



Promoting and strengthening
the Universal Periodic Review

Recommendations & Pledges

SOUTH AFRICA

Second Review Session 13

Review in the Working Group: 31 May 2012
Adoption in the Plenary: 21 September 2012

South Africa's responses to recommendations (as of 24.09.2012):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	The delegation accepted 120 recs., rejected 1 (124.96) and did not accept 13 (-> rejected) and did not address 17	No additional information provided	Accepted: 120 Rejected: 14 No clear position: 0 Pending: 17 Total: 151

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/21/16:

124. The following recommendations will be examined by South Africa, which will provide responses in due time, but no later than the twenty-first session of the Human Rights Council in September 2012. The response of South Africa to these recommendations will be included in the outcome report adopted by the Human Rights Council at its twenty-first session:

A - 124.1. Complete its accession to the core human rights instruments that are still not yet ratified (Iraq);

A - 124.2. Complete the ratification process for human rights treaties that it has signed, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Optional Protocol to the Convention against Torture (OP-CAT) (United Kingdom);

- A - 124.3. Finalise the ratification process of the ICESCR (Hungary);
- A - 124.4. Consider ratifying the ICESCR (Brazil);
- A - 124.5. Ratify ICESCR (Chad);
- A - 124.6. To consider ratifying the ICESCR and its Optional Protocols (Palestine);
- A - 124.7. Ratify the ICESCR and its Optional Protocol (Slovenia);
- A - 124.8. Ratify ICESCR and sign its Optional Protocol allowing the right of individual petition (Portugal);
- A - 124.9. Accede to the OP-CAT and the ICESCR (France);
- P - 124.10. Ratify ICESCR and the International Convention for the Protection of All Persons Against Enforced Disappearance (CED) (Spain);
- P - 124.11. Continue intensifying its efforts to ratify the CED (Argentina);
- P - 124.12. Ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Nicaragua);
- P - 124.13. Consider ratifying international instruments to which it is not a party to in order to strengthen its legal arsenal on human rights, particularly the ICRMW and the ILO Convention 189 on decent work for domestic workers (Burkina Faso);
- P - 124.14. Ratify ILO 189 on decent work for domestic workers (Chad);
- P - 124.15. Ratify the OP-CAT (Togo, Nicaragua, Hungary);
- P - 124.16. Deposit at the earliest possible date its instrument of ratification to OP-CAT (Denmark);
- P - 124.17. Consider an early ratification of the third OP to CRC (OPIC) on a communication procedure (Slovakia);
- P - 124.18. Accede to the Agreement on Privileges and Immunities of the ICC (Slovakia);
- A - 124.19. With reference to a recommendation of the ICJ (International Commission of Jurists), adopt legislation to enable registered South African companies to be held liable for violations of human and labour rights beyond South Africa's borders (Namibia);
- A - 124.20. Pay special attention in the adoption of laws and their implementation to change of negative social practices particularly with respect to; torture and ill treatment in detention, sexual violence and discrimination against women and the protection of children (Cape Verde);
- A - 124.21. Continue its efforts to attain the five major national priorities in the areas of public health, education, job creation, the fight against corruption and crime, and ensuring food security (Russian Federation);
- P - 124.22. Consolidate economic initiatives aimed at empowering its people, especially those who were underprivileged under the Apartheid system (Zimbabwe);
- A - 124.23. Pursue the dynamics of the law on juvenile justice, the draft law to prevent and fight against human trafficking, and primary education for all (Burkina Faso);
- A - 124.24. Continue its favourable policies aiming at the full enjoyment of the cultural, economic and social rights, especially for vulnerable groups, including women, children, the elderly, the minorities and persons with difficulties (Viet Nam);

R - 124.25. Review its institutions, particularly the judiciary to ensure their compatibility with accepted world practice where politicians are given adequate space to govern and fulfil their political mandate (Swaziland);

A - 124.26. Provide the Ministry and Department of Women, Children and People with Disabilities with the necessary powers to continue promoting the participation and contribution of these vulnerable groups to the development of the country (Chile);

A - 124.27. That the newly established Department of Women, Children and People with Disabilities be empowered to coordinate actions amongst various Government agencies to address the issue of gender-based violence (Timor-Leste);

P - 124.28. Establish without delay an independent national monitoring mechanism, in line with article 33 of the Convention on the Rights of Persons with Disabilities (CRPD) (New Zealand);

A - 124.29. Continue its efforts to build an inclusive, diverse and tolerant society (Pakistan);

A - 124.30. Establish an inclusive social dialogue so as to achieve the goals of building up a rainbow nation where all people are free and equal in rights (Djibouti);

