm and a shift of public consciousness in this regard. Specific areas include economic migration, the management of asylum seekers and assistance to refugees, citizenship and the integration of migrants. One of the principles that inform the development of the policy is the involvement of the state and civil society in the management of immigration.</p> <p>With regard to unaccompanied minors, the Department of Home Affairs works in close collaboration with the Department of Social Development, which is responsibility for the care of unaccompanied children within South Africa. Committees have been established to ensure all Departments involved coordinate their efforts.</p> <p>There have been significant developments over the reporting period that has relevance in terms of human rights. Undocumented foreign migrants present a human rights challenge because they are vulnerable to exploitation and abuse. In 2010 a project was launched to document Zimbabwe nationals who are residing in South Africa without proper documentation. Over 275 000 came forward during the time-frame allowed. Those that qualify are provided with work, study or business permits to legalize their stay. The project involves close cooperation with the Government of Zimbabwe and Zimbabwean stakeholders.</p> <p>The process of adjudicating asylum seeker claims has been accelerated and the quality of judgement and review decisions improved. Recent amendments to the Refugees Act will enable further improvement to be made to the processing of asylum seekers. More efficient processing of asylum seekers allows more resources to be focused on improving services to refugees.</p> <p>The Department of Home Affairs is reviewing immigration policy and systems with a view to improving security and service delivery. In this regard, in the coming months there will be broad consultation within government and civil society. One of the priorities is to work more closely with relevant international bodies and progress is being made in this regard. In March 2010 a major, national Population Registration Campaign was launched by the President aimed at ensuring that</p>

<p>Recommendation 11</p>	<p>every South African is registered for birth and has an Identity Document (ID) if they are 16 years or older. The importance of registering all children within 30 days of birth to safeguard their identity was stressed. Identity documents provided by Home Affairs enable citizens to access their rights and social and economic services, including social grants and the right to vote, and the right to travel freely within South Africa and abroad. Through communications and outreach campaigns and the active participation of communities through Stakeholder Forums, almost a million South Africans who had not received relevant documents before acquired them. A special effort was made to reach the marginalized and those in rural areas. In 2011 the Amended Citizenship and Births, Marriages and Deaths Act was assented to by the President. This improved the secure and efficient provision of enabling identity documents, such as the registration of vulnerable individuals which</p> <p>With respect to adopting and implementing comprehensive immigration policy, the Department of Home Affairs is in the process of developing policy that is aimed at the secure, humane, efficient and holistic management of immigration . The areas receiving focused attention include establishing a new immigration paradigm and a shift of public consciousness in this regard. Specific areas include economic migration, the management of asylum seekers and assistance to refugees, citizenship and the integration of migrants. One of the principles that inform the development of the policy is the involvement of the state and civil society in the management of immigration.</p> <p>The basic principle of managing migration with dignity and for development resonates very strongly with South Africans and it is for this reason that the department of Home Affairs is developing a comprehensive Immigration Policy by reviewing its existing legislation, systems and processes. Research has been undertaken to identify best international practices and adapt them to the South African situation. A draft policy document has been developed and in June 2012 the department will undertake a programme of consultation and advocacy that will engage with key State and Civil Society actors. This process is expected to culminate in an amendment of the Immigration and Refugee Acts by the end of March 2013. The policy will be in line with the South African Constitution which is founded on the principle of self determination and the respect for human rights, based on the principle of non-discrimination. The policy will also take into consideration all the recommendations made by various United Nations human rights Treaty Monitoring Bodies and International Humanitarian Law Agencies. .We remain committed to the ratification, at the earliest opportunity and following thorough national consultations, of all the relevant, outstanding international human rights and humanitarian law instruments</p> <p>In terms of concerns raised about the application of the principle of non-refoulement, our current Refugee Act (1999) incorporates this principle and it is complied with by the South African government.</p> <p>SA Law Reform Commission’s proposals on the Criminal Law Amendment Act</p> <p>In order to co-ordinate government’s response to survivors of sexual assault an Inter-Departmental Management Team</p>
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<p>Recommendation 12 and 13</p>	<p>(IDMT) for management of victims of Sexual Assault was established. All relevant government departments are represented in this team. In addition, a Victims Empowerment Management Team which deals with all victims of crime has been established (Department of Social Development;South African Police Service;Department of Health;Department of Correctional Service;Department of Basic Education;National Prosecuting Authority; and the Department of Justice and Constitutional Development).249 public health facilities provide comprehensive support to survivors of sexual assault which include the following services: medical examination; counselling; testing for Pregnancy, HIV and other sexually transmitted diseases; provision of drugs for post exposure prophylaxis; as well as collection of specimen which can service as forensic evidence in courts of law. Between September 2010 and September 2011, 249 health professionals have been trained in the management of sexual assault. The training covers all areas listed above.</p> <p>SAPS has also developed National Instructions on the Domestic Violence Act and the Criminal Law (Sexual Offences and Related Matters) Amendment Act in order to provide clear policy directives for the police in support of members to improve service delivery to victims.</p> <p>The 2007-2011 South African National Strategic Plans for HIV and AIDS, STI; and TB, make provision for prevention, treatment and care for all service users throughout the country. During 2011 a collaborative effort was undertaken by the South African National AIDs Council, in which government, business, labour and civil society are represented, to review the implementation of these strategic plans and to develop the next five year plan (for the period 2012-2016). By March 2012, a cumulative total of 1.9 million persons had been initiated on treatment.</p> <p>South Africa achieved a major reduction in the prices of antiretroviral (ARV) drugs in 2011by 53% through benchmarking and increasing competition in the ARV procurement process. This saving enables the public health sector to provide treatment to many more eligible patients. There has been increased spending on health programmes in rural areas. Over a 7 year period there has been a progressive decrease in disparity in per capita public health expenditure between rural and urban districts . Expenditure in urban districts was 9.3 times higher than rural districts in 2005 and 3.3 times higher in 2011. Whilst not completely eliminated this change represents a considerable improvement towards more equitable allocation of public health resources.</p> <p>New hospitals were commissioned in four rural districts during the reporting period. These were Dilokong, Nkhensani, Vryburg and Moses Kotane Hospitals. A total of 29 other hospitals in rural and urban areas are currently under construction, while 17 others are in the planning and design stage. These facilities provide a comprehensive package of health services that includes HIV care.</p> <p>Significant progress has been made towards strengthening the Primary Health Care (PHC) system for South Africa with a focus on three initiatives namely placing a group of clinical specialists in each health district to strengthen maternal and child health, strengthening school health services and deployment of a PHC team in each municipal ward. To this end, government has reoriented 5,000 Community Health Workers (CHWs) who are part of the PHC teams in they key priority health programmes of HIV and TB and maternal and child health. They will provide health promotion, disease prevention, and ensure appropriate referral to higher levels of care or to other social services. Rural areas and informal settlements have been prioritised for the deployment of the PHC teams , the poorest districts have been prioritised with respect to</p>
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strengthening school health teams and the worst performing districts with respect to maternal and child health outcomes have been prioritised with respect to deployment of the clinical specialist teams. It should be noted that the major contributor to poor maternal and child health is HIV.

