

ANNEXURE A: MATRIX: IMPLEMENTATION OF RECOMMENDATIONS

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
RIGHT OR AREA: 2.1. ACCEPTANCE OF INTERNATIONAL NORMS			
<p>124.1. Complete its accession to the core human rights instruments that are still not yet ratified (Iraq);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>2.1. Acceptance of international norms</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>ICESCR ratified in 2015 and came into force on 12 April 2015. The Initial Country Report is to be submitted in April 2017.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>2.1. Acceptance of international norms</p> <p>21. Economic, social & cultural rights – general measures of implementation</p> <p>12.5. Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.1.</p> <p>The OPCAT is under consideration as the necessary implementation mechanisms are determined and assessed.</p>
<p>124.3. Finalise the ratification process of the ICESCR (Hungary);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>2.1. Acceptance of international norms</p> <p>21. Economic, social & cultural rights – general measures of implementation</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.1.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		Affected persons: - general	
124.4. Consider ratifying the ICESCR (Brazil); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	2.1. Acceptance of international norms 21. Economic, social & cultural rights – general measures of implementation Affected persons: - general	FULL IMPLEMENTATION Refer to 124.1.
124.5. Ratify ICESCR (Chad); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	2.1. Acceptance of international norms 21. Economic, social & cultural rights – general measures of implementation Affected persons: - general	FULL IMPLEMENTATION Refer to 124.1.
124.6. To consider ratifying the ICESCR and its Optional Protocols (Palestine); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	2.1. Acceptance of international norms 21. Economic, social & cultural rights – general measures of implementation Affected persons: - general	PARTIAL IMPLEMENTATION Refer to 124.1. Optional Protocols have not been ratified.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
<p>124.7. Ratify the ICESCR and its Optional Protocol (Slovenia);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.do</p>	Supported	<p>2.1. Acceptance of international norms</p> <p>21. Economic, social & cultural rights – general measures of implementation</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.6.</p>
<p>124.8. Ratify ICESCR and sign its Optional Protocol allowing the right of individual petition (Portugal);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>2.1. Acceptance of international norms</p> <p>21. Economic, social & cultural rights – general measures of implementation</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.6.</p> <p>In light of the non-ratification of the Optional Protocol the right of individual petition has not yet been addressed.</p>
<p>124.9. Accede to the OP-CAT and the ICESCR (France);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>2.1. Acceptance of international norms</p> <p>21. Economic, social & cultural rights – general measures of implementation</p> <p>12.5. Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>Affected persons:</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.2.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		- general	
124.10. Ratify ICESCR and the International Convention for the Protection of All Persons Against Enforced Disappearance (ICPPED) (Spain);	Noted	2.1. Acceptance of international norms 21. Economic, social & cultural rights – general measures of implementation 13.2. Enforced disappearances Affected persons: - general	PARTIAL IMPLEMENTATION Refer to 124.1. ICPPED under consideration.
124.11. Continue intensifying its efforts to ratify the International Convention for the Protection of Persons Against Enforced Disappearance (ICPPED) (Argentina);	Noted	2.1. Acceptance of international norms 13.2. Enforced disappearances Affected persons: - general	NO IMPLEMENTATION Refer to 124.10.
124.12. Ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Nicaragua);	Noted	2.1. Acceptance of international norms 34. Migrants 23.1. Right to work 23.3. Trade Union Rights Affected persons: - general	NO IMPLEMENTATION ICRMW not ratified.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		- migrant workers	
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);	Noted	2.1. Acceptance of international norms 34. Migrants 23.1. Right to work 23.3. Trade Union Rights Affected persons: - general - migrant workers	PARTIAL IMPLEMENTATION ICESCR ratified in 2015. International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families not ratified.
124.14. Ratify ILO 189 on decent work for domestic workers (Chad);	Noted	2.1. Acceptance of international norms 34. Migrants 23.1. Right to work Affected persons: - general - migrant workers	FULL IMPLEMENTATION The Domestic Workers Convention, 2011 (No. 189) ratified in 2013.
124.15. Ratify the OP-CAT (Togo , Nicaragua , Hungary);	Noted	2.1. Acceptance of international norms 12.5. Prohibition of torture and cruel, inhuman or degrading treatment	NO IMPLEMENTATION Refer to 124.2.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		Affected persons: - general - persons deprived of their liberty	
124.16. Deposit at the earliest possible date its instrument of ratification to OP-CAT (Denmark);	Noted	2.1. Acceptance of international norms 12.5. Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - general - persons affected by armed conflict	NO IMPLEMENTATION Refer to 124.2.
124.17. Consider an early ratification of the third OP to CRC (OPIC) on a communication procedure (Slovakia);	Noted	2.1. Acceptance of international norms 30.1. Children: definition, general principles, protection Affected persons: - children - general	NO IMPLEMENTATION The ratification of OPIC is under consideration as the necessary implementation mechanisms are determined.
124.18. Accede to the Agreement on Privileges and Immunities of the ICC (Slovakia);	Noted	2.1. Acceptance of international norms 5.2. Institutions & policies	NO IMPLEMENTATION The Agreement on Privileges and Immunities of the ICC has not been acceded

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		Affected persons: - general	to.
124.54. Define torture in its national criminal legislation, prosecute and punish perpetrators of torture, and ratify as soon as possible the OP-CAT (Slovenia);	Noted	2.1. Acceptance of international norms 5.1. Constitutional & legislative framework 12.5. Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - persons deprived of their liberty - general	PARTIAL IMPLEMENTATION Refer to 124.2. The Prevention and Combating of Torture of Persons Act, [Act No. 13 of 2013] was enacted in 2013. The legislation defines, criminalises and makes acts of torture punishable by law.
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	2.1. Acceptance of international norms 5.1. Constitutional & legislative framework 12.5. Prohibition of torture and cruel, inhuman or degrading treatment Affected persons: - persons deprived of their liberty	PARTIAL IMPLEMENTATION Refer to 124.2.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		- general	
<p>124.57. Take the necessary legislative measures to prevent, prosecute and punish acts of torture and other cruel, inhuman and degrading treatment or punishment, in accordance with international standards, including through the ratification of the OP-CAT (Costa Rica);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>2.1. Acceptance of international norms</p> <p>5.1. Constitutional & legislative framework</p> <p>12.5. Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons deprived of their liberty - general 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.2 & 124.54.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Noted	<p>2.1. Acceptance of international norms</p> <p>29.1. Discrimination against women</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general - women 	<p>PARTIAL IMPLEMENTATION</p> <p>The Traditional Courts Bill is currently before Parliament and has accordingly been revised to ensure full participation of women as well as gender equality.</p>
<p>124.99. Ensure that the Protection of State Information Bill, when adopted, fully complies with international human rights law (Norway);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at:</p>	Noted	<p>2.1. Acceptance of international norms</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general 	<p>IN THE PROCESS OF IMPLEMENTATION</p> <p>The President considered the Protection of State Information Bill passed by the National Assembly on 22 November 2011 and referred it back to Parliament for further</p>

