

**Submission by the United Nations Country Team for the Republic of South Africa**  
*For the UN Compilation Report*

**Universal Periodic Review: 3rd Cycle, 27th Session**

**REPUBLIC OF SOUTH AFRICA**

**I. INTRODUCTION**

1. South Africa has made significant progress in economic and social development since the advent of democracy in 1994. The 2015 Human Development Index (HDI) Report categorizes South Africa as an upper-medium human development country, which has shown consistent progress on the HDI since 1990.<sup>1</sup> However, development challenges including high-levels of inequality, unemployment and poverty persist.
2. United Nations cooperation in the country is anchored on the joint *Government of South Africa – United Nations Strategic Cooperation Framework* (UNSCF 2013-2017) which responds directly to the priorities the *National Development Plan 2020* and the Government's Medium Term Strategic Framework. The existing cooperation is aligned to global development agendas, such as the Millennium Development Goals (MDGs) and most recently the 2030 Sustainable Development Goals (SDGs).
3. Human rights are enshrined in the country's progressive constitution and form part of the national discourse. The country has strong institutional arrangements, technical knowledge and expertise. The UN has positioned its support to the country through its comparative advantage as a development partner which adds value as a knowledge repository of international norms and standards; upstream and down-stream policy advisory and technical knowledge and skills.
4. In 2016, the UNCT began the process of developing the next cooperation framework with the Government. The current programming cycle will be concluded in December 2017. The development of the next strategic cooperation framework (2018-2022) is undertaken in line with the interim-UNDAF guidelines, which outline an integrated approach to programming in support of the implementation of the 2030 Sustainable Development Agenda. The interim-UNDAF guidelines are based on four core programming principles; human rights approach, sustainable development and resilience, leave no one behind, and accountability.

**II. METHODOLOGY**

5. The report is the combined submission of UN agencies in South Africa. The UNCT established an ad-hoc technical working group made up of members of a number of

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<sup>1</sup> 2015 Human Development Report - Human Development Report Country Explanatory Note for South Africa

UN agencies.<sup>2</sup> The inputs of the group were verified through a readers' group made up of Programme Management Team (PMT) members. The UNCT has reviewed the contents of this report and supports its facilitation and submission under the leadership of the Resident Coordinator's Office and the guidance of the OHCHR.

### **III.THEMATIC AREAS: OBSERVATIONS & RECCOMENDATIONS**

#### **Acceptance of International Norms & Cooperation with International Mechanisms**

6. South Africa is a State party to seven of the nine core human rights treaties. The country is not a party to *CMW* and *CED*, and has not ratified *CRC-OP-IC* either. South Africa's ratification of *ICESCR* in 2015, well received in the country, was accompanied by a declaration stating: "*The Government of the Republic of South Africa will give progressive effect to the right to education, as provided for in Article 13(2)(a) and Article 14, within the framework of its National Education Policy and available resources*". However, despite the declaration, education would not appear to be subject to progressive realization in South Africa as compulsory up to the age of fifteen and made freely available for all children unable to pay school fees.
7. In 2015, South Africa submitted its second periodic report under *CRC* as well as its initial report to treaty bodies in relation to the Optional Protocol to *CRC-OP-SC* and to *CRPD*. In March and August 2016, the State was reviewed under *ICCPR* and *CERD* respectively. The Committee on the Rights of the Child examined the State party in September of the same year. South Africa has submitted an overdue report under *CAT*, however, the report was returned to the State party as it had exceeded the word limit. South Africa is also working towards the preparation of a periodic State report under *CEDAW* and an initial report for *ICESCR* (the draft report of which was gazetted in August 2015 and saw stakeholders encouraged to make contributions).
8. In 2013, South Africa ratified the ILO's *Convention Concerning Decent Work for Domestic Workers, 2011* (No. 189). Shortly after the Government's ratification, trade unions embarked on campaigns to raise awareness of the Convention among domestic workers. Trade union movements began lobbying Government to review national legislation to ensure proper alignment with the Convention.
9. South Africa, through the Department of International Cooperation and Relations, has expressed the need to establish a standing inter-ministerial committee to improve the Government's coordination in relation to human rights reporting and follow-up on recommendations.

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<sup>2</sup> OHCHR, UNICEF, UNHCR, UNDP, UNAIDS, UNODC, ILO, UNFPA and WHO.

10. Since the State party's last periodic review, the Special Rapporteur on Violence against Women, its causes and consequences, Ms. Dubravka Šimonović, visited South Africa from 4 to 11 December 2015 at the invitation of the Government.

#### 11. Recommendations

- Ratify the *CRW*, *CED*, the *Optional Protocol to the CRC*, and withdraw South Africa's declaration under *ICESCR*;
- Establish a fully functioning National Mechanism for Reporting and Follow-up to allow for greater coordination and burden-sharing during the reporting process.

### Non-Discrimination and Equality<sup>ii</sup>

#### Issue 1: Addressing and Preventing Xenophobia and Racial Intolerance<sup>iii</sup>

12. Following the Xenophobic attacks of 2015, the Government endeavored to engage with affected communities to promote peace and tolerance. The formulation of a *Draft National Action Plan to Combat Racism and Xenophobia (NAP)*<sup>3</sup> is commendable and will give effect to South Africa's international human rights obligations relating to the elimination of racism, racial discrimination, xenophobia and related intolerance. The draft *NAP* is a positive step and follow-up to recommendations emanating from the *Durban Declaration and Programme of Action* in 2001. The draft *NAP* has since been widely circulated for extensive consultation.

13. In addition to the *NAP*, the Government should take additional legislative and administrative measures to protect all communities in South Africa against racist or xenophobic attacks, while improving responses to violence against non-nationals. It is noted that considerable steps have been made by the Department of Justice and Constitutional Development to draft a *Prevention and Combating of Hate Crimes Bill (Hate Crimes Bill)*. However, such legislation should undergo broad and inclusive consultations and incorporate comprehensive guidelines for prosecutors and investigators.

#### 14. Recommendations

- Effective investigations into alleged racist and xenophobic attacks and other hate crimes should be conducted systematically, perpetrators should be prosecuted and, if convicted, punished with appropriate sanctions, and victims should be provided with adequate remedies;
- Ensure that the draft *Hate Crimes Bill* is subject to broad and inclusive consultation, contemplates the development of guidelines for investigators, prosecutors and judges, and includes restitution.

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<sup>3</sup> South Africa: *National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (2016 – 2021)*, available at: <http://www.justice.gov.za/docs/other-docs/NAP/NAP-A4-PublicConsultationBook.pdf>.

## **Issue 2: Discrimination against Women/Violence against Women<sup>iv&v</sup>**

15. The UNCT notes that a *Women's Empowerment and Gender Equality Bill* has yet to be enacted following the decision by Government to review the implementation of existing legislation. In May 2012, the Government of South Africa established an Inter-Ministerial Committee on Violence against Women and Children seeking to investigate its' root causes and develop a comprehensive, multi-sectorial strategy;<sup>4</sup> the Committee has since formulated a *National Programme of Action to Prevent and Respond to Violence against Women and Children (2013-2017)*.<sup>5</sup> A diagnostic review of the Government's response through the Plan of Action was conducted and an improvement plan is now being developed under the leadership of the Department of Planning, Monitoring and Evaluation.
16. In December 2012, the National Council Against Gender-Based Violence (GBV) was established with responsibility to advise Government on policy and intervention programmes. However, the restructuring of the Government departments in 2014 resulted in the suspension of the Council; the development of a multi-sectoral national strategic plan was also put on hold.
17. There are no centralized statistics at national level on the number of incidents of GBV beyond the data on sexual offences released by the South African Police Service annually. However, according to a study carried out by the Medical Research Centre, only one in nine rape cases are reported to the police. Statistics South Africa is in the process of conducting the 2016 *National Demographic and Health Survey* which will include a chapter on domestic violence and should provide a clearer picture of the national prevalence of this issue.
18. The high prevalence of sexual and GBV in South Africa<sup>6</sup> disproportionality affects refugee women, girls, and unaccompanied and separated children. Despite the progressive legal framework on GBV and violence committed against women and children, challenges remain for these marginalised and vulnerable groups.
19. The country's institutions of higher learning have recently come into focus following reports of a growing rape culture which has not been systematically tackled. A technical task team has been appointed to advise on the development of programmes and a uniform policy for tertiary institutions.

## **20. Recommendations**

- Revive efforts to develop a comprehensive multi-sectoral national strategic plan on GBV. Revive efforts to have the *Women's Empowerment and*

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<sup>4</sup> Access Cabinet Statement [here](#).

