



General Assembly

Distr.: General
6 November 2015

Original: English

Human Rights Council

Working Group on the Universal Periodic Review

Twenty-fourth session

18-29 January 2016

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Namibia*

The present report is a summary of nine stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.



I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

A. Background and framework

1. The Ombudsman stated that the Government of Namibia should sign and ratify the International Convention on the Protection of all Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of Migrant Workers and Members of their Family; and the Optional Protocol to the International Convention on Economic, Social and Cultural Rights.²
2. The Ombudsman stated that the Government of Namibia should also ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, take legislative measures to criminalize torture and establish a national preventative mechanism.³
3. The Ombudsman welcomed the promulgation of Child Care and Protection Act, no. 3 of 2015 and called on the Government of Namibia to swiftly put the Act and its regulations into operation.⁴

B. Cooperation with human rights mechanisms

4. The Ombudsman stated that the Government of Namibia had not submitted all its reports to the respective treaty bodies and called for concerted effort to submit all outstanding reports.⁵
5. The Ombudsman stated that the Government of Namibia must be commended for the adoption of the first national human rights action plan and for mandating the Office of the Ombudsman to monitor the implementation of the plan.⁶

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

6. The Ombudsman expressed concern at the increasing cases of gender-based violence. It called on the Government of Namibia to review the Combating of Domestic Violence Act, 2003, and to effectively implement the provisions of this Act.⁷
7. The Ombudsman stated that the conditions under which detainees were held at some police stations did not comply with international standards. It called on the Government of Namibia to expedite the building of remand prisons for awaiting trial detainees in identified towns.⁸
8. The Ombudsman stated that there were systematic delays in the administration of justice. Criminal Cases took years to come to trial, and there have been lengthy adjournments in those cases that were on trial. Judgments in the High and Supreme Courts were unavailable for years. Delays in producing the trial transcripts and appeal or review records seriously affected the right to appeal or review. There was a huge backlog of criminal cases, especially in the lower courts.⁹
9. The Ombudsman stated that enrolment and retention rates at primary school level were exceptional, with a net enrolment rate of almost 90 percent, but there was a worrying

trend of not retaining the rate of enrolled primary school learners in secondary school. The Ombudsman called on the Government of Namibia to abolish the school development fund, introduce measures to make school attendance compulsory, expand the programme on vocational education, and introduce human rights education in schools.¹⁰

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

10. Joint Submission 2 (JS2) stated that at its first Universal Periodic Review held on 31 January 2011 (2011 Review),¹¹ the Government of Namibia expressed support for those recommendations to ratify the International Convention for the Protection of All Persons from Enforced Disappearances, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.¹² JS2 stated that those treaties had not been ratified,¹³ and recommended their ratification.¹⁴

11. Cultural Survival (CS) and Unrepresented Nations and Peoples Organization (UNPO) recommended that the Government of Namibia sign and ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) to ensure better protection of the rights of indigenous peoples.¹⁵

2. Constitutional and legislative framework

12. JS2 stated that the grounds for non-discrimination as stipulated in The Constitution of the Republic of Namibia (Constitution) remained restrictive and did not include sexual orientation or disability.¹⁶ It recommended extending the grounds for discrimination to include sexual orientation and disability.¹⁷

13. CS stated that although the Constitution prohibited ethnic discrimination, it did not uphold any specific rights for indigenous peoples.¹⁸ It recommended explicit constitutional recognition of the rights of indigenous peoples.¹⁹

14. African Freedom of Information Centre (AFIC) stated that Namibia was a party to the International Covenant on Civil and Political Rights, which provides in Article 19 (2) that everyone has the right to freedom of expression, which included the freedom to seek, receive and impart information. However, there was no constitutional or legislative provision recognizing the right to information and freedom of expression.²⁰ This has hindered citizens' ability to request and receive information held by public bodies.²¹ AFIC recommended that the Government of Namibia urgently adopt and effectively implement a comprehensive national law on the rights and access to information on the basis of the model law on access to information adopted by the African Commission on Human and Peoples' Rights in 2013.²²

15. JS2 stated that Namibia had ratified the Convention of the Rights of Persons with Disabilities,²³ and recommended incorporating the provisions of this Convention into national laws.²⁴

16. Breaking the Wall of Silence (BWS) stated that Namibia had signed and ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment in 1994 and encouraged Namibia to adopt legislation to fully implement the Convention.²⁵