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http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc			consideration to ensure compliance with the Constitution. Parliament has finalised the revision of the Bill and has referred it to the President for his consideration and ascent.
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	2.1. Acceptance of international norms 23.2. Right to just and favourable conditions of work 34. Migrants Affected persons: - migrant workers - general	PARTIAL IMPLEMENTATION Refer to 124.14. ICRMW not yet ratified
RIGHT OR AREA: 3.3. COOPERATION WITH OTHER INTERNATIONAL MECHANISMS AND INSTITUTIONS			
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Noted	3.3. Cooperation with other international mechanisms and institutions 5.2. Institutions & policies Affected persons: - general	FULL IMPLEMENTATION South African institutions, including the judiciary, comply with accepted international standards.
RIGHT OR AREA: 5.1. CONSTITUTIONAL & LEGISLATIVE FRAMEWORK			
124.43. Take all necessary steps to address the evil of xenophobia through legislation and greater public	Supported	5.1. Constitutional & legislative	PARTIAL IMPLEMENTATION

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<p>awareness programmes (Ireland);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>		<p>framework</p> <p>6. Human rights education and training</p> <p>9. Racial discrimination</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens 	<p>Refer 124.50.</p> <p>Steps taken to address xenophobia include:</p> <ul style="list-style-type: none"> • The National Policy Framework on Integration of Refugees into Local Communities has been developed. • The issues related to violence and discrimination regarding integration status of people is further addressed through three main Inter-Ministerial Committees (IMCs). These IMCs are: The Inter-Ministerial Committee on Migration; the IMC on Social Cohesion, and; the IMC on Population Policy. • The President has convened meetings of stakeholders in South Africa to discuss the country's migration policy and discuss how various sectors can work with government to promote orderly migration and good relations between citizens and foreign nationals. The first such meeting took place in April 2015.
<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</p>	Noted	<p>5.1. Constitutional & legislative framework</p> <p>5.2. Institutions & policies</p> <p>29.1. Discrimination against women</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.95.</p> <p>Refer to 124.37.</p> <p>PARTIAL IMPLEMENTATION</p>

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discriminate women (Uruguay);		Affected persons: - women	<p>In as far as eliminating Gender Based Violence is concerned, the country adopted the 16 Days Activism Campaign for No Violence Against Women and Children in 1998 as one of the intervention strategies towards creating a society free of violence. This is also in line with the National Development Plan, Vision 2030 (NDP), which aspires to create a society where women can walk freely in the streets and children can play safely outside. In 2014, the government extended the 16 Days Campaign into a 365 Days Campaign. The aim of the #365 Days Campaign is to raise awareness on Violence Against Women and Children (VAW&C) and to mobilise individuals to be counted in the year long activism by joining the campaign. “#CountMeIn” is a social media tool of this Campaign for mass mobilisation of communities to promote collective responsibility in the fight to eradicate VAW&C.</p> <p>Over the past year, this campaign reached the different sectors of South African society through consultations and engagements with FBOs, Media houses, Trade Unions, Sports fraternity, Private sector and Civil Society Organisations including the Men’s Sector. The aim of the engagements was to work towards a mind-set shift in society from violence against women and children as a government or criminal justice problem towards realising that it is very much a societal problem. In order to make #365 Days of Activism Campaign real, on the 25th of November 2016, the President launched the National Dialogues at Lebowakgomo</p>

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			<p>in Limpopo province. The dialogues will be rolled-out into all Provinces and held in all District Municipalities. Towards this end, Government is seeking to use the community dialogue approach to engage with communities who experience violence both as victims or members of the family of victims. The dialogues are aimed at unravelling the root causes why violence against women is not abating despite an unprecedented body of laws in the country and some of the world's best-model institutional mechanisms in place.</p> <p>To give effect to the Department's focus on accelerating women's socio-economic development and advancement of gender equality through the implementation of gender mainstreaming across government, a refinement of accountability for gender mainstreaming and Gender Focal Points in terms of location, competencies, reporting lines and strategic role in the promotion of gender mainstreaming across the work of government is being tabled at Cabinet. This proposal seeks to reinforce the Constitutional mandate to promote and protect women's rights, as well as the approach of the National Development Plan on advancing and empowering women. The National Planning Commission Diagnostic Report indicated that many women continue to experience discrimination, poverty, domestic violence, rape, various other forms of abuse and poor health in the country. The approach of gender mainstreaming is seen as significant in addressing the full and effective</p>

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			implementation of legislation, policies and programmes towards redressing these challenges faced by women. Tools that will effectively drive this approach are thus imperative in efforts towards improving the lives of women and their families, and in ensuring that women are empowered, advanced and developed for their own self-reliance.
<p>124.56. Adopt as soon as possible legislation criminalising acts of torture and raise awareness of law enforcement officials regarding the absolute prohibition of the use of torture and other in humane and degrading treatment (France);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.1. Constitutional & legislative framework</p> <p>12.5. Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>6. Human rights education and training</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons deprived of their liberty - general 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.54</p> <p>In order to raise awareness of law enforcement there is a body namely the Independent Police Investigative Directorate (IPID) and its mandate is to deal with complaints of criminality and misconduct against the members of the South African Police Service.</p> <p>Similarly the Judicial Inspectorate for Correctional Services (“JICS”) ensure that the rights of the inmates are respected, protected, promoted and fulfilled.</p>
<p>124.66. Considers the adoption of a specific law for domestic violence, containing both criminal and civil provisions (Brazil);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.1. Constitutional & legislative framework</p> <p>29.2. Gender-based violence</p> <p>13.1. Liberty & security – general</p> <p>Affected persons:</p>	<p>FULL IMPLEMENTATION</p> <p>The Domestic Violence Act, 1998 (Act 116 of 1998 provides sanctions against domestic violence.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		- general	
<p>124.74. Rigorously apply the legislation against gender violence and sexual violence, especially against girls and boys (Spain);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.1. Constitutional & legislative framework</p> <p>29.2. Gender-based violence</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women - girls - children 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.66.</p> <p>Key law reforms undertaken to address gender and sexual violence:</p> <ul style="list-style-type: none"> • Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007; • Protection from Harassment Act, 2011 (Act 17 of 2011); • Prevention and Combating of Trafficking in Persons Act, 2013; and • Prohibition and Prevention of Torture Act, 2013. <p>The conviction rate relating to sexual offences in 2014/15 stood at 69%; and in the first quarter 71.1% conviction rate.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/</p>	Supported	<p>5.1. Constitutional & legislative framework</p> <p>14.2. Freedom of thought, conscience and religion</p> <p>17. Rights related to name, identity, nationality</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.66.</p> <p>Refer to 124.95.</p> <p>Refer to 124.43.</p> <p>A National Task Team (“NTT”) was established by the Department of Justice and</p>

