| **Recommendation** | **Position** | **Full list of themes** | **Assessment/comments on level of implementation** |
| --- | --- | --- | --- |
| ***Theme: A12 Acceptance of international norms*** | | | |
| 139.18 Ratify the Optional Protocol to the Convention against Torture, to open up for international inspection its places of detention (Norway);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  A28 Cooperation with other international mechanisms and institutions  A24 Cooperation with special procedures  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. South Africa ratified the Optional Protocol to the Convention against Torture (OPCAT) in June 2019. |
| 139.14 Ratify the Optional Protocol to the Convention against Torture with a view to establishing a national preventive mechanism against torture (Chile);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  A44 Structure of the national human rights machinery  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019. The South African National Preventative Mechanism (NPM) was launched on 19 July 2019, at the Castle of Good Hope in Cape Town. |
| 139.15 Ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism (Hungary);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  A44 Structure of the national human rights machinery  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019. The South African NPM was launched on 19 July 2019, at the Castle of Good Hope in Cape Town. |
| 139.13 Intensify its efforts to ratify the Optional Protocol to the Convention against Torture, including by holding multi-stakeholder consultations on a possible national preventive mechanism model most suitable for South Africa (Rwanda);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  A61 Cooperation with civil society  A44 Structure of the national human rights machinery  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019. The South African NPM was launched on 19 July 2019, at the Castle of Good Hope in Cape Town. |
| 139.17 Take all necessary measures to ensure that all reports of ill-treatment and torture in prisons and centres of detention are adequately investigated and ratify the Optional Protocol to the Convention against Torture (Estonia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  D51 Administration of justice & fair trial  B51 Right to an effective remedy  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019.  IPID investigates all acts of torture in South Africa. See Table 3 in Annexure A of the number of cases investigated by IPID from 2017 to 2020. |
| 139.7 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain) (Denmark) (Italy) (Lebanon) (Montenegro) (Senegal) (Burkina Faso) (Portugal) (Philippines) (Germany);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019. |
| 139.8 Promptly ratify the Optional Protocol to the Convention against Torture (Guatemala);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019. |
| 139.9 Ratify protocols as committed to, including the Optional Protocol to the Convention against Torture (Austria);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019. |
| 139.10 Become a party to the Optional Protocol to the Convention against Torture (Albania) (Togo);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019. |
| 139.11 Ratify the Optional Protocol to the Convention against Torture, signed in 2006 (Brazil);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019. |
| 139.12 Continue to take measures to prevent torture and other forms of ill-treatment, including steps towards the ratification of the Optional Protocol to the Convention against Torture (Georgia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019. |
| ***Theme: A21 National Mechanisms for Reporting and Follow-up (NMRF)*** | | | |
| 139.33 Establish a standing interministerial committee to improve coordination in relation to human rights reporting and follow up on the implementation of recommendations (Ireland);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A21 National Mechanisms for Reporting and Follow-up (NMRF)  A23 Follow-up to treaty bodies  A25 Follow-up to special procedures  A27 Follow-up to Universal Periodic Review (UPR)  A29 Cooperation with regional mechanisms  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Partially implemented. South Africa established the Inter-departmental Committee on Compliance with Treaty Obligations and processes are under-way to establish the Inter-Ministerial National Human Rights Coordinating, Monitoring, Reporting and Follow-up Committee |
| ***Theme: A24 Cooperation with special procedures*** | | | |
| 139.31 Facilitate the visit of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (Congo);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A24 Cooperation with special procedures  B32 Racial discrimination  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partially implemented. In July 2003 South Africa issued a standing invitation to all thematic special mechanisms of the UN. Since then, South Africa has hosted a number of special procedures mandate holders from various UN and African Union treaty bodies. |
| 139.30 Continue its active engagement with the United Nations human rights mechanisms (Azerbaijan);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A24 Cooperation with special procedures  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. South Africa continues its active engagement with the United Nations human rights mechanisms. |
| ***Theme: A44 Structure of the national human rights machinery*** | | | |
| 139.38 Establish an effective and independent national mechanism for the prevention of torture according to the criteria of the Optional Protocol to the Convention against Torture (Switzerland);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A44 Structure of the national human rights machinery  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  A12 Acceptance of international norms  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - persons deprived of their liberty | The South African National Preventative Mechanism was launched on 19 July 2019, at the Castle of Good Hope in Cape Town following the ratification of OPCAT. |
| ***Theme: A45 National Human Rights Institution (NHRI)*** | | | |
| 139.36 Continue strengthening the national human rights institutions of South Africa in accordance with its Constitution in order for them to be able to exercise their powers and execute their functions impartially and independently (Indonesia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A45 National Human Rights Institution (NHRI)  A42 Institutions & policies - General  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully Implemented. See Table 9 in Annexure A indicating the funds allocated to the South African Human Rights Commission during 2019/20, 2020/21 to 2021/22 MTSF Budget Allocation. |
| 139.37 Provide adequate financial resources to the South African Human Rights Commission to enable it to carry out its work (Uganda);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A45 National Human Rights Institution (NHRI)  A63 Budget and resources (for human rights implementation)  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully Implemented. See Table 9 in Annexure A indicating the funds allocated to the South African Human Rights Commission during 2019/20, 2020/21 to 2021/22 MTSF Budget Allocation.  The budgetary resources of the SAHRC are set out in Table 10 in Annexure B. Government recognises that the budget allocated to the SAHRC may not be sufficient to enable the institution to carry out all its constitutional obligations. However, this allocation should be seen within the context of other competing government needs and the shrinking national fiscus. The budget increase allocated to SAHRC over the 2019/20, 2020/21 and 2021/22 Medium Term Expenditure Framework (MTEF) period albeit insignificant, shows Government’s confidence in the role that the SAHRC has played over the past 27 years of its existence in assisting Government to entrench the culture of human rights, constitutionalism, the rule of law and advancement of our international obligations. Despite its limited resources, the Commission continues producing outstanding research outputs and reports on South Africa’s human rights landscape. |
| ***Theme: A47 Good governance*** | | | |
| 139.131 Build on its rule of law tradition to actively combat corruption and other obstacles to the economic, social, cultural, civil and political rights of its people (Norway);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A47 Good governance  D51 Administration of justice & fair trial  E1 Economic, social & cultural rights - general measures of implementation,D1  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general | Fully implemented. South Africa takes a partnership approach in the fight against corruption, involving various state entities as well as non-state actors and civil society with a view of ensuring good governance across all levels of government. The government has taken decisive steps to end state capture and increase the capacity of the State to investigate and prosecute cases of corruption and ensure that stolen public resources are returned to the State. Such initiatives include:  (i) The Commission of Inquiry to Investigate Allegations of State Capture;  (ii) Promulgation of section 8 and 15 of the Public Administration Management Act, 2014;  (iii) Establishment of the Investigative Directorate in the NPA;  (iv) Special Tribunal under Special Investigation Unit;  (v) Party Political Funding Act, 2018 (Act No. 6 of 2018);  (vi) Presidential Proclamations, 2019;  (vii) Financial Intelligence Centre Amendment Act No. 1 of 2017; and  (viii) Financial interest disclosure. |
| ***Theme: A51 Human rights education – general*** | | | |
| 139.186 Continue providing human rights education, in particular through access to information and promoting existing mechanisms for protection and reparation (Ecuador);  **Source of position:** A/HRC/36/16/Add.1 | Supported | A51 Human rights education - general  A54 Awareness raising and dissemination  S04 SDG 4  - education  **Affected persons:**  - general | Fully implemented. Government is implementing human rights education in schools to promote the Constitutional values through Oral History, National School Moot Court, Heritage, Citizenship and Nation Building Programmes. The current Curriculum and Assessment Policy Statements (CAPS) are underpinned by the values of the Constitution and human rights principles. The DBE has a structured Human Rights Education programme delivered through Life Orientation within CAPS. |
| ***Theme: B31 Equality & non-discrimination*** | | | |
| 139.99 Strengthen the protection of lesbian, gay, bisexual, transgender and intersex persons against stigmatization, harassment and discrimination by promoting tolerance for sexual diversity and different gender identities and by clearly classifying acts of violence against these persons as hate crimes (Belgium);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Fully implemented. The establishment of a National Task Team (NTT) on LGBTI Rights in 2011 was intended to counter the continued discrimination and violence perpetrated against people on the basis of their sexual orientation, gender identity, expression and sex characteristics (SOGIESC). The NTT, which is co-chaired by the DoJ&CD and a nominated civil society representative, is a good example of a very successful partnership between government and civil society and was named in a 2016 report by the UN’s Office of the High Commission on Human Rights as a best practice model and international case study of government and civil society co-operation. The NTT continues its efforts to counter the continued discrimination and violence perpetrated against people on the basis of their sexual orientation, gender identity, expression and sex characteristics. |
| 139.98 Develop policies, plans and information campaigns to eradicate at all levels stereotypes and discrimination against people based on their sexual orientation or gender identity, focusing particularly on public officials and those in charge of law enforcement (Chile);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  A43 Human rights policies  A54 Awareness raising and dissemination  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Fully implemented. The establishment of a National Task Team (NTT) on LGBTI Rights in 2011 was intended to counter the continued discrimination and violence perpetrated against people on the basis of their sexual orientation, gender identity, expression and sex characteristics (SOGIESC). The NTT, which is co-chaired by the DoJ&CD and a nominated civil society representative, is a good example of a very successful partnership between government and civil society and was named in a 2016 report by the UN’s Office of the High Commission on Human Rights as a best practice model and international case study of government and civil society co-operation. The NTT continues its efforts to counter the continued discrimination and violence perpetrated against people on the basis of their sexual orientation, gender identity, expression and sex characteristics. |
| 139.78 Strengthen its policy to combat racism, racial discrimination, xenophobia and related intolerance (Côte d’Ivoire);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  A43 Human rights policies  G8 Non-citizens  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.95 Include in its action plans the protection of persons with albinism (Honduras);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  A46 National Plans of Action on Human Rights (or specific areas)  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Fully implemented. The draft Bill on the Prevention and Combating of Hate Crimes and Hate Speech intends to specifically criminalise hate speech against persons with albinism among other vulnerable groups. The Bill is before Parliament for consideration. The current wording of the Bill says that a hate crime is an offence recognised under any law, the commission of which is motivated on the basis of that person’s prejudice, bias or intolerance towards the victim of the hate crime in question because of one or more of the listed characteristics or perceived characteristics of the victim or his or her family member. South Africa is also working towards domesticating the Convention on the Rights of Persons with Disabilities into national law and its Witchcraft Suppression Act is undergoing law reform |
| 139.93 Take measures to protect people with albinism and to develop educational campaigns to promote tolerance and respect for diversity (Israel);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  A54 Awareness raising and dissemination  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Fully implemented. The draft Bill on the Prevention and Combating of Hate Crimes and Hate Speech intends to specifically criminalise hate speech against persons with albinism among other vulnerable groups. The Bill is before Parliament for consideration. The current wording of the Bill says that a hate crime is an offence recognised under any law, the commission of which is motivated on the basis of that person’s prejudice, bias or intolerance towards the victim of the hate crime in question because of one or more of the listed characteristics or perceived characteristics of the victim or his or her family member. South Africa is also working towards domesticating the Convention on the Rights of Persons with Disabilities into national law and its Witchcraft Suppression Act is undergoing law reform |
| 139.97 Engage non-governmental organizations on the lesbian, gay, bisexual, transgender and intersex task team and update and implement the national lesbian, gay, bisexual, transgender and intersex strategy (United States of America);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  A61 Cooperation with civil society  A43 Human rights policies  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Fully implemented. The establishment of a National Task Team (NTT) on LGBTI Rights in 2011 was intended to counter the continued discrimination and violence perpetrated against people on the basis of their sexual orientation, gender identity, expression and sex characteristics (SOGIESC). The NTT, which is co-chaired by the DoJ&CD and a nominated civil society representative, is a good example of a very successful partnership between government and civil society and was named in a 2016 report by the UN’s Office of the High Commission on Human Rights as a best practice model and international case study of government and civil society co-operation. The NTT continues its efforts to counter the continued discrimination and violence perpetrated against people on the basis of their sexual orientation, gender identity, expression and sex characteristics. |
| 139.89 Enhance the prevention, investigation and prosecution of violent crimes against individuals belonging to vulnerable groups (United Kingdom of Great Britain and Northern Ireland);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B2 Right to self-determination  D51 Administration of justice & fair trial  B51 Right to an effective remedy  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - vulnerable persons/groups | Fully implemented. The establishment of a national Rapid Response Team which meets on regular basis to discuss progress made on pending hate crime cases, and the establishment of Provincial Task Teams, led by the provincial DoJ&CD offices, which implement the NIS activities are some of the achievements to date in ensuring a holistic approach in addressing discrimination and violence against the LGBTQI+ persons and in Enhance the prevention, investigation and prosecution of violent crimes against individuals belonging to vulnerable groups. |
| 139.63 Heed the recommendation of the Human Rights Committee to redouble efforts to prevent and eliminate all manifestations of racism and xenophobia, as well as to improve the policing action in its response to violence against non-citizens (Honduras);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A23 Follow-up to treaty bodies  D51 Administration of justice & fair trial  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.50 Ensure that the Prevention and Combating of Hate Crimes and Hate Speech Bill is in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination and make every effort to expedite its enactment (Uruguay);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  A12 Acceptance of international norms  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. The draft Bill on the Prevention and Combating of Hate Crimes and Hate Speech is in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination. |
| 139.57 Take all necessary steps to address xenophobia through legislation, appropriate public awareness programmes and promotion of tolerance and cultural diversity, and adopt a national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Sweden);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  A45 National Human Rights Institution (NHRI)  A46 National Plans of Action on Human Rights (or specific areas)  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.52 Ensure proper implementation of the Prevention and Combating of Hate Crimes and Hate Speech Bill and the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance, once adopted (Republic of Moldova);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  A46 National Plans of Action on Human Rights (or specific areas)  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Partially implemented. The NAP has an indicative five-year Implementation Plan for the period 2019/2020 - 2023/2024 plan to combat racism, racial discrimination, xenophobia and related intolerance.  The Prevention and Combating of Hate Crimes and Hate Speech Bill has not been adopted. |
| 139.43 Expedite implementation of the Prevention and Combating of Hate Crimes and Hate Speech Bill and of a national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Spain);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  A46 National Plans of Action on Human Rights (or specific areas)  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - migrants  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Partially implemented. The Prevention and Combating of Hate Crimes and Hate Speech Bill has not been adopted and still before Parliament for considerations. |
| 139.59 Engage civil society, activists, non-governmental organizations and the media to seek common ground on the draft hate crimes bill (United States of America);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  A61 Cooperation with civil society  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - media  - human rights defenders  - non-citizens | Fully implemented. Parliament has undertaken public consultations on the Prevention and Combating of Hate Crimes and Hate Speech Bill. |
| 139.53 Expedite the approval of the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance, by the relevant organ, and allocate proper resources for its implementation (Ethiopia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  A63 Budget and resources (for human rights implementation)  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.51 Continue to combat hate crimes and hate speech, and ensure that the provisions of the Prevention and Combating of Hate Crimes and Hate Speech Bill cannot be used to restrict the rights to freedom of expression and religion (Estonia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  D42 Freedom of thought, conscience and religion  D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Partially implemented. The Prevention and Combating of Hate Crimes and Hate Speech Bill is before Parliament for consideration. The current wording of the Bill says that a hate crime is an offence recognised under any law, the commission of which is motivated on the basis of that person’s prejudice, bias or intolerance towards the victim of the hate crime in question because of one or more of the following characteristics or perceived characteristics of the victim or his or her family member: Race; gender; sex, which includes intersex; ethnic or social origin; colour; sexual orientation; religion; belief culture; language; birth; disability; HIV status; nationality; gender identity; albinism; or occupation or trade. |
| 139.44 Expedite the adoption of the Prevention and Combating of Hate Crimes and Hate Speech Bill (Madagascar);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Partially implemented. The Prevention and Combating of Hate Crimes and Hate Speech Bill is before Parliament for consideration. The current wording of the Bill says that a hate crime is an offence recognised under any law, the commission of which is motivated on the basis of that person’s prejudice, bias or intolerance towards the victim of the hate crime in question because of one or more of the following characteristics or perceived characteristics of the victim or his or her family member: Race; gender; sex, which includes intersex; ethnic or social origin; colour; sexual orientation; religion; belief culture; language; birth; disability; HIV status; nationality; gender identity; albinism; or occupation or trade. |
| 139.45 Expedite the adoption of the Prevention and Combating of Hate Crime and Hate Speech Bill, ensuring a strong legal framework against such crimes (Norway);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Partially implemented. The Prevention and Combating of Hate Crimes and Hate Speech Bill is before Parliament for consideration. The current wording of the Bill says that a hate crime is an offence recognised under any law, the commission of which is motivated on the basis of that person’s prejudice, bias or intolerance towards the victim of the hate crime in question because of one or more of the following characteristics or perceived characteristics of the victim or his or her family member: Race; gender; sex, which includes intersex; ethnic or social origin; colour; sexual orientation; religion; belief culture; language; birth; disability; HIV status; nationality; gender identity; albinism; or occupation or trade. |
| 139.46 Complete the process of adopting the Prevention and Combating of Hate Crimes and Hate Speech Bill (Cuba);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Partially implemented. The Prevention and Combating of Hate Crimes and Hate Speech Bill is before Parliament for consideration. The current wording of the Bill says that a hate crime is an offence recognised under any law, the commission of which is motivated on the basis of that person’s prejudice, bias or intolerance towards the victim of the hate crime in question because of one or more of the following characteristics or perceived characteristics of the victim or his or her family member: Race; gender; sex, which includes intersex; ethnic or social origin; colour; sexual orientation; religion; belief culture; language; birth; disability; HIV status; nationality; gender identity; albinism; or occupation or trade. |
| 139.48 Continue efforts to combat racial discrimination and hate speech, accelerate the enactment of the law concerning hate crimes and hate speech, which has been presented for general comments (Tunisia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Partially implemented. The Prevention and Combating of Hate Crimes and Hate Speech Bill is before Parliament for consideration. The current wording of the Bill says that a hate crime is an offence recognised under any law, the commission of which is motivated on the basis of that person’s prejudice, bias or intolerance towards the victim of the hate crime in question because of one or more of the following characteristics or perceived characteristics of the victim or his or her family member: Race; gender; sex, which includes intersex; ethnic or social origin; colour; sexual orientation; religion; belief culture; language; birth; disability; HIV status; nationality; gender identity; albinism; or occupation or trade. |
| 139.49 Adopt the law of 2016 on prevention and combating of hate crimes and hate speech and work towards disseminating a culture of coexistence and enhancing the values of tolerance (United Arab Emirates);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - migrants  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Partially implemented. The Prevention and Combating of Hate Crimes and Hate Speech Bill is before Parliament for consideration. The current wording of the Bill says that a hate crime is an offence recognised under any law, the commission of which is motivated on the basis of that person’s prejudice, bias or intolerance towards the victim of the hate crime in question because of one or more of the following characteristics or perceived characteristics of the victim or his or her family member: Race; gender; sex, which includes intersex; ethnic or social origin; colour; sexual orientation; religion; belief culture; language; birth; disability; HIV status; nationality; gender identity; albinism; or occupation or trade. |
| 139.75 Redouble its efforts to prevent and eliminate all signs of racism and xenophobia (Central African Republic);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks on foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. |
| 139.77 Take adequate measures to combat acts of racism and xenophobia against non-nationals (Congo);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - non-citizens | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.80 Take measures to prevent risks of violence against foreigners, migrants or asylum seekers (France);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A42 Institutions & policies - General  G4 Migrants  G5 Refugees & asylum seekers  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - migrants  - refugees & asylum seekers  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks on foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. |
| 139.73 Continue efforts to combat all forms of racial discrimination, xenophobia and racism, in particular with respect to refugees, asylum seekers and migrants (Senegal);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A42 Institutions & policies - General  G8 Non-citizens  G4 Migrants  G5 Refugees & asylum seekers  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - migrants  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - refugees & asylum seekers  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks on foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. |
| 139.82 Prevent racial discrimination and other forms of expression with xenophobic overtones against foreigners (Kenya);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A42 Institutions & policies - General  G8 Non-citizens  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - migrants  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks on foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. |
| 139.84 Continue its efforts aimed at combating racism and racial discrimination and xenophobia (Libya);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A42 Institutions & policies - General  G8 Non-citizens  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - migrants  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks on foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. |
| 139.83 Strengthen measures to prevent and eradicate all manifestations of discrimination, xenophobia and violence against foreign nationals (Rwanda);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A42 Institutions & policies - General  G8 Non-citizens  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks on foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. |