17. Privacy International (PI) stated that Namibia did not have a comprehensive data protection law, which was of concern in light of the introduction of the biometric identity card system; the intended use of fingerprint technology by leading medical schemes to counter fraud; the use of the biometric voter verification machines in the 2014 elections, which subjected voters to 10-finger biometrics scans; and also consideration by the banking sector to use a biometric system.²⁶ It recommended the adoption of a comprehensive data protection law complying with international human rights standards and the establishment of an independent data protection authority.²⁷

18. JS2 stated that the Public and Environmental Health Act, promulgated on 18 May 2015, criminalized the wilful and negligent infection of another person with a “sexually transmitted infection.” It further criminalised the wilful or negligent conduct or permission of conduct “in a way likely to lead to the infection of another person”. Those provisions of the Act are overly broad, potentially including within its ambit any, and otherwise lawful, consensual sexual conduct.²⁸ JS2 recommended repealing those provisions as the criminal laws should be sufficient to cover instances of intentional or wilful transmission of infections.²⁹

B. Cooperation with human rights mechanisms

Cooperation with special procedures

19. JS2 stated that at the 2011 Review, the Government of Namibia noted the recommendations to extend a standing invitation to the Special Procedures of the Human Rights Council.³⁰ It stated that since the 2011 Review, the Special Rapporteur on the human right to safe drinking water and sanitation, the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on extreme poverty and human rights have undertaken official visits to the country.³¹

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

20. JS2 expressed concern about traditional laws and cultural practices which perpetuated gender inequality, gender-based violence and the perception that women were inferior to men or were the property of men. These included initiation practices which involve humiliation and violence against young girls to enforce submission and obedience in preparation for marriage, sexual readiness testing, coerced cutting and scarring of young girls’ bodies which is believed by some to make them more attractive to men, child marriages, cutting mothers in a misguided attempt to heal children, widow cleansing, as well as other practices which subject women to forced marriages or loss of property. Many of those practices exposed girls and women to HIV infections and constituted a violation of the rights to non-discrimination, health, property and the right not to be tortured or subjected to cruel, inhuman or degrading treatment, as well as the right to life where the practice results in death.³²

21. JS2 stated that although the law required customary practices to be in line with human rights as provided for in the Constitution, traditional authorities in some communities continued to apply discriminatory laws and practices in the resolution of disputes. It stated that little appears to have been done by the Government of Namibia to educate traditional authorities on the need to ensure that decisions in traditional dispute resolution mechanisms did not violate human rights. There has also been insufficient public awareness of traditional practices which conflict with the Constitution.³³

22. JS2 recommended the abolition of all harmful and discriminatory customary laws and practices, and the implementation of awareness raising campaigns aimed at educating individuals and traditional authorities on the violation of rights by harmful and discriminatory customary practices, as well as the duty to ensure that customary laws and practices do not violate the rights of women.³⁴

2 Right to life, liberty and security of the person

23. Global Initiative to End All Corporate Punishment of Children (GIEACPC) stated although no recommendations on the corporal punishment of children had been made at the 2011 Review, the Government of Namibia had accepted recommendations on fulfilling its obligations under the Convention on the Rights of the Child and on the protection of children from violence.³⁵

24. GIEACPC stated that corporal punishment was lawful in the home. The Children's Act No. 33, 1960 recognised a "right to punish and to exercise discipline". This Act will be replaced by the Child Care and Protection Act, 2015, which does not clearly prohibit all corporal punishment in childrearing.³⁶

25. GIEACPC state that corporal punishment in alternative care settings and in early childhood care and day care facilities was currently not explicitly prohibited by legislation. While the Child Care and Protection Act, 2015 explicitly prohibited corporal punishment in those settings, it was yet to come into force.³⁷

26. GIEACPC stated that corporal punishment was unlawful in schools and in penal institutions, and it cannot be imposed as sentences in criminal cases.³⁸

27. JS2 stated that in 2012, the Correctional Service Act was passed. The Act provided for the separation of prisoners into different groups in places of detention.³⁹ It further provided that juveniles awaiting trial should not be held in correctional facilities.⁴⁰ However, the obligation to separate prisoners extends only, "so far as the correctional facility accommodation renders it practicable."⁴¹ The law also provided for the possibility of juveniles detained on remand, to be held in correctional facilities where the court deemed it necessary and where there were no suitable places of detention.⁴²