To ensure sufficient availability of adequately trained, appropriately skilled, suitably placed, highly motivated and properly remunerated health care providers, the Department of Health launched the Human Resource for Health Strategy in October 2011. One of the strategic objectives is to ensure that rural areas have equitable access to health care providers – which in turn means providing patients living in rural and remote areas with good quality HIV and AIDS treatment. In addition, to increase the number of health professionals in rural areas, the Department sends about 80 students annually to Cuba to train as medical practitioners. As well, the Department has recruited health professionals from Cuba, Tunisia and Iran to provide needed health services in rural and other disadvantage areas. Furthermore, the community service programme for newly-graduated health professionals has significantly improved the availability of human resources in the public sector, especially in the rural and other under-served areas.

There has been close collaboration between public sector programmes with NGOs, CBOs, faith based groups and other grass root organizations that work with local communities. Government provides significant funding to some of these groups to provide home based care and other relevant services for people living with HIV and AIDS.

Ongoing monitoring of rural districts uses data from the District Health Information System and which is available electronically and on-line. The 'district health barometer' provides on-going information on programme indicators showing the progress made by rural (and urban) districts in meeting health goals and targets.

To further strengthen the health system in indirectly to improve access to quality HIV services, in 2011, the Ministry of Health commissioned a comprehensive audit of all public facilities across the country, to assess the package of services offered, their infrastructure, human resources, equipment and the quality of services they provide. To date more than 90% of public health facilities have been audited. As the audit is completed, each facility, supported by the province has been developing and implementing facility improvement plans. This programme will assist in improving the quality of care in public health institutions as one of the core priorities for enhancing the performance and effectiveness of the health system, especially in rural and other disadvantage communities. The Department has set up National Quality Improvement Teams that will include National, Provincial and District level officials and will focus on improving service delivery in the identified facilities.