| 139.42 Pursue initiatives within the framework of the Durban Declaration and Programme of Action (Ecuador);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A42 Institutions & policies - General  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.85 Promote dialogue within the communities with a view to face the root causes of discrimination and violence (Guatemala);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A42 Institutions & policies - General  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | The National Anti-Xenophobia Task Team NTT has, for example, identified Atteridgeville in the Tshwane metro as one of the hot spots in the continuous outbreaks of xenophobic attacks. Government is therefore piloting a visible and sustainable anti-xenophobia campaign in Atteridgeville. The campaign addresses the root causes of xenophobia and different social ills as identified by the community - focussing on changing attitudes and the behaviour of community members, leaders and businesses. Community members are directly involved and plan interventions according to the challenges identified in the Atteridgeville community. A number of interventions have been implemented with the collaboration of the local community: including an intensive change management framework exercise conducted in March 2019. |
| 139.86 Exert additional efforts to combat discrimination and xenophobia (Iraq);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A42 Institutions & policies - General  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks on foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. |
| 139.58 Continue to promote the effective implementation of the Durban Declaration and Programme of Action by the international community, in order to combat racism (China);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A42 Institutions & policies - General  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.54 Accelerate procedures for adopting the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Togo);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A46 National Plans of Action on Human Rights (or specific areas)  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.55 Consolidate the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Bolivarian Republic of Venezuela);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A46 National Plans of Action on Human Rights (or specific areas)  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.47 Expedite the legislative process related to the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Turkey);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A46 National Plans of Action on Human Rights (or specific areas)  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.56 Continue efforts to finalize the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Namibia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A46 National Plans of Action on Human Rights (or specific areas)  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. The NAP acknowledges the Convention on the Elimination of All Forms of Racial Discrimination as the principal international instrument to eliminate racism, racial discrimination, xenophobia and related intolerance. It is therefore aligned with the Convention and uses the definitions as contained in the Convention. A copy of the NAP was deposited with the UN in 2019. |
| 139.62 Conduct educational campaigns on access to judicial remedies for racial discrimination (Timor-Leste);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A54 Awareness raising and dissemination  B51 Right to an effective remedy  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. |
| 139.61 Raise social awareness against any form of xenophobic and racist thinking and attitudes for the benefit of sustainable development and regional stability (Hungary);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A54 Awareness raising and dissemination  E1 Economic, social & cultural rights - general measures of implementation  S10 SDG 10 - inequality  S12 SDG 12 - sustainable consumption and production  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. The overall objective of these SOPs is to ensure that proper standards are met in order to enhance efficiency and effectiveness of the UNPWG in the case of responding to attacks of foreign nationals including refugees and asylum seekers, and also other issues related to protection. |
| 139.60 Strengthen measures to prevent violence against foreigners. These include comprehensive education and awareness programmes regarding xenophobia and the rights of migrants, including refugees and asylum seekers, as well as programmes that promote inclusion (Canada);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  A54 Awareness raising and dissemination  G4 Migrants  G5 Refugees & asylum seekers  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - migrants  - refugees & asylum seekers  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. The overall objective of these SOPs is to ensure that proper standards are met in order to enhance efficiency and effectiveness of the UNPWG in the case of responding to attacks of foreign nationals including refugees and asylum seekers, and also other issues related to protection. |
| 139.68 Prosecute perpetrators of crimes motivated by racial discrimination and xenophobia and encourage dialogue among communities in conflict (Central African Republic);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  D51 Administration of justice & fair trial  B52 Impunity  A54 Awareness raising and dissemination  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. A South African estate agent Ms Vicky Momberg became the first person in SA to be prosecuted for racism after she was caught on video verbally abusing a black policeman. She used the word ‘kaffirs’ repeatedly during her tirade against men who were trying to assist. The word is deeply offensive and considered the most racist in South Africa. The state brought a case of crimen injuria against Momberg and a court has sentenced her to three years in jail (one suspended). This makes her the first person in the country to be jailed for this offence. |
| 139.67 Not only work to bring perpetrators to justice, but also establish a dialogue among relevant stakeholders to address the root causes of xenophobia (Thailand);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  D51 Administration of justice & fair trial  B52 Impunity  A61 Cooperation with civil society  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. The overall objective of these SOPs is to ensure that proper standards are met in order to enhance efficiency and effectiveness of the UNPWG in the case of responding to attacks of foreign nationals including refugees and asylum seekers, and also other issues related to protection. |
| 139.69 Take appropriate action to punish people motivated by racial discrimination and xenophobia (Uganda);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  D51 Administration of justice & fair trial  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. A South African estate agent Ms Vicky Momberg became the first person in SA to be prosecuted for racism after she was caught on video verbally abusing a black policeman. She used the word ‘kaffirs’ repeatedly during her tirade against men who were trying to assist. The word is deeply offensive and considered the most racist in South Africa. The state brought a case of crimen injuria against Momberg and a court has sentenced her to three years in jail (one suspended). This makes her the first person in the country to be jailed for this offence. |
| 139.70 Ensure the investigation of all incidents of hate crimes and hate speech and prosecute the perpetrators (Israel);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  D51 Administration of justice & fair trial  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. A South African estate agent Ms Vicky Momberg became the first person in SA to be prosecuted for racism after she was caught on video verbally abusing a black policeman. She used the word ‘kaffirs’ repeatedly during her tirade against men who were trying to assist. The word is deeply offensive and considered the most racist in South Africa. The state brought a case of crimen injuria against Momberg and a court has sentenced her to three years in jail (one suspended). This makes her the first person in the country to be jailed for this offence. |
| 139.65 Redouble efforts to prevent and eradicate all manifestations of racism and xenophobia and improve the policing action in its response to violence against refugees, asylum seekers and migrants, among others (Guatemala);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  D51 Administration of justice & fair trial  G4 Migrants  G5 Refugees & asylum seekers  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. The overall objective of these SOPs is to ensure that proper standards are met in order to enhance efficiency and effectiveness of the UNPWG in the case of responding to attacks of foreign nationals including refugees and asylum seekers, and also other issues related to protection. |
| 139.64 Improve police responses to violence against foreigners (Central African Republic);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  D51 Administration of justice & fair trial  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. |
| 139.88 Continue to improve socioeconomic development strategies and plans in order to avoid xenophobia and other forms of intolerance towards foreigners in South Africa (Ukraine);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  E1 Economic, social & cultural rights - general measures of implementation  A42 Institutions & policies - General  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - migrants  - non-citizens | Fully implemented. Budget documentation shows that, in the three fiscal years (FY) 2017/18 to FY 2019/20, on average, over 11% of consolidated public expenditure (4% of GDP) prioritised social development that worked to combat poverty and inequality. Social protection expenditure, comprising largely of a sizeable social grant programme that works to counter extreme poverty and benefitted 18 million beneficiaries as of FY 2019/20.  Additionally, on average, more than 15% of consolidated public expenditure (more than 5% of GDP) was attributable to economic development over the same period to promote faster and sustained inclusive economic growth to address unemployment, poverty and inequality. Economic development expenditure included support for industrialisation and exports, agriculture and rural development, job creation, economic infrastructure and innovation. |
| 139.76 Fight all forms of xenophobia and reject discrimination against migrants (Chad);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  G4 Migrants  A42 Institutions & policies - General  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - migrants  - non-citizens | Fully implemented. It is important to highlight that the Constitution’s Bill of Rights states that the majority of rights are guaranteed to “everyone” – i.e. not only to South Africans, but also to foreign nationals within our borders, only 4 sections apply to citizens. Therefore, foreign nationals do enjoy the same rights to healthcare, education and social security as citizens do. |
| 139.87 Step up measures aimed at addressing the systematic attacks on immigrants (Mozambique);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  G4 Migrants  D51 Administration of justice & fair trial  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - migrants | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. The overall objective of these SOPs is to ensure that proper standards are met in order to enhance efficiency and effectiveness of the UNPWG in the case of responding to attacks of foreign nationals including refugees and asylum seekers, and also other issues related to protection. |
| 139.79 Take all additional measures to prevent and eradicate all manifestations of any form of racism and xenophobia against non-citizens, including refugees, asylum seekers and migrants (Greece);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  G4 Migrants  G5 Refugees & asylum seekers  G8 Non-citizens  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - migrants  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - refugees & asylum seekers  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. The overall objective of these SOPs is to ensure that proper standards are met in order to enhance efficiency and effectiveness of the UNPWG in the case of responding to attacks of foreign nationals including refugees and asylum seekers, and also other issues related to protection. |
| 139.74 Continue its efforts to combat discrimination, xenophobia and racism against non-citizens (Bangladesh);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  G8 Non-citizens  A42 Institutions & policies - General  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. The overall objective of these SOPs is to ensure that proper standards are met in order to enhance efficiency and effectiveness of the UNPWG in the case of responding to attacks of foreign nationals including refugees and asylum seekers, and also other issues related to protection. |
| 139.66 Continue its efforts to prevent and eradicate all manifestations of racism and xenophobia and to improve policing responses to violence against non-nationals (State of Palestine);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  B32 Racial discrimination  G8 Non-citizens  D51 Administration of justice & fair trial  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. A National Anti-Xenophobia Task Team (NTT) was established in 2017 to focus on developing a programme that will facilitate ending attacks foreign nationals. Furthermore, Government is a member of the United Nations Protection Working Group (UNPWG). The UNPWG’s focus is on ensuring the promotion of social cohesion in our communities whilst ensuring that communities are safe for all inhabitants, both citizens and foreign nationals including refugees and asylum seekers alike. The UNPWG drafted Standard Operating Procedures (SOPs) in response to violence against foreign nationals in South Africa. The overall objective of these SOPs is to ensure that proper standards are met in order to enhance efficiency and effectiveness of the UNPWG in the case of responding to attacks of foreign nationals including refugees and asylum seekers, and also other issues related to protection. |
| 139.91 Protect persons with albinism from violence, abduction, discrimination and stigmatization (Portugal);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  D51 Administration of justice & fair trial  B51 Right to an effective remedy  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Fully implemented. On the 26 and 27 November 2019 the DoJCD hosted the first National Colloquium on Access to Justice for Persons with Albinism in Kempton Park. Government also provides support to the Albinism Society of South Africa (ASSA) in order to provide social protection services and lead Government efforts to forge partnerships through which vulnerable individuals, groups and communities become capable and self-reliant participants in their own development. Persons with albinism also benefit from legislation such as PEPUDA and the EEA. South Africa has also signed the African Union Protocol on the Rights of Persons with Disabilities which specifically mentions persons with albinism and the NAP also provides for the protection of people with albinism. |
| 139.94 Thoroughly investigate and prosecute reported incidents of abductions and killings of persons with albinism (Sierra Leone);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  D51 Administration of justice & fair trial  B51 Right to an effective remedy  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Fully implemented. On 29 October 2021, the Mpumalanga High Court in Middelburg sentenced three men to life in prison for the 2018 murders of a 13-year-old Mpumalanga girl living with albinism and her 15-month-old cousin. |
| 139.96 Strengthen the protection of people with albinism from violence, abduction, discrimination, stigmatization and related intolerance (Mauritania);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  D51 Administration of justice & fair trial  B51 Right to an effective remedy  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Fully implemented. The draft Bill on the Prevention and Combating of Hate Crimes and Hate Speech intends to specifically criminalise hate speech against persons with albinism among other vulnerable groups. The Bill is before Parliament for consideration. The current wording of the Bill says that a hate crime is an offence recognised under any law, the commission of which is motivated on the basis of that person’s prejudice, bias or intolerance towards the victim of the hate crime in question because of one or more of the listed characteristics or perceived characteristics of the victim or his or her family member. South Africa is also working towards domesticating the Convention on the Rights of Persons with Disabilities into national law and its Witchcraft Suppression Act is undergoing law reform. |
| 139.71 Work to hold perpetrators of xenophobic violence to account (Australia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  D51 Administration of justice & fair trial  B52 Impunity  G8 Non-citizens  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - non-citizens | Fully implemented. Government, through collaborative partnerships between the DOJCD, DSD, SAPS and various other key role-players, continues to conduct a number of anti-xenophobia campaigns and related activities in collaboration with key stakeholders to address the root causes of sporadic attacks against foreign nationals. |
| 139.92 Protect people with albinism (Congo);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  D51 Administration of justice & fair trial  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Fully implemented. On the 26 and 27 November 2019 the DoJCD hosted the first National Colloquium on Access to Justice for Persons with Albinism in Kempton Park. Government also provides support to the Albinism Society of South Africa (ASSA) in order to provide social protection services and lead Government efforts to forge partnerships through which vulnerable individuals, groups and communities become capable and self-reliant participants in their own development. Persons with albinism also benefit from legislation such as PEPUDA and the EEA. South Africa has also signed the African Union Protocol on the Rights of Persons with Disabilities which specifically mentions persons with albinism and the NAP also provides for the protection of people with albinism. |
| 139.100 Take urgent measures for the investigation and effective punishment of perpetrators of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (Argentina);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  D51 Administration of justice & fair trial  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Fully implemented. The establishment of a National Task Team (NTT) on LGBTI Rights in 2011 was intended to counter the continued discrimination based on sexual orientation and gender identity against members of the LGBTI community. The NTT is a good example of a very successful partnership between government and civil society and was named in a 2016 report by the UN’s Office of the High Commission on Human Rights as a best practice model and international case study of government and civil society co-operation. The NTT continues its efforts to counter the continued discrimination based on sexual orientation and gender identity against members of the LGBTI community. |
| 139.101 Take steps to ensure the prevention, investigation and prosecution of cases of violence against persons based on sexual orientation and gender identity (Israel);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  D51 Administration of justice & fair trial  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Fully implemented. The establishment of a National Task Team (NTT) on LGBTI Rights in 2011 was intended to counter the continued discrimination based on sexual orientation and gender identity against members of the LGBTI community. The NTT is a good example of a very successful partnership between government and civil society and was named in a 2016 report by the UN’s Office of the High Commission on Human Rights as a best practice model and international case study of government and civil society co-operation. The NTT continues its efforts to counter the continued discrimination based on sexual orientation and gender identity against members of the LGBTI community. |
| 139.102 Strengthen its system for monitoring, reporting and analyzing crimes of violence and discrimination against individuals based on grounds of sexual orientation or gender identity (Netherlands);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  D51 Administration of justice & fair trial  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Fully implemented. The establishment of a National Task Team (NTT) on LGBTI Rights in 2011 was intended to counter the continued discrimination based on sexual orientation and gender identity against members of the LGBTI community. The NTT is a good example of a very successful partnership between government and civil society and was named in a 2016 report by the UN’s Office of the High Commission on Human Rights as a best practice model and international case study of government and civil society co-operation. The NTT continues its efforts to counter the continued discrimination based on sexual orientation and gender identity against members of the LGBTI community. |
| 139.81 Take all required measures to halt the exploitation of migrants, asylum seekers and refugees and facilitate their integration into society (Turkey);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B31 Equality & non-discrimination  G4 Migrants  G5 Refugees & asylum seekers  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - migrants  - refugees & asylum seekers | Fully implemented. It is important to highlight that the Constitution’s Bill of Rights states that the majority of rights are guaranteed to “everyone” – i.e. not only to South Africans, but also to foreign nationals within our borders, only 4 sections apply to citizens. Therefore, foreign nationals do enjoy the same rights to healthcare, education and social security as citizens do. |
| ***Theme: B41 Right to development*** | | | |
| 139.136 Continue to consolidate the national development plan on the eradication of poverty (Bolivarian Republic of Venezuela);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B41 Right to development  E1 Economic, social & cultural rights - general measures of implementation  E25 Human rights & poverty  S01 SDG 1 - poverty  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general | Fully implemented. The National Development Plan (NDP) or Vision 2030 serves as the country’s long-term blueprint for development. The NDP was adopted by a cross-section of South African stakeholders, political parties and civil society as the country’s vision. The achievement of this vision demands a cooperative relationship across national, provincial and local governments, and across the private sector, labour, and civil society, working with government as social partners. The NDP sets two overarching objectives, namely the eradication of poverty below the Lower-bound Poverty Line and the reduction of income inequality as measured by the Gini coefficient. The NDP prioritises reducing inequality as one of its key objectives to tackling South Africa’s significantly high inequality challenges. One of the NDP targets is to reduce income inequality (measured by the Gini coefficient) from 0,70 to 0,60 by 2030.The South African government has adopted a multi-pronged approach to addressing the triple challenges of poverty, inequality and unemployment. Broadly, this comprises progressive fiscal policy, social assistance, as well as direct and indirect employment programmes. |
| 139.134 Continue strengthening social programmes in the context of nation-building and social cohesion (Bolivarian Republic of Venezuela);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B41 Right to development  E1 Economic, social & cultural rights - general measures of implementation  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general | Fully implemented. The country spends about R180 billion per year on social grants targeting poor children, the elderly and those with a disability. In addition to this, during 2020/21, a Special Covid-19 Social Relief package estimated at R55 billion was implemented to assist lower income household during the pandemic. This included a new grant for those between the ages of 18 and 60 and caregivers allowance for those receiving a Child Support Grant, whom are mostly women. While this was a temporary relief measure, the new grant, with some amendment to improve the gender aspects of the grant, was extended to March 2022; and the government is engaged in ongoing dialogue around the possibility of providing more permanent social assistance for this cohort. Over 60% of those who accessed the grant were youth. Due to the digital platform it was implemented on, there is a bias to urban and peri-urban beneficiaries. The normal grants are however well targeted and have a significant reach in rural areas. |
| 139.135 Continue its efforts to implement the country’s national development plan (Pakistan);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B41 Right to development  E1 Economic, social & cultural rights - general measures of implementation  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general | Fully implemented. The Government continues to consolidate the national development plan on the eradication of poverty and strengthen social programmes through community mobilisation and empowerment of the poor and vulnerable people to become active participants in development initiatives. Community Capacity Enhancement (CCE) methodology and Sustainable Livelihoods Approach (SLA) are utilised by the government to facilitate community dialogues and address many challenges using the assets that exists within communities. In this way, the poor and vulnerable are linked to opportunities and encouraged to form Cooperatives, Non-Profit Organisations and at times linked to work opportunities within their communities. Through the District Development Model (DDM), the poor and underserviced communities are also referred to District Municipalities for integrated service provision which includes water, electricity, health and education. These services promote nation building and social cohesion. |
| 139.149 Continue its efforts to achieve development, the eradication of poverty and the elimination of racial discrimination (Yemen);  **Source of position:** A/HRC/36/16/Add.1 | Supported | B41 Right to development  E25 Human rights & poverty  B32 Racial discrimination  S01 SDG 1 - poverty  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups  - persons living in poverty | Fully implemented. South Africa has adopted the National Development Plan (NDP) in September 2012 to eliminate poverty and reduce inequality by 2030. The NDP will position South Africa as a capable and developmental State to amongst others be able to:  a. Build an inclusive and integrated rural economy;  b. Improve infrastructure;  c. Build environmental sustainability and resilience;  d. Improve the quality of education;  e. Strengthen Social protection; and  f. Build safer communities  Furthermore, budget documentation shows that, in the three fiscal years (FY) 2017/18 to FY 2019/20, on average, over 11% of consolidated public expenditure (4% of GDP) prioritised social development that worked to combat poverty and inequality. Social protection expenditure, comprising largely of a sizeable social grant programme that works to counter extreme poverty and benefitted 18 million beneficiaries as of FY 2019/20.  Additionally, on average, more than 15% of consolidated public expenditure (more than 5% of GDP) was attributable to economic development over the same period to promote faster and sustained inclusive economic growth to address unemployment, poverty and inequality. Economic development expenditure included support for industrialisation and exports, agriculture and rural development, job creation, economic infrastructure and innovation. |
| ***Theme: D26 Conditions of detention*** | | | |
| 139.113 Improve conditions in detention centres and avoid overcrowding, as well as the detention of migrants (Mexico);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D26 Conditions of detention  G4 Migrants  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - migrants  - persons deprived of their liberty | Fully implemented. The Department of Correctional services (DCS) has developed an Overcrowding Reduction Strategy which was approved in March 2021. The inmate population for 2019/2020 was recorded at 154 449 against the approved bedspace total of 120 567. In 2019, Special Remission was granted by the President, which led to the release of 15 911 low risk inmates into community corrections during the 2019/2020 financial year. Through this process overcrowding was reduced by 28%. As a general principle, South Africa does not arbitrary detain asylum seekers and refugees, other than where a criminal offence has been committed and warrants such detention. Arrests and detentions in the Republic of South Africa are at all times governed by the law, in particular, Section 35 of the Constitution. In cases where asylum seekers, refugees and migrants are arrested, the SAPS will inform the DHA of the arrests to assist in determining whether such arrested person/s are legally residing in the country so that their status can be determined and where required they can be accordingly released or processed for deportation. |
| ***Theme: D27 Prohibition of slavery, trafficking*** | | | |