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ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		Affected persons: <ul style="list-style-type: none"> - non-citizens - Lesbian, gay, bisexual and transgender persons (LGBT) - minorities/ racial, ethnic, linguistic, religious or descent-based groups 	<p>Constitutional Development (DoJ&CD) to counter the continued discrimination based on sexual orientation and gender identity against members of the LGBTI community. The DoJ&CD launched the National LGBTI Programme and issued terms of reference for a National Intervention Strategy to address violence based on gender and sexual orientation. The DoJ&CD also issued terms of reference for the rapid response team to fast track cases in the criminal justice system in a bid to endorse the government's commitment to combat discrimination against LGBTI persons.</p> <p>When the NTT was re-established in May 2013, the DoJ&CD together with representatives from National Human Rights Institutions and civil society organisations set out to achieve a number of tasks. These included, amongst others, to develop a National Intervention Strategy to respond to, and prevent, gender and sexual orientation-based violent crimes perpetrated against LGBTI persons and to develop an Inter-sectoral Implementation Plan. The NTT undertook to strengthen government's ability to respond to LGBTI needs and to strengthen the capacity of CSOs to deliver related services.</p>
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);	Supported	5.1. Constitutional & legislative framework 5.2. Institutions & policies	IN THE PROCESS OF IMPLEMENTATION Refer to 124.76. The DoJ&CD has developed the Prevention

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124.89. Enact the Prevention and Combating of Trafficking in Persons Bill as soon as possible (Namibia);	Supported	5.1. Constitutional & legislative framework	<p>FULL IMPLEMENTATION</p> <p>The Prevention and Combating of Trafficking</p>

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<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.1. Constitutional & legislative framework</p> <p>12.7. Prohibition of slavery, trafficking</p> <p>Affected persons:</p> <p>- general</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.89.</p>
RIGHT OR AREA: 5.2. INSTITUTIONS & POLICIES			
<p>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> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.2. Institutions & policies</p> <p>25. Right to education</p> <p>22.2. Right to food</p> <p>24. Right to health</p> <p>23.1. Right to work</p> <p>Affected persons:</p> <p>- general</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.08.</p> <p>The National Development Plan (“NDP”) was launched in 2013 and offers a long-term perspective to eliminate poverty and reduce inequality by 2030. The Medium Term Strategic Framework (“MTSF”) is the first five-year implementation phase of the NDP. It is structured around 14 priority outcomes which cover the focus areas identified in the NDP and Government’s electoral mandate: education, health, safety and security, economic growth and employment, skills development, infrastructure, rural</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>development, human settlements, local government, environment, international relations, public sector, social protection, nation-building and social cohesion.</p> <p>The five major national priorities all form an integral component of the NDP and the MTSF.</p> <p>Right to education: Over the period of 20 years, the South African government has made progress in the number of persons who attained different educational levels. Thus, there is a considerable decrease of 1,4 million people with no schooling between 1996 and 2016. The number of persons who attained primary education and secondary education has also increased over time (1996–2016); 12,4 million and 8,3 million respectively. People who attained at least a Bachelor's degree have increased greatly between 1996 and 2016; (by 824 564 thousand). Advances have been made in the proportion of women in the education system with parity being achieved in almost all spheres. Since 1994, primary education has been characterized by high rates of enrolment and retention. Universal primary education is already effectively a reality. Legislative and policy initiatives include the adoption of a policy of 'no-fee' schools.</p> <p>Eradicating poverty: The South African Schools Act was amended by the Education Law Amendment Act which authorises the declaration of schools in poverty-stricken</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>areas as “no-fee schools”. The ‘no-fee’ Schools Policy has been of support to children from poor families as well as orphans.</p> <p>Right to food: The Department of Agriculture, Forestry and Fisheries (“DAFF”) develops and facilitates the implementation of agrarian reform with policies and targeted programmes aimed at enhancing the contribution of subsistence and smallholder producers to food security. The DAFF was mandated to develop agricultural policies and support programmes to ensure that South African citizens are given agricultural opportunities that will enable them to meet their basic food needs. The DAFF’s major role is, among others, to ensure that opportunities are created to encourage South African citizens to participate in agriculture and produce to reduce food insecurity in the country. The Department has since initiated a number of programmes that are meant to contribute positively to food security in the country</p> <p>Right to health: Government has responded with a far-reaching reform plan to revitalise and restructure the South African health care system, which includes the fast-tracking of the implementation of a National Health Insurance scheme, which will eventually cover all South Africans and strengthening the fight against HIV and TB, non-</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>communicable diseases, as well as injury and violence. Improving human-resource management at state hospitals and strengthening co-ordination between the public and private health sector and deploying health teams to communities and schools is also important, as well as regulating costs to make health care affordable to all. Significant progress has been made towards strengthening the Primary Health Care (PHC) system for South Africa with a focus on three initiatives, namely placing a group of clinical specialists in each health district to strengthen maternal and child health, strengthening school health services and deployment of a PHC team in each municipal ward.</p> <p>Right to work: There is no designated right to work in the Constitution. Section 22 of the Constitution provides that every citizen has the right to choose their trade, occupation and profession freely. The practice of a trade, occupation or profession may be regulated by law. Section 23(1) provides that everyone has the right to fair labour practices.”</p> <p>The Labour Relations Act governs labour in South Africa. It is guided by section 27 of the Constitution, which entrenches the rights of workers and employers to form organisations for collective bargaining. Together with the Basic Conditions of Employment Act it also ensures social justice by establishing the</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			rights and duties of employers and employees. It also regulates the organisational rights of trade unions deals with strikes and lockouts, workplace forums and other ways of resolving disputes. It provides a framework for the resolution of labour disputes.
<p>124.31. Continue strengthening its programmes aimed at the achievement of social cohesion and tolerance (Venezuela (Bolivarian Republic of));</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.2. Institutions & policies</p> <p>5.3. Political framework & good governance</p> <p>Affected persons:</p> <p>- general</p>	<p>FULL IMPLEMENTATION</p> <p>The NDP sets out five long-term nation building goals for South Africa. These goals are as follows:</p> <ol style="list-style-type: none"> 1. Knowledge of the Constitution and fostering Constitutional values; 2. Equalising opportunities, promoting inclusion and redress; 3. Promoting social cohesion across society through increased interaction across race and class; 4. Promoting active citizenry and broad-based leadership; 5. Achieving a social compact that will lay the basis for equity, inclusion and prosperity for all. <p>The NDP reminds us that the fundamental relationships that define us as South Africans are vitally important. They will bind the country together in moving towards a shared future. The Department of Arts and Culture (DAC) vision is to develop and preserve</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>South African culture so as to ensure social cohesion and nation-building. For example, as part of our efforts to promote inclusive citizenships, the DAC hosted no less than eighty community conversations held throughout South Africa to determine from communities the kind of society they seek to build. These conversations culminated in our country's first National Summit on Social Cohesion, held in Kliptown in July 2012. The summit brought together South Africans; black and white, women and men, rich and poor, young and old, urban and rural, with a diversity of beliefs, seeking to unite them under a common declaration and through a practical programme of action.</p> <p>It remains the task of the DAC to reconstruct our fractured and divided past to a more socially and economically inclusive society that is proud of all its cultural expressions. This entails, among other things, mobilising people to act together to enable the birth of a new culture and create new forms of engagement towards greater unity.</p> <p>The following social cohesion programmes are implemented nationally by various government departments to bridge the social historical divisions:</p> <ul style="list-style-type: none"> • Community Conversation programmes to foster tolerance amongst communities, with the DAC as the lead