28. JS2 stated that despite the passing of the Correctional Services Act in 2012, concerns remained about the failure to separate children from adults in places of detention. It noted the opening of a new prison with juvenile facilities in Kavango, the Elizabeth Nepembe Rehabilitation Centre, and stated that other regions of the country did not have similar facilities. In most cases, young offenders were still held in the same cells as adults.⁴³ JS2 recommended that the Government of Namibia ensure that children were held separately from adults.⁴⁴

3. Administration of justice, including impunity, and the rule of law

29. JS2 expressed concern about women being detained with their minor children in the same cell as other prisoners. The law permitted mothers in detention to keep their infant children and the authorities were responsible for providing those children with clothing and other necessities. The law required the authorities to take into account the best interest of the child, to place a child older than two years of age with a relative or family friend who was able and willing to support the child, or with the appropriate child welfare authority. However, children older than two years of age were sometimes left with their mothers.⁴⁵ JS2 recommended that where, in the given circumstances, there were no alternatives but to detain or incarcerate mothers along with their children, the authorities must ensure that they are separated from other detainees and prisoners.⁴⁶ It also recommended the use of bail and non-custodial sentences and that detention or incarceration is used only in exception circumstances.⁴⁷

30. JS2 stated that many young offenders were arrested and detained for petty offences relating to vagrancy and idleness, as well as lettering and swearing. JS2 called for decriminalization of petty offences.⁴⁸

31. BWS stated that between the years of 1960 and 1989, thousands of Namibians had been tortured and imprisoned by the then liberation movement, the South West African Peoples Organization (SWAPO). Also, 2000 people, most of whom who had been active members of the armed wing of SWAPO were listed as missing, without any account of their whereabouts.⁴⁹ BWS called on the Government of Namibia to investigate the whereabouts of those missing persons and to provide effective remedy to all those who had been detained and tortured.⁵⁰

32. JS2 stated that in August 2014, the Government of Namibia signed the amended Protocol on the Tribunal in the Southern Africa Development Community (SADC) which removed individual access to the court as well as the human rights jurisdiction of the court. This Protocol, if duly ratified by 10 SADC countries, will deprive individuals in the region of a competent tribunal for attaining an effective remedy for the violation of their human rights, where their national courts have been unable or unwilling to adjudicate on such matters. The action of the Government of Namibia could constitute a violation of the right of access to justice and the right to an effective remedy, as guaranteed by national and international human rights laws.⁵¹

4. Right to privacy, marriage and family life

33. PI stated that at the 2011 Review, concerns had been raised over the potential limitations of the right to privacy by the 2009 Communications Act,⁵² although no recommendations had been made in this regard.⁵³

34. PI stated that the 2009 Communications Act, which made provision for the interception of telecommunications, directly threatened the respect and protection of privacy rights. The Act conferred on the Government of Namibia broad powers in the monitoring of telephone calls, e-mail, and internet usage.⁵⁴ Judicial authorisation was not required to conduct surveillance and there was no limitation on who may be subjected to the surveillance, as well as the duration, scope, purpose and method of interception.⁵⁵

35. PI stated that the Namibian Central Intelligence Service (NCIS) Act, 1997 (Act No 19, 1997) provided a strict legal framework for the NCIS to conduct interceptions. Article 25 required NCIS to obtain a High Court warrant, which rested on evidence of a serious threat to state security. It also prevented NCIS from conducting fishing expeditions, as the request must be specific to a type of communication and target. However, the 2009 Communications Act expanded the powers of NCIS by allowing surveillance to be conducted without judicial authorisation.⁵⁶

36. PI recommended that the Government of Namibia recognise and take steps towards compliance with international human rights law and standards by ensuring that communication surveillance is conducted in accordance with the principles of legality, legitimacy, necessity, adequacy, proportionality and respect for the process of authorisation from a competent judicial authority. Also, the Government of Namibia must ensure due process, user notification, transparency, public oversight and respect for the integrity of communications and systems. It must also ensure safeguards against illegitimate access and the right to effective remedy.⁵⁷

37. JS2 recalled that during the 2011 Review, recommendations to abolish those laws which prohibited contextual same sex relations between adults had not been supported by the Government of Namibia.⁵⁸ Joint Submission 1 (JS1) recommended the repealing of all punitive and discriminatory laws that criminalize sexual activity between consenting adults of the same sex.⁵⁹