A - 124.31. Continue strengthening its programmes aimed at the achievement of social cohesion and tolerance (Venezuela (Bolivarian Republic of));

A - 124.32. Strengthen its policies and measures to consolidate the State of Law, as well as social cohesion, tolerance and non-discrimination in the country (Viet Nam);

A - 124.33. Strengthen mechanisms to advance more effectively, in the creation of a climate of tolerance and respect towards people of different ethnic groups or cultures (Chile);

A - 124.34. Continue its policy to combat racism and all forms of discrimination and racial intolerance and continue implementing affirmative actions for vulnerable groups (Ecuador);

A - 124.35. Pursue its efforts in combating racism, in particular to guarantee an effective follow up to the outcome of the Durban Conference (Morocco);

A - 124.36. To pursue their efforts in taking the necessary measures to reduce and prevent racial discrimination (Palestine);

A - 124.37. Speed up the process to develop its National Action Plan against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Namibia);

A - 124.38. Reinforce its efforts to prevent and combat racism, racial discrimination, xenophobia and other related intolerance in particular against foreigners (Iran (Islamic Republic of));

A - 124.39. Continue multiplying measures that guarantee the full protection of the human rights of foreigners in South Africa (Paraguay);

A - 124.40. Continue combating acts of xenophobia against migrants, refugees and asylum-seekers (Djibouti);

A - 124.41. Continue its best efforts to combat xenophobia and prevent any violence against foreigners (Thailand);

A - 124.42. Strengthen measures to combat the phenomena of xenophobia (Iraq);

A - 124.43. Take all necessary steps to address the evil of xenophobia through legislation and greater public awareness programmes (Ireland);

A - 124.44. Reinforce measures to combat and prevent xenophobia and related violence (Republic of Korea);

A - 124.45. To continue the discouragement of any manifestation of xenophobia (Mozambique);

A - 124.46. Step up its measures to mitigate the scourges of xenophobia, which include, among others, visible policing, community awareness programmes, promotion of tolerance and cultural diversity (Indonesia);

P - 124.47. Implement a national strategy which includes the review and the drafting of laws, and campaigns to raise awareness about discrimination at all levels of society, including traditional leaders, aimed at modifying or eliminating, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), harmful stereotypes and practices which discriminate women (Uruguay);

A - 124.48. Early adoption of the Women's Empowerment and Gender Equality Bill (Australia);

A - 124.49. Ensure effective implementation of the existing normative framework guaranteeing women's right to equality, in particular to ensure access to justice, protection and other remedies (Austria);

A - 124.50. Launch awareness campaigns against homophobia and discrimination on the basis of sexual orientation (Belgium);

A - 124.51. Develop programs to prevent discrimination based on sexual orientation and gender identity, to punish violence of this kind and ensure that victims receive appropriate support (France);

A - 124.52. Continue improving the protection of its citizens from violent crime in urban and rural areas, as laid out in the key national priorities for 2009 to 2014 (Netherlands);

A - 124.53. Take measures improving the security of citizens and enhancing protection of particularly vulnerable groups such as women and children (Ukraine);

A - 124.54. Define torture in its national criminal legislation, prosecute and punish perpetrators of torture, and ratify as soon as possible the OPCAT (Slovenia);

A - 124.55. Enact legislation which would, in line with Article 1 of the Convention against Torture (CAT), prevent and eliminate torture, and ratify OP-CAT at the earliest opportunity (Czech Republic);

A - 124.56. Adopt as soon as possible legislation criminalising acts of torture and raise awareness of law enforcement officials regarding the absolute prohibition of the use of torture and other inhumane and degrading treatment (France);

A - 124.57. Take the necessary legislative measures to prevent, prosecute and punish acts of torture and other cruel and degrading treatment, in accordance with international standards, including through the ratification of the OP-CAT (Costa Rica);

A - 124.58. Improve the detention conditions of undocumented migrants, ensure that they are not detained and deprived of their liberty for prolonged periods and that they have all services available, including access to health, psychological assistance, and appropriate physical infrastructure and sanitation (Ecuador);

P - 124.59. Allocate more financial and other resources to ensure effective implementation of initiatives related to the advancement of women and gender equality, in particular the 365-day National Plan of Action to end gender violence (Malaysia);

P - 124.60. Step up efforts to eliminate violence and discrimination against women (Republic of Korea);

P - 124.61. Adopt all necessary measures to prevent, fight and punish any violence against women and children (Switzerland);

A - 124.62. Put in place stronger mechanisms to protect women and girls against gender-based violence and provide redress to victims (Austria);