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>department;</p> <ul style="list-style-type: none"> • Introduction of African languages in schools that historically did not teach it in school. This programme is run in partnership with the Department of Basic Education (DBE); • Implementation of the Official Languages Act as a measure to promote coherence and tolerance amongst communities; • Greening of public spaces e.g. Public Parks programme, where people of different communities and cultures converse and come together to interact socially to bridge the social divide; • Media campaigns to promote the values of the constitution; • Anti-xenophobia campaign in partnership with the Department of Justice and Constitutional Development; • Sports and Recreation programmes in all 9 provinces.
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/</p>	Supported	<p>5.2. Institutions & policies</p> <p>32. Members of minorities</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.81.</p> <p>The DAC has hosted a month-long Africa Festival in May 2015 in honour of the founding of the organisation of African Unity, now known as the African Union (AU).</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		- minorities/ racial, ethnic, linguistic, religious or descent-based groups	African fashion, fine arts, crafts, dance, literature, music, theatre, film and food culture was showcased as part of this month-long celebration, therefore promoting a culture of tolerance and respect towards people of different ethnics groups and cultures. DAC also hosted a series of dialogues and seminars in a festival of ideas to forge African unity and exchange through the arts.
<p>124.37. Speed up the process to develop its National Action Plan against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Namibia);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.2. Institutions & policies</p> <p>9. Racial discrimination</p> <p>Affected persons:</p> <p>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>PARTIAL IMPLEMENTATION</p> <p>The Department of Justice and Constitutional Development has spearheaded the development of a draft National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, in collaboration with various other role-players which include civil society. The draft will inform a plan which provides the basis for the development of a comprehensive public policy against racial discrimination, racial discrimination, xenophobia and related intolerance. The process relating to the development of a NAP for South Africa emanated from the Durban Declaration and Programme of Action (DDPA) adopted at the 3rd World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.</p> <p>Due to a change in political leadership in 2013 a new directive was given to review the consultation process already undertaken and redraft the NAP. The new consultation</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			process was completed in October 2016 with substantial comments made to be incorporated into the new draft NAP. The NAP is expected to be finalised by December 2017.
<p>124.39. Continue multiplying measures that guarantee the full protection of the human rights of foreigners in South Africa (Paraguay);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.2. Institutions & policies</p> <p>34. Migrants</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens 	<p>FULL IMPLEMENTATION</p> <p>Foreign nationals enjoy all rights enshrined in the Constitution except for the right to vote.</p> <p>The South African Constitution guarantees the protection of all human rights associated with the immigration status of the different categories of foreign nationals.</p>
<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>	Noted	<p>5.2. Institutions & policies</p> <p>29.1. Discrimination against women</p> <p>29.2. Gender-based violence</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women 	<p>FULL IMPLEMENTATION</p> <p>A National Department of Women, located in the Presidency, was established with the necessary dedicated human and financial resources to fulfil its core mandate to ensure effective implementation of initiatives related to the advancement of women and gender equality.</p> <p>Although this is the core mandate of the Department of Women, all other national and provincial departments have a mandate to implement policies, legislative measures and campaigns to advance gender equality. These include:</p> <ul style="list-style-type: none"> • Campaigns during 16 Days of Activism for No Violence against

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>Women and Children, held during November/December annually, contribute to the fight against violence against women.</p> <ul style="list-style-type: none"> • Campaign at higher institutions of learning to curb sexual violence, • Gender inequality of women and girls with disabilities are recognized at legislative level as corroborated by the provisions of section 9(2) (e) of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998 as amended) (hereinafter referred to as “the Act”) which provide that Sport and Recreation South Africa must ensure that women, the youth attending school and those who are no longer attending school, the disabled, senior citizens and neglected rural areas, receive priority regarding programmes for development and the delivery of sport and recreation. • In recent years, sport has been recognized as a powerful tool through which gender inequality, at the root of Gender Based Violence (GBV), can be effectively addressed. To explore this role of sport and to initiate actions in this regard, Sport and Recreation South Africa, as Chair of the United Nation’s Sport for Development and Peace International Working Group (SDP

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>IWG), prepared a framework for further discussion. This draft framework was approved by the Executive Board in New York on 7 June 2013. After expert presentations and group discussions, the thematic meeting agreed on a set of eight policy recommendations to governments for addressing GBV in and through sport.</p> <p>Together these comprehensively form part of the 365 days programme of action.</p>
<p>124.120. Consolidate its efforts towards improving all aspects of education and health in accordance with its National Action Plan (Zimbabwe);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.2. Institutions & policies</p> <p>24. Right to health</p> <p>25. Right to education</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.21</p> <p>The Department of Health (DoH) and the Department of Basic Education (DBE) have developed a comprehensive School Health Policy and implementation Plan for implementation in the coming term. The target of this program is to proactively use disease prevention strategies at school through screening for common problems. The norms that have been developed are 1 nurse per 2,000 learners and 1 health promotion practitioner per 10,000 learners. This intervention will ensure access to quality services by teenagers, especially those coming from poor and disadvantage communities, including minorities and indigenous people. They will provide health promotion, disease prevention, and ensure appropriate referral to higher levels of care or</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			to other social services. Rural areas and informal settlements have been prioritised for the deployment of the PHC teams, the poorest districts have been prioritised with respect to strengthening school health teams and the worst performing districts with respect to maternal and child health outcomes have been prioritised with respect to deployment of the clinical specialist teams.
RIGHT OR AREA: 5.3. POLITICAL FRAMEWORK & GOOD GOVERNANCE			
<p>124.29. Continue its efforts to build an inclusive , diverse and tolerant society (Pakistan);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.3. Political framework & good governance</p> <p>Affected persons:</p> <p>- general</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.31.</p> <p>Refer to 124.59.</p> <p>Refer to 124.37.</p> <p>Refer to 124.33.</p> <p>Refer to 124.81.</p> <p>Refer to 124.76.</p>
<p>124.110. Continue its efforts to combat corruption, social and economic inequalities (Togo);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>5.3. Political framework & good governance</p> <p>8. Non-discrimination</p> <p>22.1. Right to an adequate standard of living - general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Government, through the Justice Crime Prevention and Security Cluster (JCPS), continues to strive towards building an integrated criminal justice system. The outcomes of crime and corruption combatting strategies have yielded positive results in that during the 2014/15 financial year the National</p>