<sup>5</sup> Access the Plan of Action and key decisions [here](#).

<sup>6</sup> Research suggests that the proportion of adult men whom have committed acts of sexual violence is between 28 to 37 per cent, with 7 to 9 per cent having engaged in multiple perpetrator rape. Such extreme levels of sexual violence are coupled with systematic underreporting of sexual crimes to the Police and low rates of arrest (from 38 to 54 per cent) and even lower rates of conviction (4 to 6 per cent). See R. Jewkes, et al., *What We Know and What We Don't: Single and Multiple Perpetrator Rape in South Africa*, 41 *South African Crime Quarterly* (2012), pg. 11, available at: <https://www.issafrica.org/uploads/CQ41Jewkes.pdf>; and Rape Crisis (2015), available at: [www.rapecrisis.org.za](http://www.rapecrisis.org.za).

*Gender Equality Bill* assessed, debated and promulgated to provide greater legislative safeguards for gender equality;

- Expand and improve the national information systems to collect data on all forms of GBV. Data should be disaggregated by sex, age, location, sexual orientation, disability and other relevant socio-economic characteristics.

### **Issue 3: Discrimination against Disabled Persons<sup>vi</sup>**

21. The *National Development Plan 2030* states that disability considerations must be integrated into all facets of planning and service delivery. The plan states that Government must ensure that all children with disabilities have access to quality early childhood development services, basic education, and social protection amongst others services.<sup>7</sup> In 2014, primary and secondary school students with disabilities represented 4.8% of the total population of children attending school, as opposed to 1.2% in 2002. In 2014, 93.4% of disabled children from the compulsory school-going age (seven to fifteen years old) were enrolled in schools. However, participation rates drop significantly in secondary schools as just 54% of 16-18 year olds with disabilities were found to be enrolled in schools in 2014.<sup>8</sup>
22. The Department of Education has taken steps to promote inclusive education, including a *Positive Behavioral Interventions and Supports* (PBIS) programme and the gradual introduction of braille and sign language in schools. The Department has also developed a policy on early identification of barriers to learning (SIAS: Screening, Identification, Assessment and Support), which offers a framework to standardize procedures to assess and support students across both ordinary and special schools.<sup>9</sup> Recently, a *White Paper on the Rights of Persons with Disabilities (2015)*<sup>10</sup> was published, as well as a *National Integrated Early Childhood Development Policy (2015)* which integrates and prioritizes children with disabilities to receive early childhood development services.<sup>11</sup>

### **23. Recommendations**

- Identify and promote nationwide programmes and policies which promote inclusive education for all children, with a specific focus on those older children with disabilities who are not enrolled in schools.

### **Issue 4: Issues pertaining to Sexual Orientation and Gender Identity (SOGI)<sup>vii</sup>**

24. The aforementioned *Hate Crimes Bill* was due for tabling in Parliament in September 2016. The Bill is intended to target direct and indirect acts of hate crime and contains

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<sup>7</sup> National Planning Commission, The Presidency. 2012. *National Development Plan 2030: Our Future-make it work*. Pretoria: Government Printers

<sup>8</sup> Department of Basic Education. 2015. *General Household Survey (GHS): Focus on Schooling 2014, Pre-final Draft Preliminary Findings*. Pretoria: Department of Basic Education. (forthcoming)

<sup>9</sup> Department of Basic Education. 2014. *Policy on Screening, Identification, Assessment and Support*. Pretoria: Department of Basic Education. Access [here](#).

<sup>10</sup> Department of Social Development. 2015. *White Paper on the Rights of Persons with Disabilities* published as Government Notice No. 230 in Government Gazette No. 39792 of 9 March 2016.

<sup>11</sup> Republic of South Africa. 2015. *National Integrated Early Childhood Development Policy*. Pretoria: Government Printers.

a comprehensive list of the grounds for discrimination including sexual orientation and gender identity.<sup>12</sup> The Department has also undertaken a public campaign and national intervention strategy to address LGBTI hate crimes, violence, and discrimination.<sup>13</sup>

25. LGBTI children face serious challenges in relation to homophobia in secondary schools and there is a lack of school policies or guidelines that speak to tolerance and acceptance of sexual diversity.<sup>14</sup> However, it should be noted that the Department of Basic Education's *National School Safety Framework 2015* - while directed at bullying, violence and safety more generally – does address issues relating to sexual orientation and gender identity.<sup>15</sup> In other policy endeavours, the 2008 *Guidelines for the Prevention and Management of Sexual Violence and Harassment in Schools* established that sexual harassment includes discrimination or offensive behaviour on the basis sexual orientation.<sup>16</sup> While the Department of Basic Education's *Opening Eyes: Addressing Gender-based Violence in South African Schools 2015* is currently being implemented and addresses LGBTI issues in schools more comprehensively.<sup>17</sup>
26. South Africa has ratified the ILO's *Convention concerning Discrimination in Respect of Employment and Occupation, 1958* (No. 111) and the Government has undertaken a number of initiatives promoting the rights of LGBT persons in the workplace.

#### 27. Recommendations

- Ensure that the *Hate Crimes Bill* does not lapse and is promulgated in due course with a sufficiently wide scope so as to cover hate crimes in relation to sexual orientation or gender identity also;
- Promote school policies and guidelines nation-wide that explicit promote sexual diversity and tolerance for different gender identities.

#### **Issue 5: Discrimination against Asylum Seekers**<sup>viii</sup>

28. South Africa is a party to the *1951 Convention relating to the Status of Refugees* and its protocol, as well as the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*. 2015 saw the country host 1,217,708 persons of concern to UNHCR, including 1,096,063 asylum-seekers and 121,645 refugees. It is anticipated that the number of new asylum applications in South Africa will remain

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<sup>12</sup> Africa Law: Advancing the rule and role of law in Africa: <https://africlaw.com/2016/08/05/the-upcoming-hate-crimes-bill-a-welcome-development-in-the-fight-against-xenophobia-and-hate-crimes-in-south-africa>

<sup>13</sup> Department of Justice and Constitutional Development. 2014. *National Intervention Strategy for Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Sector*. Pretoria: DJ&CD. Access here.

<sup>14</sup> Bhana, D. 2014. *Under Pressure: The Regulation of Sexualities in South Africa Secondary Schools*. Braamfontein: MaThoko's Books. Also see media reports in the Daily Maverick (*South Africa: Homosexuality in South African Schools - Still Largely a Silent Taboo* 17 February 2015) [here](#) and Times Live (*Schools not safe for gays*, 30 April 2015) [here](#).

<sup>15</sup> Department of Basic Education. 2015. *National School Safety Framework: Part A: The Framework Conceptual Reader*. Pretoria: DBE.

<sup>16</sup> Department of Basic Education. 2008. *Guidelines for the Prevention and Management of Sexual Violence and Harassment in Schools*. Pretoria: DBE. p.6. Access [here](#).

<sup>17</sup> Department of Basic Education. 2015. *Opening Eyes: Addressing Gender based Violence in South African Schools: A manual for educators*. 2<sup>nd</sup> Ed. Pretoria: DBE.

the same for the period 2016-2017. The high numbers of asylum applications as well as misuse of the asylum system by individuals seeking better opportunities in South Africa – who may not necessarily be in need of international protection – continue to affect the fairness and efficiency of the asylum system.

29. New Immigration Regulations came into effect in 2014 and introduced measures that will have a significant impact on access to asylum procedures, but they may also bar certain individuals from entering South Africa based on the “first country of asylum concept” which, if implemented without proper safeguards, can result in *refoulement*. Similarly, the *Refugees Amendment Bill, Notice No. 806* of 2015 also applies restrictions on certain rights for asylum-seekers, including the limitations on the right to work for four months pending adjudication of their claim.
30. Although South Africa is not yet a State party to the *1954 Convention relating to the Status of Stateless Persons*, nor the *1961 Convention on the Reduction of Statelessness*, numerous national legal instruments protect the right to nationality. Accession to these Conventions, however, would establish a stronger framework to avoid the detrimental effects of statelessness by ensuring minimum standards of treatment of potentially stateless persons. In December 2011, South Africa made a pledge at UN ministerial-level conference in Geneva to sign and ratify both Conventions but has yet to do so.
31. All foreign children whether documented or not, who are reported to be in need of care and protection must be treated or assisted like South African children. The Department of Social Development’s Guidelines on Separated and *Unaccompanied Minors Outside of their Country of Origin* states that a durable solution should be found within six months upon identification of the child as unaccompanied.
32. **Recommendations**
  - Ensure that any legislative modifications of the national asylum framework comply with South Africa’s international obligations in relation to asylum-seekers and refugees;
  - Amend the *Immigration Regulations* to exclude the “first country of asylum concept” as it is inconsistent with international and national refugee law.