| 139.126 Continue the efforts aimed at combating trafficking in persons, particularly women and children, in the framework of enforcing national legislation and the international conventions that South Africa has ratified (United Arab Emirates);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D27 Prohibition of slavery, trafficking  A12 Acceptance of international norms  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - women  - children | Fully implemented. South Africa became a signatory to the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children in December 2000 and ratified it in February 2004. Pursuant to that, Parliament enacted the Prevention and Combating of Trafficking in Persons Act, No. 7 of 2013 (the TIP Act), which is a comprehensive legislative instrument to prevent and combat trafficking in persons in all its forms and the prosecution of offenders. The TIP Act came into operation on 9 August 2015. |
| 139.128 Continue its efforts to combat trafficking of persons through the effective implementation of the Prevention and Combating of Trafficking in Persons Act (Maldives);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D27 Prohibition of slavery, trafficking  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - women  - children | Fully implemented. South Africa in collaboration with the Office on Drugs and Crime (the UNODC), under the framework of the Global Action against Trafficking in Persons and Smuggling of Migrants (GLO.ACT), developed and launched Prevention and Combating of Trafficking in Persons National Policy Framework (NPF) on 25 April 2019. This was completed through multi-stakeholder engagements.  The DoJ&CD co-ordinates government’s multi-disciplinary efforts to prevent and combat trafficking in persons, including defining and ensuring adherence to roles and responsibilities of the different government departments. These are defined in the NPF on Trafficking in Persons. |
| 139.129 Consider formulating a national plan of action on trafficking, with a particular focus on data on trafficking in children (Bangladesh);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D27 Prohibition of slavery, trafficking  A46 National Plans of Action on Human Rights (or specific areas)  F31 Children: definition; general principles; protection  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Fully implemented. The Government, in partnership with the United States Agency for International Development (USAID) has commenced a Research Study on the Nature and Scope of Trafficking in Persons (TIP) in South Africa. The purpose of this research programme is to make a step change in scale and impact by focusing on robust, empirical-driven, and policy and socially relevant studies which are aimed at revealing the nature and magnitude of trafficking in persons in South Africa. It is envisioned that evidence-based studies will create a baseline and shed light on the complex characteristics of trafficking and will target the underlying drivers of exploitation. The systematic collection and analysis of both quantitative and qualitative data on human trafficking is prioritised. |
| 139.125 Closely cooperate with relevant governmental and non-governmental foreign agencies to tackle trafficking in persons and ensure that appropriate protection is rendered to various groups of victims, including victims who are foreign nationals (Thailand);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D27 Prohibition of slavery, trafficking  A61 Cooperation with civil society  A28 Cooperation with other international mechanisms and institutions  B51 Right to an effective remedy  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - women  - children  - non-citizens | Fully implemented. South Africa has already put structures in place at both national and provincial levels. A National Inter-Sectoral Committee on Trafficking in Persons (NICTIP) which comprises of national departmental representatives from amongst others, DoJ&CD, Health, Home Affairs, International Relations and Cooperation, Labour, Social Development, Women, South African Police Service (SAPS), the National Prosecution Authority (NPA) as well as civil society organizations was established. The Committee leads the implementation and administration of the Act at a national Government level. Provincial Task Teams (PTT’s) on Trafficking in Persons were also established as well as the National and Provincial Rapid Response Teams (RRT’s) to attend to operational matters relating to suspected complaints and pending cases of trafficking in persons and providing support to victims.  The government also continuously increase training of national and provincial frontline responders to improve their capacity in dealing with trafficking in persons matters. With the support of the UNODC, South Africa was able to develop a Generic Trafficking in Persons Manual for Criminal Justice Practitioners. |
| 139.124 Continue the ongoing efforts to combat human trafficking and strengthen measures to protect victims of trafficking (Sri Lanka);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D27 Prohibition of slavery, trafficking  B51 Right to an effective remedy  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - women  - children | Fully implemented. The Government in collaboration with the IOM developed an Integrated Victim Assistance Standard Operating Procedure (SOP). The Integrated SOP on victim assistance, adopted by Government, is an integral document for the task teams and other Government departments. The said SOP was rolled out to government officials and civil society. |
| 139.127 Continue measures to combat trafficking in human beings (Azerbaijan);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D27 Prohibition of slavery, trafficking  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - women  - children | Fully implemented. As part of prevention strategy South Africa continues to conduct awareness raising initiatives on trafficking in persons using various platforms including social media and community radio platforms. |
| ***Theme: D31 Liberty and security – general*** | | | |
| 139.107 Continue to combat violence and crime in large cities (Angola);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D31 Liberty and security - general  D51 Administration of justice & fair trial  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. The White Paper on Safety and Security (White Paper) was approved and adopted by Cabinet in April 2016. It seeks to promote an integrated approach to crime and violence prevention, and to facilitate the objective of building safer communities in South Africa, as set out in the National Development Plan (NDP). As such, the primary objective of the White Paper is to provide an overarching policy framework for community safety, crime and violence prevention in every corner of South Africa, including large cities, in order to facilitate synergy with, and alignment of, government strategies addressing community safety. |
| ***Theme: D43 Freedom of opinion and expression*** | | | |
| 139.118 Continue its efforts to ensure the right to access to information and freedom of expression by adopting regulations that would be in accordance with both the South African Constitution and the international treaties and commitments of South Africa (Poland);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D43 Freedom of opinion and expression  A41 Constitutional and legislative framework  A12 Acceptance of international norms  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. The Promotion of Access to Information Act 2 of 2000 (commonly known as PAIA) is South Africa’s access to information law and it enables people to gain access to information held by both public and private bodies. All organisations in South Africa must comply with it. PAIA gives legislative effect to the right of access to information in accordance with section 32 of the Constitution. Both private and public bodies have a duty to provide access to the requested records, unless specifically refused in terms of PAIA. This means that any record held by the State or the private sector may be accessed upon request for the exercise and protection of any rights. |
| 139.121 Safeguard journalists and writers, especially those working for State-owned media houses or public broadcasters, so they can work freely and without fear of reprisal for expressing critical opinions or covering subjects that the Government may find sensitive (Sweden);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D43 Freedom of opinion and expression  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - media | Fully implemented. The South African government even took the lead in launching the Digital Platform for the Safety of Journalists in Africa in January 2021. At the launch, President Ramaphosa indicated that “we vigorously defend the right of journalists to do their work, to write, to publish and to broadcast what they like, even if we disagree with some or all of it”. The Digital Platform for the Safety of Journalists in Africa is an important tool in promoting the safety of journalists and other media workers across Africa. |
| ***Theme: D51 Administration of justice & fair trial*** | | | |
| 139.116 Ensure that bills relating to traditional courts and traditional leaders currently under discussion are in conformity with the international commitments of South Africa (France);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D51 Administration of justice & fair trial  A12 Acceptance of international norms  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. The Traditional and Khoi-San leadership bill which has since been assented into law herein known as the Traditional and Khoi-San Leadership Act 3 of 2019 is fully aligned with the South African Constitution and international human right instruments obligations. The Act deals with matters of traditional leadership and institutions as referred to in sections 211 and 212 of the Constitution. Importantly, Constitutional principles such as those contained in the Bill of Rights are promoted and emphasised throughout the Act. |
| 139.115 Step up its efforts to improve legal aid for destitute people in order to guarantee access to justice and a fair trial for all (Burundi);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D51 Administration of justice & fair trial  B51 Right to an effective remedy  E25 Human rights & poverty  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons living in poverty | Fully implemented. Legal aid mechanisms for all persons in South Africa (inclusive of foreign nationals) and specific vulnerable groups have been strengthened through Legal Aid regulations by e.g. providing that legal aid may also be provided for maintenance, domestic violence and harassment cases. Legal aid may further be provided to asylum seekers and in Hague Convention cases, also to children in civil proceedings involving the child. Legal Aid South Africa may undertake or fund litigation or other legal work which has the potential to positively affect the lives of a larger number of indigent persons. |
| 139.111 Redouble efforts to reduce the use of excessive force by the police through a comprehensive effort to educate policemen on proper procedures and prosecute those law enforcement officials who persist (Iceland);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D51 Administration of justice & fair trial  D25 Prohibition of torture and cruel, inhuman or degrading treatment  A53 Professional training in human rights  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - law enforcement / police officials | Fully implemented. Section 9 of the South African Constitution provides that everyone is equal before the law and has the right to equal protection and benefit of the law. The protection of this right is incorporated in the Legal Aid South Africa Act 39 of 2014. The main aim of the Act as indicated in the preamble is to, among others, ensure access to justice and realisation of the right of a person to have legal representation as envisaged in the Constitution. Legal aid is available in all criminal cases to everyone who lives in South Africa (not only South African citizens) who meet certain requirements which are outlined in the specific Regulations issued under section 23(1) of the Legal Aid Act pertaining to criminal and civil matters. |
| 139.114 Ensure that the Independent Police Investigative Directorate investigates all allegations of torture (Germany);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D51 Administration of justice & fair trial  D25 Prohibition of torture and cruel, inhuman or degrading treatment  B51 Right to an effective remedy  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - law enforcement / police officials | Fully implemented. The mandate of the IPID is to investigate all incidents of misconduct by members of the SAPS and Metro Police Services (MPS). In terms of the IPID Act, Act 01 of 2011, Section 29(1) read with Regulation 2(1) of the IPID Regulations, obligates the SAPS and MPS to report specific cases to IPID for investigation in a specific format and manner. 34. Table 2 contains statistical data of cases registered by IPID for the financial years from 2014 to 2020. (see attached list of tables). |
| 139.112 Take effective measures to prevent the excessive use of force and to protect the human rights of persons in detention facilities (Holy See);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D51 Administration of justice & fair trial  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  A42 Institutions & policies - General  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. The Government complied with the High Court Judgment in the Khosa and Others v Minister of Defence and Military Defence and Military Veterans and Others (21512/2020) ZAGPPHC by widely publishing codes of conduct and operational procedures regulating the conduct of members of the SANDF, SAPS and Municipal Police Departments (MPDs) in enforcing the lockdown regulations under the declaration of the State of Disaster. The Department of Defence issued the Directive (Annexure D) titled Mission Specific Code of Conduct for Members of the SANDF specific to the State of National Disaster in terms of Section 19 of the Defence Act 42 of 2002: Operation Notlela dated 21 May 2020 and the SAPS issued the Directive (Annexure E) titled Use of Force and Torture: Guidelines on the Implementation and Enforcement of Regulations and Directives issued in terms of Section 27 of the Disaster Management Act 57 of 2002: Containment and Management of Covid 19 dated 19 May 2020. In essence, the codes of conduct issued by relevant authorities following the above judgement are aimed at ensuring that there is no unnecessary use of force from law enforcement officers. Any abuses may be referred for investigation to the bodies established to investigate all acts of torture and inhuman treatment of civilians by law enforcement officers in South Africa, i.e. the Military Ombudsman (for the Army) and IPID (for the Police Services and Metropolitan Police). |
| 139.108 Strengthen its efforts against the excessive use of force by police forces (Cabo Verde);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D51 Administration of justice & fair trial  D25 Prohibition of torture and cruel, inhuman or degrading treatment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - law enforcement / police officials | Fully implemented. The Government complied with the High Court Judgment in the Khosa and Others v Minister of Defence and Military Defence and Military Veterans and Others (21512/2020) ZAGPPHC by widely publishing codes of conduct and operational procedures regulating the conduct of members of the SANDF, SAPS and Municipal Police Departments (MPDs) in enforcing the lockdown regulations under the declaration of the State of Disaster. The Department of Defence issued the Directive (Annexure D) titled Mission Specific Code of Conduct for Members of the SANDF specific to the State of National Disaster in terms of Section 19 of the Defence Act 42 of 2002: Operation Notlela dated 21 May 2020 and the SAPS issued the Directive (Annexure E) titled Use of Force and Torture: Guidelines on the Implementation and Enforcement of Regulations and Directives issued in terms of Section 27 of the Disaster Management Act 57 of 2002: Containment and Management of Covid 19 dated 19 May 2020. In essence, the codes of conduct issued by relevant authorities following the above judgement are aimed at ensuring that there is no unnecessary use of force from law enforcement officers. Any abuses may be referred for investigation to the bodies established to investigate all acts of torture and inhuman treatment of civilians by law enforcement officers in South Africa, i.e. the Military Ombudsman (for the Army) and IPID (for the Police Services and Metropolitan Police). |
| 139.117 Continue to pay further attention to improving the rule of law (Russian Federation);  **Source of position:** A/HRC/36/16/Add.1 | Supported | D51 Administration of justice & fair trial  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. The government is committed to the prevention and combating of crime and the advancement of the rule of law in order to ensure the realisation of the rights enshrined in the Constitution Entrenching the culture of human rights, constitutionalism, the rule of law and advancement of our international obligations are part of the strategic objectives of the DoJ&CD. |
| ***Theme: E1 Economic, social & cultural rights - general measures of implementation*** | | | |
| 139.158 Take all the necessary measures to optimize land distribution, while implementing a land reform, providing adequate support and training to beneficiaries, in close consultation with all stakeholders (Haiti);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E1 Economic, social & cultural rights - general measures of implementation  A42 Institutions & policies - General  A54 Awareness raising and dissemination  A61 Cooperation with civil society  S10 SDG 10 - inequality  **Affected persons:**  - general  - persons living in rural areas | Fully implemented. Since the year 2017 till the year 2021, the Department of Agriculture, Land Reform and Rural Development (DALRRD) has acquired 299 000 ha through land redistribution and tenure reform programs. A total of 243 000 ha has been allocated 972 individuals, where 64 000 hectares was allocated 320 are women, 61 000 ha allocated to 279 young people, 489 ha are allocated to people with disabilities. The focus of these programs is to redress the past apartheid and colonial injustice system which dispossessed indigenous people of their land and confined African majority to only 13% of the land, and thereby been denied access and ownership of the land. Although the focus redressing the land inequality between white and black South Africans, the program also prioritizes women, youth and persons living with disabilities.  The DALRRD has piloted the use of blended funding to allow those who need land to use this facility which is subsidised by the state and the balance can be raised by the farmer including use of financial institutions. The blended funding assist on land acquisition and development as well. The DALRRD is working closely with various stakeholders including farmer’s organisations, community organisations and individuals involved in land reform, redistribution of land and land development to provide training and other support to farmers to ensure continuous and sustainable productions. In line with the Constitution and relevant legislations of the country, the plight and the right of the vulnerable citizens are of great focus of the government. The farms workers, labour tenants, farm dwellers and other persons living in the rural areas are been protected from all sorts of rights infringements as workers and as people staying in the farming rural areas. The tenure rights of the farm dwellers, labour tenants and land occupiers as vulnerable groups are being addressed by Labour Tenants program that have been developed and implemented. In the financial year 2020/21 government have acquired over 7000 hectares of land as part of addressing the insecure tenure rights of the labour tenants. The government has also developed a rural safety strategy that seeks to protect the rights of people living in rural areas to ensure that they have secured tenure rights, housing, and access basic services. |
| 139.151 Continue to promote rural development policies for the protection of the rights of peasants and other persons working in rural areas (Plurinational State of Bolivia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E1 Economic, social & cultural rights - general measures of implementation  B41 Right to development  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - persons living in rural areas | Fully implemented. In line with the Constitution and relevant legislations of the country, the plight and the right of the vulnerable citizens are of great focus of the government. The farms workers, labour tenants, farm dwellers and other persons living in the rural areas are been protected from all sorts of rights infringements as workers and as people staying in the farming rural areas. The tenure rights of the farm dwellers, labour tenants and land occupiers as vulnerable groups are being addressed by Labour Tenants program that have been developed and implemented. In the financial year 2020/21 government have acquired over 7000 hectares of land as part of addressing the insecure tenure rights of the labour tenants. The government has also developed a rural safety strategy that seeks to protect the rights of people living in rural areas to ensure that they have secured tenure rights, housing, and access basic services.  The focus of the strategy is on the areas mentioned below:   1. Overseeing progress on legislative processes intended to conclude current and pending bills. 2. Development and implementation of packages for post settlement support to enhance production and economic growth 3. Massifying production in communal areas including the provision of intensified support before the planting season starts. 4. Ensuring security of tenure for farm dwellers on land already occupied by these households without negatively affecting production. 5. Accelerating urban land redistribution to decisively change the apartheid geography of the cities and towns and unlock economic value in townships, villages and small towns. |
| 139.132 Continue its efforts to implement measures aimed at the economic transformation of the country (Pakistan);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E1 Economic, social & cultural rights - general measures of implementation  E21 Right to an adequate standard of living - general  E25 Human rights & poverty  B41 Right to development  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general | Partially implemented. Transformation is a process. Government has embarked on a comprehensive programme to provide a legislative framework for the transformation of South Africa’s economy. In 2003, the Broad-Based Black Economic Empowerment (B-BBEE) Strategy was published as a precursor to the B-BBEE Act, 2003. The fundamental objective of the Act is to advance economic transformation and enhance the economic participation of black people in the South African economy. The Act provides a legislative framework for the promotion of BEE, empowering the Minister of Trade and Industry to issue Codes of Good Practice and publish Transformation Charters, and paving the way for the establishment of the B-BBEE Advisory Council. The Broad-Based Black Economic Empowerment Amendment Act, 2013 came into operation in October 2014. With regards to B-BBEE procurement and transformation, section 217 of the Constitution states that when an organ of state or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is fair, equitable, transparent, competitive and cost-effective. |
| 139.130 Continue to promote sustainable economic and social development, eradicate poverty and improve people’s living standards (China);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E1 Economic, social & cultural rights - general measures of implementation  E21 Right to an adequate standard of living - general  E25 Human rights & poverty  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general  - persons living in poverty | Fully implemented. The South African government has adopted a multi-pronged approach to addressing the triple challenges of poverty, inequality and unemployment. Broadly, this comprises progressive fiscal policy, social assistance, as well as direct and indirect employment programmes.  Budget documentation shows that, in the three fiscal years (FY) 2017/18 to FY 2019/20, on average, over 11% of consolidated public expenditure (4% of GDP) prioritised social development that worked to combat poverty and inequality. Social protection expenditure, comprising largely of a sizeable social grant programme that works to counter extreme poverty and benefitted 18 million beneficiaries as of FY 2019/20. |
| 139.137 Redouble its efforts to address challenges in terms of economic rights, namely, to reduce unemployment and alleviate poverty (Indonesia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E1 Economic, social & cultural rights - general measures of implementation  E31 Right to work  E25 Human rights & poverty  S01 SDG 1 - poverty  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general  - persons living in poverty | Fully implemented. on average, more than 15% of consolidated public expenditure (more than 5% of GDP) was attributable to economic development over the same period to promote faster and sustained inclusive economic growth to address unemployment, poverty and inequality. Economic development expenditure included support for industrialisation and exports, agriculture and rural development, job creation, economic infrastructure and innovation. |
| 139.133 Continue to make efforts for the enjoyment of the rights to work, health, education and food (Russian Federation);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E1 Economic, social & cultural rights - general measures of implementation  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general | Fully implemented. The Government continues to consolidate the national development plan on the eradication of poverty and strengthen social programmes through community mobilisation and empowerment of the poor and vulnerable people to become active participants in development initiatives.  The Government also ensure that communities are supported towards implementation of community driven initiatives. For example, community-based Cooperatives are provided with necessary skills to drive development in a more sustainable manner. The government is also implementing comprehensive Food and Nutrition Security programmes which is partly led by the DDS through the implementation of the Community Nutrition Development Centres (CNDCs) where the poor access food and are encouraged to participate in development activities with the centres. The idea is to address the immediate challenge of hunger and malnutrition faced by the poor and vulnerable people, whilst at the same time focusing on interventions that set communities on a sustainable development path. Beneficiaries of this programme are also engaged in social cohesion activities such as arts and culture within the development centres that could be used to generate income and to contribute towards social cohesion. |
| ***Theme: E21 Right to an adequate standard of living – general*** | | | |
| 139.138 Strengthen its policy and programmatic measures aimed at addressing the big challenges of inequality, poverty and unemployment (Zimbabwe);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E21 Right to an adequate standard of living - general  E25 Human rights & poverty  E31 Right to work  S01 SDG 1 - poverty  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general | Partially implemented. South Africa has adopted the National Development Plan (NDP) in September 2012 to eliminate poverty and reduce inequality by 2030. The NDP will position South Africa as a capable and developmental State to amongst others be able to:  a. Build an inclusive and integrated rural economy;  b. Improve infrastructure;  c. Build environmental sustainability and resilience;  d. Improve the quality of education;  e. Strengthen Social protection; and  f. Build safer communities  The NDP serves as the country’s long-term blueprint for development. The NDP sets two overarching objectives, namely the eradication of poverty below the Lower-bound Poverty Line and the reduction of income inequality as measured by the Gini coefficient. The NDP prioritises reducing inequality as one of its key objectives to tackling South Africa’s significantly high inequality challenges. One of the NDP targets is to reduce income inequality (measured by the Gini coefficient) from 0,70 to 0,60 by 2030. |
| 139.159 Continue taking measures aimed at eliminating historical injustices and inequalities in all sectors, especially in the health and education sectors, in order to improve the living standards of all its people (Namibia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E21 Right to an adequate standard of living - general  E41 Right to health - General  E51 Right to education - General  B31 Equality & non-discrimination  S03 SDG 3 - health  S04 SDG 4  - education  S10 SDG 10 - inequality  **Affected persons:**  - general  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partially implemented. The combination of pro-poor fiscal expenditure, as well as a progressive tax system work to chip away at income inequality that is widely regarded as being amongst the highest in the world. 39% of tax revenue is sourced from Personal Income Tax (PIT), with 61% of taxable income for PIT sourced from the richest 26% of taxpayers. |