P - 124.63. Take increased measures to protect and provide redress to women subjected to gender-based violence (Czech Republic);

A - 124.64. Take concrete measures to improve the protection of women against gender-based violence and to ensure that perpetrators are held accountable (Norway);

A - 124.65. Increase efforts for the protection of women victims of gender violence, ensuring that perpetrators face the required trials and training the authorities involved on the subject of the protection and prevention of violence against women (Nicaragua);

A - 124.66. Considers the adoption of a specific law for domestic violence, containing both criminal and civil provisions (Brazil);

A - 124.67. Undertake continued and enhanced efforts to protect and provide redress to women suffering from violence and to continue raising awareness, through training and other means, in the judicial system, including police, of the necessity to act against this violence (Sweden);

A - 124.68. Strengthen the training of the police, prosecutors and the judiciary in the area of gender based violence (Norway);

A - 124.69. Take measures to guarantee thorough investigation and prosecution of crimes of sexual violence, including relevant training of law enforcement officials, and implement national human rights awareness-raising focused on women's rights (Japan);

A - 124.70. Promote awareness-raising campaigns and human rights education programmes particularly directed to law enforcement officials and educators that address the problematic of sexual violence against women (Portugal);

A - 124.71. Adopt and implement appropriate, efficient measures ensuring that all allegations of sexual violence against women are properly registered, prosecuted and their perpetrators duly convicted, including a provision of victims' access to redress and social support services (Slovakia);

A - 124.72. Establish mechanisms that will offer the victims of rape appropriate and adequate support and provide them with redress (Slovenia);

A - 124.73. Step up efforts against sexual violence and improve social support services to victims (Italy);

A - 124.74. Rigorously apply the legislation against gender violence and sexual violence, especially against girls and boys (Spain);

P - 124.75. Conduct comprehensive public awareness campaigns and enhance the investigation and prosecution of violent crimes perpetrated on grounds of ethnicity, nationality, religion, sexual orientation or gender identity (Slovenia);

A - 124.76. Establish national policies aimed at putting an end to violence and crimes motivated by race nationality, religion ethnicity, sexual orientation or identity, through the approval of laws that explicitly criminalize violence against people or property (Uruguay);

A - 124.77. Implement training programs for the security forces so that crimes motivated by race nationality, religion ethnicity, sexual orientation or identity, are adequately investigated (Uruguay);

A - 124.78. Continue its efforts in the fight against violence and discrimination based on sexual orientation and gender identity (Argentina);

A - 124.79. Ensure police and justice officials have appropriate training and direction to improve the investigation and prosecution of sexual violence including that based on sexual orientation or gender identity (New Zealand);

A - 124.80. Ensure that law enforcement officials and other relevant actors are adequately trained to investigate and prosecute hate crimes on the basis of sexual orientation and gender identity, including through the promotion of awareness-raising and sensitization campaigns (Denmark);

A - 124.81. Develop monitoring capacity and legislation to enhance the prevention, investigation and prosecution of crimes of violence against individuals on the grounds of their sexual orientation or gender identity (Netherlands);

A - 124.82. Enhance the prevention, investigation and prosecution of crimes of violence against individuals based on their gender or sexual orientation (United Kingdom of Great Britain and Northern Ireland);

A - 124.83. Take steps to ensure targeted attacks against individuals based on their sexual orientation are thoroughly investigated and prosecuted, and strengthen mechanisms to prevent crimes of violence (Canada);

A - 124.84. Publicly denounce crimes committed against LGBTs and to conduct thorough investigations into and prosecutions of these attacks (Austria);

A - 124.85. Publicly denounce all violence based on sexual orientation or gender identity and adopt effective measures to raise public awareness concerning the constitutional protection of LGBT individuals (Finland);

A - 124.86. Increase advocacy for freedom from discrimination based on sexual orientation and gender identity through public education and awareness building and address violence targeting LGBT persons through training for police, first responders and justice system officials (United States of America);

A - 124.87. In order to avoid the occurrence of impunity in cases of violence against LGBT persons, that all such cases be subject of credible investigations and the perpetrators prosecuted (Belgium);

A - 124.88. Prohibit and punish corporal punishment both in the home, as well as in public institutions such as schools and prisons (Mexico);

A - 124.89. Enact the Prevention and Combating of Trafficking in Persons Bill as soon as possible (Namibia);

A - 124.90. Continue efforts for the enactment of the Law against Trafficking in Persons, being sure that its approval will be a precious instrument in the fight against this scourge (Paraguay);