## **Civil & Political Rights**

### **Issue 1: Access to Information<sup>ix</sup>**

33. While access to information legislation exists in South Africa, there continues to be resistance in some State agencies and institutions to disclose certain information. The *Protection of State Information Bill*, which was the focus of a number of recommendations during South Africa’s second periodic review in 2012, has not yet

passed into law and reflects the engagement of the civil society and media to resist this legislation.

#### 34. Recommendations

- Continue amending and improving the *Protection of State Information Bill* as this law, in its current form, has the potential to undermine the right to access to information and freedom of expression under the pretext of national security;

#### **Issue 2: Strengthening of Security and Justice Mechanisms through Human Rights Training & Education**

35. South Africa's police and prosecutors have benefitted from dedicated training activities on GBV in 2010 and 2013. The South African Police Service also has an existing training curriculum on Human Rights and Policing which is implemented in all of its academies. A Human Rights Policing programme is also implemented throughout South Africa's nine provinces as part of in-service training.
36. South Africa is one of the first countries to undertake a self-assessment of compliance with the Corruption Prevention Chapter of the *UN Convention Against Corruption* and the Government is currently developing a National Anti-Corruption Strategy through a series of consultative workshops.

#### 37. Recommendations

- Consider providing for another comprehensive training on GBV for police and prosecutors given that the last training of this kind was undertaken in 2013.

#### **Issue 3: Conditions of Detention**<sup>xi</sup>

38. With regard to access to health services in detention facilities, the Department of Correctional Services provides condoms, lubricant, HIV testing, and 97% of prisoners living with HIV are able to access treatment. However, according to the Department itself, South Africa's detention centres are 32% over capacity and this significant overcrowding make prisons a dangerous grounds for the spread of TB.
39. There are concerns in relation to the official registration of children raised by mothers in detention. 2014-2015 saw 81 babies accommodated in the Department of Correctional Services correctional centres with their mothers. There are twenty two female correctional centres of which sixteen have now been designed with the mother and baby units. However, the Judicial Inspectorate for Correctional Services raised concern, amongst others, that "*South African and foreign incarcerated mothers with babies find it difficult to register the births of their babies, due to the lack of required*

*necessary legal documentation, thus making it impossible to have these children registered for social grants.”<sup>18</sup>*

#### 40. Recommendations

- Take efforts to ensure that the effects of overcrowding in South Africa’s prisons do not have a negative effect on the rights of those in detention to adequate and acceptable access to healthcare and other related services;
- Review the policy provisions in place that deal with the accommodation of babies in detention with their mothers with the view to promoting prompt and proper birth registration.

#### **Issue 4: Trafficking of Persons<sup>xii</sup>**

41. The UNCT commends the enactment of the *Prevention and Combating of Trafficking in Persons Act* in July 2013.<sup>19</sup> This act is the first comprehensive legislation on trafficking in persons which, among other goals, seeks to implement South Africa’s international obligations with respect to trafficking. The legislation adopts a broad definition of what constitutes trafficking, criminalizes various acts that constitute or relate to trafficking in persons and imposes harsh penalties for violations. South Africa is now developing a National Policy Framework and Plan of Action.

42. Estimating the numbers of children falling victim to trafficking in South Africa has proved to be an extremely difficult task. The Government did implement stricter border control measures for children travelling internationally in June 2015 with the aim of preventing child abduction and human trafficking.<sup>20</sup> However, due to the impact of these restrictions on tourism, an Inter-Ministerial Committee led by the Deputy President recommended a review and amendment of these provisions which were approved in October 2015.<sup>21</sup>

#### 43. Recommendations

- Follow on from the enactment of the *Prevention and Combating of Trafficking in Persons Act* by formulating a broad and comprehensive *National Policy Framework and Plan of Action* in relation to trafficking which includes improved methods of data collection and disaggregation, with particular focus on data in relation to the trafficking of children.

### **Economic, Social and Cultural Rights<sup>xiii</sup>**

#### **Issue 1: Right to an Adequate Standard of Living/Eradication of Poverty<sup>xiv</sup>**

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<sup>18</sup> Judicial Inspectorate for Correctional Services. 2015. Judicial Inspectorate for Correctional Services Annual Report for the period 1 April 2014 to 31 March 2015. Durban: JICS. Access [here](#).

<sup>19</sup> South Africa: *Act No. 7 of 2013, Prevention and Combating of Trafficking in Persons Act, 2013*, 29 July 2013, available at: <http://www.justice.gov.za/legislation/acts/2013-007.pdf>.

<sup>20</sup> SA News. 2015. *Child advocacy groups welcome new travel requirements*. Access [here](#).

<sup>21</sup> Access Cabinet Statement [here](#).

44. South Africa's overarching policy for poverty reduction is through the provision of a 'social wage' package intended to reduce the cost of living of the poor. This includes free primary health care for all at clinics, compulsory primary education, and subsidies for a number of social and health conditions. The social protection system provides a number of grants to South African citizens: the Grant for Older Persons has 3.2 million monthly recipients; the Disability Grant has 1.1 million monthly recipients who are unable to work because of disability; the Foster Child Grant has 497,524 monthly recipients; similarly, the Child Support Grant has 11.9 million monthly recipients and is provided to the main caregiver of a child 18 years or younger.
45. *The National Development Plan 2030*, adopted in 2012, aims to eliminate poverty and eradicate inequality. It seeks to raise employment through faster economic growth and sets out specific targets for reducing inequality and increasing employment. The Inter-Ministerial Committee on Public Employment Programmes is driving the Government's effort to create six million new work opportunities by 2019. The Government has also launched the Jobs Fund Programme which aims to co-finance projects by public, private, and non-governmental organisations using public money to catalyse innovation and investment in activities that contribute directly to employment creation. The Employment Tax Incentive was introduced in 2014 and some 29,000 employers use the initiative to employ over 207,000 young people.
46. Children are disproportionately affected by poverty; four out of ten children are trapped in chronic poverty.<sup>22</sup> The percentage of children that lived in traditional dwellings declined from 18.3% in 2002 to 15% in 2012. 75.8% of children resided in formal housing in 2012, up from 70% in 2002. The decline in children living in informal housing is relatively slow, being 9% in 2012 compared to 11.2% in 2002.<sup>23</sup> Since eligibility criteria were extended to cover all children under that age of 18 years, the Child Support Grant as mentioned above, has increased to cover 11.9 million children every month.
47. The Government is currently preparing policy reform proposals for a comprehensive social security system. The policy reform proposals are expected to include provisions for mandatory retirement contributions and the inclusion of the informal sector into the mandatory contributory scheme.

#### 48. **Recommendations**

- Continue to monitor and assess the social protection system to identify any particularly vulnerable groups who are not currently accessing these programmes;

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<sup>22</sup> Children trapped in *chronic* poverty are not merely affected by a transitory fall in their living conditions from which they may eventually recover. Chronically poor children are locked in a complex web of deprivations (in health, education, nutrition, shelter, sanitation), which not only compromise their life chances from an early age but, as they grow, lead them to transmit these disadvantages to their own offspring.

<sup>23</sup> Social profile of vulnerable groups in South Africa, 2002–2012 / Statistics South Africa. Pretoria: Statistics South Africa, 2012.

- Ensure effective access to social protection for children in remote and rural areas.

### **Issue 2: Issues relating to the Rights to Food and Water<sup>xv</sup>**

49. There have been a number of commendable improvements in access to water over recent years but concerns remain in relation to sanitation and hygiene, in particular with regard to children. In 2012, 63.1% of children lived in dwellings with access to piped water in the dwelling or yard (compared to general population average of 69.4%).<sup>24</sup> Similarly, 70.6% of children lived in dwellings with a flush toilet (compared to the general population average of 75.2%).<sup>25</sup> The aforementioned indicates that children are disproportionately more affected by poor access to basic services than older children and adults.
50. In 2013, the national prevalence of stunting for all children from birth to 14 years is 15.4%, and the prevalence of severe stunting was 3.8%. This prevalence gets progressively worse in younger age groups with the highest prevalence of stunting amongst girls (25.9%) and boys (26.9%) from birth to 3 years of age, While 13.5% of boys and 9.5% of girls aged 4 to 6 years were seen to be stunted (2.6% and 1.6%, respectively, were considered severely stunted). It is also noted that children living in rural areas and informal urban settlements have higher levels of stunting.<sup>26</sup> Renewed focus is required on the right to access to food, but also with regard to the feeding practices of poor infants and young children.<sup>27</sup>

### **51. Recommendations**

- Tackle the plight of stunting through targeted programmes which ensure marginalised children, such as those with disabilities or living in rural areas, have access to the nutrition they require for healthy growth.