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		Affected persons: - general	Prosecuting Authority (NPA) achieved 91% conviction rate in the High Courts, 76.6% in Regional Courts and 94.2% in the district courts. A conviction rate of 95% was achieved in respect of cybercrime. Working together with the Anti-Corruption Task Team (ACTT), the Asset Forfeiture Unit (AFU) was able to recover assets valued at R1.717 million, which is deposited into Criminal Assets Recovery Account (CARA).
RIGHT OR AREA: 6. HUMAN RIGHTS EDUCATION AND TRAINING			
124.50. Launch awareness campaigns against homophobia and discrimination on the basis of sexual orientation (Belgium); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	6. Human rights education and training 8. Non-discrimination Affected persons: - Lesbian, gay, bisexual and transgender persons (LGBT)	FULL IMPLEMENTATION Refer to 124.81. Refer to 124.76. The DoJ&CD issued terms of reference for the rapid response team to fast track cases in the criminal justice system in a bid to endorse the government's commitment to combat discrimination against LGBT persons. A National Task Team was re-established in May 2013, and the DoJ&CD together with representatives from National Human Rights Institutions and civil society organisations set out to achieve a number of tasks. These included, amongst others, to develop a National Intervention Strategy to respond to, and prevent, gender and sexual orientation-based violent crimes perpetrated against LGBTI persons and to develop an Inter-sectoral Implementation Plan. The NTT undertook to strengthen government's ability

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>to respond to LGBTI needs and to strengthen the capacity of CSOs to deliver related services.</p> <p>The draft NAP and the accompanying consultations around the country have also raised awareness.</p> <p>Attempts have also been made to increase awareness of the Equality Courts, which hear cases of discrimination.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>6. Human rights education and training</p> <p>29.2. Gender-based violence</p> <p>Affected persons:</p> <p>- women</p>	<p>FULL IMPLEMENTATION</p> <p>In order to improve handling of rape cases by Police the SAPS makes use of specialized investigative units called Family Violence, Child Protection and Sexual Offences Units (FCS). FCS investigators receive specialised training in dealing with sexual offences investigations and cases involving children addition to training as investigators. SAPS has developed the Human Rights in Policing Learning Programmes and has been conducting training on same from 1998 to all law enforcement officials.</p> <p>The SAPS has developed National Instructions on the Domestic Violence Act and the Criminal Law (Sexual Offences and Related Matters) Amendment Act in order to provide clear policy directives for the police in support of members to improve service delivery to victims. The NPA (facilitated by</p>

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			<p>SOCA), in line with Act 32 of 2007 also developed directives for prosecutors on how best to deal with sexual offences in the criminal justice system.</p> <p>Capacity building and training of the SAPS members is an on-going process commencing in basic training. The SAPS engages in public awareness and education campaigns with the purpose of creating a greater awareness of the relevant legislation and government's commitment to eradicating violence.</p> <p>A number of new policy frameworks were also introduced and implemented, including the Child Justice National Policy Framework, the Restorative Justice National Policy Framework (including forming linkages with traditional justice), the Social Crime Prevention Strategy and the Diversion Accreditation Framework. Government has also adopted a Plan of Action to combat violence against women and children.</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);	Noted	<p>6. Human rights education and training</p> <p>16. Right to an effective remedy, impunity</p> <p>9. Racial discrimination</p> <p>Affected persons:</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.70.</p> <p>Nationally, there are 176 established FCS units attached to all police clusters within SAPS. This has resulted in lengthy convictions, achieved through the dedicated work of detectives and prosecutors.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		<ul style="list-style-type: none"> - Lesbian, gay, bisexual and transgender persons (LGBT) - non-citizens - minorities/ racial, ethnic, linguistic, religious or descent-based groups 	<p>Resourcing and establishing victim-friendly rooms at police service points are on-going. There are currently more than 900 Victim Friendly Facilities rendering victim support services in place and it is envisaged that this will be rolled out to all police stations.</p> <p>South Africa has dedicated sexual offences courts. These dedicated services use intermediaries, audio-visual equipment and specialised training, among other measures. The NPA's Sexual Offences and Community Affairs (SOCA) Unit developed comprehensive training manuals which are updated annually to be in line with the latest developments in law for specialist prosecutors and also an integrated training manual for stakeholders at our TCCs.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>6. Human rights education and training</p> <p>9. Racial discrimination</p> <p>8. Non-discrimination</p> <p>16. Right to an effective remedy, impunity</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - non-citizens - Lesbian, gay, bisexual and transgender persons (LGBT) - minorities/ racial, ethnic, 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.75.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		linguistic, religious or descent-based groups	
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>6. Human rights education and training</p> <p>13.1. Liberty & security – general</p> <p>8. Non-discrimination</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - Lesbian, gay, bisexual and transgender persons (LGBT) - judiciary 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.75.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>6. Human rights education and training</p> <p>13.1. Liberty & security – general</p> <p>8. Non-discrimination</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - Lesbian, gay, bisexual and transgender persons (LGBT) 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.75.</p> <p>Refer to 124.50.</p> <p>The National Task Team is driven and guided by the Constitution which promises equality and dignity on the basis of sexual orientation.</p> <p>An inter-sectoral communication plan outlining a number of public education and communication initiatives has also been developed. This seeks to popularise inter-sectorial interventions aimed at addressing the violence committed against LGBTI</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			persons, to promote partnerships amongst government, civil society, business and the media in the fight against gender based violence and to encourage communities to report these crimes. A television advert was made to convey a national message to South Africans to promote equality, dignity and freedom protected under the Constitution. The television advert was first flighted during the launch of the LGBTI Programme in April 2014. With SABC, 13 million people were reached through the LGBTI TV advert, a further 10 million people through eTV and community radio reached a further 6. 1 million people.
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>6. Human rights education and training</p> <p>8. Non-discrimination</p> <p>13.1. Liberty & security – general</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - Lesbian, gay, bisexual and transgender persons (LGBT) - judiciary 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.80.</p>
<p>124.94. Establish human rights education and training programmes for police and law enforcement officers (Costa Rica);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at:</p>	Supported	<p>6. Human rights education and training</p> <p>Affected persons:</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.75.</p> <p>SAPS has developed the Human Rights in Policing Learning Programmes and has been</p>