Prevention – A national HIV Counselling and Testing (HCT) campaign was launched by the President of South Africa in April 2010, It aimed to (1) increase numbers of people who know their HIV status; (2) to assist those who are negative to maintain their negative status, (3) to ensure that those who are positive receive treatment and care; and (4) to decrease the stigma to HIV in general and towards people living with HIV and AIDS specifically.

Between April 2010 and end of June 2011, a total of 15 million people volunteered for HIV counselling, and 13.7 million of

<p>Recommendation 14</p>	<p>these had agreed to be tested. Two million people tested HIV positive, which translated to a positivity rate of 16%. In order to make HCT services available in rural and remote areas a farm HCT programme as well as a village HCT campaign are planned for 2012, with the latter launched during 2011 and the former to be launched on 4 July 2012. As well HCT campaigns were held in two areas in which power stations were being built, both areas are rural and remote in nature.</p> <p>Treatment and Care - Progress has been made towards increasing access to ART for adult South Africans living with HIV and AIDS. By the end of March 2011, the country's ART programme had reached a cumulative total of 1.9 million people since its inception. This marked an increase from the 1.4 million people who were on treatment by the end of March 2010..</p> <p>During 2010/11, more that 90% of pregnant women agreed and were tested for HIV. From the prevention of mother-to-child transmission (PTMCT) program, there were also major improvements with the implementation of the programme. In 2010 the Medical Research Council found that the HIV transmission rate from mothers to their infants was 3.5%, down from 8% in 2008. Plans to reach total elimination of mother to child transmission of HIV have been developed in each health district.</p> <p>Comprehensive Health Services are provided to all correctional institutions including to non South African nationals in these institutions. For example, South Africa is participating in the SADC process of established Minimum Standard for HIV and AIDS, TB, Hepatitis B and C and STI prevention, treatment, care and support in prisons in the SADC region. The standards emphasise the need to recognize the prisoner's fundamental civil, political, social, economic and cultural rights irrespective of their detainee or prisoner situation.</p> <p>Health Systems Strengthening - With respect to health systems strengthening, the Department of Health is implementing a number of initiatives in line with its 10 Point Plan together with increased resources for HIV . This increase has resulted in the increase of numbers of new patients being placed on Antiretroviral Treatment (ART). Community, and civil society involvement in the various structures in urban, peri-urban, and rural areas have been an important component to ensure representatively, gender sensitivity and non discrimination in health programmes. Notwithstanding these achievements, the health sector continues to be faced with a significant HIV and AIDS and TB epidemic.</p> <p>To reduce HIV infections among the youth, specific interventions have been integrated in broader programmes in the context of the National HIV/AIDS Strategic Plan. Specifically, a Youth and Adolescent Friendly Health Services (YFS) programme is being implemented in all primary health facilities. This programme ensures that youth friendly services are provided.</p> <p>Significant financial support is provided to NGOs and numerous youth friendly initiatives to enhance youth friendly HIV prevention messages through media such as radio, television. These programmes have successfully reached large sectors of the youth.</p>
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<p>Recommendation 15</p>	<p>The Department of Health and the Department of Basic Education, with the Department of Social Development have developed an Integrated School Health Policy and Implementation Plan. This programme will proactively use disease prevention strategies at school through screening for common problems. As noted previously, this programme will commence in schools in the poorest health districts.</p> <p><i>The introduction of no-fee schools:</i> The no-fee school policy is an initiative aimed at improving education access for poor learners. It stipulates that schools that have a no-fee status are not permitted to charge fees to parents. In 2010, about 70% of learners (over 8 million learners) in 81% of public schools (close to 20 000) benefitted from the no-fee policy. The Department is aware of some instances where school principals of no-fee schools, do charge school fees to parents, and acts upon these incidents appropriately. In addition, Government has taken the initiative to strengthen the quality of learning and teaching through the provision of workbooks to all learners in the primary and junior secondary phases as well as the issue of free textbooks and stationery to majority of learners.</p> <p><i>The National School Nutrition Programme:</i> This programme is aimed at improving access to quality education, especially for learners from economically disadvantaged backgrounds. In 2011, it provided at least one meal a day to more than 8 million learners in over 20 000 public schools in the country) 7 million primary school learners benefitted from this programme in 2009/10, while close to 1 million secondary school learners did so. Since this programme occurs via a conditional grant mechanism, close monitoring of its implementation is monitored.</p> <p><i>Learner Transport:</i> In acknowledging that many learners have to walk long distances to reach schools, especially in rural areas, the government introduced a learner transport scheme which is designed to ensure that all learners have access to schooling. In 2007, over 200 000 learners benefitted from government's scholar transport scheme. The Department acknowledges that many challenges remain in ensuring safe and adequate transport to learners. These include late payments to transport service providers by provincial education departments and overloading of vehicles. It is hoped that moves to ensure closer working relationships between provincial departments of transport and education will improve the status quo. Some of the provincial departments have also explored hostel facilities for learners to reduce the demand for learner transport.</p> <p><i>Access for learners with special needs:</i> According to data released by the General Household Survey, in 2010, approximately 94% of 7 to 15 year old of children with disabilities attended an educational institution. This figure increased significantly from 73% in 2002 to 94% in 2010, reflecting the positive effects of the Department's policy on inclusion. However, learners with a disability still have a disadvantage in relation to learners who do not have a disability with respect to physical access to schooling. The existing school infrastructure remains a challenge for children with physical disabilities to access school. This problem is currently being addressed through the Department's infrastructure programme. Another challenge is that while children with disability in the 7 to 15 year old age group had relatively high levels of physical access to educational institutions, the same cannot be said of children with disabilities in the 16 to 18 year old age group. In 2010, 68% of 16 to 18 year old children with disabilities attended an educational institution, compared to the overall figure of 83% for all children this age group. The disparity suggests that disability remains a barrier to education access for children aged 16 to 18 years.</p>
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The Department is resourcing its 400 special schools to improve their functionality, converting special schools into resource centres so that they extend access to specialist services to other schools within their districts for disabled learners; converting ordinary schools to full service schools to mainstream disability and therefore improving access to education for learners with disabilities; procuring assistive devices for disabled learners to enhance their participation in the learning process; adapting learning and teaching material for instance to Braille for Blind learners; training teachers of special schools in specialised skills such as skills in visual and hearing impairment to ensure that teachers have the required skills; and providing annual budget allocation directly to special schools to provide for the teaching and learning of children with disabilities. Despite many of these interventions, it needs to be acknowledged that the quality of education received by many learners in special schools leaves much to be desired. Focused efforts to improve the quality of learning experiences of children in special schools are continuing.