| ***Theme: E23 Right to adequate housing*** | | | |
| 139.154 Build on the progress made to provide adequate housing through such programmes as the integrated human settlements grant and the urban settlements development grant (Malaysia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E23 Right to adequate housing  A42 Institutions & policies - General  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general | Fully implemented. By March 2020, the state had provided more than five million housing opportunities to the qualifying beneficiaries. Whilst this is considerably high the housing backlog continues to grow as the population grows and household formation decreases. Government continues to provide housing benefits to the qualifying beneficiaries without discriminating against any racial groups.  In October 2019, government enacted the Property Practitioners Act, 2019 which brings about a very important era in the history of the South African real estate sector. The legislation provides priority obligations and critical initiatives that are aimed at ensuring that there is transformation in the real estate sector. This legislation also provides for setting up of the Transformation Fund which will enable implementation of transformation policy intervention programmes. |
| ***Theme: E24 Right to social security*** | | | |
| 139.141 Continue to ensure effective access to social protection for vulnerable groups (Madagascar);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E24 Right to social security  S10 SDG 10 - inequality  **Affected persons:**  - vulnerable persons/groups | Fully implemented. The Social Assistance Amendment Bill was adopted by Parliament in October 2020 and signed by the President and become Act 16 of 2020. It amends the Social Assistance Act, 2004, to amongst others provide for additional payments linked to social grants; to provide for payment of benefits to a child-headed household; to provide for social relief of distress in the event of a disaster; to repeal the internal reconsideration process; to provide for an Independent Tribunal to consider appeals against decisions of the SASSA; to provide for the establishment of the Inspectorate as a government component. |
| ***Theme: E25 Human rights & poverty*** | | | |
| 139.148 Continue its efforts to eradicate poverty and social inequality (South Sudan);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E25 Human rights & poverty  B31 Equality & non-discrimination  S01 SDG 1 - poverty  S10 SDG 10 - inequality  **Affected persons:**  - vulnerable persons/groups  - persons living in poverty | Fully implemented. The country spends about R180 billion per year on social grants targeting poor children, the elderly and those with a disability. In addition to this, during 2020/21, a Special Covid-19 Social Relief package estimated at R55 billion was implemented to assist lower income household during the pandemic. This included a new grant for those between the ages of 18 and 60 and caregivers allowance for those receiving a Child Support Grant, whom are mostly women. While this was a temporary relief measure, the new grant, with some amendment to improve the gender aspects of the grant, was extended to March 2022; and the government is engaged in ongoing dialogue around the possibility of providing more permanent social assistance for this cohort. Over 60% of those who accessed the grant were youth. |
| 139.143 Strengthen its policy to fight poverty in rural areas (Côte d’Ivoire);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E25 Human rights & poverty  E21 Right to an adequate standard of living - general  A43 Human rights policies  S01 SDG 1 - poverty  S10 SDG 10 - inequality  **Affected persons:**  - persons living in poverty  - persons living in rural areas | Fully implemented. The Government continues to consolidate the national development plan on the eradication of poverty and strengthen social programmes through community mobilisation and empowerment of the poor and vulnerable people to become active participants in development initiatives. Community Capacity Enhancement (CCE) methodology and Sustainable Livelihoods Approach (SLA) are utilised by the government to facilitate community dialogues and address many challenges using the assets that exists within communities. In this way, the poor and vulnerable are linked to opportunities and encouraged to form Cooperatives, Non-Profit Organisations and at times linked to work opportunities within their communities. These services promote nation building and social cohesion. |
| 139.145 Continue its endeavours on development and poverty alleviation throughout the community, notably for vulnerable groups, such as women and children (Islamic Republic of Iran);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E25 Human rights & poverty  E21 Right to an adequate standard of living - general  B41 Right to development  S01 SDG 1 - poverty  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - women  - children  - persons living in poverty | Fully implemented. The Government continues to consolidate the national development plan on the eradication of poverty and strengthen social programmes through community mobilisation and empowerment of the poor and vulnerable people to become active participants in development initiatives. Community Capacity Enhancement (CCE) methodology and Sustainable Livelihoods Approach (SLA) are utilised by the government to facilitate community dialogues and address many challenges using the assets that exists within communities. In this way, the poor and vulnerable are linked to opportunities and encouraged to form Cooperatives, Non-Profit Organisations and at times linked to work opportunities within their communities. Through the District Development Model (DDM), the poor and underserviced communities are also referred to District Municipalities for integrated service provision which includes water, electricity, health and education. These services promote nation building and social cohesion. |
| 139.146 Take further steps to improve the conditions of vulnerable categories of its population, in particular children in poverty, who face food insecurity and mistreatments, and disabled people, who are still victims of stigmatization and discrimination (Poland);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E25 Human rights & poverty  E21 Right to an adequate standard of living - general  F31 Children: definition; general principles; protection  F4 Persons with disabilities  S01 SDG 1 - poverty  S02 SDG 2 - hunger and food security  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children  - persons with disabilities  - vulnerable persons/groups | Fully implemented. The country spends about R180 billion per year on social grants targeting poor children, the elderly and those with a disability. In addition to this, during 2020/21, a Special Covid-19 Social Relief package estimated at R55 billion was implemented to assist lower income household during the pandemic. This included a new grant for those between the ages of 18 and 60 and caregivers allowance for those receiving a Child Support Grant, whom are mostly women. While this was a temporary relief measure, the new grant, with some amendment to improve the gender aspects of the grant, was extended to March 2022; and the government is engaged in ongoing dialogue around the possibility of providing more permanent social assistance for this cohort. Over 60% of those who accessed the grant were youth. |
| 139.142 Continue to implement actions aimed at reducing poverty and inequality (Cuba);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E25 Human rights & poverty  E21 Right to an adequate standard of living - general  S01 SDG 1 - poverty  S08 SDG 8 - economic growth, employment, decent work  S10 SDG 10 - inequality  **Affected persons:**  - persons living in poverty | Fully implemented. The country spends about R180 billion per year on social grants targeting poor children, the elderly and those with a disability. In addition to this, during 2020/21, a Special Covid-19 Social Relief package estimated at R55 billion was implemented to assist lower income household during the pandemic. This included a new grant for those between the ages of 18 and 60 and caregivers allowance for those receiving a Child Support Grant, whom are mostly women. While this was a temporary relief measure, the new grant, with some amendment to improve the gender aspects of the grant, was extended to March 2022; and the government is engaged in ongoing dialogue around the possibility of providing more permanent social assistance for this cohort. Over 60% of those who accessed the grant were youth. |
| 139.144 Continue its poverty reduction policy, particularly for vulnerable groups in isolated and rural areas (Djibouti);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E25 Human rights & poverty  E21 Right to an adequate standard of living - general  S01 SDG 1 - poverty  S10 SDG 10 - inequality  **Affected persons:**  - vulnerable persons/groups  - persons living in poverty  - persons living in rural areas | Fully implemented. The Government continues to consolidate the national development plan on the eradication of poverty and strengthen social programmes through community mobilisation and empowerment of the poor and vulnerable people to become active participants in development initiatives. Community Capacity Enhancement (CCE) methodology and Sustainable Livelihoods Approach (SLA) are utilised by the government to facilitate community dialogues and address many challenges using the assets that exists within communities. In this way, the poor and vulnerable are linked to opportunities and encouraged to form Cooperatives, Non-Profit Organisations and at times linked to work opportunities within their communities. Through the District Development Model (DDM), the poor and underserviced communities are also referred to District Municipalities for integrated service provision which includes water, electricity, health and education. These services promote nation building and social cohesion. |
| 139.147 Continue its efforts to eradicate poverty and inequality (Lebanon);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E25 Human rights & poverty  S01 SDG 1 - poverty  B31 Equality & non-discrimination  S10 SDG 10 - inequality  **Affected persons:**  - vulnerable persons/groups  - persons living in poverty | Fully implemented. The country spends about R180 billion per year on social grants targeting poor children, the elderly and those with a disability. In addition to this, during 2020/21, a Special Covid-19 Social Relief package estimated at R55 billion was implemented to assist lower income household during the pandemic. This included a new grant for those between the ages of 18 and 60 and caregivers allowance for those receiving a Child Support Grant, whom are mostly women. While this was a temporary relief measure, the new grant, with some amendment to improve the gender aspects of the grant, was extended to March 2022; and the government is engaged in ongoing dialogue around the possibility of providing more permanent social assistance for this cohort. Over 60% of those who accessed the grant were youth. |
| 139.150 Continue its efforts aimed at eliminating poverty and reducing inequality (Azerbaijan);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E25 Human rights & poverty  S01 SDG 1 - poverty  S08 SDG 8 - economic growth, employment, decent work  S10 SDG 10 - inequality  **Affected persons:**  - general  - persons living in poverty | Fully implemented. The South African government has adopted a multi-pronged approach to addressing the triple challenges of poverty, inequality and unemployment. Broadly, this comprises progressive fiscal policy, social assistance, as well as direct and indirect employment programmes.  Budget documentation shows that, in the three fiscal years (FY) 2017/18 to FY 2019/20, on average, over 11% of consolidated public expenditure (4% of GDP) prioritised social development that worked to combat poverty and inequality. Social protection expenditure, comprising largely of a sizeable social grant programme that works to counter extreme poverty and benefitted 18 million beneficiaries as of FY 2019/20. |
| ***Theme: E26 Human Rights & drinking water and sanitation*** | | | |
| 139.157 Continue efforts to enable all households, schools and health centres to have access to safe drinking water and sanitation (Uruguay);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E26 Human Rights & drinking water and sanitation  E41 Right to health - General  E51 Right to education - General  S03 SDG 3 - health  S04 SDG 4  - education  S06 SDG 6 - water and sanitation  **Affected persons:**  - general | Partially implemented. The National Development Plan (NDP) aims to achieve an increase in the percentage of households with access to a functional water service from 85% in 2013 to 90% by 2019. Furthermore, the Sustainable Development Goals (SDGs) aim to achieve universal and equitable access to safe and affordable drinking water for all by 2030. |
| 139.156 Continue to enhance the realization of the human rights to water and sanitation, giving special attention to ensuring that all homes, health centres and educational establishments have safe drinking water and improved sanitation facilities (Spain);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E26 Human Rights & drinking water and sanitation  E41 Right to health - General  E51 Right to education - General  S06 SDG 6 - water and sanitation  **Affected persons:**  - general | Partially implemented. In South Africa, the percentage of households that have access to improved sanitation according to Stats SA GHS series; increased from 61,7% in 2002 to 82.4% in 2017. Despite the improved access to sanitation facilities, many households continue to be without any proper sanitation facilities. |
| 139.155 Continue efforts to ensure that households, schools and health facilities have access to safe water and sanitation (Djibouti);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E26 Human Rights & drinking water and sanitation  E41 Right to health - General  S03 SDG 3 - health  S04 SDG 4  - education  S06 SDG 6 - water and sanitation  **Affected persons:**  - general | Partially implemented. In South Africa, the percentage of households that have access to improved sanitation according to Stats SA GHS series; increased from 61,7% in 2002 to 82.4% in 2017. Despite the improved access to sanitation facilities, many households continue to be without any proper sanitation facilities. |
| ***Theme: E31 Right to work*** | | | |
| 139.140 Continue programmes to foster economic growth and reduce unemployment (Russian Federation);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E31 Right to work  B41 Right to development  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - general | Fully implemented. On average, more than 15% of consolidated public expenditure (more than 5% of GDP) was attributable to economic development over the three fiscal years (FY) 2017/18 to FY 2019/20, to promote faster and sustained inclusive economic growth to address unemployment, poverty and inequality. Economic development expenditure included support for industrialisation and exports, agriculture and rural development, job creation, economic infrastructure and innovation. |
| 139.139 Redouble efforts to improve access by young people and vulnerable groups to decent work (Angola);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E31 Right to work  E32 Right to just and favourable conditions of work  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - youth | Partially implemented. To protect the most vulnerable workers and low-paid workers such as farm workers, domestic workers etc., the Government enacted the National Minimum Wage, Act No 9 of 2018 to provide for a national minimum wage; to establish the National Minimum Wage Commission; to provide for the composition and functions of the National Minimum Wage Commission; to provide for the review and annual adjustment of the national minimum wage; to provide for exemption from paying the national minimum wage; and to provide for matters connected therewith.  In tandem, government has employed a number of direct and indirect interventions to alleviate unemployment. Direct measures include public employment programmes such as the Expanded Public Works Programme (EPWP), through which 10.3 million cumulative total work opportunities (of varying duration) have been created since inception in 2004. |
| ***Theme: E41 Right to health – General*** | | | |
| 139.165 Consolidate and fully implement programmes for preventing and eliminating tuberculosis and engage in international cooperation in this regard (Democratic People’s Republic of Korea);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  A3 Inter-State cooperation & development assistance  S03 SDG 3 - health  **Affected persons:**  - general | Fully implemented. South Africa’s National Strategic Plan for HIV, TB and STIs (NSP) have guided the country’s response to the HIV, STI and TB epidemics. The NSP 2017–2022 is the product of a multi-stakeholder collaboration by government, civil society, communities and the private sector to achieve a reduction of HIV, TB and STI morbidity and mortality in South Africa. |
| 139.163 Take effective measures to eliminate the disparity in health-care provision between rural and urban areas and to improve the quality of health services across the country, including through the adoption of effective legislation and amendments on the national health (Maldives);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  A41 Constitutional and legislative framework  S03 SDG 3 - health  **Affected persons:**  - persons living in rural areas | Fully implemented. Government aims to achieve universal health-care coverage by 2030 by taking effective measures to eliminate the disparity in health-care provision between the rich and the poor, between rural and urban areas, and to improve the quality of health services across the country. Achieving equity will require fundamental reform of the entire health system, including through the adoption of effective new legislation and amendments to the National Health Act and several other statutes. The goal is to transform the present fragmented and dual health system into an integrated health care system that serves the needs of all, regardless of race, socio-economic status, and ability to pay for services. A specific aim of the preparation for the reforms is to strengthen efforts to diminish the gap in health care between rural and urban areas. This includes the expansion of the primary health care infrastructure and services to underserved communities, additional support to rural hospitals, creation of specialist services in key nodes other than the metros and more outreach services through the community health workers. |
| 139.167 Continue its efforts in the fight against HIV by adopting a comprehensive national policy to deal with the epidemic and diseases that are sexually transmitted and tuberculosis (Libya);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  A43 Human rights policies  S03 SDG 3 - health  **Affected persons:**  - general  - persons living with HIV/AIDS | Fully implemented. South Africa’s National Strategic Plan for HIV, TB and STIs (NSP) has guided the country’s response to the HIV, STI and TB epidemics. The NSP has a number of goals namely to:  a) Accelerate prevention to reduce new HIV, TB and STI infections;  b) Reduce morbidity and mortality by providing treatment, care and adherence support for all;  c) Reach all key and vulnerable populations with comprehensive, customised and targeted interventions;  d) Address the social and structural drivers of HIV, TB and STI infections, including human rights;  e) Promote leadership at all levels and shared accountability for a sustainable response to HIV, TB and STIs;  f) Mobilise resources to support the achievement of NSP goals and ensure a sustainable response and  g) Strengthen strategic information to drive progress towards achievement of NSP goals.The National Department of Health's Strategic Plan (2020/21 to 2024/25 aims to reduce the incidence of HIV in youth by 50% by 2025. This would be a reduction from 88 000 to 44 000 by 2025. The plan is to drive HIV prevention interventions in Youth through Youth Zones. Youth zones are periods and space set aside which are dedicated and responsive to the needs of young people at least once a week, or more where possible. The minimum package of interventions in Youth Zones include HIV testing services, Sexual Reproductive Health and Rights services including ANC and cTOP, Treatment and Prevention interventions such as provision of male and female condoms and lubricant, provision of PEP and PrEP, STI management and VMMC. |
| 139.170 Strengthen national policies in the area of public health coverage, particularly in the fight against HIV/AIDS in rural areas (Angola);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  A43 Human rights policies  S03 SDG 3 - health  **Affected persons:**  - persons living with HIV/AIDS  - persons living in rural areas | Fully implemented. The NSP is underpinned by a number of programmes and interventions implemented as a response to the burden of HIV that have yielded positive outcomes. These include the NDOH Health Sector HIV Strategy, National She Conquers Campaign for Girls and Young Women, National Sex Worker HIV Plan, National LGBTI HIV Framework and the Framework and Strategy for Disability and Rehabilitation Services in South Africa. The NSP is also aligned with other regional and global frameworks. The NSP is directly linked to Goal 3 of the SDGs, Target 3.3, which includes ending the epidemics of AIDS and tuberculosis by 2030. |
| 139.166 Continue its measures to eliminate discrimination and increase its efforts to tackle HIV infection by ensuring equal access to treatment and support (Japan);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  B31 Equality & non-discrimination  S03 SDG 3 - health  **Affected persons:**  - persons living with HIV/AIDS | Fully implemented. The percentage of people living with HIV on ART increased. Between 2012 and 2017, 56.3% of all men living with HIV and 65.5% of all women living with HIV were on ART. This is a significant increase from 25.7% and 34.7% for men and women, respectively, in the period 2008 to 2012. When disaggregated by age, a significant increase in the number of people between 15 and 24 can also be observed, notably from 14.3% (2008–2012) to 39.9% (2012–2017). It should be noted that the increased number of people on ARVs is also a reflection of changes in eligibility criteria. |
| 139.173 Improve knowledge among health-care workers and adolescents about sexual and reproductive health and rights, including through comprehensive sexuality education that involves men and boys (Iceland);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  E43 Access to sexual and reproductive health and services  A53 Professional training in human rights  S03 SDG 3 - health  **Affected persons:**  - general  - women  - medical staff  - youth | Fully implemented. The NDoH and DBE agreed on the development of scripted lessons to assist educators in teaching aspects of Sexual and Reproductive Health and Rights (SRHR) in schools. Eighty scripted lessons from grade 4 to 12 are being offered. The number of learners reached by September 2020 is 636,198, Educators reached are 7,369, SGB members 2,071, Heads of Departments reached 2,055, parents 12,163, SMTs reached 1,947 and 222 for other Department of Health. Booking of pregnant women before 20 weeks remains constant from between 67% and 69% from 2018/19 to 2020/21.  Furthermore, information platform such as B-Wise was introduced to share scientific and accurate information regarding SRHR targeting both boys and girls, clinic finders, interactive sessions to respond to specific questions and feedback mechanism about services provided in facilities to promote youth friendly service. MomConnect platform on the other hand educate women who are pregnant about the pregnancy management and prevention of complication expanding to post delivery period until the baby is a year old.  A comprehensive 14 module online training was developed in 2020 and officially launched in June 2021 which allows broader access by different health care workers. The approach to the SRH training curriculum is to improve service integration and increase uptake at ant service point. 2333 health care workers from both public and private sector were reached through this training platform since March 2021. |
| 139.164 Continue to address the issue of maternal mortality (Portugal);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  E43 Access to sexual and reproductive health and services  S03 SDG 3 - health  **Affected persons:**  - women | Fully implemented. There has been a progressive and sustained reduction in maternal mortality in all provinces, iMMR was below 100 per100,000 live births in 2019 for the first time ever recorded by the NCCEMD. The top 4 underlying causes are the top 4 in all provinces, but in varying order. They are NPRI, HPD, OH and M&S. M&S has emerged as a major underlying cause of mortality as the other conditions have decreased in frequency. iMMR of preventable and non-preventable deaths have declined in each triennium. |
| 139.174 Prevent unwanted pregnancies as provided under the Choice on Termination of Pregnancy Act (Iceland);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  E43 Access to sexual and reproductive health and services  S03 SDG 3 - health  **Affected persons:**  - women | Fully implemented. Access to Termination of Pregnancy service has improved as evidenced by an increase of women who accessed Top services from 105 358 Choice on Termination of Pregnancy performed in 2016/17 to 124 446 in 2019/20. With the introduction of medical abortion facilities can provide the service outside the designation process thus improving the access to the service.  The guideline on Choice on Termination of Pregnancy Act implementation was approved in 2019 and the online training module launched in June 2021. Partnership with NGOs in community engagement regarding the services and communication about the services is ongoing. Integrated SRHR policy has been developed with 6 related guidelines (PEP, Cervical cancer, Breast Cancer, Contraceptive, Safa conception, Infertility). |
| 139.160 Continue its efforts to improve the health-care system (Sudan);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  S03 SDG 3 - health  **Affected persons:**  - general | Fully implemented. Government continues in its efforts to improve the health-care system and to provide access to health care which is a basic right enshrined in the Constitution. The aim is to achieve universal health-care coverage by 2030 by taking effective measures to eliminate the disparity in health-care provision between the rich and the poor, between rural and urban areas, and to improve the quality of health services across the country. Achieving equity will require fundamental reform of the entire health system, including through the adoption of effective new legislation and amendments to the National Health Act and several other statutes. The goal is to transform the present fragmented and dual health system into an integrated health care system that serves the needs of all, regardless of race, socio-economic status, and ability to pay for services. |
| 139.161 Continue efforts to ensure access to quality health care to all South Africans in line with efforts to achieve universal health-care coverage by 2030 (Malaysia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  S03 SDG 3 - health  **Affected persons:**  - general | Fully implemented. Government continues in its efforts to improve the health-care system and to provide access to health care which is a basic right enshrined in the Constitution. The aim is to achieve universal health-care coverage by 2030 by taking effective measures to eliminate the disparity in health-care provision between the rich and the poor, between rural and urban areas, and to improve the quality of health services across the country. Achieving equity will require fundamental reform of the entire health system, including through the adoption of effective new legislation and amendments to the National Health Act and several other statutes. The goal is to transform the present fragmented and dual health system into an integrated health care system that serves the needs of all, regardless of race, socio-economic status, and ability to pay for services. |
| 139.168 Increase its efforts in addressing the HIV epidemic (Turkey);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  S03 SDG 3 - health  **Affected persons:**  - persons living with HIV/AIDS | Fully implemented. The NSP is underpinned by a number of programmes and interventions implemented as a response to the burden of HIV that have yielded positive outcomes. These include the NDOH Health Sector HIV Strategy, National She Conquers Campaign for Girls and Young Women, National Sex Worker HIV Plan, National LGBTI HIV Framework and the Framework and Strategy for Disability and Rehabilitation Services in South Africa. The NSP is also aligned with other regional and global frameworks. The NSP is directly linked to Goal 3 of the SDGs, Target 3.3, which includes ending the epidemics of AIDS and tuberculosis by 2030. |
| 139.169 Continue programmes to fight HIV/AIDS (Algeria);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  S03 SDG 3 - health  **Affected persons:**  - persons living with HIV/AIDS | Fully implemented. The NSP is underpinned by a number of programmes and interventions implemented as a response to the burden of HIV that have yielded positive outcomes. These include the NDOH Health Sector HIV Strategy, National She Conquers Campaign for Girls and Young Women, National Sex Worker HIV Plan, National LGBTI HIV Framework and the Framework and Strategy for Disability and Rehabilitation Services in South Africa. The NSP is also aligned with other regional and global frameworks. The NSP is directly linked to Goal 3 of the SDGs, Target 3.3, which includes ending the epidemics of AIDS and tuberculosis by 2030. |