### **Issue 3: Right to Health<sup>xvi</sup>**

52. The Government is planning to reform the health sector and achieve the goals of universal health coverage by implementing a national health insurance programme. This will be based on primary care, single public purchaser of services and improved quality through strategic purchasing of comprehensive services. The National Department of Health (NDoH) is working to improve the quality of health services at primary care facilities through Ideal Clinic Realization and Maintenance.
53. To improve patient access to needed medicines, especially for patients on chronic medication, as well as to assist with decongesting public clinics, the NDoH

<sup>24</sup> Statistics South Africa. 2012. *Social profile of vulnerable groups in South Africa, 2002–2012*. Pretoria: Stats SA. (p. 28).

<sup>25</sup> Statistics South Africa. 2012. *Social profile of vulnerable groups in South Africa, 2002–2012*. Pretoria: Stats SA. (p. 28).

<sup>26</sup> Shisana, et al. 2013. *South African National Health and Nutrition Examination Survey (SANHANES-1)*. Cape Town: HSRC Press. (p 206).

<sup>27</sup> Shisana, O., Labadarios, D., Rehle, T., Simbayi, L., Zuma, K., Dhansay, A., Reddy, P., Parker, W., Hoosain, E., Naidoo, P., Hongoro, C., Mchiza, Z., Steyn, N.P., Dwane, N., Makoae, M., Maluleke, T., Ramlagan, S., Zungu, N., Evans, M.G., Jacobs, L., Faber, M. & SANHANES-1 Team. 2013. *South African National Health and Nutrition Examination Survey (SANHANES-1)*. Cape Town: HSRC Press. (pp. 207-208).

implemented the Centralised Chronic Medication Dispensing and Distribution programme (CCMDD). To date, the implementation of CCMDD has focused primarily on the provision of ARVs, Fixed-dose Combinations in particular, to stable HIV patients receiving antiretroviral therapy.

54. South Africa has the largest HIV epidemic in the world. An estimated 7 million South Africans were living with HIV in 2015.<sup>28</sup> South Africa has accelerated access to and utilization of HIV treatment care and support for people living with HIV. Almost 3.4 million people living with HIV were accessing ART in 2015.<sup>29</sup> In May 2016, the Government announced that HIV treatment would be offered to all people living with HIV,<sup>30</sup> in line with the latest 2016 WHO guidelines on HIV treatment.<sup>31</sup> South Africa is among the first countries in Africa to formally adopt this policy and fast-track towards achieving UNAIDS' 90-90-90 targets.<sup>32</sup> Four key priority groups for ART include: pregnant women; children under one year; infants and those co-infected with TB and HIV.
55. The *Global Plan Towards the Elimination of New HIV Infections Among Children by 2015 and Keeping Their Mothers Alive* has provided the country with a successful strategy for testing of HIV+ pregnant women and immediate referral to treatment.<sup>33</sup> Among the 21 *Global Plan* countries in sub-Saharan Africa in 2015,<sup>34</sup> South Africa was one of only six priority countries that met the goal of ensuring that 90% or more of pregnant women living with HIV receive antiretroviral medicines.<sup>35</sup> South Africa was among only four countries that have reduced the final mother-to-child transmission rate to 1.5% in 2015,<sup>36</sup> also having reduced deaths by 90%, as fewer HIV infections among children means fewer AIDS-related child deaths.
56. The Government is committed to the elimination of MTCT of HIV and is currently in the progress of adopting the 'Last Mile' Plan for elimination of MTCT (2016 -2021) which will outline key targets and interventions to reach the most disadvantaged and vulnerable communities with the highest burden of HIV. However, despite some

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28 Prevention GAP Report, UNAIDS 2016 [http://www.unaids.org/sites/default/files/media\\_asset/2016-prevention-gap-report\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/2016-prevention-gap-report_en.pdf)

29 South Africa Global AIDS Response Progress Report (GARPR) 2015;

[http://sanac.org.za/wp-content/uploads/2016/06/GARPR\\_report-high-res-for-print-June-15-2016.pdf](http://sanac.org.za/wp-content/uploads/2016/06/GARPR_report-high-res-for-print-June-15-2016.pdf)

30UNAIDS Press Release on SA Treatment for all, May 2016;

[http://www.unaids.org/sites/default/files/20160513\\_PR\\_SouthAfrica\\_en.pdf](http://www.unaids.org/sites/default/files/20160513_PR_SouthAfrica_en.pdf)

31 Consolidated guidelines on the use of antiretroviral drugs for treating and preventing HIV infection, WHO 2016 <http://www.who.int/hiv/pub/arv/arv-2016/en/>

32 90-90-90: An ambitious treatment target to help end the AIDS epidemic, UNAIDS 2014 [http://www.unaids.org/sites/default/files/media\\_asset/90-90-90\\_en\\_0.pdf](http://www.unaids.org/sites/default/files/media_asset/90-90-90_en_0.pdf)

33 *Global Plan Towards the Elimination of New HIV Infections Among Children by 2015 and Keeping Their Mothers Alive* [http://files.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2011/20110609\\_JC2137\\_Global-Plan-Elimination-HIV-Children\\_en.pdf](http://files.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2011/20110609_JC2137_Global-Plan-Elimination-HIV-Children_en.pdf)

34 *Global Plan Towards the Elimination of New HIV Infections Among Children by 2015 and Keeping Their Mothers Alive*; [http://files.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2011/20110609\\_JC2137\\_Global-Plan-Elimination-HIV-Children\\_en.pdf#](http://files.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2011/20110609_JC2137_Global-Plan-Elimination-HIV-Children_en.pdf#)

35 On Fast Track to an Aids-free Generations, Jun 2016;

<http://www.unaids.org/en/resources/documents/2016/GlobalPlan2016>

36 The 'Last Mile' Plan - Elimination of MTCT in South Africa <http://www.emtct-thelastmile.co.za/>

significant progress made in the reduction of maternal deaths, South Africa did not meet its MDG target and maternal mortality is still relatively high (154 women per 100,000 live births in 2011-2013). Nearly two thirds of all maternal deaths are avoidable.<sup>37</sup>

57. Young girls and women are disproportionately affected by HIV. The high level of teen pregnancy is a concern and pregnant adolescents are at higher risk of maternal death. Teenagers make up 10% of all pregnancies reported and adolescents account for 38 of every 100 maternal deaths.<sup>38</sup> The Government has recently launched the *She Conquers* national campaign targeting adolescent girls and young women (15-24) which aims to reduce HIV, teen pregnancy, and GBV.
58. Gender inequalities are among the structural drivers of the HIV epidemic and increase the vulnerability of girls and women to both HIV and violence; HIV fuels violence and violence increases the risk of contracting HIV. It is estimated that 20–25% of new HIV infections in young women in South Africa may be attributed to sexual or GBV.<sup>39</sup> Specific interventions are proving to be successful and South Africa has become the first country in sub-Saharan Africa to initiate pre-exposure prophylaxis (PrEP) programme. This was first done within the Country's *National Sex Worker Plan 2016–2019*<sup>40</sup> and further in research projects to expand access and investigate the impact among young women and girls in high-incidence areas.<sup>41</sup>
59. The estimated annual number of people dying from HIV-related causes has decreased from 320,000 in 2010 to 180,000 in 2015. However, TB mortality among persons living with HIV remains high.<sup>42</sup> In line with the country's national treatment guidelines TB/HIV co-infected patients are offered lifelong ART. The Government has been at the forefront of developing funding models and monitoring the implementation of HIV and TB responses.
60. The *National Strategic Plan on HIV, STIs and TB (2012-2016)* recognises the importance of protecting human rights and reducing stigma and discrimination against those affected by HIV, prioritising key populations including sex workers,<sup>43</sup> people who use drugs, and LGBTI persons. The 2015 Stigma Index showed South Africa has made good progress in dealing with HIV related stigma. However, it remains evident that stigma affects approximately one third of people living with HIV and much needs

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<sup>37</sup> Confidential Enquiries into Maternal Deaths in South Africa Triennial Report , 2014.

<sup>38</sup> Confidential Enquiries into Maternal Deaths in South Africa Triennial Report, 2014.