5. Freedom of expression

38. AFIC stated that the freedom of the press was affected by un-progressive laws. Defamation was a criminal offence, which created a culture of intimidation for media practitioners in the course of their work. Independent press have been subjected to harsh criticisms and threats by the Government of Namibia and by party leaders. Media organisations that had not exhibited political loyalty to the Government of Namibia had been attacked. As a consequence, journalists and editors practiced a degree of self-censorship.⁶⁰

6. Right to an adequate standard of living

39. JS2 stated that the Constitution did not provide for the right to the highest attainable standard of physical and mental health or for the right to an adequate standard of living.⁶¹ It recommended that the Government of Namibia incorporate in the Constitution and national legislation the right to the highest attainable standard of physical and mental health, as well as the right to an adequate standard of living.⁶²

7. Rights to health

40. JS2 stated that the National Health Act 12 of 2015 provided that every person must have access to state hospitals or state health care services. It also made provision for the right to receive treatment or other medical care and to benefit from health services.⁶³ While this was a positive step, it did not guarantee the right to the highest attainable standard of physical and mental health.⁶⁴

41. JS2 stated that the National Health Act provided everyone with the entitlement to health care. However, access to health remained a concern, particularly for minorities, such as persons living with HIV, persons with disabilities, persons from the LGBTI community and sex workers. Those groups have reported experiencing stigmatization and receiving poor services from health care professionals. For many, the negative attitudes of healthcare professionals served as a disincentive for accessing health care.⁶⁵ JS2 recommended that the Government of Namibia take measures to eliminate those negative attitudes, as well as discriminatory practices, including through formal human rights training and sensitization of health workers and other public officials.⁶⁶

42. JS1 stated that there was a critical need for sexual and reproductive health care services.⁶⁷ JS2 expressed concern about the restrictive laws in relation to abortion. The Abortion and Sterilisation Act permitted abortion in certain circumstances, and placed limitations on providers and facilities permitted to perform abortion services. This created unnecessary barriers to access abortion services, particularly for poor and rural women.⁶⁸

43. JS2 stated that while positive steps have been taken to prevent coerced or forced sterilisation, it remained concerned that the authorities have failed to review outdated laws that impacted on informed consent and sterilisation, such as the Abortion and Sterilisation Act, which did not explicitly mention the need for informed consent for both sterilisation and abortion procedures. JS2 stated that there was no publicly available information on the steps that had been taken, if any, to develop guidelines aligned to the International Federation of Gynaecology and Obstetrics guidelines on female contraceptive sterilisation. Civil Society Organisations and women living with HIV have not been consulted in the development of any policies and guidelines relevant to informed consent and sterilisation. In addition, the authorities have failed to take steps to ensure redress, including through reversal of sterilisation where possible, to those women who have been subjected to coerced sterilisation.⁶⁹ JS2 recommended that the Government of Namibia investigate cases of coerced sterilisation and provide redress to all affected women, including a reversal of the procedure where possible.⁷⁰

8. Cultural rights

44. UNPO stated that English was the official language in Namibia and that the Government of Namibia did not allow the use of Afrikaans in official communications, the language of the Rehoboth Basters.⁷¹ It recommended that the Government of Namibia recognise Afrikaans as an official language.⁷²

9. Persons with disabilities

45. JS2 stated that in 2013, the Government of Namibia took a positive step with the adoption of a policy of inclusive education, which sought to include children with disabilities in the education system. However, access to education for children with disabilities remained a concern. There were only a few schools which enrolled children with disabilities and many schools lacked the necessary infrastructure and facilities to make schools physically accessible to those children. Also, the schools were not required by law or policy to have the necessary infrastructure.⁷³

46. In relation to adults with disabilities, JS2 stated that workplaces were legally required to make reasonable efforts to accommodate persons with disabilities, but progress by the authorities in eliminating obstacles and barriers to accessibility, has been slow. Grants were also been made available to persons with disabilities. However, many people were unaware of the grants. There were also reports of health and social workers discouraging eligible persons from applying for the grants.⁷⁴

10. Minorities and indigenous peoples

47. CS stated that while there had been progress in implementing recommendations on the promotion and protection of the rights of indigenous peoples which had been received at the 2011 Review,⁷⁵ indigenous peoples continued to suffer from discrimination, poverty and a lack of respect for their rights. It called on the Government of Namibia to continue with the implementation of those recommendations in order to further improve the well-being of the indigenous peoples.⁷⁶