The Care and Support for Teaching and Learning Programme: The Department is currently implementing the Care and Support for Teaching and Learning (CSTL) Programme, an initiative whose goal is for all schools to become inclusive centres of learning, care and support where every learner, especially the most vulnerable, are able to realise their right to basic education. Through the programme, it is intended that schools will be able to identify vulnerable learners early, and facilitate their access to a range of services in and through schools. The CSTL programme defines nine priority areas, namely Nutritional Support; Health Promotion; Infrastructure, Water and Sanitation; Social Welfare Services; Psychosocial Support; Safety and Protection; Curriculum Support; Co-curricular Support; and Material Support. At the same time, the Department is strengthening or setting-up- where they do not already exist-, multi-sectoral teams to guide and manage implementation at school, district, provincial and national levels. A resource pack (National Support Pack) has been developed and disseminated through training, to support implementation. This service is based on an inter-governmental approach. In conjunction with the Departments of Health and Social Development, the Integrated School Health Screening programme is to be expanded over the next five years to include health screening, basic treatment and health education in all public schools.

School Safety: Government has initiated several interventions to facilitate the creation of safe and caring schools across the country, including the adoption of Regulations for Safety Measures at Public Schools which focus on the safety of learners within the schools' premises and on external school activities. These measures are intended to improve access to schools as well as ensure that learners have a positive learning experience. To combat the scourge of drug use at school, the regulations also provide school principals with powers of search and seizure, and specify how schools should co-operate with law enforcement and community agencies. 585 schools have been identified with high levels of crime and violence. An early warning system, "Be Aware–Take Care", has been developed and piloted in three provinces (Eastern Cape, Limpopo and the Western Cape) in partnership with the Centre for Justice and Crime Prevention. Further, partnerships have been strengthened with the Departments of Safety and Security and of Social Development; Business against Crime; and the Centre for Justice and Crime