| 139.171 Continue implementing measures to prevent HIV/AIDS transmission (Islamic Republic of Iran);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  S03 SDG 3 - health  **Affected persons:**  - persons living with HIV/AIDS | Fully implemented. The NSP is underpinned by a number of programmes and interventions implemented as a response to the burden of HIV that have yielded positive outcomes. These include the NDOH Health Sector HIV Strategy, National She Conquers Campaign for Girls and Young Women, National Sex Worker HIV Plan, National LGBTI HIV Framework and the Framework and Strategy for Disability and Rehabilitation Services in South Africa. The NSP is also aligned with other regional and global frameworks. The NSP is directly linked to Goal 3 of the SDGs, Target 3.3, which includes ending the epidemics of AIDS and tuberculosis by 2030. |
| 139.162 Strengthen efforts to diminish the gap in health care between rural and urban areas (Holy See);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E41 Right to health - General  S03 SDG 3 - health  S10 SDG 10 - inequality  **Affected persons:**  - persons living in rural areas | Fully implemented. Government continues in its efforts to improve the health-care system and to provide access to health care which is a basic right enshrined in the Constitution. The aim is to achieve universal health-care coverage by 2030 by taking effective measures to eliminate the disparity in health-care provision between the rich and the poor, between rural and urban areas, and to improve the quality of health services across the country. Achieving equity will require fundamental reform of the entire health system, including through the adoption of effective new legislation and amendments to the National Health Act and several other statutes. The goal is to transform the present fragmented and dual health system into an integrated health care system that serves the needs of all, regardless of race, socio-economic status, and ability to pay for services. |
| ***Theme: E43 Access to sexual and reproductive health and services*** | | | |
| 139.172 Ensure comprehensive sexuality education in the school curriculum, including on consent, contraception and gender-based violence (Denmark);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E43 Access to sexual and reproductive health and services  E51 Right to education - General  F13 Violence against women  D28 Gender-based violence  S03 SDG 3 - health  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - women  - children  - girls | Fully implemented. The NDoH and DBE agreed on the development of scripted lessons to assist educators in teaching aspects of Sexual and Reproductive Health and Rights (SRHR) in schools. Eighty scripted lessons from grade 4 to 12 are being offered. The number of learners reached by September 2020 is 636,198, Educators reached are 7,369, SGB members 2,071, Heads of Departments reached 2,055, parents 12,163, SMTs reached 1,947 and 222 for other Department of Health. |
| ***Theme: E51 Right to education – General*** | | | |
| 139.179 Improve the quality of basic education through programmes to ensure that teachers have adequate content knowledge and appropriate training, as well as by prioritizing the most disadvantaged schools in infrastructure and other improvement programmes (Canada);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E51 Right to education - General  A43 Human rights policies  A53 Professional training in human rights  S04 SDG 4  - education  **Affected persons:**  - general  - children | Fully implemented. Access to basic education in South Africa has improved. The number of Grade R learners aged 5 and 6 increased from 87.2 % and 95.9% in 2014 and to 88% and 96.6% in 2018 respectively. Access to Grade R is almost universal. Since 2009, more than 90% of learners in Grade 1 have previously attended Grade R. The General Household Survey indicates that the percentage of children between the ages of 0 and 4 participating in ECD programmes has increased from 8% in 2002 to 42% in 2017.  Near universal school coverage has been achieved, with school attendance by children aged 7 to 15 at about 99%. The implementation of the National School Nutrition Programme is now benefiting 9 million learners. Education outcomes have improved with National Senior Certificate passes reaching 78.2% in 2018. |
| 139.176 Increase its activities towards the full realization of the right to education and continue increasing investment in this field (Islamic Republic of Iran);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E51 Right to education - General  A63 Budget and resources (for human rights implementation)  S04 SDG 4  - education  **Affected persons:**  - general  - children | Partially implemented. Education remains the largest spending area in terms of government’s budget. Institutions of state, particularly schools, universities and colleges, have not transformed enough. Educational outcomes are skewed, reflecting the inequality between poor township schools and well-resourced private suburban schools. |
| 139.180 Further increase investment so as to improve education in rural areas (China);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E51 Right to education - General  A63 Budget and resources (for human rights implementation)  S04 SDG 4  - education  **Affected persons:**  - children  - persons living in rural areas | Partially implemented. Education remains the largest spending area in terms of government’s budget. Institutions of state, particularly schools, universities and colleges, have not transformed enough. Educational outcomes are skewed, reflecting the inequality between poor township schools and well-resourced private suburban schools. |
| 139.181 Continue to adequately resource its provincial schools building programme so that more children, particularly those from poor rural communities, can have access to schools that are safe and adequately equipped (Singapore);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E51 Right to education - General  A63 Budget and resources (for human rights implementation)  S04 SDG 4  - education  **Affected persons:**  - general  - children  - persons living in rural areas | Partially implemented. The Accelerated Schools Infrastructure Development Initiative (ASIDI), Provincial Infrastructure Programme and Sanitation Appropriate for Education (SAFE) are programmes introduced by government to address the school infrastructure backlog. Government is committed to intensifying efforts to ensure all schools had appropriate structures, sanitation and an adequate water and electricity supply. The ASIDI allocation was R1.3bn and the SAFE initiative was R700m for 2019/20 totalling R2bn. |
| 139.177 Continue to broaden the scope for access to and quality of public education, as well as ensuring equal opportunities and leaving no one behind, from primary through secondary to tertiary level (Botswana);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E51 Right to education - General  E52 primary education  E53 secondary education  E55 higher education  S04 SDG 4  - education  **Affected persons:**  - general  - children | Partially implemented. Chapter 9 of the NDP envisages a country where all children can access and benefit from a high-quality education. Government is committed to ensuring that all children regardless of their race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth etc. have access to basic education. |
| 139.185 Prioritize the retention of girls in schools and accord to them the opportunity and the environment to progress at a par with their male colleagues (Botswana);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E51 Right to education - General  F1 Women  S04 SDG 4  - education  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - girls | Fully implemented. The Department of Basic Education (DBE) launched the Keeping Girls in School programme. The envisaged outcome of the programme is to retain girls in school until matric. The programme is being implemented in 50 selected Quintile 1–3 schools in each district, targeting the most vulnerable girls, aged 14–18. (Female learners are targeted because of teenage pregnancy and their heightened risk to HIV infection.) Girls are to receive a combination package of services that includes peer education, health education, homework assistance, home visits, and career jamborees for Grade 9 learners. |
| 139.175 Make further efforts to achieve equal and universal access to education (Democratic People’s Republic of Korea);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E51 Right to education - General  S04 SDG 4  - education  **Affected persons:**  - general  - children | Fully implemented. Access to basic education in South Africa has improved. The number of Grade R learners aged 5 and 6 increased from 87.2 % and 95.9% in 2014 and to 88% and 96.6% in 2018 respectively. Access to Grade R is almost universal. Since 2009, more than 90% of learners in Grade 1 have previously attended Grade R. The General Household Survey indicates that the percentage of children between the ages of 0 and 4 participating in ECD programmes has increased from 8% in 2002 to 42% in 2017.  Near universal school coverage has been achieved, with school attendance by children aged 7 to 15 at about 99%. The implementation of the National School Nutrition Programme is now benefiting 9 million learners. Education outcomes have improved with National Senior Certificate passes reaching 78.2% in 2018. |
| 139.182 Continue its efforts to improve the quality of education, including the quality and availability of school facilities, educational materials, teaching staff and curricula, prioritizing the most disadvantaged schools (State of Palestine);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E51 Right to education - General  S04 SDG 4  - education  **Affected persons:**  - general  - children | Partially implemented. The Accelerated Schools Infrastructure Development Initiative (ASIDI), Provincial Infrastructure Programme and Sanitation Appropriate for Education (SAFE) are programmes introduced by government to address the school infrastructure backlog. Government is committed to intensifying efforts to ensure all schools had appropriate structures, sanitation and an adequate water and electricity supply. The ASIDI allocation was R1.3bn and the SAFE initiative was R700m for 2019/20 totalling R2bn. |
| 139.183 Take concrete measures to ensure the right to education for all, focusing on decreasing the level of dropouts and on improving the quality of education (Republic of Moldova);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E51 Right to education - General  S04 SDG 4 - education  **Affected persons:**  - general  - children | Fully implemented. According to the Department of Basic Education (DBE)’s 25 Year Review, 99% of 7 to 15-year-olds were attending educational institutions in 2017 (an increase from about 96% in 2002). |
| ***Theme: E53 secondary education*** | | | |
| 139.184 Provide appropriate solutions to the significant decline in the rate of school attendance in secondary education, especially among girls (Mauritania);  **Source of position:** A/HRC/36/16/Add.1 | Supported | E53 secondary education  F1 Women  S04 SDG 4 - education  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - children  - girls | Fully implemented. Gender Empowerment Programmes: Although the basic education sector has achieved gender parity and overwhelming access to education, the performance of girls in traditionally male dominated subject continues to lag behind their male counterparts. DBE has therefore partnered with other departments and external partners to support the TechnoGirl programme. The Programme specifically targets young girls in the field of Science, Technology, Economics and Maths. DBE also supports a UNICEF sponsored programme that targets the empowerment of girls and boys. The GEMBEM movement provides learners with the opportunity to harness their social capital as peers to positively impact on themselves and their communities. Part of the programme includes the Jamboree for Future Choices that provide information on careers and life skills which have a strong gender bias. |
| ***Theme: F12 Discrimination against women*** | | | |
| 139.192 Take urgent measures to repeal laws that discriminate against women in matters such as marriage and family relations (Argentina);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F12 Discrimination against women  D8 Rights related to marriage & family  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - women | Fully implemented. The Constitution acts as the normative foundation for the advancement of women’s rights in South Africa and several pieces of legislation provide the building blocks. In terms of the legislative framework, virtually all statutes that discriminated against women before 1994 have been repealed. The Recognition of Customary Marriages Act, 1998 for instance, repealed the provisions of the Black Administration Act, 1927 which condemned African women to a legal status of perpetual minors. It enacts formal equality between women and men in customary marriages. The Act provides for the equal status and capacity of spouses who concluded a customary marriage and it enacts a wife’s capacity to acquire assets and to dispose of them, to enter into contracts and to litigate, in addition to any rights and powers that she might have at customary law. |
| 139.190 Consolidate its ongoing programmes to promote women’s empowerment and gender equality (Zimbabwe);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F12 Discrimination against women  F11 Advancement of women  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - women | Fully implemented. The empowerment of women and the achievement of gender equality in South Africa also involves dealing with the legacy of apartheid and the transformation of society, particularly the transformation of power relations between women, men, institutions and laws. It is about addressing gender oppression, patriarchy, sexism, ageism, and structural oppression, and creating an environment that is conducive to women taking control of their lives. Government is committed to ensuring equal rights for women and men. The Constitution guarantees equality between men and women and prohibits discrimination on a number of listed grounds. |
| 139.191 Strengthen its efforts to promote gender equality (Timor-Leste);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F12 Discrimination against women  F11 Advancement of women  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - women | Fully implemented. In line with its commitment to gender equality, South Africa developed its National Policy Framework for Women’s Empowerment and Gender Equality, which has been the guiding beacon for the development and advancement of women and girls in the country. Government also developed a Gender Policy Framework for Local Government, as well as the National Strategic Framework for Women’s Economic Empowerment, among other sectoral policies and strategies guiding the mainstreaming of gender considerations across the work of government.  South Africa has also made a number of key commitments at the sub-regional, continental and international levels which promote women’s empowerment and the achievement gender equality. South Africa’s commitment to stamping out discrimination against women is further reflected in its accession to the Convention on the Elimination of all Forms of Discrimination against Women without reservations. |
| 139.198 Implement a national strategy to modify or eradicate, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women, harmful practices and stereotypes that discriminate against women (Uruguay);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F12 Discrimination against women  F13 Violence against women  A12 Acceptance of international norms  A46 National Plans of Action on Human Rights (or specific areas)  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. The Constitution guarantees equality between men and women and prohibits discrimination on a number of listed grounds, including gender. South Africa’s commitment to stamping out discrimination against women is further reflected in its accession to the Convention on the Elimination of all Forms of Discrimination against Women without reservations. Government has further committed itself through the SADC Protocol on Gender and Development and the Beijing Platform of Action to undertake activities to promote the human rights of women.  South Africa developed its National Policy Framework for Women’s Empowerment and Gender Equality, which has been the guiding beacon for the development and advancement of women and girls in the country. Government also developed a Gender Policy Framework for Local Government, as well as the National Strategic Framework for Women’s Economic Empowerment, among other sectoral policies and strategies guiding the mainstreaming of gender considerations across the work of government. |
| 139.228Develop specific measures to educate society and enforce existing legislation addressing the practice of ukuthwala and other customary practices leading to forced and child marriages (Hungary);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F12 Discrimination against women  F13 Violence against women  A41 Constitutional and legislative framework  F31 Children: definition; general principles; protection  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - children  - girls | Fully implemented. In 2009, government was made aware of the misuse of the ukuthwala practice, where young girls between the ages of 12 and 15 years were being abducted. Meetings took place among traditional leaders, provincial government departments, women, men and children in the affected localities in order to establish the extent of the problem. Awareness raising Indabas were conducted by members of the executive. Pamphlets to raise awareness were created which outlined the laws that prohibit this practice, its impact on the country and also information on services available.  The work of government in this area includes social transformation and awareness on ukuthwala. Government, through an integrated, interdepartmental partnership between the National Prosecuting Authority; South African Police Service; Departments of Justice, Social Development and other role-players, has implemented an ukuthwala campaign. The goal of the campaign is to create awareness against the practise of ukuthwala. Various outreach campaigns against ukuthwala custom and practices have been implemented between 2014 and 2016 targeting schools; reaching out to learners; training community members and leaders; and educating women about trafficking and ukuthwala custom. Government also utilises its “Access to Justice Week” in August annually to interact with communities, especially rural communities that still practices traditional customs. The aim is to empower communities on harmful cultural practices. Various other campaigns in the form of public education and awareness-raising, human rights and information dissemination, especially in provinces with high incidences of ukuthwala were implemented. Government also has various publications, such as a booklet called “Let’s stop stolen Childhoods” and various leaflets which explain what ukuthwala is, how it can be avoided, and spells out the rights of individuals as well as what laws are applicable in such cases. |
| 139.227Take all necessary measures to end sexual and gender-based violence, especially by developing adequate gender-sensitive training programmes for law enforcement agencies, the national prosecuting authority and judicial officers and by adopting specific legislation addressing the practice of ukuthwala (child marriage) (Germany);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F12 Discrimination against women  F13 Violence against women  D28 Gender-based violence  A53 Professional training in human rights  F31 Children: definition; general principles; protection  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women  - girls  - law enforcement / police officials | Fully implemented. South Africa regards the abuse of ukuthwala as a criminal and harmful practice that robs children of their childhood and impacts negatively on their health, development and gender equality. The practices that are dehumanising to young girls and women are regarded as unfair discrimination and rights espoused in PEPUDA can be enforced in the Equality Courts.  Section 17 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 prohibits the sexual exploitation of children by their parents and others. Parents, relatives or others who collude in, or aid and abet, the unacceptable practice of ukuthwala of a girl child commit the crime of the sexual exploitation of children. These parents and relatives also face being charged with Trafficking in Persons, under section 71 of this Act. |
| 139.195 Step up its fight against gender-based discrimination and violence, uproot its social acceptability and increase efforts for the protection of its victims and redress for violations of their rights, as well as efforts on accountability of perpetrators (Czechia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F12 Discrimination against women  F13 Violence against women  D28 Gender-based violence  B51 Right to an effective remedy  B52 Impunity  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. The Presidential Summit Declaration against Gender-Based Violence and Femicide (GBVF) was launched by President Cyril Ramaphosa in March 2019. The Declaration set out specific actions that the country must undertake to prevent GBVF. In May 2020 the President further launched the GBVF National Strategic Plan (2020-2030) which is intended to guide the country in the implementation of the Presidential Summit Declaration. |
| 139.196 Prevent and combat all forms of discrimination and eliminate violence against women, including domestic violence (Philippines);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F12 Discrimination against women  F13 Violence against women  D28 Gender-based violence  D29 Domestic violence  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. Government, CSOs, the SAPS, the National Prosecuting Authority and the Commission for Gender Equality are continuing to play a critical role to put a stop to gender-based and sexual violence but it still remains unacceptably high. Many factors contribute to this scourge. |
| 139.189 Continue its efforts to combat all forms of discrimination against women, to fight violence against them and to enhance their presence in higher decision-making positions (Tunisia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F12 Discrimination against women  F13 Violence against women  F11 Advancement of women  F14 Participation of women in political and public life  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - women | Fully implemented. Considerable progress has been noted in the participation of women in various sectors such as political, public service and the judiciary. After the 2019 elections 46% of the Members of Parliament in the National Assembly are female and 50% of the cabinet is female. All the speakers in the national and provincial legislatures are women. |
| ***Theme: F13 Violence against women*** | | | |
| 139.205 Strengthen measures to address the serious and ongoing issue of violence against women, while taking on board the recommendations of the Special Rapporteur on violence against women, its causes and consequences (Japan);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  A24 Cooperation with special procedures  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. From 1 November 2019 different government stakeholders and civil society organisations were tasked to implement robust intervention to significantly reduce the levels of violence against women and children. In line with article 13 of the 2019 Presidential Summit Declaration against Gender-Based Violence and Femicide GBVF, The Department continues to build a victim-centric justice system, particularly for survivors of sex crimes. In February 2020, The Minister of Justice and Correctional Services approved Regulations relating to Sexual Offense Courts which sets out the catalogue of support services mentioned above, for survivors of sex crimes. In May 2020 the President further launched the GBVF National Strategic Plan (2020-2030) which is intended to guide the country in the implementation of the Presidential Summit Declaration. The GBVF NSP is anchored on the following six strategic pillars:  i. Accountability, Coordination and Leadership;  ii. Prevention and Rebuilding of Social Cohesion;  iii. Justice, Safety and Protection;  iv. Response, Care, Support and Healing;  v. Economic Power; and  vi. Research and Information Management Systems. |
| 139.214 Develop comprehensive policies and programmes on gender-based violence, including training of security forces, prosecutors and judges in order to properly deal with those cases (Israel);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  A42 Institutions & policies - General  A53 Professional training in human rights  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women  - judges, lawyers and prosecutors  - law enforcement / police officials | Fully implemented. The DoJ&CD further recognizes the need for the equitable provision of support services to the victims of gender-based violence, across geographical locations. This is a constitutional imperative that must be met. It is also a requirement expressed by the 2019 Presidential Summit Declaration against GBVF to ensure the establishment of a criminal justice system free from secondary victimisation. Magisterial district courts will be upgraded into victim-centric courts that will provide an environment that is more accessible and non-traumatizing. |
| 139.208 Adopt a comprehensive national plan to address comprehensively the problem of gender-based violence, whether physical, psychological or sexual, providing to all relevant public services sufficient resources to implement these policies, taking into account the specific circumstances of women and girls who suffer from the most serious vulnerability (Chile);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  A46 National Plans of Action on Human Rights (or specific areas)  A3 Inter-State cooperation & development assistance  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women  - girls | Fully implemented. The Presidential Summit Declaration against Gender-Based Violence and Femicide (GBVF) was launched by President Cyril Ramaphosa in March 2019. The Declaration set out specific actions that the country must undertake to prevent GBVF. In May 2020 the President further launched the GBVF National Strategic Plan (2020-2030) which is intended to guide the country in the implementation of the Presidential Summit Declaration.  In response to the 2019 Presidential Summit Declaration against GBVF, in February 2020 DoJ&CD published for public comments 3 separate Bills which are intended to improve the country’s response to GBVF i.e. the Domestic Violence Amendment Bill, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Amendment Bill and the Criminal & Related Matters Amendment Bill. The Bills have been approved by Parliament in September 2021 and sent to the President for assent. |
| 139.197 Reduce violence against women through awareness and mobilization campaigns to change social norms, significantly strengthen legal accountability in cases of violence against women and improve national strategic planning to mobilize resources and improve coordination in combating violence against women (Canada);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  B51 Right to an effective remedy  D51 Administration of justice & fair trial  A54 Awareness raising and dissemination  A43 Human rights policies  A63 Budget and resources (for human rights implementation)  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. In November 2019 DoJ&CD commenced with the Under-the-Tree Programme, in response to the call made by the President of South Africa that men must take responsibility to end patriarchal norms that breed GBVF. The Programme facilitate dialogues on issues of patriarchy relating to gender equality, emotional healing, family rehabilitation and male parenting, financial disciplines, healthy lifestyle, and how men can combat GBVF. The DoJ delivers the programme, as part of the 365 Days Campaign, in partnership with the NPA, Department of Correctional Services, Department of Health, Department of Social Development and Commission for Gender Equality. Furthermore, in February 2020, the Minister of Justice and Correctional Services approved Regulations relating to Sexual Offense Courts which sets out the catalogue of specialised support services for victims and survivors of sex crimes. |
| 139.213 Adopt additional measures to combat all kinds of gender-based violence and to enforce the existing legislation on the matter by, inter alia, promoting awareness campaigns and providing appropriate care to women and girls victims of violence (Brazil);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  A41 Constitutional and legislative framework  A54 Awareness raising and dissemination  B51 Right to an effective remedy  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women  - girls | Fully implemented. Government, in conjunction with the NPA, has been running the Ndabezitha Project which seeks to train traditional leaders, prosecutors and court clerks in domestic violence matters in rural areas. South Africa continues to run numerous awareness campaigns aimed at sensitising communities about domestic violence services. In the quest to eradicate violence against women and children, Government rolled out National Dialogues on Violence against Women and Children around the country, talking to women and men from all spheres of life. These are progressive laws, policies, programmes and interventions. |
