

## Compilation on South Africa

### Report of the Office of the United Nations High Commissioner for Human Rights

#### I. Scope of international obligations<sup>1</sup>

##### 1. International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1998)	ICESCR (2015)	OP-CAT (signature only, 2006)
	ICCPR (1998)		ICRMW
	ICCPR-OP 2 (2002)		ICPPED
	CEDAW (1995)		
	CAT (1998)		
	OP-CAT (signature only, 2006)		
	CRC (1995)		
	OP-CRC-AC (2009)		
	OP-CRC-SC (2003)		
	CRPD (2007)		
<i>Reservations and/or declarations</i>	CAT (Declaration, art. 30, 1998)	ICESCR (Declaration, art. 13 (2) (a) and 14, 2015)	
	OP-CRC-AC (Declaration under art. 3 (2): 18 years, 2009)		
<i>Complaints procedures, inquiries and urgent action<sup>3</sup></i>	ICERD, art. 14 (1998)		OP-ICESCR
	ICCPR, art. 41 (1998) ICCPR-OP 1 (2002)		OP-CRC-IC
	OP-CEDAW, art. 8 (2005)		ICRMW
	CAT, arts. 20, 21 and 22 (1998)		ICPPED
	OP-CRPD, art. 6 (2007)		

## 2. Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court <sup>4</sup> Palermo Protocol <sup>5</sup> Refugees <sup>6</sup> Geneva Conventions of 12 August 1949 and Additional Protocols I and II thereto <sup>7</sup> ILO fundamental Conventions <sup>8</sup> UNESCO Convention against Discrimination in Education	--     ILO C. No. 189 concerning Decent Work for Domestic Workers (Ratified 2013)	--   1954 Convention relating to the Status of Stateless Persons 1961 Convention on the Reduction of Statelessness Additional Protocol III to the 1949 Geneva Conventions <sup>9</sup>  ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	--	2014	August 2016	Combined ninth to eleventh reports due in 2020
CESCR	--	--	--	Initial report overdue since 2016
HR Committee	--	2014	March 2016	Second report due in 2020
CEDAW	January 2011	--	--	Fifth report overdue since 2015
CAT	November 2006	--	--	Second report overdue since 2009
CRC	--	2014 (to CRC and OP-CRC-SC)	September 2016	Combined third to sixth periodic reports due in 2022 /Initial report to OP-CRC-AC overdue since 2011
CRPD	--	2014	--	Initial report pending consideration

## 2. Responses to specific follow-up requests by treaty bodies

### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2017	Implementation recommendations NHRI and provide it with adequate financial resources; Hate crime and hate speech legislation. <sup>10</sup>	--
HR Committee	2017	Truth and Reconciliation Commission; racism and xenophobia; prison conditions. <sup>11</sup>	--
CEDAW	2013	Gender Equality Bill; Law reform: Customary Law of Succession and Related Amendment Bill and unified family code. <sup>12</sup>	2015. <sup>13</sup> Further information requested in next periodic report. <sup>14</sup>

### B. Cooperation with special procedures<sup>15</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	Mercenaries Migrants Food	Violence against women <sup>16</sup>
<i>Visits agreed to in principle</i>	-	-
<i>Visits requested</i>		Racism Environment Water and Sanitation Poverty Albinism Hazardous substances and wastes Torture Disappearances Privacy
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review, 7 communications were sent. The Government did not reply to the communications.	

### C. Status of national human rights institutions<sup>17</sup>

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle<sup>18</sup></i>
South African Human Rights Commission (SAHRC)	A (2007)	A (2012 )

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<sup>1</sup> Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on South Africa from the previous cycle (A/HRC/WG.6/13/ZAF/2).

<sup>2</sup> The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>3</sup> Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

<sup>4</sup> On 7 March 2017, the Government of South Africa notified the Secretary-General of the revocation of its notification of withdrawal from the Rome Statute deposited with the Secretary-General on 19 October 2016.

<sup>5</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>6</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol

<sup>7</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

<sup>8</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

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- <sup>9</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).
- <sup>10</sup> CERD/C/ZAF/CO/4-8, para. 36.
- <sup>11</sup> CCPR/ZAF/CO/1, para. 49.
- <sup>12</sup> CEDAW/C/ZAF/CO/4, para. 48.
- <sup>13</sup> CEDAW/C/ZAF/CO/4/Add.1.
- <sup>14</sup> Letter from CEDAW to Minister Plenipotentiary, Chargé d'affaires a.i. Deputy Permanent Representative of the Republic of South Africa to the United Nations Office at Geneva, dated 13 May 2016, available from [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ZAF/INT\\_CEDAW\\_FU L\\_ZAF\\_23900\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ZAF/INT_CEDAW_FU L_ZAF_23900_E.pdf) (accessed on 26 August 2016).
- <sup>15</sup> For the titles of special procedure mandate holders, see, <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>.
- <sup>16</sup> A/HRC/32/42/Add.2 and A/HRC/32/42/Add.5.
- <sup>17</sup> According to article 5 of the rules of procedure of the Global Alliance of National Human Rights Institutions (GANHRI), the classifications for accreditation used by the Sub-Committee are: A: voting member (fully in compliance with each of the Paris Principles); B: non-voting member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); and C: no status (not in compliance with the Paris Principles).
- <sup>18</sup> The list of national human rights institutions with accreditation status granted by the Global Alliance of National Human Rights Institutions (GANHRI), accessed at: <http://www.ohchr.org/Documents/Countries/NHRI/ChartStatusNHRI.pdf>.
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