School Infrastructure: The Department of Basic Education has embarked upon a number of initiatives to address massive backlogs in school infrastructure that have been inherited from the apartheid era. These programmes are being undertaken together with development partners such as the Development Bank of South Africa (to construct 50 schools to replace mud structures), Mvula Trust and the Independent Development Trust (to address issues of access to drinking water and adequate sanitation) and Eskom for the electrification of schools. The Accelerated Schools Infrastructure Delivery Initiative (ASIDI) forms part of a broader South African infrastructure programme, aimed at achieving a level of optimum functionality in targeted schools over the next five years. ASIDI aims to fast-track the provision of basic infrastructure to schools that are currently unable to operate properly due to inadequate infrastructure, according to clear guidelines on approved norms and standards for infrastructure delivery. Many of these schools are in rural and historically disadvantaged areas. The emphasis is on the improvement of existing schools infrastructure, rather than the building of new schools. One of the expected benefits is improved infrastructure planning, with a pronounced focus on life cycle planning and maintenance. The focus of ASIDI in the medium term is as follows: schools without water, sanitation, electricity and/or fencing; schools that constitute a danger to learners and educators from a construction perspective; and overcrowded schools. ASIDI will also develop and roll out an innovative strategy to incorporate E-Learning, laboratories and libraries to enhance the learning and teaching environment. It will ensure that future planning and backlogs arising from new space requirements, which present new challenges, are timeously addressed. The initiative will involve the development of a strategic asset management plan, as well as maintenance plans that are designed, budgeted for and implemented for each school.

E-Learning: The Department of Basic Education has developed a strategy on E-Education which is designed to promote access to computers and other forms of IT linked materials to schools. Initiatives to improve access to broadband in schools have been undertaken in partnership with the private sector. However, the challenges of ensuring that every learner has access to a computer and the internet are great, and it will take a number of years to overcome them.

Partnerships: The Department recognises the need to work closely with a wide range of partners in ensuring that children have access to quality education. Relationships with teacher unions, school governing bodies and the business sector are seen as being paramount in ensuring that the environment for schooling is learner centred. The launch of a multi-stakeholder, Quality Learning and Teaching Campaign (QLTC) in 2008 has grown in momentum nationally. As a result, the Department recently signed the *NEDLAC Basic Education Accord* with organised labour, business and civil society organisations. There is evidence already that this Accord is assisting in ensuring that all partners work closely with government in order to bring about an improvement in the quality of schooling.

<p>Recommendation 16</p>	<p>Results: The effect of the above interventions has resulted in much improved access to education. As of 2010, 99% of 7 to 15 year old children attend an education institution and over 83% of 16 to 18 year olds do so. Gender parity for both age groupings has been achieved.</p> <p>The Department of Higher Education and Training (DHET) established the DHET FET Colleges Bursary Scheme to ensure that college fees do not constitute a barrier to access to state-funded National Certificate (Vocational) NC(V) programmes and Report 191 programmes. The DHET FET Colleges Bursary Scheme is, in particular, aimed at academically achieving students from poor backgrounds. Over and above college fees and accommodation subsidy, the DHET FET Colleges Bursary Scheme covers travel subsidy which is intended to promote and facilitate college attendance, particularly among children from economically disadvantaged families. The DHET tripled the allocation of bursary support from R318 million in 2010 to R1.235 billion in 2011</p> <p>The administration of this bursary scheme is by NSFAS. This includes a means test designed to gauge the financial needs of public FET College students, as well as the necessary tools required to implement the means test. The bursary systems is aimed at ensuring that an inability to pay college fees does not constitute a barrier to academically capable student's access to a formula funded programme at a public FET College.</p> <p>The funding norms are under review to, among others; consider geographic location of colleges and poverty as rural colleges at times face challenges in sourcing funds from nearby industries (Private Sector).</p> <p>The FET Colleges bursary scheme was introduced in 2007 and bursaries were extended to all nationally approved programmes (Report 191 (NATED) students in 2011. DHET/SAQA Career Guidance "KHETHA" Campaign seeks to provide more learning opportunities and encourage learners from mainstream school and out of school youth to seize such opportunities.</p> <p>Student Support Services provide leadership and guidance for the management and administration of the VET College Bursary Scheme. It also provides the youth with the study opportunities available.</p>
	<p>Culture of human rights among young people</p> <p>The South African Human Rights Commission, is mandated to spearhead programmes on human rights education. The Commission has a unit of human rights education and research.</p> <p>A symposium led jointly by the Department of Arts (DAC) with the Africa Institute of South Africa will also be spearheading an awareness and education programme within schools on the African Renaissance, a curriculum which encompasses learning and teaching about cultural diversity, identity, intercultural dialogue and the values of tolerance, peace and security.</p> <p>The Department also runs inter-generational dialogues aimed at facilitating the transfer of cultural and human rights</p>