| 139.209 Set in place a comprehensive, national coordinated strategy to address gender-based violence in order to ensure the implementation of the legal framework and to tackle the high prevalence of sexual and gender-based violence, including against children (Finland);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  A42 Institutions & policies - General  A46 National Plans of Action on Human Rights (or specific areas)  A41 Constitutional and legislative framework  F31 Children: definition; general principles; protection  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women  - children | Fully implemented. The Presidential Summit Declaration against Gender-Based Violence and Femicide (GBVF) was launched by President Cyril Ramaphosa in March 2019. The Declaration set out specific actions that the country must undertake to prevent GBVF. In May 2020 the President further launched the GBVF National Strategic Plan (2020-2030) which is intended to guide the country in the implementation of the Presidential Summit Declaration.  In response to the 2019 Presidential Summit Declaration against GBVF, in February 2020 DoJ&CD published for public comments 3 separate Bills which are intended to improve the country’s response to GBVF i.e. the Domestic Violence Amendment Bill, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Amendment Bill and the Criminal & Related Matters Amendment Bill. The Bills have been approved by Parliament in September 2021 and sent to the President for assent. |
| 139.204 Conduct a thorough investigation of the root causes of gender-based violence and base future policy interventions on its results (Norway);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  A43 Human rights policies  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. South Africa has implemented numerous legislative and policy interventions to combat gender-based and sexual violence. These range from the Domestic Violence Act, 1998 and other laws dealing with sexual offences, minimum sentencing, trafficking, domestic violence and harassment, to policy initiatives such as the establishment of the Sexual Offences and Community Affairs Unit in the National Prosecuting Authority, the establishment of Thuthuzela Care Centres and sexual offences courts. The fight against gender-based and sexual violence has remained high on government's agenda.  Other measures have included the establishment of an IMC on violence against women to investigate the root causes of violence against women and to develop national plans to prevent and respond to violence against women in a coordinated manner. |
| 139.210 Develop a comprehensive, multisectoral national strategic plan on gender-based violence (Netherlands);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  A46 National Plans of Action on Human Rights (or specific areas)  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. South Africa has a 24-hour Gender-Based Violence Command Centre (GBVCC) dedicated to providing support and counselling to victims of gender-based violence. The GBVCC was launched by the Department of Social Development in November 2013. We have 24-hour Khuseleka One-Stop Centres that provide services to victims of violence such as trauma counselling and psychosocial support, health care, police services, legal assistance and shelter services. Furthermore, South Africa has the SAPS's Family Violence, Child Protection and Sexual Offences Units. |
| 139.211 Revive efforts to develop a national action plan on combating gender-based violence (Georgia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  A46 National Plans of Action on Human Rights (or specific areas)  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. The Presidential Summit Declaration against Gender-Based Violence and Femicide (GBVF) was launched by President Cyril Ramaphosa in March 2019. The Declaration set out specific actions that the country must undertake to prevent GBVF. In May 2020 the President further launched the GBVF National Strategic Plan (2020-2030) which is intended to guide the country in the implementation of the Presidential Summit Declaration. |
| 139.212 Revive efforts to develop a national strategic plan on gender-based violence and ensure appropriate resources for its implementation (Slovenia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  A46 National Plans of Action on Human Rights (or specific areas)  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. From 1 November 2019 different government stakeholders and civil society organisations were tasked to implement robust intervention to significantly reduce the levels of violence against women and children. In line with article 13 of the 2019 Presidential Summit Declaration against Gender-Based Violence and Femicide GBVF, The Department continues to build a victim-centric justice system, particularly for survivors of sex crimes. In February 2020, The Minister of Justice and Correctional Services approved Regulations relating to Sexual Offense Courts which sets out the catalogue of support services mentioned above, for survivors of sex crimes. In May 2020 the President further launched the GBVF National Strategic Plan (2020-2030) which is intended to guide the country in the implementation of the Presidential Summit Declaration |
| 139.215 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 to the police, of the necessity to act against all cases of sexual and gender-based violence, including on the grounds of real or perceived sexual orientation, gender identity or expression (Sweden);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  B51 Right to an effective remedy  A53 Professional training in human rights  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women  - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)  - judges, lawyers and prosecutors  - law enforcement / police officials | Fully implemented. Government, in conjunction with the NPA, has been running the Ndabezitha Project which seeks to train traditional leaders, prosecutors and court clerks in domestic violence matters in rural areas. South Africa continues to run numerous awareness campaigns aimed at sensitising communities about domestic violence services. In the quest to eradicate violence against women and children, Government rolled out National Dialogues on Violence against Women and Children around the country, talking to women and men from all spheres of life. These are progressive laws, policies, programmes and interventions. |
| 139.216 Carry out a national outreach campaign for the elimination of sexual and gender-based violence which includes information on the rights of victims (Mexico);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  B51 Right to an effective remedy  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. In November 2019 DoJ&CD commenced with the Under-the-Tree Programme, in response to the call made by the President of South Africa that men must take responsibility to end patriarchal norms that breed GBVF. The Programme facilitate dialogues on issues of patriarchy relating to gender equality, emotional healing, family rehabilitation and male parenting, financial disciplines, healthy lifestyle, and how men can combat GBVF. The DoJ delivers the programme, as part of the 365 Days Campaign, in partnership with the NPA, Department of Correctional Services, Department of Health, Department of Social Development and Commission for Gender Equality. Furthermore, in February 2020, the Minister of Justice and Correctional Services approved Regulations relating to Sexual Offense Courts which sets out the catalogue of specialised support services for victims and survivors of sex crimes. |
| 139.217 Increase efforts to guarantee women’s access to justice, protection and other remedies and put in place stronger mechanisms to protect women and girls from gender-based violence and provide redress to victims (Austria);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  B51 Right to an effective remedy  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. In response to the 2019 Presidential Summit Declaration against GBVF, in February 2020 DoJ&CD published for public comments 3 separate Bills which are intended to improve the country’s response to GBVF. The first Bill amends the Domestic Violence Act in order to strengthen implementation and provide for online applications for Domestic Violence orders. The second Bill proposes the amendment of Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 dealing with the National Register for Sex Offenders (NRSO) to, inter alia, broaden the scope of the categories of sex offenders whose particulars are entered in the Register to include ALL convicted sex offenders. At present, only convicted sex offenders whose victims are children or mentally disabled persons are included in the Register. The last Bill seeks to tighten up the bail and sentencing laws in cases which have a bearing on GBVF, in an effort to signal the seriousness of these crimes and to serve as a deterrent to perpetrators of GBVF. The Bills have been introduced in Parliament and approved by both houses of Parliament in September 2021 and sent to the President for assent. |
| 139.219 Reinforce its efforts to ensure the thorough investigation and prosecution of crimes of gender-based and domestic violence and guarantee access to justice for victims (Mongolia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  D29 Domestic violence  B51 Right to an effective remedy  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - women | Fully implemented. A major component of SA fight against GBV and sexual violence is the Thuthuzela Care Centres, which embody a coordinated approach to the way we effectively manage sexual offences. The Thuthuzela Care Centre-model is an integrated approach to rape care, aimed at providing comfort, restoring dignity and ensuring justice for victims of sexual violence. The success of the Thuthuzela Care Centres is based on effective and efficient stakeholder cooperation. The Thuthuzela Care Centre-model is specifically focussed on a victim-friendly and court directed approach with prosecutor-guided investigations. The ultimate goal is to minimise secondary victimisation, reduce the cycle period of cases and increase conviction rates. |
| 139.199 Strengthen efforts to prevent and combat all forms of discrimination and violence against women, also by adopting and implementing effective measures on the issue, and ensure that women victims of violence receive appropriate help and that perpetrators are brought to justice (Italy);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  F12 Discrimination against women  D51 Administration of justice & fair trial  B51 Right to an effective remedy  B52 Impunity  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. South Africa has a 24-hour Gender-Based Violence Command Centre (GBVCC) dedicated to providing support and counselling to victims of gender-based violence. The GBVCC was launched by the Department of Social Development in November 2013. We have 24-hour Khuseleka One-Stop Centres that provide services to victims of violence such as trauma counselling and psychosocial support, health care, police services, legal assistance and shelter services. Furthermore, South Africa has the SAPS's Family Violence, Child Protection and Sexual Offences Units |
| 139.201 Take all necessary measures to safeguard the full enjoyment of human rights by women and girls, including by combating sexual and gender-based violence (Estonia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. The sexual offence Court project commenced in August 2013 with the upgrading of 58 regional courts into sexual offences courts over a period of 3 years. In phase 1, courts were selected from court buildings that were resourced closed to the requirement of the revised Sexual Offences Courts Models developed by the Ministerial Advisory Task Team on the Adjudication for Sexual offences Matters (MATTSO) Report. The phase 1 was the establishment of 57 sexual offences courts, which the Department achieved within the set time. In phase 2 of the project required the upgrading of 106 regional courts into sexual offences courts over a period of 10 years. As recommended by MATTSO Report, by 2023/2024, there should be a spread of 163 sexual offences in the country.  The sexual offences courts (SOCs) are established to give victims of sexual offence an experience defined by solace, care, compassion and justice so as to encourage reporting, justice and healing. These courts are intended to reduce the turnaround time in the finalization of these cases, eliminate secondary victimisation, and improve prosecution and adjudication of these cases.  The sexual offences courts offer a sequential and coordinated flow of victim-centric support services, which include information services, private waiting room service, court preparation service, pre-trial emotional containment service, private testifying services, intermediary service, post-trial containment service, witness fee service ( which include travelling , accommodation ( where necessary) and food allowance. |
| 139.202 Continue to combat gender-based violence (Djibouti);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D28 Gender-based violence  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. South Africa has implemented numerous legislative and policy interventions to combat gender-based and sexual violence. These range from the Domestic Violence Act, 1998 and other laws dealing with sexual offences, minimum sentencing, trafficking, domestic violence and harassment, to policy initiatives such as the establishment of the Sexual Offences and Community Affairs Unit in the National Prosecuting Authority, the establishment of Thuthuzela Care Centres and sexual offences courts. The fight against gender-based and sexual violence has remained high on government's agenda. |
| 139.206 Ensure implementation of the Domestic Violence Act, especially on violence against women (Namibia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D29 Domestic violence  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. In response to the 2019 Presidential Summit Declaration against GBVF, in February 2020 DoJ&CD published for public comments 3 separate Bills which are intended to improve the country’s response to GBVF. The first Bill amends the Domestic Violence Act in order to strengthen implementation and provide for online applications for Domestic Violence orders. The second Bill proposes the amendment of Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 dealing with the National Register for Sex Offenders (NRSO) to, inter alia, broaden the scope of the categories of sex offenders whose particulars are entered in the Register to include ALL convicted sex offenders. At present, only convicted sex offenders whose victims are children or mentally disabled persons are included in the Register. The last Bill seeks to tighten up the bail and sentencing laws in cases which have a bearing on GBVF, in an effort to signal the seriousness of these crimes and to serve as a deterrent to perpetrators of GBVF. The Bills have been introduced in Parliament and approved by both houses of Parliament in September 2021 and sent to the President for assent. |
| 139.218 Deploy the necessary efforts to improve the functioning of the courts dealing with sexual crimes in the country, while intensifying public awareness-raising campaigns aimed at reducing the underutilization of these courts (Haiti);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  D51 Administration of justice & fair trial  A54 Awareness raising and dissemination  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - women | Fully implemented. The sexual offence Court project commenced in August 2013 with the upgrading of 58 regional courts into sexual offences courts over a period of 3 years. In phase 1, courts were selected from court buildings that were resourced closed to the requirement of the revised Sexual Offences Courts Models developed by the Ministerial Advisory Task Team on the Adjudication for Sexual offences Matters (MATTSO) Report. The phase 1 was the establishment of 57 sexual offences courts, which the Department achieved within the set time. In phase 2 of the project required the upgrading of 106 regional courts into sexual offences courts over a period of 10 years. As recommended by MATTSO Report, by 2023/2024, there should be a spread of 163 sexual offences in the country.  The sexual offences courts (SOCs) are established to give victims of sexual offence an experience defined by solace, care, compassion and justice so as to encourage reporting, justice and healing. These courts are intended to reduce the turnaround time in the finalization of these cases, eliminate secondary victimisation, and improve prosecution and adjudication of these cases.  The sexual offences courts offer a sequential and coordinated flow of victim-centric support services, which include information services, private waiting room service, court preparation service, pre-trial emotional containment service, private testifying services, intermediary service, post-trial containment service, witness fee service ( which include travelling , accommodation ( where necessary) and food allowance. |
| 139.203 Strengthen efforts undertaken to combat violence against women (France);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F13 Violence against women  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Fully implemented. South Africa has implemented numerous legislative and policy interventions to combat gender-based and sexual violence. These range from the Domestic Violence Act, 1998 and other laws dealing with sexual offences, minimum sentencing, trafficking, domestic violence and harassment, to policy initiatives such as the establishment of the Sexual Offences and Community Affairs Unit in the National Prosecuting Authority, the establishment of Thuthuzela Care Centres and sexual offences courts. The fight against gender-based and sexual violence has remained high on government's agenda. |
| ***Theme: F31 Children: definition; general principles; protection*** | | | |
| 139.235 Ensure registration of all children at birth as well as delayed registration of children who have not been registered at birth (Czechia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F31 Children: definition; general principles; protection  D6 Rights related to name, identity, nationality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Fully implemented. In terms of the Birth and Death Registration Act 51 of 1992, children in South Africa are registered within 30 days of birth. The DHA has 412 Frontline Offices (urban and rural) where registration of birth can be undertaken at no cost, and birth certificates are issued immediately.  To ensure efficient registration of all birth in South Africa, the DHA has connected a total number of 391 Health Facilities (public and private) to ICT System to enable immediate registration of birth of children when born in the facilities. |
| 139.236 Further engage in facilitating administrative procedures for birth registration, especially for disadvantaged children coming from rural and poor areas (Serbia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F31 Children: definition; general principles; protection  D6 Rights related to name, identity, nationality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children  - persons living in rural areas | Fully implemented. To improve access for registration of birth in both urban and rural areas, the DHA has identified 1445 Health Facilities to be connected with IT systems including online verifications. This is likely to be completed in 2023/2024 financial year. The DHA also has 100 Mobile Offices that are used in Provinces where the DHA has inadequate footprint.  Through the DHA, the Republic of South Africa is currently developing the Official Identity Management Policy to guide development of a future non-discriminatory Identification Act, which will also cater for the birth registration of children who are born intersex. |
| 139.222 Implement the Convention on the Rights of the Child through the harmonization of its national laws to ensure that the minimum age for marriage is established at 18 years for both girls and boys and remove barriers to birth registration (Kenya);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F31 Children: definition; general principles; protection  F12 Discrimination against women  A12 Acceptance of international norms  A41 Constitutional and legislative framework  D6 Rights related to name, identity, nationality  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - children  - girls | Fully implemented. The DHA is currently developing a new Marriage Policy to harmonise marriage practices in South Africa. A Green Paper has been published proposing that the minimum age of marriage should be 18 years, irrespective of religious or customary practices. Furthermore, section 12 of the Children’s Act is currently being amended. It states that “a child below the minimum age set by law for a valid marriage must not be given out in marriage or engagement”. The Marriage Policy will once finalised enable the development of the new Marriage Act and will explicitly prohibit marriage of any person below the age of 18 years. The Act will also enable South Africans and non-citizens of different sexual orientation, religious and cultural persuasions to conclude legal marriages without discrimination. The marriage Policy will also deal with the solemnisation and registration of marriages that involve foreign nationals. |
| 139.221 Harmonize legislation in order to ensure that the minimum age of marriage is increased to 18 years for boys and girls, without exception (Haiti);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F31 Children: definition; general principles; protection  F12 Discrimination against women  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - children  - girls | Fully implemented. The DHA is currently developing a new Marriage Policy to harmonise marriage practices in South Africa. A Green Paper has been published proposing that the minimum age of marriage should be 18 years, irrespective of religious or customary practices. Furthermore, section 12 of the Children’s Act is currently being amended. It states that “a child below the minimum age set by law for a valid marriage must not be given out in marriage or engagement”. The Marriage Policy will once finalised enable the development of the new Marriage Act and will explicitly prohibit marriage of any person below the age of 18 years. The Act will also enable South Africans and non-citizens of different sexual orientation, religious and cultural persuasions to conclude legal marriages without discrimination. The marriage Policy will also deal with the solemnisation and registration of marriages that involve foreign nationals. |
| 139.231 Amend the Children’s Act with the aim of prohibiting virginity tests on children, irrespective of their age (Zambia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F31 Children: definition; general principles; protection  F13 Violence against women  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - girls | Fully implemented. Section 17 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 prohibits the sexual exploitation of children by their parents and others. Parents, relatives or others who collude in, or aid and abet, the unacceptable practice of ukuthwala of a girl child commit the crime of the sexual exploitation of children. These parents and relatives also face being charged with Trafficking in Persons Act, under section 71 of this Act. |
| 139.229 Continue efforts to combat sexual violence against children (Algeria);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F31 Children: definition; general principles; protection  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Fully implemented. The Sexual Offences Act rightfully criminalises all forms of forced sexual penetration. This includes digital penetration, such as a finger which occurs during virginity testing. The Children’s Act has made it illegal for Children under the age of 18 to be subjected to virginity testing and female genital mutilation. Virginity testing is widely practiced in some parts of the country and is regulated in section 12 of the Children’s Act. During the parliamentary process, when the amendments to the current Children’s Act was debated and drafted, the issue of banning virginity testing was highly debated and various opinions, research papers and submissions were considered. The current section as it stands is a result of robust debates and to some degree a compromise from certain sectors of society. |
| 139.230 Steps up its efforts to prevent harmful practices carried out on children (Timor-Leste);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F31 Children: definition; general principles; protection  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Fully implemented. Section 28 of the Constitution states that a child’s best interests are of paramount importance in every matter concerning the child and that a “child” means a person under the age of 18 years. Therefore custom, cultural or religious rights cannot undermine the rights of children. South Africa regards the abuse of ukuthwala as a criminal and harmful practice that robs children of their childhood and impacts negatively on their health, development and gender equality. The practices that are dehumanising to young girls and women are regarded as unfair discrimination and rights espoused in PEPUDA can be enforced in the Equality Courts. |
| ***Theme: F33 Children: protection against exploitation*** | | | |
| 139.232 Make additional efforts to combat child labour and guarantee children the enjoyment of the rights that are guaranteed to them in accordance with international standards (Iraq);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F33 Children: protection against exploitation  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Fully implemented. South Africa has made huge advancements in efforts aimed at eliminating child labour as evident in the Constitution, which provides that children under 18 have a right to be protected from work that is exploitative, hazardous or otherwise inappropriate for their age, detrimental to their schooling, or detrimental to their social, physical, mental, spiritual or moral development.  There is general consensus amongst social partners that child labour has to be dealt with, and this is seen via the ratification of the key international conventions concerning child labour such as the Minimum Age Convention as well as the Worst Forms of Child Labour Convention. The ratification of these conventions led to the development of laws and policies aimed at eradicating child labour.  The Basic Conditions of Employment Act, prohibits work by children if the child is under 15 years old; under the minimum school-leaving age (where this is 15 years or older); over 15 years but under 18 years old, if the work is inappropriate for the age of the child or if the work places at risk the child’s well-being, education, physical or mental health, or spiritual, moral or social development or has been prohibited by the Minister of Labour through regulations. The Act further explicitly criminalises all offences related in the engagement of the child in forced labour. South Africa has further made regulations to protect the health and safety of child workers at work under both the Basic Conditions of Employment Act, 1997 and the Occupational Health and Safety Act, 1993. |
| ***Theme: F45 Persons with disabilities: independence, inclusion*** | | | |
| 139.187 Adopt measures to ensure the inclusive education of persons with disabilities (Israel);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F45 Persons with disabilities: independence, inclusion  E51 Right to education - General  S04 SDG 4  - education  **Affected persons:**  - persons with disabilities | Fully implemented. The performance of learners with special needs has also improved. Learners with special needs who obtained Bachelor passes increased from 443 in 2015 to 1 669 in 2018. The number of special needs learners writing Grade 12 exams has increased from 1 691 to 3 591. |
| 139.188 Prioritize implementing the right to an inclusive basic education for all children with disabilities (Australia);  **Source of position:** A/HRC/36/16/Add.1 | Supported | F45 Persons with disabilities: independence, inclusion  E51 Right to education - General  S04 SDG 4  - education  **Affected persons:**  - persons with disabilities | Fully implemented. The performance of learners with special needs has also improved. Learners with special needs who obtained Bachelor passes increased from 443 in 2015 to 1 669 in 2018. The number of special needs learners writing Grade 12 exams has increased from 1 691 to 3 591. |
| ***Theme: G3 Indigenous peoples*** | | | |
| 139.103 Consider giving priority attention to indigenous peoples, in particular with reference to language, education and land redistribution (Peru);  **Source of position:** A/HRC/36/16/Add.1 | Supported | G3 Indigenous peoples  E51 Right to education - General  E7 Cultural rights  E21 Right to an adequate standard of living - general  S04 SDG 4  - education  **Affected persons:**  - Indigenous peoples | Partially implemented. South Africa stands as one of the few countries on the continent that has embarked on ambitious efforts aimed at redressing the problems of its indigenous peoples, including legislative, policy and judicial interventions. For example, the Minister of Higher Education and Training has approved the implementation of a Language Policy Framework for Public Higher Education Institutions determined in terms of Section 27 (2) of the Higher Education Act, 101 of 1997 as amended (2020) to strengthen the study and development of African languages including the languages of the San and Khoi communities in South Africa. This is a progressive step in ensuring that indigenous languages and Indigenous Knowledge Systems (IKS) are not excluded in the academia and members from previously marginalised communities participate in the PSET system. |