<sup>39</sup> South Africa Global AIDS Response Progress Report (GARPR) 2015 [http://sanac.org.za/wp-content/uploads/2016/06/GARPR\\_report-high-res-for-print-June-15-2016.pdf](http://sanac.org.za/wp-content/uploads/2016/06/GARPR_report-high-res-for-print-June-15-2016.pdf)

<sup>40</sup> The South African National Sex Worker HIV Plan, 2016-19 <http://sanac.org.za/wp-content/uploads/2016/03/South-African-National-Sex-Worker-HIV-Plan-2016-2019-FINAL-Launch-Copy....pdf>

<sup>41</sup> There are other national initiatives aimed at prevention of HIV among young women and girls such as DREAMS (<http://sanac.org.za/2016/06/27/launch-of-national-campaign-for-young-women-and-girls/>) and *She Conquers* ([http://www.unaids.org/en/resources/presscentre/featurestories/2016/july/20160720\\_sheconquers](http://www.unaids.org/en/resources/presscentre/featurestories/2016/july/20160720_sheconquers)).

<sup>42</sup> Prevention GAP Report, UNAIDS 2016 [http://www.unaids.org/sites/default/files/media\\_asset/2016-prevention-gap-report\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/2016-prevention-gap-report_en.pdf)

<sup>43</sup> The estimated 153,000 sex workers in South Africa have an HIV prevalence ranging from 40% to 70%.

to be done to improve national instruments, oversight bodies, and overall environment for non-discrimination and equal access to services for those still marginalised.<sup>44</sup>

## 61. Recommendations

- To sustain achievements in the HIV response, and to ensure innovative health financing to fast-track HIV treatment and prevention in the next *National Strategic Plan on HIV, TB and STIs* (phase 2017-22), the Government should utilise every opportunity to improve the quality of care in the public sector and increase affordability of HIV services;
- National instruments and oversight bodies must be reviewed to tackle the issue of stigmatisation amongst those infected with HIV to ensure equal access to services in an environment of non-discrimination.

### **Issue 4: Right to Education**<sup>xvii</sup>

62. In 2013, the Government spent 20% of total State expenditure on education, more than any other sector, which amounted to 6% of the gross domestic product (GDP).<sup>45</sup> In 2011, the Net Enrolment Rate in primary education was 99% (up from 96.7% in 2002). Participation in compulsory education (7 to 15 year olds) was 99% in 2014, which remained relatively stable since 2002 (96.4%).<sup>46</sup> However, upon further disaggregation by age, there is a significant decline at the secondary school level, and only 90.7% of 14 to 18 year old children attended educational institutions in 2014. Indeed, just 86.1% of 16 to 18 year old children were found to be attending educational institutions.<sup>47</sup>

63. A major challenge that impacts on girls is teenage pregnancy; 93,978 (2.7%) of students in 2014 became pregnant compared to 70,848 (1.0%) in 2009.<sup>48</sup> Measures developed by the Department of Education which were aimed at reducing the prevalence of pregnancy in school student were found to be contravening the South African Constitution in 2013.<sup>49</sup> In view of this, the Department of Basic Education has rescinded the guidelines and is in the process of developing a national policy on teenage pregnancy.

## 64. Recommendations

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<sup>44</sup> HIV TB and Human Rights in Southern and East Africa, 2016 Report

[http://arasa.info/files/4514/6902/5171/ARASA\\_AnnualReport2016\\_-\\_for\\_web.pdf](http://arasa.info/files/4514/6902/5171/ARASA_AnnualReport2016_-_for_web.pdf)

<sup>45</sup> Statistics South Africa. 2013. Millennium Development Goals. Country Report 2013. The South Africa I know, the home I understand. Pretoria: Stats SA. Access [here](#).

<sup>46</sup> Department of Basic Education. 2015. General Household Survey (GHS): Focus on Schooling 2014, Pre-final Draft Preliminary Findings. Pretoria. (p 15).

<sup>47</sup> Department of Basic Education. 2015. General Household Survey (GHS): Focus on Schooling 2014, Pre-final Draft Preliminary Findings. Pretoria. (p 19).

<sup>48</sup> Department of Basic Education. 2015. General Household Survey (GHS): Focus on Schooling 2014, Pre-final Draft Preliminary Findings. Pretoria. (pp 29-32)

<sup>49</sup> Head of Department, Department of Education, Free State Province v Welkom High School and Another; Head of Department, Department of Education, Free State Province v Harmony High School and Another (CCT 103/12) [2013] ZACC 25; 2013 (9) BCLR 989 (CC); 2014 (2) SA 228 (CC) (10 July 2013). Access [here](#).

- Undertake national programmes to retain students in secondary school with a specific focus on the older age groups where attendance figures are seen to decline significantly;
- The Department of Basic Education should consult widely with stakeholders throughout the country in the development of the National Policy on Teenage Pregnancy.

## **Children's Rights**<sup>xviii</sup>

### *Children's Health*

65. South Africa has made substantial strides in improving child health outcomes over the last few years. In 2014, the under-five mortality rate was 44 deaths per 1,000 live births<sup>50</sup> compared to 85.2 in 2002. Infant mortality rates showed a decrease from 57.8 deaths in 2002 to 34.4 deaths per 1,000 live births in 2014.<sup>51</sup> The top five causes of childhood deaths in South Africa are HIV, TB, pneumonia, diarrhoeal diseases and malnutrition, whilst the top three causes of neonatal and perinatal deaths (asphyxia, prematurity and neonatal sepsis) remained unchanged.<sup>52</sup>

### *Sexual Consent*

66. *The Criminal Law (Sexual Offences and Related Matters) Amendment Act (No. 32 of 2007)* sets the age of sexual consent at 16 years, with certain provisions for consensual sex for children younger than 16 years but older than 12 years. The Sexual Offences Act determines that children under the age twelve are incapable of consenting to a sexual act. Sections 15 and 16 of the Act criminalised consensual sexual acts with adolescents below the age of 16 and criminalised adolescents between the ages of 12 and 16 should they commit any sexual acts with each other. These sections were challenged in 2014 by civil society in the Constitutional Court<sup>53</sup> and the Act was referred to Parliament for redrafting to decriminalize consensual sexual activities between adolescents.<sup>54</sup>

### *Corporal Punishment*

67. Data collected by Statistics South Africa show 12.4% of children experienced corporal punishment at school in 2014 compared to 16.7% in 2011. However, in the same year, children living in poverty were more likely to be subjected to corporal punishment in school (16.9% for children in poorest quintile) than more affluent

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<sup>50</sup> Republic of South Africa (RSA). 2011a. The Presidency: National Planning Commission. *National Development Plan: Vision 2030*. Pretoria: Government Printers, p. 333.

<sup>51</sup> Republic of South Africa (RSA). 2011a. The Presidency: National Planning Commission. *National Development Plan: Vision 2030*. Pretoria: Government Printers, p. 333.

<sup>52</sup> Ministry of Health. 2014. *2<sup>nd</sup> Triennial Report of the Committee on morbidity and mortality in children under five years (COMMIC)*. Pretoria: Department of Health. (p. 37). Available [here](#).

<sup>53</sup> In the matter of *Teddy Bear Clinic and RAPCAN v The Minister of Justice and Constitutional Development* and another and the Constitutional Court found these sections violated children's constitutional rights and suspended the provisions of these sections for 18 months.

<sup>54</sup> Sexual Offences Act available [here](#).

children (2.6% in the richest quintile).<sup>55</sup> Corporal punishment has been raised continuously as a chronic child rights violation by CSOs and the South African Human Rights Commission.<sup>56</sup> The Department of Basic Education established a national task team in 2014 to develop a comprehensive strategy on discipline in schools, which includes addressing the issue of corporal punishment.<sup>57</sup>

### *Living Arrangements*

68. The living arrangements of children impacts directly on the level of care and protection they receive. In 2014/2015, there were 35,625 children in child and youth care centres, including secure care facilities for children and adolescents in conflict with the law,<sup>58</sup> and in 2014/15 a total of 499,774 children were in foster care.<sup>59</sup> The number of children being placed in foster care is high and over the past decade has resulted in a serious strain on the child protection system. The main cause for this continuous escalation in numbers is the lack of a suitable alternative for children who are orphaned and cared for by extended family members.<sup>60</sup>
69. This strain on the system and the risk that it placed on children became evident when 39,200 and 74,200 foster care orders, respectively, lapsed in 2009/10 and 2010/11 due to the non-review of placements and the lapsing of court orders that placed children in foster care, which automatically brought the payment of the foster care grant to a halt.<sup>61</sup> Evidently, this is systemic crisis that impacts on the lives of hundreds of thousands of children that appears to have no solution in the foreseeable future.

### **70. Recommendations**

- Reinforce efforts to reduce and minimise the effects of the three leading causes of neonatal and perinatal deaths; asphyxia, prematurity and neonatal sepsis;
- Formulate long-term initiatives and solutions to address the much maligned foster care system in South Africa to ensure that foster care orders do not continue to lapse as they have done in recent years with devastating effects for orphans.