<p>Recommendation 17</p>	<p>knowledge between older and younger generations, with a special focus on young boys. The National Curriculum Statement is values- and human rights-based. The Department of Basic Education has launched the Bill of Responsibilities which is set out in a language in which learners can understand their rights in terms of the South African Constitution, including the right to education, as well as the responsibilities that goes with that right. The Bill of Responsibilities has been disseminated to every public school in the country including special schools and rural schools. The contents of the Bill of Responsibilities are included in the new curriculum under the subject, Life Orientation. These are also included in the workbooks that the Department produces and distributes to schools and are part of the requirements for inclusion in text books. This initiative has also involved a public advocacy partnership with leading civil society structures, the media and social partners through the Lead South Africa Initiative.</p> <p>Within the higher education system, the funding policy is intended to advance a number of the goals of government relating to people’s education rights, skills development, curriculum transformation, job creation, poverty alleviation, economic growth, regional cooperation and the building of a free, democratic and equitable South Africa. The Department of Higher Education and Training (DHET) developed the Student Support Services (SSS) Framework. The Student Support Services Framework is aimed at guiding FET colleges in mainstreaming student development issues. The principal elements of Student Support Services are intended to provide all students with pre-entry, on-course and exit level support. The DHET monitors and supports the colleges’ implementation of the Student Support Services Framework. The Life Orientation Fundamental Subject is offered in all the 50 FET Colleges and contains citizenship education as one of the outcomes. South African universities offer courses in human rights law and international humanitarian law. Street Law Projects and the MOOT Court Competitions contribute to the dissemination of human rights education by the post-school sector. Universities have also adopted transformation charters and created Transformation Offices to ensure that the Constitutional values of non-racism, non-sexism, human dignity and social justice are embedded in all the policies and programmes of higher education institutions. Undergraduate Compulsory Courses that address diversity and human rights are being offered by universities with a positive impact on the democratization of knowledge and a new culture of human rights in universities. Post-graduate studies on human rights education, law and multidisciplinary MPhil qualifications with a human rights education bias are offered at South African universities.</p> <p>Efforts regarding the elimination of poverty and social inequality</p> <p>Faced with these realities and the challenges of very high inequality and deep levels of poverty, South Africa is working on ways to improve growing the economy and creating many more decent work opportunities and better social security programmes in line with the development of the New Growth Path Framework, which address a major shift in positive direction, in terms of the current policy of government. In understanding the multidimensional nature of the triple challenges of unemployment, inequality and poverty, government has adopted a multi-faceted response that simultaneously deals with deprivation and exclusion. It should be noted that most of the achievements in reducing extreme levels of income poverty can be ascribed to government’s comprehensive social assistance programme, which includes extensive income support programmes, access to free education and primary health care for the poorest and the provision of free basic services to indigent members of society</p>
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The South African social security system is well known for its successful roll out of the social assistance grants to millions of vulnerable people in the country. Social Assistance in the form of social grants is one of the country's most effective poverty alleviation programmes with more than 15 million beneficiaries. The Social Grants are targeted to specifically vulnerable groups such as children, older persons above the age of 60 and people with disabilities. The majority of beneficiaries (10 million) are children, who are recognized as the most vulnerable group affected by poverty, followed by older persons and people with disabilities. The social grants have been acknowledged both locally and internationally for the positive impact they have made towards the improvement of the livelihoods and quality of life of impoverished households and individuals. The impact of social grants in reducing poverty and inequality are well documented, including other improvements in school attendance, hunger reduction, improvements in health and nutrition and their impacts on wellbeing and productivity.

The government's strategy recognizes the need to intervene from various fronts in the drive to eliminate poverty and break the cycle of inter- generational poverty. This has led to various programmes to promote employment through various programmes such as the Expanded Public Works Programme, extensive skills development programme and job activation policies under the leadership of the Department of Public Works and Labour respectively. Government is currently developing proposals to reform the social security system, with a view to introducing a contributory scheme for old age, disability and survivor benefits. This will deepen the reach of the social security system to provide enhanced coverage for those who are income earners.