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http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		- general	conducting training to all law enforcement officials.
RIGHT OR AREA: 7.1. CONTEXT, STATISTICS, BUDGET, COOPERATION WITH CIVIL SOCIETY			
<p>124.97. Further strengthen freedom of expression and access to public domain information, particularly at the community level and with government departments (Poland);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Noted	<p>7.1. Context, statistics, budget, cooperation with civil society</p> <p>14.3. Freedom of opinion and expression</p> <p>Affected persons:</p> <p>- general</p>	<p>FULL IMPLEMENTATION</p> <p>Freedom of expression is enshrined in section 16 of the South African Constitution. As a general rule, any law that seeks to restrict freedom of expression, must be in conformity with section 36 of the Constitution, and in particular, it must not make inroads which are far too extensive as to render the right a nullity. The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, in section 10, declares that no person may publish, propagate, advocate or communicate words against any person that is intended to be hurtful, harmful or intended to promote or propagate hatred save for bona fide engagement in artistic creativity, academic and scientific inquiry, fair and accurate reporting in the public interest or publication of any information, advertisement or notice in accordance with the Constitution. This Act provides for civil remedies.</p> <p>The Promotion of Access to Information Act, 2000 (PAIA) as well as the Promotion of Administrative Justice Act, 2000 (PAJA) are vital pieces of legislation in this regard.</p> <p>Since PAIA became operational, our courts have emphasized that the right of access to information can only be limited when there is</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>justification for such a limitation vis-à-vis other fundamental rights considerations.</p> <p>We are confident that the newly established institution of an Information Regulator, with the enforcement powers assigned to it, will be able to improve compliance with PAIA.</p>
<p>124.98. Ensure compliance of domestic laws with the right to access to information and freedom of expression (Austria);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Noted	<p>7.1. Context, statistics, budget, cooperation with civil society</p> <p>14.3. Freedom of opinion and expression</p> <p>Affected persons:</p> <p>- general</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.97.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Noted	<p>7.1. Context, statistics, budget, cooperation with civil society</p> <p>11. Civil & political rights – general measures of implementation</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.99.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified</p>	Noted	<p>7.1. Context, statistics, budget, cooperation with civil society</p> <p>14.3. Freedom of opinion and expression</p> <p>Affected persons:</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.99.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		- general - media	
124.106. Engage civil society, activists, NGOs and media to seek common ground on the Protection of State Information Bill (United States of America); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Noted	7.1. Context, statistics, budget, cooperation with civil society 14.3. Freedom of opinion and expression Affected persons: - general - media	PARTIAL IMPLEMENTATION Refer to 124.99.
124.107. Safeguard the freedom of the press, through the abrogation of the Protection of Information Bill (Germany); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Noted	7.1. Context, statistics, budget, cooperation with civil society 14.3. Freedom of opinion and expression Affected persons: - general - media	PARTIAL IMPLEMENTATION Refer to 124.99. Refer to 124.99.
RIGHT OR AREA: 8. NON-DISCRIMINATION			
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	8. Non-discrimination Affected persons: - general	PARTIAL IMPLIMENTATION SA hosted a Social Cohesion Summit in 2012, which adopted a 12-point declaration; which includes a clear line of orders for all stakeholders to be a more cohesive society. In fulfilling its obligations in terms of these