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*i Linked to 2<sup>nd</sup> cycle UPR recommendations – no. 124.1; “Complete its accession to the core human rights instruments that are still not yet ratified (Iraq)”; no. 124.2; “Complete the ratification process for human rights treaties that it has signed, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Optional Protocol to the Convention against Torture (OP-CAT) (United Kingdom)”; no. 124.3; “Finalise the ratification process of the*

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<sup>55</sup> Statistics South Africa. 2015. *General Household Survey 2014*. Pretoria: Statistics South Africa. *Own analysis*.

<sup>56</sup> See statement by SAHRC Commissioner responsible for children [here](#).

<sup>57</sup> Department of Basic Education. 2015. Draft National Strategy on Discipline in Schools (unpublished)

<sup>58</sup> Department of Social Development, Non-Financial Data, *internal report* for 2014-2015.

<sup>59</sup> Department of Planning, Monitoring and Evaluation. 2015. *Development Indicators 2014 (South Africa)*. Pretoria: Presidency. Access [here](#).

<sup>60</sup> See paragraph 191 of the State Party Report. See also, Sibanda, S. & Lombard, A. 2015. Challenges faced by social workers working in child protection services in implementing the Children’s Act 38 of 2005. *Social work/Maatskaplike werk*, 51(1): 332-353. Access [here](#).

<sup>61</sup> Skelton A. 2012. *The Story of 110 000 Foster Child Grants that Stopped being paid in 2010/2011*. Paper presented at “Towards Carnegie3: Strategies to Overcome Poverty & Inequality” conference, 3 – 7 September 2012, UCT. Access [here](#).

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ICESCR (Hungary)”; **no. 124.4.**; “Consider ratifying the ICESCR (Brazil)”; **no. 124.5.**; “Ratify ICESCR (Chad)”; **no. 124.6.**; “To consider ratifying the ICESCR and its Optional Protocols (Palestine)”; **no. 124.7.**; “Ratify the ICESCR and its Optional Protocol (Slovenia)”; **no. 124.8.**; “Ratify ICESCR and sign its Optional Protocol allowing the right of individual petition (Portugal)”; **no. 124.9.**; “Accede to the OP-CAT and the ICESCR (France)”; **no. 124.10.**; “Ratify ICESCR and the International Convention for the Protection of All Persons Against Enforced Disappearance (CED) (Spain)”; **no. 124.11.**; “Continue intensifying its efforts to ratify the CED (Argentina)”; **no. 124.12.**; “Ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Nicaragua)”; **no. 124.15.**; “Ratify the OP-CAT (Togo, Nicaragua, Hungary)”; **no. 124.16.**; “Deposit at the earliest possible date its instrument of ratification to OP-CAT (Denmark)”; **no. 124.17.**; “Consider an early ratification of the third OP to CRC (OPIC) on a communication procedure (Slovakia)”; **no. 124.54.**; “Define torture in its national criminal legislation, prosecute and punish perpetrators of torture, and ratify as soon as possible the OP-CAT (Slovenia)”; **no. 124.55.**; “Enact legislation which would, in line with Article 1 of the Convention against Torture (CAT), prevent and eliminate torture, and ratify OP-CAT at the earliest opportunity (Czech Republic)”; **no. 124.57.**; “Take the necessary legislative measures to prevent, prosecute and punish acts of torture and other cruel and degrading treatment, in accordance with international standards, including through the ratification of the OP-CAT (Costa Rica)”; **no. 124.95.**; “Ensure that the proposed new Traditional Courts Bill, if adopted, does not violate South Africa’s international obligations or its own Constitution in the area of women’s rights and gender equality (Norway)”; **no. 124.13.**; “Consider ratifying international instruments to which it is not a party to in order to strengthen its legal arsenal on human rights, particularly the ICRMW and the ILO Convention 189 on decent work for domestic workers (Burkina Faso)”; **no. 124.14.**; “Ratify ILO 189 on decent work for domestic workers (Chad)”; **no. 124.18.**; “Accede to the Agreement on Privileges and Immunities of the ICC (Slovakia)”; **no. 124.147.**; “Consider setting as its standards of protection for the rights of migrant workers those enshrined in the ICRMW and ILO Convention 189 on Decent Work for Domestic Workers (Philippines)”.

ii **Linked to 2<sup>nd</sup> cycle UPR recommendations – no. 124.76.**; “Establish national policies aimed at putting an end to violence and crimes motivated by race nationality, religion ethnicity, sexual orientation or identity, through the approval of laws that explicitly criminalize violence against people or property (Uruguay)”; **no. 124.31.**; “Continue strengthening its programmes aimed at the achievement of social cohesion and tolerance (Venezuela (Bolivarian Republic of))”; **no. 124.33.**; “Strengthen mechanisms to advance more effectively, in the creation of a climate of tolerance and respect towards people of different ethnic groups or cultures (Chile)”; **no. 124.29.**; “Continue its efforts to build an inclusive, diverse and tolerant society (Pakistan)”; **no. 124.30.**; “Establish an inclusive social dialogue so as to achieve the goals of building up a rainbow nation where all people are free and equal in rights (Djibouti)”; **no. 124.32.**; “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)”; **no. 124.26.**; “Provide the Ministry and Department of Women, Children and People with Disabilities with the necessary powers to continue promoting the participation and contribution of these vulnerable groups to the development of the country (Chile)”.

iii **Linked to 2<sup>nd</sup> cycle UPR recommendations – no. 124.43.**; “Take all necessary steps to address the evil of xenophobia through legislation and greater public awareness programmes (Ireland)”; **no. 124.37.**; “Speed up the process to develop its National Action Plan against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Namibia)”; **no. 124.39.**; “Continue multiplying measures that guarantee the full protection of the human rights of foreigners in South Africa (Paraguay)”; **no. 124.34.**; “Continue its policy to combat racism and all forms of discrimination and racial intolerance and continue implementing affirmative actions for vulnerable groups (Ecuador)”; **no. 124.35.**; “Pursue its efforts in combating racism, in particular to guarantee an effective follow up to the outcome of the Durban Conference (Morocco)”; **no. 124.36.**; “To pursue their efforts in taking the necessary measures to reduce and prevent racial discrimination (Palestine)”; **no. 124.38.**; “Reinforce its efforts to prevent and combat racism, racial discrimination, xenophobia and other related intolerance in particular against foreigners (Iran (Islamic Republic of))”; **no. 124.41.**; “Continue its best efforts to combat xenophobia and prevent any violence against foreigners (Thailand)”; **no. 124.42.**; “Strengthen measures to combat the phenomena of xenophobia (Iraq)”; **no. 124.44.**; “Reinforce measures to combat and prevent xenophobia and related violence (Republic of Korea)”; **no. 124.45.**; “To continue the discouragement of any manifestation of xenophobia (Mozambique)”; **no. 124.46.**; “Step up its measures to mitigate the scourges of xenophobia, which include, among others, visible policing, community awareness programmes, promotion of tolerance and cultural diversity (Indonesia)”.

iv **Linked to 2<sup>nd</sup> cycle UPR recommendations – no. 124.47.**; “Implement a national strategy which includes the review and the drafting of laws, and campaigns to raise awareness about discrimination at all levels of society, including traditional leaders, aimed at modifying or eliminating, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), harmful stereotypes and practices which discriminate women (Uruguay)”; **no. 124.59.**; “Allocate more financial and other resources to ensure effective implementation of initiatives related to the advancement of women and gender equality, in particular the 365-day National Plan of Action to end gender violence

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(Malaysia)”; **no. 124.48.**; “Early adoption of the Women’s Empowerment and Gender Equality Bill (Australia)”; **no. 124.49.**; “Ensure effective implementation of the existing normative framework guaranteeing women’s right to equality, in particular to ensure access to justice, protection and other remedies (Austria)”; **no. 124.24.**; “Continue its favourable 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)”.