Since 2008, the following measures were put in place to increase social grant coverage:

- The qualifying age for Older Person's Grant was equalised at 60 years for men and women.
- Progressive extension of Child Support Grant (CSG) to children up to their 18th birthday.
- In order to give effect to section 7(2) of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) the Social Assistance Act, 2004 was amended in 16 September 2010 to provide for reconsideration. Both applicants and beneficiaries who disagree with a decision and / or the reasons given by the SASSA for rejecting a grant application may now apply for reconsideration of its (SASSA) decision. Furthermore the
- applicant (or beneficiary) is also able to lodge an appeal to an Independent Tribunal specifically established to deal with social grant appeals. This provides an easier and less expensive remedy for applicants and beneficiaries before resorting to the courts for a remedy.
- In March 2011, Government Notice No. R232 was published in the Government Gazette providing for recipients of Social Relief of Distress (SRD) not to repay the amount received in any form of social assistance in the event of a disaster. The floods at the end of 2010 left numerous households without food, clothes and possessions. Many of these areas were declared disaster areas. SRD was issued to eligible individuals and households. However, regulation 10(3) required that SRD paid to social grant beneficiaries must be recovered as a person cannot receive both SRD and a social grant. To avert undue hardship beneficiaries are now exempted from repayment of SRD in the event of a disaster.
- In an effort to prevent social assistance beneficiaries and more people drowning into poverty, grant values and means test thresholds increase annually in line with the inflation rate

Through the War on Poverty Campaign, all Departments have developed social and economic databases of poor