A - 124.91. Expedite the adoption of the Prevention and Combating of Trafficking in Persons Bill as a mechanism to assist victims in accordance with international humanitarian and human rights standards and to prosecute the perpetrators (Thailand);

A - 124.92. Pass the "Combating and Prevention of Trafficking in Persons Bill" currently under deliberation in the National Assembly, and move swiftly to implement it once passed (United States of America);

A - 124.93. Take all necessary measures to ensure equal access to justice for all citizens and guarantee a fair process before a competent, independent and impartial tribunal (Switzerland);

A - 124.94. Establish human rights education and training programmes for police and law enforcement officers (Costa Rica);

R - 124.95. Ensure that the proposed new Traditional Courts Bill, if adopted, does not violate South Africa's international obligations or its own Constitution in the area of women's rights and gender equality (Norway);

R - 124.96. Investigate all allegations of sexual exploitation and abuse by South African peacekeepers; prosecute and punish offenders; take measures within SA peacekeeping contingents to prevent future offences; and report the results back to UN peacekeeping authorities (Canada);

R - 124.97. Further strengthen freedom of expression and access to public domain information, particularly at the community level and with government departments (Poland);

R - 124.98. Ensure compliance of domestic laws with the right to access to information and freedom of expression (Austria);

R - 124.99. Ensure that the Protection of State Information Bill, when adopted, fully complies with international human rights law (Norway);

R - 124.100. Ensure that the Protection of State Information Bill and other statutory measures do not violate the right to freedom of expression or unduly impede access to public domain information (Canada);

R - 124.101. Reconsider the Protection of State Information Bill to ensure its conformity with ICCPR, in particular by removing excessive penalties for publication of classified information and the inclusion of a public interest defence (Czech Republic);

R - 124.102. Continue amending and improving the project of the Protection of State Information Bill as this law, in the form proposed to the Parliament earlier this year, has the potential to undermine the right to access to information and freedom of expression under the pretext of national security and national interest (Poland);

R - 124.103. Amend the draft bill on the Protection of State Information so that freedom of press is not curtailed in a disproportionate manner (Switzerland);

R - 124.104. Consider suspending the enactment of the Protection of State Information Bill, approved last November (Portugal);

R - 124.105. Remain a promoter of freedom of expression, at national and international levels, and to review the current text of the Protection of State Information Bill (Sweden);

R - 124.106. Engage civil society, activists, NGOs and media to seek common ground on the Protection of State Information Bill (United States of America);

R - 124.107. Safeguard the freedom of the press, through the abrogation of the Protection of Information Bill (Germany);

A - 124.108. Develop further decent work/labour through the comprehensive economic growth (Palestine);

A - 124.109. Continue consolidating its social policies towards the achievement of decent employment, quality basic education and a healthy life with food security for all its people (Venezuela (Bolivarian Republic of));

A - 124.110. Continue its efforts to combat corruption, social and economic inequalities (Togo);

A - 124.111. Strengthen its development policies in rural areas, with special emphasis on the access of children and persons with disabilities to services (Chile);

A - 124.112. Create a favourable environment for the effective enjoyment of the rights of persons with disabilities (Djibouti);

A - 124.113. Take effective measures to combat poverty (Iraq);

A - 124.114. Maintain and intensify the efforts towards the elimination of poverty and social inequality (Lesotho);

A - 124.115. Continue efforts in the fight against social inequality and poverty (Senegal);

A - 124.116. Accelerate the implementation of its national strategy for the reduction of the scale of poverty, including by availing itself of advanced international experience in this regard (Uzbekistan);

A - 124.117. Continue consolidating essential social programmes in the fight against poverty and social exclusion (Venezuela (Bolivarian Republic of));

A - 124.118. Seek necessary technical assistance from OHCHR, other relevant UN agencies and funds with a view to effectively implement its key national priorities for 2009–2014 related to health, education, land reform and food security (Malaysia);

A - 124.119. Pursue its efforts in the development of its rural policies to improve the existing strategies and policies and gradually strengthen the right to food for vulnerable groups (Côte d'Ivoire);

A - 124.120. Consolidate its efforts towards improving all aspects of education and health in accordance with its National Action Plan (Zimbabwe);

A - 124.121. Take additional measures to guarantee access for all citizens to safe drinking water and sanitation (Togo);

A - 124.122. Pursue the establishment of national health insurance system which will contribute to improving the quality of primary basic health care for all (Angola);

A - 124.123. Take tangible measures to ensure that women have access to all public services, in particular to public health services (Switzerland);