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc			<p>resolutions, the Department of Arts and Culture has developed and implemented a social cohesion programme that ensures ongoing dialogues about social cohesion and which uses prominent members of society, known as Social Cohesion Advocates, to promote the national agenda.</p> <p>The resolutions from the summit indicated that the conversations about social cohesion should be ongoing and widely spread across the country to gather information about how to implement social cohesion programmes and to get people involved in these initiatives. In 2014/15, 30 community conversations were held across all 9 provinces. These discussions are aimed at promoting tolerance and understanding between people of different ages, races and genders, and also to collect information to inform initiatives implemented under Outcome 14. The outcomes of these discussions, as well the feedback from a number of provincial social cohesion summits, were presented at the Social Cohesion Report-Back Summit held in Port Elizabeth in March 2015.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/</p>	Supported	<p>8. Non-discrimination</p> <p>5.2. Institutions & policies</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.30.</p> <p>Refer to 124.34.</p> <p>The right of all South Africans to practice</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc			<p>their religions, uphold their cultures and speak languages of their choice is being promoted and protected. In 2013 the “The Use of Official Languages Act” was promulgated, work was also done on the Cultural Laws Amendment Bill; the Community Library Information Bill and South African Language Practitioner's Bill. This legislation will go a long way to further promote access to services and information to the vast majority of South Africans. The enactment of these Bills will mean a structured focus by the department on the implementation and delivery.</p> <p>In our efforts to streamline the arts, culture and heritage sector, we embarked on a Review of the White Paper on Arts, Culture and Heritage in 2013 with consultative workshops with the arts community continuing in 2014 – 2016.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>8. Non-discrimination</p> <p>5.2. Institutions & policies</p> <p>9. Racial discrimination</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>In line with the NDP and Outcome 14, National Building and Social Cohesion, the DOJ&CD is responsible for a number of activities involving amongst others, the implementation of an integrated strategy on general public awareness in order to prevent racism, racial discrimination, xenophobia and related intolerance. This is an on-going programme (annual programme), utilizing commercial as well as community radio</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>stations, television interviews, live links, social media platforms such as Facebook, Twitter, Imbizos, Justice newsletters, website uploads, electronic distribution and dissemination as well as targeted letterbox drops of copies of the NAP.</p> <p>An internal anti-racism campaign during 2016 on a national level has been rolled out in 7 provinces so far. This campaign will continue in 2017/18. The DOJ&CD partnered with the Anti-Racism Network South Africa (ARNSA), and five provincial networks were established during 2016. Several human rights awareness and anti-racism activities in seven provinces during the Anti-Racism week annually.</p> <p>The new Prevention of Hate Crimes and Hate Speech Bill will further assist in preventing and prohibiting racism, prejudice and discrimination. All Equality Courts are also being utilized to hear cases of hate speech and discrimination.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at:</p>	Supported	<p>8. Non-discrimination</p> <p>16. Right to an effective remedy, impunity</p> <p>13.1. Liberty & security – general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.75.</p> <p>Refer to 124.80.</p> <p>Refer to 124.50.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		Affected persons: - Lesbian, gay, bisexual and transgender persons (LGBT)	Refer to 124.81. Refer to 124.76.
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	8. Non-discrimination 13.1. Liberty & security – general 16. Right to an effective remedy, impunity Affected persons: - Lesbian, gay, bisexual and transgender persons (LGBT)	PARTIAL IMPLEMENTATION Refer to 124.75. Refer to 124.80. Refer to 124.50. Refer to 124.81. Refer to 124.76. Refer to 124.51.
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	8. Non-discrimination 16. Right to an effective remedy, impunity 13.1. Liberty & security – general Affected persons: - Lesbian, gay, bisexual and transgender persons (LGBT)	PARTIAL IMPLEMENTATION Refer to 124.82.
RIGHT OR AREA: 9. RACIAL DISCRIMINATION			
124.35. Pursue its efforts in combating racism, in particular to guarantee an effective follow up to the outcome of the Durban Conference (Morocco);	Supported		PARTIAL IMPLEMENTATION Refer to 124.34.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc			
<p>124.36. To pursue their efforts in taking the necessary measures to reduce and prevent racial discrimination (Palestine);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported		<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.34.</p>
<p>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));</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>9. Racial discrimination</p> <p>5.2. Institutions & policies</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.34.</p> <p>Refer to 124.70.</p> <p>Refer to 124.75.</p> <p>Refer to 124.29.</p> <p>Refer to 124.39.</p> <p>Refer to 124.37.</p> <p>Refer to 124.33.</p> <p>Refer to 124.31.</p> <p>Refer to 124.76.</p> <p>The Department of Home Affairs co-chairs the UN/SA Protection Working Group, which has developed both short-term and long-term</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>responses to violence against foreigners. Short-term responses have included re-integration packages and negotiations, whilst longer term interventions have focused on developing of trainers and social cohesion workshops and outreach. The issues related to violence and discrimination with respect to integration status of people are further addressed through three main Inter-Ministerial Committees. These IMCs are – The Inter-Ministerial Committee (IMC) on Migration, the IMC on Social Cohesion and the IMC on Population Policy.</p> <p>The Inter-Ministerial Committee on Migration comprises of the Minister in The Presidency: Planning, Monitoring and Evaluation (Chairperson); Minister of Police(Deputy Chairperson); Minister of Home Affairs; Minister of Cooperative Governance and Traditional Affairs; Minister of International Relations and Cooperation; Minister of Defence and Military Veterans; Minister of Social Development; Minister of Health; Minister of Basic Education; Minister of State Security; Minister of Justice and Correctional Services; Minister of Small Business Development; Minister of Trade and Industry; and Minister of Human Settlements.</p> <p>The mandate of this IMC has been broadened to deal with all the underlying causes of the tensions between communities and the foreign nationals. Some of the areas to be addressed, is the implementation of our Labour Relations policies as they affect the</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>foreign nationals; the implementation of the laws that govern business licenses; the country's border management and generally the country's migration policies. The National Joint Operational and Intelligence Structure (NATJOINTS) which is the structure for coordinating government's response to emergencies of this nature has been activated. It continues to operate on a 24 hour basis to coordinate the plans of the various government departments so as to restore peace and order in communities. A Technical Committee comprising of the Directors General of all the affected departments provides the critical support on the intensive work that needs to be done in dealing with the root causes of these tensions. These two structures provide the necessary support to the IMC.</p> <p>On 22 April 2015 the President convened a meeting of stakeholders in South Africa to discuss the country's migration policy and discuss how various sectors can work with government to promote orderly migration and good relations between citizens and other nationals. The meeting was attended by business, sports, trade union movements, arts and sports fraternities, religious leaders, community formations, youth formations, children, disabled person and traditional authorities. The participants were unanimous in condemning and rejecting the attacks against foreign national. They further pledged their commitment to work within their constituencies to build social cohesion. They</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>also pledged to support the interventions of government in tackling genuine concerns raised by communities and foreign nationals.</p> <p>The President also invited the representatives of the foreign nationals residing in South Africa. Over fifty (50) representatives of the foreign nationals attended the meeting on 24 April 2015. All the participants were unanimous in acknowledging and commending Government's efforts to stop the attacks. The attendees also relayed their experiences in their everyday lives in South Africa. They committed to work together with South African authorities to address the challenges. A number of suggestions emerged from these consultations. The majority of peace-loving South Africans were again unanimous in condemning the acts of criminality perpetrated against the foreign nationals. They have equally expressed their frustrations on issues such crime, especially drugs, illegal trading and illicit economic activity by some of the foreign nationals. There were also a number of public condemnations expressed in various marches by South Africans. Artists have expressed their condemnation using their respective platforms. South Africans took to the social media to launch campaigns that stops attacks on foreign nationals and pledging solidarity with foreign nationals living in South Africa.</p> <p>The Department of International Relations</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>and Cooperation (DIRCO) has engaged with African diplomats that are in the country. The engagements explained South Africa's position especially on the government's interventions to deal with the acts of criminality. DIRCO further continues engaging other Foreign Missions in South Africa regarding their concerns and queries relating to the wellbeing of their nationals.</p> <p>The National Prosecuting Authority has given priority to the prosecution of cases related to attacks against foreign nationals. Perpetrators of these crimes can expect that prosecutors will ask courts to impose sentences of direct imprisonment. To ensure speedy prosecutions in these cases, the Department of Justice and the National Prosecution Authority have setup dedicated courts with magistrates, prosecutors and interpreters to address the situation in KZN. As of now the dedicated courts have been put into place in Chatsworth, Umlazi, Ntuzuma, and Durban Magistrate Court. The South African Police Service has allocated detectives within all provinces to expedite the investigations in cases related to violence against foreign nationals.</p> <p>Government continues to actively support the displaced foreign nationals at shelters. The Department of Social Development is leading this intervention by providing food, shelter and other necessities. Psycho-social support in the form of trauma counselling and debriefing services have been provided to</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>812 individuals on site at the shelters. Group discussions have also been held in every site.