| ***Theme: A12 Acceptance of international norms*** | | | |
| 139.26 Ratify the Kampala amendments to the Rome Statute of the International Criminal Court on the crime of aggression (Liechtenstein);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  B11 International humanitarian law  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Partially implemented. Cabinet approved the ratification of the Kampala amendments to the Rome Statute of the International Criminal Court on the crime of aggression. The matter will be further tabled in Parliament. |
| 139.16 Ratify, before the next cycle of the universal periodic review, the Optional Protocol to the Convention against Torture and adopt measures to improve access to justice, redress and rehabilitation for victims of torture (Czechia);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D26 Conditions of detention  D51 Administration of justice & fair trial  B51 Right to an effective remedy  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons deprived of their liberty | Fully implemented. South Africa ratified the OPCAT in June 2019. The South African NPM was launched on 19 July 2019, at the Castle of Good Hope in Cape Town as a measure to improve access to justice, redress and rehabilitation for victims of torture. |
| 139.25 Strengthen domestic efforts to tackle modern slavery of children and rural workers, including through ratification of the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (United Kingdom of Great Britain and Northern Ireland);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  D27 Prohibition of slavery, trafficking  F31 Children: definition; general principles; protection  E32 Right to just and favourable conditions of work  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children  - persons living in rural areas | Partially implemented. South Africa has made huge advancements in efforts aimed at eliminating child labour consistent with the Constitution, which provides that children under 18 have a right to be protected from work that is exploitative, hazardous or otherwise inappropriate for their age, detrimental to their schooling, or detrimental to their social, physical, mental, spiritual or moral development.  There is general consensus amongst social partners that child labour has to be dealt with, and this is seen via the ratification of the key international conventions concerning child labour such as the Minimum Age Convention as well as the Worst Forms of Child Labour Convention. The ratification of these conventions led to the development of laws and policies aimed at eradicating child labour.  The Basic Conditions of Employment Act, prohibits work by children if the child is under 15 years old; under the minimum school-leaving age (where this is 15 years or older); over 15 years but under 18 years old, if the work is inappropriate for the age of the child or if the work places at risk the child’s well-being, education, physical or mental health, or spiritual, moral or social development or has been prohibited by the Minister of Labour through regulations. The Act further explicitly criminalises all offences related in the engagement of the child in forced labour. South Africa has further made regulations to protect the health and safety of child workers at work under both the Basic Conditions of Employment Act, 1997 and the Occupational Health and Safety Act, 1993.  The purpose of the regulations is to protect the health and safety of child workers who are at least 15 years of age and no longer subject to compulsory schooling in terms of the law and prohibits categories of work which child workers may perform. The regulations set conditions for the work that child workers may perform, identifies which categories of work constitute worst forms of child labour and provides guidelines on risk assessments and plans of safe work procedures regarding permitted work by child workers and make appropriate provisions for enforcement.  South Africa has furthermore implemented the Child Labour Programme of Action (CLPA), which is its roadmap towards the prevention, reduction and eventual elimination of child labour. This is intended to complement and strengthen the existing programmes where they are not adequately preventing child labour. The Programme sets out specific actions to be taken by different role-players to ensure that relevant services that will keep children in school are rendered.  The CLPA which is in its fourth phase, includes a core set of indicators for monitoring the programme and sets child labour targets, which relate to reducing key vulnerabilities that will impact on child labour, the reduction of the number of children falling within specific categories of child labour, and specific steps by government to address the problems of child labour.  Ratification of ILO Protocol of 2014 to the Forced Labour Convention, 1930 is still under consideration by the relevant sectoral government department. |
| 139.4 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Portugal) (Germany) (Sierra Leone);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  D32 Enforced disappearances  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - disappeared persons | Partially implemented. Consultations are at an advanced stage within government to approach Cabinet to request the approval to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. |
| 139.5 Ratify without delay the International Convention for the Protection of All Persons from Enforced Disappearance (Japan);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  D32 Enforced disappearances  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - disappeared persons | Partially implemented. Consultations are at an advanced stage within government to approach Cabinet to request the approval to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. |
| 139.6 Become a party to the International Convention for the Protection of All Persons from Enforced Disappearance (Albania) (Central African Republic) (Iraq);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  D32 Enforced disappearances  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - disappeared persons | Partially implemented. Consultations are at an advanced stage within government to approach Cabinet to request the approval to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. |
| 139.22 Accede to and implement the 1954 and 1961 statelessness conventions (Kenya);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  D6 Rights related to name, identity, nationality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - stateless persons | Not implemented. The Republic of South Africa regulates birth and death registration in terms of the Birth and Death Registration Act, Act No. 51 of 1992. In terms of the Act, notice of the birth in South Africa should be given within a period of 30 days.  **Furthermore, the Citizenship Act, Act No.** **88 of 1995,** child born in the Republic of parents who are not South African citizens or who have not been admitted into the Republic for permanent residence, qualifies to apply for South African citizenship upon becoming a major if:  (a) he or she has lived in the Republic from the date of his or her birth to the date of becoming a major, and  (b) his or her birth has been registered in accordance with the provisions of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1991).  **The Republic of South Africa has also pledged to strengthen civil registration in the Africa region to ensure that Member States document their own citizens.** |
| 139.23 Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Australia);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  D6 Rights related to name, identity, nationality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - stateless persons | Not implemented. The Republic of South Africa regulates birth and death registration in terms of the Birth and Death Registration Act, Act No. 51 of 1992. In terms of the Act, notice of the birth in South Africa should be given within a period of 30 days.  **Furthermore, the Citizenship Act, Act No.** **88 of 1995,** child born in the Republic of parents who are not South African citizens or who have not been admitted into the Republic for permanent residence, qualifies to apply for South African citizenship upon becoming a major if:  (a) he or she has lived in the Republic from the date of his or her birth to the date of becoming a major, and  (b) his or her birth has been registered in accordance with the provisions of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1991).  **The Republic of South Africa has also pledged to strengthen civil registration in the Africa region to ensure that Member States document their own citizens.** |
| 139.19 Ratify the Optional Protocol to the International Covenant on Economic Social and Cultural Rights (Spain) (Philippines) (Portugal);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  E1 Economic, social & cultural rights - general measures of implementation  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Partially implemented. Consultations are underway within Government for Cabinet to consider and approve the ratification of the Optional Protocol to the International Covenant on Economic Social and Cultural Rights. |
| 139.20 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Spain) (Portugal) (Montenegro);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  F31 Children: definition; general principles; protection  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Partially implemented. Consultations are underway within Government for Cabinet to consider and approve the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. |
| 139.24 Promptly ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO) (Guatemala);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  G3 Indigenous peoples  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - Indigenous peoples | Partially implemented. The Republic of South Africa regulates birth and death registration in terms of the Birth and Death Registration Act, Act No. 51 of 1992. In terms of the Act, notice of the birth in South Africa should be given within a period of 30 days.  **Furthermore, the Citizenship Act, Act No.** **88 of 1995,** child born in the Republic of parents who are not South African citizens or who have not been admitted into the Republic for permanent residence, qualifies to apply for South African citizenship upon becoming a major if:  (a) he or she has lived in the Republic from the date of his or her birth to the date of becoming a major, and  (b) his or her birth has been registered in accordance with the provisions of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1991).  **The Republic of South Africa has also pledged to strengthen civil registration in the Africa region to ensure that Member States document their own citizens.** |
| 139.1 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Burkina Faso) (Niger) (Uganda) (Philippines) (Sierra Leone);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  G4 Migrants  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - migrants | Not implemented. The ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. |
| 139.2 Promptly ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families (Guatemala);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  G4 Migrants  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - migrants | Not implemented. The ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. |
| 139.3 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sri Lanka) (Sudan);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  G4 Migrants  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - migrants | Not implemented. The ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. |
| 139.21 Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Belgium) (Germany);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A12 Acceptance of international norms  G7 Stateless persons  D6 Rights related to name, identity, nationality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - stateless persons | Not implemented. The Republic of South Africa regulates birth and death registration in terms of the Birth and Death Registration Act, Act No. 51 of 1992. In terms of the Act, notice of the birth in South Africa should be given within a period of 30 days.  **Furthermore, the Citizenship Act, Act No.** **88 of 1995,** child born in the Republic of parents who are not South African citizens or who have not been admitted into the Republic for permanent residence, qualifies to apply for South African citizenship upon becoming a major if:  (a) he or she has lived in the Republic from the date of his or her birth to the date of becoming a major, and  (b) his or her birth has been registered in accordance with the provisions of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1991).  **The Republic of South Africa has also pledged to strengthen civil registration in the Africa region to ensure that Member States document their own citizens.** |
| ***Theme: A14 Derogation*** | | | |
| 139.28 Reconsider the decision to withdraw from the Rome Statute of the International Criminal Court (Greece);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A14 Derogation  B11 International humanitarian law  B52 Impunity  D51 Administration of justice & fair trial  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Partially implemented. Discussions are underway within government to reconsider the decision to withdraw from the Rome Statute of the International Criminal Court. |
| 139.29 Uphold its commitment to and obligations under the Rome Statute of the International Criminal Court (Czechia);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A14 Derogation  B11 International humanitarian law  B52 Impunity  D51 Administration of justice & fair trial  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Partially implemented. Discussions are underway within government to reconsider the decision to withdraw from the Rome Statute of the International Criminal Court. |
| 139.27 Reconsider the announcement of its possible withdrawal from the Rome Statute (Peru);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A14 Derogation  B11 International humanitarian law  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Partially implemented. Discussions are underway within government to reconsider the decision to withdraw from the Rome Statute of the International Criminal Court. |
| ***Theme: A24 Cooperation with special procedures*** | | | |
| 139.32 Accept the request for a visit by the Special Rapporteur on the human right to safe drinking water and sanitation (Uruguay);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A24 Cooperation with special procedures  E26 Human Rights & drinking water and sanitation  S06 SDG 6 - water and sanitation  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Partially implemented. In July 2003 South Africa issued a standing invitation to all thematic special mechanisms of the UN. Since then, South Africa has hosted a number of special procedures mandate holders from various UN and African Union treaty bodies. |
| ***Theme: A42 Institutions & policies - General*** | | | |
| 139.34 Adopt an open, merit-based selection process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A42 Institutions & policies - General  A22 Cooperation with treaty bodies  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. The Government publishes all opportunities publicly and considers appropriately qualified individuals when selecting national candidates for United Nations treaty body elections. |
| 139.41 Commit to procurement and e-governance reforms, including the full implementation of the Open Government Partnership national action plan and a permanent dialogue mechanism with civil society (United States of America);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A42 Institutions & policies - General  A46 National Plans of Action on Human Rights (or specific areas)  A61 Cooperation with civil society  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Partially implemented: The National Anti-Corruption Strategy (NACS) was adopted in 2020 to ensure amongst others that the Government procurement and administrative processes are tightened to allow for greater monitoring, accountability and transparency. It aims to ensure that public officials are held accountable for service delivery or the lack thereof, and that the business sector and civil society organisations operate in a values-driven manner and are held accountable for corrupt practices. The strategy further aims to promote a societal culture of zero tolerance towards corruption in any sector and strict consequence management for those involved in corruption. It calls for all members of the public to take personal responsibility in preventing and addressing corruption and to work together, across political, socio-economic and ideological divides, to build democracy and achieve a corruption-free South Africa, as envisaged in the National Development Plan 2030. |
| 139.40 Continue to adequately fund the medium-term strategic framework and to refine its consolidated planning, monitoring and evaluation mechanisms to support the Framework’s effective implementation (Singapore);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A42 Institutions & policies - General  A63 Budget and resources (for human rights implementation)  A62 Statistics and indicators  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully Implemented. The MTSF 2014 - 2019 outlines the plan and outcome-based monitoring framework for implementing the NDP during the country’s fifth democratic administration. This MTSF 2019 - 2024, which covers the five-year period from 2019 to 2024, outlines the implementation priorities across South Africa’s national development priorities for the sixth administration and is fully budgeted for.  The South African government sees development planning as a means to achieve national development goals. Development planning is a result driven approach to promoting development objectives through setting measurable, high-impact targets linked to realistic implementation plans. In South Africa, all three spheres of government conduct development planning: the MTSF 2019 - 2024 at a national level, the Provincial Growth and Development Strategies (PGDS) at a provincial level, and the Integrated Development Plans (IDP), set by each municipality to ensure effective service delivery.  The Development Planning Framework is now supported by the Spatial Development Frameworks (SDFs) at National, Provincial and Local Government levels, which further guide development and facilitate land use prioritisation and sustainable development. |
| 139.220 Allocate sufficient resources to implement its youth policy to ensure meaningful use of youth delegates participating in international forums, and inclusion of youth in rural areas and strengthen political impartiality and independence of youth representation (Denmark);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A42 Institutions & policies - General  A63 Budget and resources (for human rights implementation)  D7 Right to participation in public affairs and right to vote  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - persons living in rural areas  - youth | Partially implemented. The issues impacting the youth are multi-dimensional. Efforts to address youth challenges and ensuring allocation of sufficient resources to implement youth policy included the creation of the Umsobomvu Youth Fund (UYF) and the National Youth Commission which were subsequently merged into the National Youth Development Agency (NYDA). |
| ***Theme: A44 Structure of the national human rights machinery*** | | | |
| 139.35 Ensure sufficient resources to the so-called chapter 9 institutions, which, as independent oversight bodies, serve a crucial purpose in upholding the rule of law and good governance (Finland);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A44 Structure of the national human rights machinery  D51 Administration of justice & fair trial  A47 Good governance  A63 Budget and resources (for human rights implementation)  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. The budgetary resources of the SAHRC are set out in Table 10 in Annexure B. Government recognises that the budget allocated to the SAHRC may not be sufficient to enable the institution to carry out all its constitutional obligations. However, this allocation should be seen within the context of other competing government needs and the shrinking national fiscus. The budget increase allocated to SAHRC over the 2019/20, 2020/21 and 2021/22 Medium Term Expenditure Framework (MTEF) period albeit insignificant, shows Government’s confidence in the role that the SAHRC has played over the past 27 years of its existence in assisting Government to entrench the culture of human rights, constitutionalism, the rule of law and advancement of our international obligations. Despite its limited resources, the Commission continues producing outstanding research outputs and reports on South Africa’s human rights landscape. |
| 139.39 Develop an independent child rights monitoring mechanism and allocate adequate financial resources to ensure effective implementation of the relevant international obligations (Mongolia);  **Source of position:** A/HRC/36/16/Add.1 | Noted | A44 Structure of the national human rights machinery  F31 Children: definition; general principles; protection  A63 Budget and resources (for human rights implementation)  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Partially implemented. There is a general consensus on the need for an independent child rights monitoring mechanism within the child rights sector. The South African Human Rights Commission is leading the national efforts towards the establishment of such a mechanism. |
| ***Theme: B31 Equality & non-discrimination*** | | | |
| 139.90 Consider expanding the policy of affirmative action to the coloured population (Peru);  **Source of position:** A/HRC/36/16/Add.1 | Noted | B31 Equality & non-discrimination  A42 Institutions & policies - General  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Fully implemented. The policy of affirmative action fully covers the coloured population. |
| 139.72 Take proper legal measures, including compensations on the attacks on foreign nationals resulting in loss of life and damage to property in parts of the country (Ethiopia);  **Source of position:** A/HRC/36/16/Add.1 | Noted | B31 Equality & non-discrimination  D51 Administration of justice & fair trial  B51 Right to an effective remedy  G8 Non-citizens  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - non-citizens | Fully implemented. Cabinet approved the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) on 27 February 2019. The NAP stems from the commitments arising from the Third UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in particular its outcome document, the Durban Declaration and Programme of Action. There are full legal measures that protects the interests of all foreign nationals in the country. |
| ***Theme: B6 Business & Human Rights*** | | | |
| 139.106 Define and enforce regulations to ensure that companies comply with international and national standards relating to human rights, labour, the environment and others (Togo);  **Source of position:** A/HRC/36/16/Add.1 | Noted | B6 Business & Human Rights  B31 Equality & non-discrimination  B71 Human rights and the environment  S12 SDG 12 - sustainable consumption and production  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | **The Department of Employment and Labour to confirm policy and legislative position.** |
| 139.105 Continue to develop and implement a framework that holds companies, particularly those in the extractive sector, accountable for the human rights violations and the environmental degradation caused by their operations (Philippines);  **Source of position:** A/HRC/36/16/Add.1 | Noted | B6 Business & Human Rights  B51 Right to an effective remedy  B71 Human rights and the environment  S12 SDG 12 - sustainable consumption and production  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | **The Department of Employment and Labour to confirm policy and legislative position.** |
| 139.104 Increase the efficiency and the systematic implementation of the law on the development of mining resources, in the field of employment, housing, social development and protection of the environment (Cabo Verde);  **Source of position:** A/HRC/36/16/Add.1 | Noted | B6 Business & Human Rights  E31 Right to work  E23 Right to adequate housing  E1 Economic, social & cultural rights - general measures of implementation  B71 Human rights and the environment  S12 SDG 12 - sustainable consumption and production  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | **The Department of Employment and Labour to confirm policy and legislative position.** |
| ***Theme: D43 Freedom of opinion and expression*** | | | |
| 139.119 Review the current text of the Protection of State Information Bill in order to remove any limitations on freedom of expression, including the unwarranted persecution of whistle-blowers (Sweden);  **Source of position:** A/HRC/36/16/Add.1 | Noted | D43 Freedom of opinion and expression  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. In June 2020, President Cyril Ramaphosa has sent the Protection of State Information Bill (POSIB) back to parliament due to concerns on its constitutionality. |
| 139.120 Continue to revise the Protection of State Information Bill so that it fully respects international human rights law, in particular the right to freedom of opinion and expression (Switzerland);  **Source of position:** A/HRC/36/16/Add.1 | Noted | D43 Freedom of opinion and expression  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. In June 2020, President Cyril Ramaphosa has sent the Protection of State Information Bill (POSIB) back to parliament due to concerns on its constitutionality. |
| ***Theme: D46 Right to private life, privacy*** | | | |
| 139.123 Take the necessary steps to ensure that all the operations of intelligence agencies are monitored by an independent oversight mechanism (Liechtenstein);  **Source of position:** A/HRC/36/16/Add.1 | Noted | D46 Right to private life, privacy  A44 Structure of the national human rights machinery  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. South Africa has an Inspector-General of Intelligence (IGI) who monitors and reviews the operations of the intelligence services of South Africa which include the State Security Agency, Defence Intelligence Division of the South African National Defence Force and Crime Intelligence Division of the South African Police Service. Its second function is to investigate complaints from the South African public as to possible abuses of the constitution and intelligence laws by the intelligence services.  In other words, the inspector-general of intelligence has responsibilities that are similar to an ombudsman, with extensive powers to protect the public against the abuse of power by the country’s intelligence services. |
| 139.122 Ensure that all communications surveillance requires a test of necessity and proportionality (Liechtenstein);  **Source of position:** A/HRC/36/16/Add.1 | Noted | D46 Right to private life, privacy  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general | Fully implemented. South Africa has an Inspector-General of Intelligence (IGI) who monitors and reviews the operations of the intelligence services of South Africa which include the State Security Agency, Defence Intelligence Division of the South African National Defence Force and Crime Intelligence Division of the South African Police Service. Its second function is to investigate complaints from the South African public as to possible abuses of the constitution and intelligence laws by the intelligence services.  In other words, the inspector-general of intelligence has responsibilities that are similar to an ombudsman, with extensive powers to protect the public against the abuse of power by the country’s intelligence services. |
| ***Theme: D51 Administration of justice & fair trial*** | | | |
| 139.110 Take further action regarding oversight of and training for security forces in human rights, including to address violence related to hatred against foreigners, and make sure security forces carrying out law enforcement duties comply with United Nations standards (Austria);  **Source of position:** A/HRC/36/16/Add.1 | Noted | D51 Administration of justice & fair trial  B31 Equality & non-discrimination  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D21 Right to life  A53 Professional training in human rights  G8 Non-citizens  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - non-citizens  - law enforcement / police officials | Fully implemented: There is also an ongoing Human Rights in Policing Learning Programme for SAPS members being implemented since 1998 and deals with prohibition of torture amongst others Training conducted by the SAPS Division: Human Resource Development focusses on the following aspects:  Basic Police Development Learning Programme: Managing the detention of persons in custody.  Human Rights in Policing Learning Programme  Station Lecture: Detention Facilities for Illegal Foreign Nationals  Informed Rights  Standards of Detention  Detention of Children  The Body of Principles for the Protection of all Persons under any form of Detention  Minimum Standard Rules for the Treatment of Prisoners  Deportation and Detention of Illegal Foreigners |