v **Linked to 2nd cycle UPR recommendations – no. 124.66.**; “Considers the adoption of a specific law for domestic violence, containing both criminal and civil provisions (Brazil)”; **no. 124.74.**; “Rigorously apply the legislation against gender violence and sexual violence, especially against girls and boys (Spain)”; **no. 124.62.**; “Put in place stronger mechanisms to protect women and girls against gender-based violence and provide redress to victims (Austria)”; **no. 124.63.**; “Take increased measures to protect and provide redress to women subjected to gender-based violence (Czech Republic)”; **no. 124.64.**; “Take concrete measures to improve the protection of women against gender-based violence and to ensure that perpetrators are held accountable (Norway)”; **no. 124.71.**; “Adopt and implement appropriate, efficient measures ensuring that all allegations of sexual violence against women are properly registered, prosecuted and their perpetrators duly convicted, including a provision of victims’ access to redress and social support services (Slovakia)”; **no. 124.72.**; “Establish mechanisms that will offer the victims of rape appropriate and adequate support and provide them with redress (Slovenia)”; **no. 124.60.**; “Step up efforts to eliminate violence and discrimination against women (Republic of Korea)”; **no. 124.27.**; “That the newly established Department of Women, Children and People with Disabilities be empowered to coordinate actions amongst various Government agencies to address the issue of gender-based violence (Timor-Leste)”; **no. 124.69.**; “Take measures to guarantee thorough investigation and prosecution of crimes of sexual violence, including relevant training of law enforcement officials, and implement national human rights awareness-raising focused on women’s rights (Japan)”; **no. 124.61.**; “Adopt all necessary measures to prevent, fight and punish any violence against women and children (Switzerland)”; **no. 124.73.**; “Step up efforts against sexual violence and improve social support services to victims (Italy)”; **no. 124.20.**; “Pay special attention in the adoption of laws and their implementation to change of negative social practices particularly with respect to; torture and ill treatment in detention, sexual violence and discrimination against women and the protection of children (Cape Verde)”.

vi **Linked to 2nd cycle UPR recommendations – no. 124.26.**; “Provide the Ministry and Department of Women, Children and People with Disabilities with the necessary powers to continue promoting the participation and contribution of these vulnerable groups to the development of the country (Chile)”; **no. 124.28.**; “Establish without delay an independent national monitoring mechanism, in line with article 33 of the Convention on the Rights of Persons with Disabilities (CRPD) (New Zealand)”; **no. 124.24.**; “Continue its favourable 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)”; **no. 124.112.**; “Create a favourable environment for the effective enjoyment of the rights of persons with disabilities (Djibouti)”.

vii **Linked to 2nd cycle UPR recommendations – no. 124.50.**; “Launch awareness campaigns against homophobia and discrimination on the basis of sexual orientation (Belgium)”; **no. 124.81.**; “Develop monitoring capacity and legislation to enhance the prevention, investigation and prosecution of crimes of violence against individuals on the grounds of their sexual orientation or gender identity (Netherlands)”; **no. 124.51.**; “Develop programs to prevent discrimination based on sexual orientation and gender identity, to punish violence of this kind and ensure that victims receive appropriate support (France)”; **no. 124.82.**; “Enhance the prevention, investigation and prosecution of crimes of violence against individuals based on their gender or sexual orientation (United Kingdom of Great Britain and Northern Ireland)”; **no. 124.83.**; “Take steps to ensure targeted attacks against individuals based on their sexual orientation are thoroughly investigated and prosecuted, and strengthen mechanisms to prevent crimes of violence (Canada)”; **no. 124.84.**; “Publicly denounce crimes committed against LGBTs and to conduct thorough investigations into and prosecutions of these attacks (Austria)”; **no. 124.78.**; “Continue its efforts in the fight against violence and discrimination based on sexual orientation and gender identity (Argentina)”; **no. 124.85.**; “Publicly denounce all violence based on sexual orientation or gender identity and adopt effective measures to raise public awareness concerning the constitutional protection of LGBT individuals (Finland)”; **no. 124.52.**; “Continue improving the protection of its citizens from violent crime in urban and rural areas, as laid out in the key national priorities for 2009 to 2014 (Netherlands)”; **no. 124.87.**; “In order to avoid the occurrence of impunity in cases of violence against LGBT persons, that all such cases be subject of credible investigations and the perpetrators prosecuted (Belgium)”.

viii **Linked to 2nd cycle UPR recommendations – no. 124.146.**; “Respect its international and national legal obligations in the field of the protection of the rights of asylum seekers and migrant workers (Belgium)”; **no. 124.148.**; “Protect and fulfil migrants’ rights, in particular by effectively prosecuting offences committed against them and by improving their living conditions, also through the access to adequate health-care services (Germany)”; **no. 124.149.**; “Establish policies and

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programmes designed to promote the integration of migrants into society and the respect to their rights, including the protection of their physical integrity (Slovakia)”; **no. 124.150.**; “Carry out the necessary measures to eliminate the barriers that impede the birth registration of all persons born in South African territory, including migrants and refugees (Mexico)”; **no. 124.151.**; “Ensure that all children are issued with a birth certificate in order to access various social services, with particular focus on children of migrants (Slovakia)”; **no. 124.58.**; “Improve the detention conditions of undocumented migrants, ensure that they are not detained and deprived of their liberty for prolonged periods and that they have all services available, including access to health, psychological assistance, and appropriate physical infrastructure and sanitation (Ecuador)”.

<sup>ix</sup> **Linked to 2nd cycle UPR recommendations – no. 124.99.**; “Ensure that the Protection of State Information Bill, when adopted, fully complies with international human rights law (Norway)”; **no. 124.97.**; “Further strengthen freedom of expression and access to public domain information, particularly at the community level and with government departments (Poland)”; **no. 124.98.**; “Ensure compliance of domestic laws with the right to access to information and freedom of expression (Austria)”; **no. 124.101.**; “Reconsider the Protection of State Information Bill to ensure its conformity with ICCPR, in particular by removing excessive penalties for publication of classified information and the inclusion of a public interest defence (Czech Republic)”; **no. 124.102.**; “Continue amending and improving the project of the Protection of State Information Bill as this law, in the form proposed to the Parliament earlier this year, has the potential to undermine the right to access to information and freedom of expression under the pretext of national security and national interest (Poland)”; **no. 124.106.**; “Engage civil society, activists, NGOs and media to seek common ground on the Protection of State Information Bill (United States of America)”; **no. 124.107.**; “Safeguard the freedom of the press, through the abrogation of the Protection of Information Bill (Germany)”; **no. 124.100.**; “Ensure that the Protection of State Information Bill and other statutory measures do not violate the right to freedom of expression or unduly impede access to public domain information (Canada)”; **no. 124.103.**; “Amend the draft bill on the Protection of State Information so that freedom of press is not curtailed in a disproportionate manner (Switzerland)”; **no. 124.104.**; “Consider suspending the enactment of the Protection of State Information Bill, approved last November (Portugal)”; **no. 124.105.**; “Remain a promoter of freedom of expression, at national and international levels, and to review the current text of the Protection of State Information Bill (Sweden)”.

<sup>x</sup> **Linked to 2nd cycle UPR recommendations – no. 124.70.**; “Promote awareness-raising campaigns and human rights education programmes particularly directed to law enforcement officials and educators that address the problematic of sexual violence against women (Portugal)”; **no. 124.75.**; “Conduct comprehensive public awareness campaigns and enhance the investigation and prosecution of violent crimes perpetrated on grounds of ethnicity, nationality, religion, sexual orientation or gender identity (Slovenia)”; **no. 124.77.**; “Implement training programs for the security forces so that crimes motivated by race nationality, religion ethnicity, sexual orientation or identity, are adequately investigated (Uruguay)”; **no. 124.79.**; “Ensure police and justice officials have appropriate training and direction to improve the investigation and prosecution of sexual violence including that based on sexual orientation or gender identity (New Zealand)”; **no. 124.80.**; “Ensure that law enforcement officials and other relevant actors are adequately trained to investigate and prosecute hate crimes on the basis of sexual orientation and gender identity, including through the promotion of awareness-raising and sensitization campaigns (Denmark)”; **no. 124.86.**; “Increase advocacy for freedom from discrimination based on sexual orientation and gender identity through public education and awareness building and address violence targeting LGBT persons through training for police, first responders and justice system officials (United States of America)”; **no. 124.94.**; “Establish human rights education and training programmes for police and law enforcement officers (Costa Rica)”; **no. 124.67.**; “Undertake continued and enhanced efforts to protect and provide redress to women suffering from violence and to continue raising awareness, through training and other means, in the judicial system, including police, of the necessity to act against this violence (Sweden)”; **no. 124.69.**; “Take measures to guarantee thorough investigation and prosecution of crimes of sexual violence, including relevant training of law enforcement officials, and implement national human rights awareness-raising focused on women’s rights (Japan)”; **no. 124.68.**; “Strengthen the training of the police, prosecutors and the judiciary in the area of gender based violence (Norway)”.