A - 124.124. Consolidate its strategies and programmes to reduce the phenomenon of maternal and child mortality (Algeria);

A - 124.125. Continue its efforts to accelerate the achievement of the MDGs targets, particularly those health related MDGs (Indonesia);

A - 124.126. To fight against child mortality, and thus implement Millennium Development Goal number four, in particular by improving children's living conditions and their access to adequate food (Germany);

A - 124.127. Strengthen its efforts in HIV/Aids prevention and treatment and reduce child and maternal mortality rates (China);

A - 124.128. Intensify its efforts in the context of attaining MDGs related to health in particular objective 6 concerning fighting HIV /AIDS, in particular in the context of the "Comprehensive HIV and AIDS Treatment and Prevention Strategy" and the "Prevention of Mother to Child Transmission of HIV" (Morocco);

A - 124.129. Implement the Maternal Child and Women's Health Strategy (2009-14) and develop sustained measures to address the impact of HIV/AIDS on women and girls, who are disproportionately affected (Australia);

A - 124.130. Continue to take measures in order to reduce the rate of mortality due to HIV and AIDS (Romania);

A - 124.131. Maintain and further build upon its HIV/AIDS prevention, care and treatment programmes (Singapore);

A - 124.132. Enhance its health care measures and policies with an aim to reduce the prevalence of child mortality and HIV/AIDS rates (Iran (Islamic Republic of));

A - 124.133. Develop and implement plans to reduce physical and cost barriers to accessing HIV-related health services in rural areas (Ireland);

A - 124.134. Make further efforts to address HIV/AIDS including by providing equal-opportunity treatment and assistance and continue measures to eliminate HIV/AIDS-related discrimination (Japan);

A - 124.135. Take necessary measures to eliminate the discriminatory barriers to access to HIV related health services, especially for women and girls in rural zones (Spain);

A - 124.136. Closely collaborate with UNICEF and UNAIDS in order to implement programmes aimed at reducing the cases of Mother-toChild HIV Infections (Portugal);

A - 124.137. Continue with action to further reduce maternal and child mortality, and the prevalence rate of HIV and AIDS (Sri Lanka);

A - 124.138. Broadly promote sexual education, directing it in particular to adolescents, and giving special attention to the prevention of early age pregnancies and the control of sexually transmitted diseases such as HIV/AIDS (Mexico);

A - 124.139. Seek to enhance overall quality of education and health services offered, in addition to greater enrolment in and access to schools and hospitals (Republic of Korea);

A - 124.140. Promote rights to education and health in disadvantaged and underprivileged areas (Senegal);

A - 124.141. Continue implementing programs that guarantee the success of strategies aimed at achieving quality basic education and a reduction of child and maternal mortality (Cuba);

A - 124.142. Strengthen its educational strategies to ensure that all children enrol in school and receive basic education (Iran (Islamic Republic of));

A - 124.143. Continue its current efforts in the fields of social cohesion and quality of basic education (Egypt);

A - 124.144. Continue its efforts to improve its education system and provide skills development programmes especially for youths (Singapore);

A - 124.145. Maintain its commitment to improve the quality of education to ensure the full enjoyment of the right to education (Timor-Leste);

A - 124.146. Respect its international and national legal obligations in the field of the protection of the rights of asylum seekers and migrant workers (Belgium);

A - 124.147. Consider setting as its standards of protection for the rights of migrant workers those enshrined in the ICRMW and ILO Convention 189 on Decent Work for Domestic Workers (Philippines);

A - 124.148. Protect and fulfil migrants' rights, in particular by effectively prosecuting offences committed against them and by improving their living conditions, also through the access to adequate health-care services (Germany);

A - 124.149. Establish policies and programmes designed to promote the integration of migrants into society and the respect to their rights, including the protection of their physical integrity (Slovakia);

A - 124.150. Carry out the necessary measures to eliminate the barriers that impede the birth registration of all persons born in South African territory, including migrants and refugees (Mexico);

A - 124.151. Ensure that all children are issued with a birth certificate in order to access various social services, with particular focus on children of migrants (Slovakia).

Voluntary Pledges & Commitments Made By South Africa in the Framework of the UPR

Document A/HRC/21/16:

- The Government also pledged its commitment to do all in its power to sign and ratify, before the end of 2012, all outstanding instruments in the area of international human rights and humanitarian law.

Document A/HRC/21/16/Add.1:

- The Government also has a commitment to allocate resources for the realisation of the MDGs by 2015. We pledge to work collaboratively and through international cooperation with all partners to this

end. The next South African UPR report will, among others, be an encapsulation of progressive achievements in the intervening period.

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