| 139.109 Revise laws and policies regarding public order policing and the use of force, including lethal force by law enforcement officials (Greece);  **Source of position:** A/HRC/36/16/Add.1 | Noted | D51 Administration of justice & fair trial  D25 Prohibition of torture and cruel, inhuman or degrading treatment  D21 Right to life  A41 Constitutional and legislative framework  A42 Institutions & policies - General  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - law enforcement / police officials | Fully implemented: Pursuant to the 2013 Torture Act, in 2014 the SAPS issued a national instruction to provide clear direction to its members regarding their obligations in terms of the Act which criminalises torture and other offences associated with the torture of persons. According to this instruction an order by a superior, or any other authority, that a person in custody be tortured, is unlawful and may not be obeyed. The member of SAPS to whom an order has been given to torture a person in custody must take all reasonable steps to put an end thereto and report the matter to the relevant office of the IPID provided that it does not exclude the person in custody to also submit a complaint regarding torture directly to the IPID. |
| ***Theme: E24 Right to social security*** | | | |
| 139.153 Expedite the necessary consultative and legislative processes for the establishment of mandatory retirement benefits for all working persons who retire due to old age or disability (Mauritius);  **Source of position:** A/HRC/36/16/Add.1 | Noted | E24 Right to social security  A41 Constitutional and legislative framework  F4 Persons with disabilities  S08 SDG 8 - economic growth, employment, decent work  **Affected persons:**  - persons with disabilities  - older persons | **The Department of Employment and Labour to confirm policy and legislative position.** |
| 139.152 Explore the possibility of a universal basic income in place of the existing social protection system, in consultation with all the stakeholders (Haiti);  **Source of position:** A/HRC/36/16/Add.1 | Noted | E24 Right to social security  A61 Cooperation with civil society  S01 SDG 1 - poverty  **Affected persons:**  - general | Partially implemented. During 2020/21 financial year, a Special Covid-19 Social Relief package estimated at R55 billion was implemented to assist lower income household during the pandemic. This included a new grant for those between the ages of 18 and 60 and caregivers allowance for those receiving a Child Support Grant, whom are mostly women. Increased provision during 2020 and 2021 through the disaster management framework and existing social relief of distress (SRD) framework  Reached 6 million people in 2020  Reached 10.5 million people in 2021 |
| ***Theme: E51 Right to education - General*** | | | |
| 139.178 Ensure unconditional access to primary, secondary and tertiary education for all groups of society, irrespective of their socioeconomic situation, ethnic background or gender (Germany);  **Source of position:** A/HRC/36/16/Add.1 | Noted | E51 Right to education - General  E52 primary education  E53 secondary education  E55 higher education  S04 SDG 4  - education  **Affected persons:**  - general  - women  - children  - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Fully implemented: The South African Schools Act, 1996 (SASA) makes it compulsory for any public school to admit learners and to serve their education requirements without unfairly discriminating against them in any way.  The same principle of unconditional access applies to tertiary education for all groups of society, irrespective of their socioeconomic situation, ethnic background or gender. |
| ***Theme: F12 Discrimination against women*** | | | |
| 139.193 Expedite the enactment of the proposed Women Empowerment and Gender Equality Bill (Maldives);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F12 Discrimination against women  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - women | Partially implemented. The Department of Women, Youth and People with Disabilities is currently taking the draft Promotion of Women’s Rights, Empowerment and Gender Equality Bill through various stages of consultations. |
| 139.194 Adopt as soon as possible the Women’s Empowerment and Gender Equality Bill (Spain);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F12 Discrimination against women  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - women | Partially implemented. The Department of Women, Youth and People with Disabilities is currently taking the draft Promotion of Women’s Rights, Empowerment and Gender Equality Bill through various stages of consultations. |
| ***Theme: F13 Violence against women*** | | | |
| 139.207 Render operational and grant adequate resources to the National Council against Gender-Based Violence and develop a multisectoral national strategic plan on this issue (Spain);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F13 Violence against women  A42 Institutions & policies - General  A46 National Plans of Action on Human Rights (or specific areas)  A63 Budget and resources (for human rights implementation)  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women | Partially implemented. The Department of Women, Youth and People with Disabilities is currently taking the draft Promotion of Women’s Rights, Empowerment and Gender Equality Bill through various stages of consultations. |
| 139.200 Work to eradicate harmful cultural or traditional practices against women and girls by conducting educational campaigns, encouraging reporting of cases and publically denouncing such practices; by urgently providing an adequate budget for the implementation of key measures of the Domestic Violence Act; and by strengthening the systematic and comprehensive collection of disaggregated data related to the incidence of all forms of violence against women, including femicide and intimate partner violence, and by using this data to inform its policy responses and monitoring (Ireland);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F13 Violence against women  F12 Discrimination against women  A54 Awareness raising and dissemination  D29 Domestic violence  A41 Constitutional and legislative framework  A63 Budget and resources (for human rights implementation)  A62 Statistics and indicators  A43 Human rights policies  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - women  - girls | Fully implemented. The Government continues to implement measures to eradicate cultural practices that are harmful particularly to women and girls such as Ukuthwala, virginity testing, widow’s rituals, ukungena, breast sweeping/ironing, and practices such as “cleansing” after male circumcision, male circumcision itself, witch hunting and other practices that may be discriminatory and harmful.  Abduction and rape of women and girls in the name of ‘Ukuthwala’ has been condemned and severely criticised by government, traditional leaders and members of civil society. The direct consequences of the abuses of the ukuthwala custom, namely forced marriages, child marriages, violence against women and young girls, constitute gross violations of the rights of women and girl children. These violations can in no way be justified. Government views that as violation of the right to freedom of choice and the right to education; as the practice constitutes statutory rape; exposes children to sexually transmitted infections, and forces children to take on social responsibilities, such as parenthood, for which they are ill-prepared.  The Constitution enjoins everyone to take into account the child ‘s best interests in every matter involving a child. The issue of ‘Ukuthwala’ is being dealt with by different State organs.  (i) The South African Law Commission is looking at the violation of the Children’s rights through the abuse of the cultural practice of ukuthwala with the view to identify an alternative policy and legislative framework to regulate the practice to be aligned to the international human rights obligations.  (ii) The Eastern Cape Provincial House of Traditional Leaders, together with the Department of Social Development, through its Advocacy program, conducted several awareness outreach campaigns in villages where ukuthwala was deemed prevalent. The outreach program included encouraging girls and women to report any cases of ukuthwala to the police so that justice can prevail.  (iii) The Commission on the Protection and Promotion of Cultural, Religious and Linguistic Rights conducted research on ukuthwala and established that the practice is being abused for personal gains. It should be noted that the practice of ukuthwala is not widespread in South Africa. It is allegedly practiced in only some parts of our country.  The Traditional leaders who are the custodians of culture through the National House of Traditional Leaders, a statutory body operating at the national level, are currently looking into the harmful practices carried-out in the name of culture and, Ukuthwala is also one of those that are on the spotlight. The NHTL will be engaging with Provincial Houses of Traditional Leaders in other Provinces and eventually with traditional communities in order to ascertain the extend of the violation and to also formulate a position including making recommendations dealing with the harmfulness aspects but still promoting culture that is in line with respect of dignity and human rights of women and girls in particular.  Government is doing everything in its power to ensure that harmful cultural practices are eradicated.  The Department of Traditional Affairs is also responsible for legislative framework on the customary initiation practice, covering both males and females. One the main objectives of the Cultural Initiation legislative framework, is to provide for education on acceptable societal norms and standards. The initiation schools are where an initiate’s character is built, and societal values promoted including sharing of constructive information about, for example, masculinity, sexuality, gender, and ultimately to prepare the young people for adulthood.  The Customary Initiation Act, 2021 has commenced on 01 September 2021 and implementation is underway. |
| ***Theme: F31 Children: definition; general principles; protection*** | | | |
| 139.233 Adopt legislation to prohibit all forms of corporal punishment in the private sphere (Israel);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  A41 Constitutional and legislative framework  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Partially implemented: On 18 September 2019, the Constitutional Court of South Africa ruled that the common law defence of ‘reasonable and moderate chastisement’ was unconstitutional, effectively banning all corporal punishment of children.  The Court found that:  “The right to be free from all forms of violence or to be treated with dignity, coupled with what chastisement does in reality entail, as well as the availability of less restrictive means, speak quite forcefully against the preservation of the common law defence of reasonable and moderate parental chastisement. There is, on the material before us, therefore, no justification for its continued existence, for it does not only limit the rights in sections 10 and 12 of the Constitution, but it also violates them unjustifiably.”  Under South Africa’s common law system, this decision from the Constitutional Court is equivalent to repealing the defence in legislation. As there is no similar defence in legislation, criminal provisions against assault now apply equally to children. The President of South Africa and the Department of Social Development have welcomed the judgment and pledged to strengthen South Africa’s policy efforts towards the promotion of positive parenting. |
| 139.234 Expedite the adoption of legislation to prohibit all forms of corporal punishment in the home, including “reasonable chastisement”, and ensure that those who perpetrate corporal punishment are held accountable (Liechtenstein);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  D25 Prohibition of torture and cruel, inhuman or degrading treatment  A41 Constitutional and legislative framework  B52 Impunity  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Partially implemented: On 18 September 2019, the Constitutional Court of South Africa ruled that the common law defence of ‘reasonable and moderate chastisement’ was unconstitutional, effectively banning all corporal punishment of children.  The Court found that:  “The right to be free from all forms of violence or to be treated with dignity, coupled with what chastisement does in reality entail, as well as the availability of less restrictive means, speak quite forcefully against the preservation of the common law defence of reasonable and moderate parental chastisement. There is, on the material before us, therefore, no justification for its continued existence, for it does not only limit the rights in sections 10 and 12 of the Constitution, but it also violates them unjustifiably.”  Under South Africa’s common law system, this decision from the Constitutional Court is equivalent to repealing the defence in legislation. As there is no similar defence in legislation, criminal provisions against assault now apply equally to children. The President of South Africa and the Department of Social Development have welcomed the judgment and pledged to strengthen South Africa’s policy efforts towards the promotion of positive parenting. |
| 139.237 Review and amend all legislation and regulations relevant to birth registration and nationality to ensure their full conformity with the Convention on the Rights of the Child (Albania);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  D6 Rights related to name, identity, nationality  A41 Constitutional and legislative framework  A12 Acceptance of international norms  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Fully implemented. In terms of the Birth and Death Registration Act 51 of 1992, children in South Africa are registered within 30 days of birth. The DHA has 412 Frontline Offices (urban and rural) where registration of birth can be undertaken at no cost, and birth certificates are issued immediately.  To ensure efficient registration of all birth in South Africa, the DHA has connected a total number of 391 Health Facilities (public and private) to ICT System to enable immediate registration of birth of children when born in the facilities.  To improve access for registration of birth in both urban and rural areas, the DHA has identified 1445 Health Facilities to be connected with IT systems including online verifications. This is likely to be completed in 2023/2024 financial year. The DHA also has 100 Mobile Offices that are used in Provinces where the DHA has inadequate footprint.  Through the DHA, the Republic of South Africa is currently developing the Official Identity Management Policy to guide development of a future non-discriminatory Identification Act, which will also cater for the birth registration of children who are born intersex. |
| 139.238 Review and amend all legislation and regulations relevant to birth registration and nationality to ensure their full conformity with the Convention on the Rights of the Child (Liechtenstein);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  D6 Rights related to name, identity, nationality  A41 Constitutional and legislative framework  A12 Acceptance of international norms  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Fully implemented. In terms of the Birth and Death Registration Act 51 of 1992, children in South Africa are registered within 30 days of birth. The DHA has 412 Frontline Offices (urban and rural) where registration of birth can be undertaken at no cost, and birth certificates are issued immediately.  To ensure efficient registration of all birth in South Africa, the DHA has connected a total number of 391 Health Facilities (public and private) to ICT System to enable immediate registration of birth of children when born in the facilities.  To improve access for registration of birth in both urban and rural areas, the DHA has identified 1445 Health Facilities to be connected with IT systems including online verifications. This is likely to be completed in 2023/2024 financial year. The DHA also has 100 Mobile Offices that are used in Provinces where the DHA has inadequate footprint.  Through the DHA, the Republic of South Africa is currently developing the Official Identity Management Policy to guide development of a future non-discriminatory Identification Act, which will also cater for the birth registration of children who are born intersex. |
| 139.239 Review its relevant legislation and regulations on birth registration to ensure their full conformity with the Convention on the Rights of the Child (Portugal);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  D6 Rights related to name, identity, nationality  A41 Constitutional and legislative framework  A12 Acceptance of international norms  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Fully implemented. In terms of the Birth and Death Registration Act 51 of 1992, children in South Africa are registered within 30 days of birth. The DHA has 412 Frontline Offices (urban and rural) where registration of birth can be undertaken at no cost, and birth certificates are issued immediately.  To ensure efficient registration of all birth in South Africa, the DHA has connected a total number of 391 Health Facilities (public and private) to ICT System to enable immediate registration of birth of children when born in the facilities.  To improve access for registration of birth in both urban and rural areas, the DHA has identified 1445 Health Facilities to be connected with IT systems including online verifications. This is likely to be completed in 2023/2024 financial year. The DHA also has 100 Mobile Offices that are used in Provinces where the DHA has inadequate footprint.  Through the DHA, the Republic of South Africa is currently developing the Official Identity Management Policy to guide development of a future non-discriminatory Identification Act, which will also cater for the birth registration of children who are born intersex. |
| 139.240 Ensure birth registration of all children born on South African territory, regardless of the immigration status or nationality of the parents (Mexico);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  D6 Rights related to name, identity, nationality  G4 Migrants  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children  - migrants | Fully implemented. In terms of the Birth and Death Registration Act 51 of 1992, children in South Africa are registered within 30 days of birth. The DHA has 412 Frontline Offices (urban and rural) where registration of birth can be undertaken at no cost, and birth certificates are issued immediately.  To ensure efficient registration of all birth in South Africa, the DHA has connected a total number of 391 Health Facilities (public and private) to ICT System to enable immediate registration of birth of children when born in the facilities.  To improve access for registration of birth in both urban and rural areas, the DHA has identified 1445 Health Facilities to be connected with IT systems including online verifications. This is likely to be completed in 2023/2024 financial year. The DHA also has 100 Mobile Offices that are used in Provinces where the DHA has inadequate footprint.  Through the DHA, the Republic of South Africa is currently developing the Official Identity Management Policy to guide development of a future non-discriminatory Identification Act, which will also cater for the birth registration of children who are born intersex. |
| 139.241 Amend legislation and regulations in order to ensure universal birth registration for children born in its territory (Turkey);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  D6 Rights related to name, identity, nationality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children | Fully implemented. In terms of the Birth and Death Registration Act 51 of 1992, children in South Africa are registered within 30 days of birth. The DHA has 412 Frontline Offices (urban and rural) where registration of birth can be undertaken at no cost, and birth certificates are issued immediately.  To ensure efficient registration of all birth in South Africa, the DHA has connected a total number of 391 Health Facilities (public and private) to ICT System to enable immediate registration of birth of children when born in the facilities.  To improve access for registration of birth in both urban and rural areas, the DHA has identified 1445 Health Facilities to be connected with IT systems including online verifications. This is likely to be completed in 2023/2024 financial year. The DHA also has 100 Mobile Offices that are used in Provinces where the DHA has inadequate footprint.  Through the DHA, the Republic of South Africa is currently developing the Official Identity Management Policy to guide development of a future non-discriminatory Identification Act, which will also cater for the birth registration of children who are born intersex. |
| 139.225 Ensure in national legislation that the minimum age for marriage is 18 years for both girls and boys and take all necessary measures to prevent and eliminate child sex tourism and exploitation of child labour (Slovenia);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  F12 Discrimination against women  A41 Constitutional and legislative framework  F33 Children: protection against exploitation  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - children  - girls | Fully implemented. The Department of Home Affairs is currently developing a new Marriage Policy to harmonise marriage practices in South Africa. A Green Paper has been published proposing that the minimum age of marriage should be 18 years, irrespective of religious or customary practices. Furthermore, section 12 of the Children’s Act is currently being amended. It states that “a child below the minimum age set by law for a valid marriage must not be given out in marriage or engagement”. The Marriage Policy will once finalised enable the development of the new Marriage Act and will explicitly prohibit marriage of any person below the age of 18 years. The Act will also enable South Africans and non-citizens of different sexual orientation, religious and cultural persuasions to conclude legal marriages without discrimination. The marriage Policy will also deal with the solemnisation and registration of marriages that involve foreign nationals. |
| 139.223 Increase the age of marriage to 18 years for both boys and girls and harmonize legislation to this effect (Sierra Leone);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  F12 Discrimination against women  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - girls | Fully implemented. The Department of Home Affairs is currently developing a new Marriage Policy to harmonise marriage practices in South Africa. A Green Paper has been published proposing that the minimum age of marriage should be 18 years, irrespective of religious or customary practices. Furthermore, section 12 of the Children’s Act is currently being amended. It states that “a child below the minimum age set by law for a valid marriage must not be given out in marriage or engagement”. The Marriage Policy will once finalised enable the development of the new Marriage Act and will explicitly prohibit marriage of any person below the age of 18 years. The Act will also enable South Africans and non-citizens of different sexual orientation, religious and cultural persuasions to conclude legal marriages without discrimination. The marriage Policy will also deal with the solemnisation and registration of marriages that involve foreign nationals. |
| 139.224 Harmonize the South African legislation to ensure that the minimum age for marriage is established at 18 years for both boys and girls (Zambia);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  F12 Discrimination against women  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - girls | Fully implemented. The Department of Home Affairs is currently developing a new Marriage Policy to harmonise marriage practices in South Africa. A Green Paper has been published proposing that the minimum age of marriage should be 18 years, irrespective of religious or customary practices. Furthermore, section 12 of the Children’s Act is currently being amended. It states that “a child below the minimum age set by law for a valid marriage must not be given out in marriage or engagement”. The Marriage Policy will once finalised enable the development of the new Marriage Act and will explicitly prohibit marriage of any person below the age of 18 years. The Act will also enable South Africans and non-citizens of different sexual orientation, religious and cultural persuasions to conclude legal marriages without discrimination. The marriage Policy will also deal with the solemnisation and registration of marriages that involve foreign nationals. |
| 139.226 Revise the Children’s Act in order to set the minimum age for marriage to 18 years for both boys and girls (Belgium);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  F12 Discrimination against women  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  **Affected persons:**  - girls | Partially implemented. The Department of Home Affairs is currently developing a new Marriage Policy to harmonise marriage practices in South Africa. A Green Paper has been published proposing that the minimum age of marriage should be 18 years, irrespective of religious or customary practices. Furthermore, section 12 of the Children’s Act is currently being amended. It states that “a child below the minimum age set by law for a valid marriage must not be given out in marriage or engagement”. The Marriage Policy will once finalised enable the development of the new Marriage Act and will explicitly prohibit marriage of any person below the age of 18 years. The Act will also enable South Africans and non-citizens of different sexual orientation, religious and cultural persuasions to conclude legal marriages without discrimination. The marriage Policy will also deal with the solemnisation and registration of marriages that involve foreign nationals. |
| 139.242 Continue ensuring that unaccompanied migrant children entering South Africa are kept in child and youth care centres and treated as children in need of care and protection (Holy See);  **Source of position:** A/HRC/36/16/Add.1 | Noted | F31 Children: definition; general principles; protection  F32 Children: family environment and alternative care  G4 Migrants  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - children  - migrants | Fully implemented. As general principle, South Africa does not detain migrant children. In this regard, unaccompanied children are kept at places of Safety where they access basic services and their family can be traced through the Department of Social Development.  Adult undocumented migrants are also provided an opportunity to depart the country at their own cost through a “notice to depart” provided for in terms of the Immigration Act.  Furthermore, on integrated management of borders, South Africa through the Department of Home Affairs has adopted the Border Management Authority Act (BMA), Act 2 of 2020.  As part of the implementation process, strategic government departments will be brought under the Border Management Authority to ensure efficiency in the management Ports of Entries.  To this end, bilateral consultations with the Republic of Botswana, Mozambique; Zimbabwe are ongoing regarding the introduction and development of One Stop Border Post. The introduction of One Stop Border Posts also enhances secure facilitation of movement of persons and goods; strengthen prevention of transnational organised crime including smuggling of migrants and trafficking of persons; and identification and provision of support to victims of trafficking and unaccompanied children. |
| ***Theme: G7 Stateless persons*** | | | |
| 139.243 Refrain from depriving citizenship through the blocking of identity documents and establish a dedicated procedure to identify stateless persons (Hungary).  **Source of position:** A/HRC/36/16/Add.1 | Noted | G7 Stateless persons  D6 Rights related to name, identity, nationality  S16 SDG 16 - peace, justice and strong institutions  **Affected persons:**  - general  - stateless persons | Fully implemented. In managing international migration and international protection, the Republic of South Africa is guided by the Immigration Act, Act 13 of 2002; the Refugee Act, Act 130 0f 1998, complemented by the White Paper on International Migration and other relevant national legislations and policies.  The Immigration Act provides a number of legal pathways for migrants to enter, reside and establish themselves in South Africa. The legal pathways include visitor’s visa, general work visa, and business visa, amongst others.  In addition to the generic visas, South Africa has in the past ten years also implemented Special Dispensations for the Kingdom of Lesotho, Republics of Angola and Zimbabwe. This assisted in documenting and providing legal status to more than 200 000 undocumented nationals of the Republic of Zimbabwe and more than 90 000 undocumented Basotho nationals.  Bilateral engagements are ongoing with a number of identified countries within the continent to negotiate visa exemptions as part of South Africa’s strategic approach to facilitate secured movement of persons into South Africa and across the African continent. |