<sup>xi</sup> **Linked to 2nd cycle UPR recommendations – no. 124.58.**; “Improve the detention conditions of undocumented migrants, ensure that they are not detained and deprived of their liberty for prolonged periods and that they have all services available, including access to health, psychological assistance, and appropriate physical infrastructure and sanitation (Ecuador)”; **no. 124.88.**; “Prohibit and punish corporal punishment both in the home, as well as in public institutions such as schools and prisons (Mexico)”; **no. 124.56.**; “Adopt as soon as possible legislation criminalising acts of torture and raise awareness of law enforcement officials regarding the absolute prohibition of the use of torture and other in humane and degrading treatment (France)”; **no. 124.20.**; “Pay special attention in the adoption of laws and their implementation to change of negative social practices particularly with respect to; torture and ill treatment in detention, sexual violence and discrimination against women and the protection of children (Cape Verde)”.

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xii **Linked to 2nd cycle UPR recommendations – no. 124.89.;** “Enact the Prevention and Combating of Trafficking in Persons Bill as soon as possible (Namibia)”; **no. 124.90.;** “Continue efforts for the enactment of the Law against Trafficking in Persons, being sure that its approval will be a precious instrument in the fight against this scourge (Paraguay)”; **no. 124.91.;** “Expedite the adoption of the Prevention and Combating of Trafficking in Persons Bill as a mechanism to assist victims in accordance with international humanitarian and human rights standards and to prosecute the perpetrators (Thailand)”; **no. 124.92.;** “Pass the “Combating and Prevention of Trafficking in Persons Bill” currently under deliberation in the National Assembly, and move swiftly to implement it once passed (United States of America)”.

xiii **Linked to 2nd cycle UPR recommendations – no. 124.110.;** “Continue its efforts to combat corruption, social and economic inequalities (Togo)”; **no. 124.109.;** “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 (Bolivarian Republic of))”; **no. 124.118.;** “Seek necessary technical assistance from OHCHR, other relevant UN agencies and funds with a view to effectively implement its key national priorities for 2009–2014 related to health, education, land reform and food security (Malaysia)”.

xiv **Linked to 2nd cycle UPR recommendations – no. 124.108.;** “Develop further decent work/labour through the comprehensive economic growth (Palestine)”; **no. 124.111.;** “Strengthen its development policies in rural areas, with special emphasis on the access of children and persons with disabilities to services (Chile)”; **no. 124.113.;** “Take effective measures to combat poverty (Iraq)”; **no. 124.114.;** “Maintain and intensify the efforts towards the elimination of poverty and social inequality (Lesotho)”; **no. 124.115.;** “Continue efforts in the fight against social inequality and poverty (Senegal)”; **no. 124.116.;** “Accelerate the implementation of its national strategy for the reduction of the scale of poverty, including by availing itself of advanced international experience in this regard (Uzbekistan)”; **no. 124.117.;** “Continue consolidating essential social programmes in the fight against poverty and social exclusion (Venezuela (Bolivarian Republic of))”; **no. 124.22.;** “Consolidate economic initiatives aimed at empowering its people, especially those who were underprivileged under the Apartheid system (Zimbabwe)”.

xv **Linked to 2nd cycle UPR recommendations – no. 124.109.;** “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 (Bolivarian Republic of))”; **no. 124.119.;** “Pursue its efforts in the development of its rural policies to improve the existing strategies and policies and gradually strengthen the right to food for vulnerable groups (Côte d’Ivoire)”; **no. 124.121.;** “Take additional measures to guarantee access for all citizens to safe drinking water and sanitation (Togo)”.

xvi **Linked to 2nd cycle UPR recommendations – no. 124.120.;** “Consolidate its efforts towards improving all aspects of education and health in accordance with its National Action Plan (Zimbabwe)”; **no. 124.122.;** “Pursue the establishment of national health insurance system which will contribute to improving the quality of primary basic health care for all (Angola)”; **no. 124.123.;** “Take tangible measures to ensure that women have access to all public services, in particular to public health services (Switzerland)”; **no. 124.124.;** “Consolidate its strategies and programmes to reduce the phenomenon of maternal and child mortality (Algeria)”; **no. 124.125.;** “Continue its efforts to accelerate the achievement of the MDGs targets, particularly those health related MDGs (Indonesia)”; **no. 124.127.;** “Strengthen its efforts in HIV/AIDS prevention and treatment and reduce child and maternal mortality rates (China)”; **no. 124.128.;** “Intensify its efforts in the context of attaining MDGs related to health in particular objective 6 concerning fighting HIV/AIDS, in particular in the context of the “Comprehensive HIV and AIDS Treatment and Prevention Strategy” and the “Prevention of Mother to Child Transmission of HIV” (Morocco)”; **no. 124.129.;** “Implement the Maternal Child and Women’s Health Strategy (2009-14) and develop sustained measures to address the impact of HIV/AIDS on women and girls, who are disproportionately affected (Australia)”; **no. 124.130.;** “Continue to take measures in order to reduce the rate of mortality due to HIV and AIDS (Romania)”; **no. 124.131.;** “Maintain and further build upon its HIV/AIDS prevention, care and treatment programmes (Singapore)”; **no. 124.132.;** “Enhance its health care measures and policies with an aim to reduce the prevalence of child mortality and HIV/AIDS rates (Iran (Islamic Republic of))”; **no. 124.133.;** “Develop and implement plans to reduce physical and cost barriers to accessing HIV-related health services in rural areas (Ireland)”; **no. 124.134.;** “Make further efforts to address HIV/AIDS including by providing equal-opportunity treatment and assistance and continue measures to eliminate HIV/AIDS-related discrimination (Japan)”; **no. 124.135.;** “Take necessary measures to eliminate the discriminatory barriers to access to HIV related health services, especially for women and girls in rural zones (Spain)”; **no. 124.136.;** “Closely collaborate with UNICEF and UNAIDS in order to implement programmes aimed at reducing the cases of Mother-to-Child HIV Infections (Portugal)”; **no. 124.137.;** “Continue with action to further reduce maternal and child mortality, and the prevalence rate of HIV and AIDS (Sri Lanka)”; **no. 124.139.;** “Seek to enhance overall quality of education and health services offered, in addition to greater enrolment in and access to schools and hospitals (Republic of Korea)”; **no. 124.140.;** “Promote rights to education and health in disadvantaged and underprivileged areas (Senegal)”;

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**no. 124.141.**; “Continue implementing programs that guarantee the success of strategies aimed at achieving quality basic education and a reduction of child and maternal mortality (Cuba)”.

<sup>xvii</sup> **Linked to 2nd cycle UPR recommendations – no. 124.120.**; “Consolidate its efforts towards improving all aspects of education and health in accordance with its National Action Plan (Zimbabwe)”; **no. 124.138.**; “Broadly promote sexual education directing it in particular to adolescents, and giving special attention to the prevention of early age pregnancies and the control of sexually transmitted diseases such as HIV/AIDS (Mexico)”; **no. 124.139.**; “Seek to enhance overall quality of education and health services offered, in addition to greater enrolment in and access to schools and hospitals (Republic of Korea)”; **no. 124.140.**; “Promote rights to education and health in disadvantaged and underprivileged areas (Senegal)”; **no. 124.141.**; “Continue implementing programs that guarantee the success of strategies aimed at achieving quality basic education and a reduction of child and maternal mortality (Cuba)”; **no. 124.142.**; “Strengthen its educational strategies to ensure that all children enroll in school and receive basic education (Iran (Islamic Republic of))”; **no. 124.143.**; “Continue its current efforts in the fields of social cohesion and quality of basic education (Egypt)”; **no. 124.144.**; “Continue its efforts to improve its education system and provide skills development programmes especially for youths (Singapore)”; **no. 124.145.**; “Maintain its commitment to improve the quality of education to ensure the full enjoyment of the right to education (Timor-Leste)”.

<sup>xviii</sup> **Linked to 2nd cycle UPR recommendations – no. 124.88.**; “Prohibit and punish corporal punishment both in the home, as well as in public institutions such as schools and prisons (Mexico)”; **no. 124.126.**; “To fight against child mortality, and thus implement Millennium Development Goal number four, in particular by improving children’s living conditions and their access to adequate food (Germany)”; **no. 124.61.**; “Adopt all necessary measures to prevent, fight and punish any violence against women and children (Switzerland)”; **no. 124.53.**; “Take measures improving the security of citizens and enhancing protection of particularly vulnerable groups such as women and children (Ukraine)”; **no. 124.24.**; “Continue its favourable 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)”; **no. 124.23.**; “Pursue the dynamics of the law on juvenile justice, the draft law to prevent and fight against human trafficking, and primary education for all (Burkina Faso)”; **no. 124.20.**; “Pay special attention in the adoption of laws and their implementation to change of negative social practices particularly with respect to; torture and ill treatment in detention, sexual violence and discrimination against women and the protection of children (Cape Verde)”.