<p>Recommendation 18</p>	<p>households and their members that live in the most deprived municipal wards of the country. The information of household needs that is obtained from this database is then referred to government Departments so that the services can be delivered to those poor households. This Campaign also includes coverage of the indigenous communities, where a trust was established to drive the development agenda of the entire community. Farms bought through this mechanism have entered into a partnership with a private entity for enhancing management of the community and raising productivity. The contribution towards MDG1 is through the Comprehensive Rural Development Programme (CRDP). The CRDP seeks to address poverty and food insecurity through maximising the use and management of natural resources. It focuses on, but is not limited to, the establishment of rural business initiatives, agro-industries, co-operatives, cultural initiatives and vibrant local markets in rural settings, the empowerment of rural people and communities, with particular attention given to women and the youth. It also seeks to rectify past injustices and improve the standard of living and welfare through rights-based interventions that address skewed patterns of distribution and ownership of wealth and assets.</p> <p>International cooperation in the field of economic, social and cultural rights</p> <p>The South African government embraces a vision that prioritizes and envisions an African continent, which is prosperous, peaceful, democratic, non-racial, non-sexist and united, and which contributes to a world that is just and equitable. The country's international relations policy is firmly anchored on the goal of building a better South Africa, and contributing to a better and safer Africa in a better world.</p> <p>The work of the Department of International Relations and Cooperation remains anchored on the following overarching priorities, namely:</p> <ul style="list-style-type: none"> • Continued Prioritisation of the African Continent; • Strengthening political and Economic Integration of the SADC; • Strengthening South-South Relations; • Strengthening relations with Strategic Formations of the North; • Strengthening political and economic relations; and • Participate in the Global System of Governance. <p>The South African Government took deliberate decisions to become a leading advocate in the international discourse for the advancement of the agenda for development and the realization of the right to development and, by necessary implication of the attainment of the MDGs. South Africa will continue with its priority of contributing to the socio-economic development on the African continent. One of the key vehicles for the disbursement of development funding is the African Renaissance Fund. In line with recent policy developments, the Government is now in a process of establishing a development agency, which will inform and direct the country's development assistance framework. It is envisaged upon the establishment of the South African Development Agency (SADPA), the African Renaissance Fund would be dissolved. The conceptual framework for the establishment of the Agency has been finalised and work is underway to develop and design and operational/ organisational framework for the Agency. Internationally, the New Partnership for African</p>
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<p>Recommendation 19</p>	<p>Development (NEPAD) has been positioned to form the core of Africa's South-South and South-North relationships. South Africa remains at the forefront of the activities of organisations of the South such as the NAM, and G77 & China and will continue to promote a coherent and integrated implementation of the UN development agenda, including the MDGs. Partnerships with countries of the South are critical to advancing not only South Africa's own development needs, but also the African Agenda. South Africa as a member of IBSA further contributes to the IBSA Trust Fund, which since its inception in 2004, has financed IBSA projects in Burundi, Cape Verde, Guinea- Bissau, Haiti, Lao PDR, and Palestine. IBSA has made significant progress in terms of providing an influential international platform from where the development challenges of the South could be prioritised and the global marginalisation of developing countries countered. Of crucial importance to South Africa joining BRICS is that this Mechanism of emerging economies seeks to advance, amongst others, the restructuring of the global political, economic and financial architecture into one that is more equitable balanced and rests on the important pillar of multilateralism.</p> <p>In terms of food security, South Africa has engaged with other international counterpart in partnership with development and information sharing. The Department of Agriculture Forestry and Fisheries (DAFF) is the current chair of the African LandCare Network (ALN). ALN is the innovation of the LandCare International and the South African LandCare Secretariat. The ALN was established in South Africa in 2006, and has a major role in uniting the African States in developing programmes against natural resource degradation and poverty. The primary objective of the ALN is to facilitate scaling up of the LandCare globally with the goal of enabling communications to achieve sustainable livelihood and conservation wellbeing. A significant outcome from the second Biennial National LandCare conference in Cape Town in 2004 was the declaration for the need of the regional development of LandCare across the African Region. This would enable, develop and utilize synergies across countries, providing opportunities for indicating LandCare ideas in natural resource management linking this initiative to various regional development processes. South Africa is a member of the Food and Agriculture Organization (FAO) of the United Nations and works with the FAO in the implementation of a capacity building programme on Aid Management. This seeks to strengthen the capacity of South African officials to manage natural disasters and disease outbreaks as it affects the rural and farming communities.</p> <p>Racism, Racial discrimination, Xenophobia and other related intolerances</p> <p>Government has put several measures in place to mitigate the scourges of xenophobia which include among others, visible policing, community awareness programmes, promotion of tolerance and cultural diversity. It should be noted in this regard that the position of the South African Government has always been focused on embracing diversity and tolerance as the core values of its constitutional democracy. South Africa is leading international efforts for the effective implementation of the DDPA by all States at the national level. The State, working closely with its organs of state security and law enforcement agencies, has been able to stem the tide of xenophobia. Public awareness programmes are also been rolled-out nationwide to education all South Africans on the evils of xenophobia and on the imperative need to promote and embrace the constitutional values of diversity and tolerance.</p> <p>Government has embarked on various programmes in collaboration with communities, civil society organisations and other relevant social partners to address challenges impeding the achievement of social cohesion. These programmes</p>
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<p>Recommendation 20,21 and 22</p>	<p>take the form of, among others, grass-roots community dialogues, intercultural activities such as Africa Day, National Heritage Day, national campaigns and conferences on reclaiming positive values (Ubuntu), moral regeneration campaigns and inter-generational dialogues intended to address xenophobia. In this regard, national colloquiums were convened in 2009 as precursors to the National Summit on Social Cohesion. This Summit will draw inspiration from the lessons learnt in major conferences and sporting tournaments held in South Africa, including the 2010 FIFA Soccer World Cup, which played a catalytic role towards social cohesion and national building in our country.</p> <p>Through the Moral Regeneration Movement (MRM), the Charter of Positive Values which purports to uphold the positive values between people in SA.</p> <p>Non-discrimination under any grounds, including sexual orientation at national and international levels</p> <p>The right to equal protection and benefit of the law is constitutionally guaranteed in South Africa. Discrimination on the ground of sexual orientation is prohibited. Bearing in mind the recent spate of violence visited upon LGBTI persons, government has established a National Task Team comprising representatives from government and civil society with a view to develop administrative and legislative measures to ensure maximum protection, adequate remedies and combating impunity. Meanwhile, our Courts have set a precedent by delivering a seminal judgement, by convicting and sentencing perpetrators of this emerging violence and intolerance against LGBTI persons.</p> <p>As part of the Government’s international obligations under international human rights law, South Africa similarly advocates for the principle of non-discrimination under any grounds, including sexual orientation at every opportunity in the multilateral and regional fora where these matters are discussed. The Department through the South African Permanent Mission to the United Nations in Geneva, has since the adoption of the South African initiated, United Nations Human Rights Council Resolution 17/19, entitled ‘Human Rights, Sexual Orientation and Gender Identity’ been engaged with all stakeholders and providing strategic direction on this initiative. These consultations have been inclusive, transparent and aimed at depoliticizing the issue of sexual orientation in the context of the work of the Council, particularly taking into account the positions from other delegations that did not support the resolutions. Additionally, following the release of the report as well as the announcement of the names of the Panelists ahead of the March Session, there has been lobby action undertaken in Geneva as well as Pretoria, particularly with countries who share in the vision of the Government through this initiative. A High-Level Segment during the 19th Session of the Human Rights Council was held on 27 February 2012. The 19th Session of the HRC also convened a High-Level Panel on this issue.</p>
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