48. CS stated that indigenous peoples depended on land and its natural resources to survive as well as to maintain and celebrate their culture and tradition. However, many indigenous groups have been dispossessed of their traditional lands, which had been converted into parks or extractive industry, such as logging, mining or oil extraction. Those indigenous groups have been forced to live on communal lands owned by the Government of Namibia. With all of the indigenous peoples living on the same land, the San people faced greater marginalization at the hands of the more powerful groups. While indigenous peoples have been able to create conservancies, the laws regarding conservancies and communal lands often conflicted and were difficult to understand.⁷⁷ CS recommended that the Government of Namibia provide more funding for the purchase of land to resettle indigenous groups and provide support for the rebuilding of their communities.⁷⁸

49. CS stated that in order to address the lack of self-determination and political representation, the Government of Namibia has begun recognising traditional authorities. However, those authorities must be approved by the Government of Namibia and were often forced to support Government policies, which undermined their autonomy. The San were only represented by five traditional authorities, which meant that some San people were being represented by traditional authorities from other communities. The Himba also had a similar grievance with only three traditional authorities recognised by the Government of Namibia.⁷⁹

50. CS stated that indigenous people had little access to health services and existing services were of poor quality and too costly. Those factors combined with poverty and

discrimination against the indigenous groups had contributed to the high rates of mortality and the rise in incidences of HIV and AIDS, tuberculosis and pneumonia.⁸⁰

51. CS stated that the Himba and Zemba people of Kaokoland have protested that their children cannot wear their traditional dress and hairstyles when attending school, which forced them to drop out of school, as they could not afford the school uniforms. Also, pupils were taught primarily in English which made it difficult for indigenous pupils to cope.⁸¹

52. UNPO recommended that the Government of Namibia adopt measures to protect the rights of indigenous groups and minorities.⁸²

11. Migrants, refugees and asylum-seekers

53. JS2 stated while nationals did not pay any fees at public hospitals, migrants were required to pay such fees. Prior to 2015, migrants were required to pay an amount of N\$ 10 to access health care service. However, there has since been a significant increase in such fees. JS2 stated that this increase in fees was of concern, particularly in relation to migrants on antiretroviral medication who were at risk of defaulting on their treatment as they were unable to afford the N\$60.00 for the medication, the N\$60.00 consultation fee and the N\$400 per day admission fees.⁸³ It recommended that the Government of Namibia ensure that migrants have access to antiretroviral medication, by reducing the fees to access antiretroviral medication.⁸⁴

12. Human rights and counter-terrorism

54. PI stated that the broad scope of the Combating and Prevention of Terrorist Activities Act, adopted in 2012, raised human rights concerns. The vague and broad definition of the “terrorist activities” could be used to prosecute and convict individuals for the legitimate exercise of their human rights. Also, conduct constituting a crime was difficult to identify, which could violate the principle of legality under international human rights law.⁸⁵

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AFIC	Africa Freedom of Information Centre, Kampala, Uganda;
BWS	Breaking the Wall of Silence, Windhoek, Namibia;
CS	Cultural Survival, Cambridge, MA 02104, USA;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK;
PI	Privacy International, London, UK;
UNPO	Unrepresented Nations and Peoples Organization, The Hague, The Netherlands;

Joint submissions:

JS1	Namibia Planned Parenthood Association, Out Right Namibia, Windhoek, Namibia (Joint Submission 1);
JS2	Southern Africa Litigation Centre, Johannesburg, South Africa, Namibian Women's Health Network, Namibia, Legal Assistance Centre, Windhoek, Namibia, Women's Leadership Centre, Windhoek, Namibia, and Southern African Christian Initiative, Windhoek, Namibia;

National human rights institution:

The Ombudsman	The Ombudsman: Namibia.
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- ² The Ombudsman, p. 2, para. 1.2.
³ The Ombudsman, p. 2, para. 1.1.
⁴ The Ombudsman, pp. 3-4.
⁵ The Ombudsman, p. 2, para.3.
⁶ The Ombudsman, p. 5.
⁷ The Ombudsman, p. 4.
⁸ The Ombudsman, p. 4.
⁹ The Ombudsman, p. 5.
¹⁰ The Ombudsman, p. 3.
¹¹ Report of the Working Group on the Universal Periodic Review, Namibia, 24 March 2011, A/HRC/17/14.
¹² For recommendations see A/HRC/17/14 (2011), paras. 98.3, 98.4, 98.8, 98.9, 98.10, 98.11, 98.12, 98.13, 98.14, 98.15 and 98.16. See also A/HRC/17/14/Add.1 (2011) for the position taken by Namibia on the recommendations.
¹³ JS2, p. 4.
¹⁴ JS2, p. 10.
¹⁵ CS, p. 2 and UNPO, p. 6.
¹⁶ JS2, p. 5.
¹⁷ JS2, p. 10.
¹⁸ CS, p. 3.
¹⁹ CS, p. 5.
²⁰ AFIC, paras. 3 and 4.
²¹ AFIC, para. 10.
²² AFIC, para. 17.
²³ JS2, p. 5.
²⁴ JS2, p. 10.
²⁵ BWS, p. 4.
²⁶ PI, paras. 39-41.
²⁷ PI, para. 42.
²⁸ JS2, p. 5.
²⁹ JS2, p. 10.
³⁰ For recommendations see A/HRC/17/14 (2011), paras. 98.21, 98.22 and 98.23. See also

- A/HRC/17/14/Add.1 (2011) for the position taken by Namibia on the recommendations.
- ³¹ JS2, p. 4.
- ³² JS2, p.5.
- ³³ JS2, p. 6.
- ³⁴ JS2, p. 10.
- ³⁵ GIEACPC, para. 1.1, referring to A/HRC/17/4 (2011), paras. 96. 1, 96. 6, 96.13 and 97.11.
- ³⁶ GIEACPC, paras. 2.1 - 2.3.
- ³⁷ GIEACPC, paras. 2.4 – 2.6.
- ³⁸ GIEACPC, paras. 2.7- 2.9.
- ³⁹ JS2, p. 5, referring to sections 17 and 64 of the Correctional Service Act 9 of 2012.
- ⁴⁰ JS2, p. 5, referring to section 69 of the Correctional Service Act 9 of 2012.
- ⁴¹ JS2, p. 5, referring to section 64 of the Correctional Service Act 9 of 2012.
- ⁴² JS2, p. 5, referring to section 69 of the Correctional Service Act 9 of 2012.
- ⁴³ JS2, p. 8.
- ⁴⁴ JS2, p. 11.
- ⁴⁵ JS2, p. 9.
- ⁴⁶ JS2, p. 12.
- ⁴⁷ JS2, p. 11.
- ⁴⁸ JS2, P. 8.
- ⁴⁹ BWS, p. 2.
- ⁵⁰ BWS, pp. 5-6.
- ⁵¹ JS22, p. 9. JS2 made recommendations (p. 12).
- ⁵² See A/HRC/17/4 (2011), para. 78.
- ⁵³ PI, para. 5.
- ⁵⁴ PI, para. 15.
- ⁵⁵ PI, paras. 15 and 16.
- ⁵⁶ PI, paras. 25-27.
- ⁵⁷ PI, para. 42.
- ⁵⁸ JS2, p. 4.
- ⁵⁹ JS1, p.4.
- ⁶⁰ AFIC, paras. 6-9.
- ⁶¹ JS2, p. 5.
- ⁶² JS2, p. 10.
- ⁶³ JS2 referred to Article 40(1) of the National Health Act, 12 of 2015.
- ⁶⁴ JS2, p. 5.
- ⁶⁵ JS2, p. 6.
- ⁶⁶ JS2, p. 11.
- ⁶⁷ JS1, p. 1.
- ⁶⁸ JS2, p. 8. See also JS1, p. 4.
- ⁶⁹ JS2, p. 7.
- ⁷⁰ JS2, p. 11.
- ⁷¹ UNPO, p. 4.
- ⁷² UNPO, p. 6.
- ⁷³ JS2, p. 8. JS2 made recommendations (p. 11).
- ⁷⁴ JS2, p. 8. JS2 made recommendations (p. 11).
- ⁷⁵ For recommendations see A/HRC/17/14 (2011), paras. 96.14, 96.65, 96.69, 96.70 and 98.26.
- ⁷⁶ CS, p. 2.
- ⁷⁷ CS, p. 3.
- ⁷⁸ CS, p. 5.
- ⁷⁹ CS, p. 4.
- ⁸⁰ CS, p. 4.
- ⁸¹ CS, p. 5.
- ⁸² UNPO, p. 6.
- ⁸³ JS2, p. 6.
- ⁸⁴ JS2, p. 11.
- ⁸⁵ PI, paras. 36 and 37.