</p> <p>The Social Development trauma counselling call centre is operational 24-hours a day. Foreign nationals who required counselling services were encouraged to call: 0800 428 428. Furthermore mattresses, food, blankets, dignity packs, baby formula and clothing items were provided to displaced persons at the various shelters. The South African Social Security Agency established Help Desk to manage any enquiries and complaints from displaced persons at shelters. The Department of Social Development also conducted an assessment in Kwa-Zulu Natal and Gauteng temporary shelters to establish the immediate needs of women and children. Pregnant women and people with disabilities were referred to secure shelters. Retired social workers were also deployed to the temporary shelters to strengthen the psycho- social services.</p> <p>The Department of Health closely monitors, coordinates and deliver health and medical services to foreign nationals in any area needed as well as at the temporary shelters established. Various services were offered to displaced persons at the temporary shelters.</p> <p>The outpouring of support to foreign nationals as well as condemnation of these attacks</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>bears out our view that the majority of South Africans are not xenophobic. Communities are encouraged to work with government to ensure that there is a lasting peace.</p> <p>In addition to the establishment of the IMC, Parliament established an Ad Hoc Joint Committee on Probing Violence Against Foreign Nationals (the Committee) was established by the National Assembly (NA) on 6 May 2015 and by the National Council of Provinces (NCOP) on 7 May 2015. The Committee consisted of 11 members of the National Assembly and 9 members of the National Council of Provinces. The mandate of the Committee was to, amongst others, probe into the incidence of violence against foreign nationals and related matters while incorporating into its work the report and recommendations of the previous Task Team of Members of Parliament Probing Violence and Attacks on Foreign Nationals in 2008 as well as make recommendations where applicable. Emanating from its engagements, oversight, meetings and public submissions, the Committee recommended the following:</p> <p>1. The Committee in recognising that the actual problems which affect both South Africans and foreign nationals are socio-economic; recommends the affected countries and Parliaments work together to address socio-economic and political conditions as well as in promoting peace and</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>stability.</p> <p>2. Government through the work of institutions such as the IMC on Migration, and such bodies at a provincial level, should continue to monitor, pre-empt and protect vulnerable communities. Operations such as Fiela should be supported until such time as the root socio-economic causes of violent attacks are addressed.</p> <p>3. There is a continued role for the South African Government to play in peace-keeping and other assistance on the African continent.</p> <p>4. There is a need for better policing of containers and counterfeit goods by South African Revenue Services at ports of entry such as through the use of cargo scanners.</p> <p>5. There needs to be an emphasis, not only on the rights, but also the responsibilities of migrants. The South African Human Rights Commission could contribute to such education campaigns in the country.</p> <p>6. The continued progress reports of the IMC on Migration should be tabled with the respective Parliamentary Committees for monitoring of implementation of the recommendations.</p> <p>7. The Department of Small Business Development should better assist South African small businesses both in financial and</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>non-financial needs.</p> <p>8. Government through the Minister of Arts and Culture should further promote social cohesion by all government departments across all races and nationalities, including through the use of intercultural sport.</p> <p>9. Municipal Government in Gauteng and KwaZulu-Natal needs to better ensure the provision and monitoring of business permits. Many businesses, such as those in residential houses, are not compliant with municipal by-laws and there is a tendency of issuing too many licenses in one area.</p> <p>10. The Provincial Government of Gauteng, KwaZulu-Natal and the Western Cape should exchange ideas on addressing prejudicial violence since each province has different strengths.</p> <p>11. The Premier of KwaZulu-Natal should submit to Parliament and publish widely the report of the Special Reference Group once it is completed.</p> <p>12. The Premier of Gauteng should ensure that mechanisms are put in place to better ensure implementation of Government policy of 30% procurement from Small, Medium and Micro Enterprises and 70% local procurement.</p> <p>The Department of Home Affairs has also released its Green Paper on International</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			Migration.
<p>124.40. Continue combating acts of xenophobia against migrants, refugees and asylum-seekers (Djibouti);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>9. Racial discrimination</p> <p>34. Migrants</p> <p>35. Refugees & internally displaced persons (IDPs)</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - refugees and asylum-seekers - migrants 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.38.</p>
<p>124.41. Continue its best efforts to combat xenophobia and prevent any violence against foreigners (Thailand);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>9. Racial discrimination</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - non-citizens 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.38.</p>
<p>124.42. Strengthen measures to combat the phenomena of xenophobia (Iraq);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>9. Racial discrimination</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.38.</p>
<p>124.44. Reinforce measures to combat and prevent xenophobia and related violence (Republic of Korea);</p> <p>Comments: Position of State Under Review is specified</p>	Supported	<p>9. Racial discrimination</p> <p>13.1. Liberty & security – general</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.38.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		Affected persons: <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens 	
<p>124.45. To continue the discouragement of any manifestation of xenophobia (Mozambique);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>9. Racial discrimination</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.38.</p>
<p>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> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>9. Racial discrimination</p> <p>6. Human rights education and training</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.38.</p> <p>The Special Reference Group on Migration and Community Integration in KwaZulu-Natal, chaired by Navi Pillay, was tasked to look into the causes and consequences of the 2015 violent attacks against foreign nationals in the province and to make recommendations in this regard.</p>
RIGHT OR AREA: 12.6. CONDITIONS OF DETENTION			
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	Supported	<p>12.6. Conditions of detention</p> <p>29.1. Discrimination against women</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.79.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
<p>against women and the protection of children (Cape Verde);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>		<p>12.5. Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - women 	<p>Refer to 124.70.</p> <p>Refer to 124.59.</p> <p>Refer to 124.74.</p> <p>Refer to 124.66.</p> <p>South Africa has established specialised investigation units that focus on Family Violence, Child protection, and Sexual offences (FCS) The number of FCS units stands at 176 and are part of early identification interventions aimed at protecting vulnerable children. In this regard, the SAPS National Instruction 2/2010 directs the police to hand over children in need of care and protection to social workers for assessment and placement in alternative care. Children who are in need of emergency care and protection would be handed over to care facilities such as Child and Youth Care Centres subject to certain conditions as specified the policies and legislation. Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) provides for the comprehensive process regarding the National Register for Sex Offenders (NRSO). Section 50 (1) (i) of the Act provides for the persons whose names must be included in the NRSO, which will be any person that has been convicted of a sexual offence against a child or a person who is mentally disabled. The aim is to prevent registered sex offenders from working or operating at</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>environments that will expose them to these victims and from becoming foster parents, kinship caregivers, temporary safe caregiver, adoptive parents or curators, unless they receive a clearance certificate from the NRSO.</p> <p>Section 4 of the Domestic Violence Act, 1998 (Act 116 of 1998) gives children the right to apply for a protection order assisted or unassisted. The Act further allows persons who have a material interest in the well-being of a child to apply for the protection order on behalf of a child, and these could be educators, police officers, social workers, healthcare workers, as well as family members.</p> <p>The Prevention and Combatting of Torture of Persons Act (Act No. 12 of 2013) applies to all the institutions where there is likelihood of torture including SAPS police cells and prisons. With regard to SAPS, a commander who receives a complaint on allegation of torture should conduct a proper investigation as well inform the complainant of his/her rights to refer the matter to the Independent Complaints Directorate (IPID) for investigation. The IPID is an independent mechanism under civilian control in terms of Independent Police Investigative Directorate Act, 2011 (Act 1 of 2011).</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>The Sexual Offences and Related Matters Act complements the Domestic Violence Act 1998 (Act No, 116 of 1998) as well as the Prevention and Combating of Trafficking in Persons Act which all seek to curb human trafficking and punish offenders.</p> <p>The Police have training programmes on ensuring the respect of the human rights when conducting investigations, including the issue of sensitivity regarding cases relating to women as victims. The SAPS has a policy which was developed and put into implementation by its National Commissioner to ensure that members render a professional service to victims in respect of the investigation of offences that affect women and to assist victims in this regard. It also provides for information that must be provided to a victim in respect of available services; including HIV testing.</p> <p>The SAPS have developed a Policy on the Prevention of Torture and Treatment of Persons in Custody which sets out a system of checks and balances to protect persons in the custody of the Police Service from acts of torture, cruel, inhumane or degrading treatment by members of the Police Service and also includes guidelines that must be followed when a person in custody is being</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>interviewed.</p> <p>The Child Justice Policy Framework was adopted in May 2010. The Policy Framework provides the blueprint for the coordination and holistic implementation of the Child Justice Act by all Government Departments and civil society. The Policy Framework was drafted by an Inter-sectoral Committee on Child Justice ("ISCCJ") in consultation with civil society. The National Prosecuting Authority of South Africa ("NPA") also developed and issued directives in line with the Child Justice Act for prosecutors to effectively and efficiently deal with child justice matters, investigations, preliminary inquiries, diversions and prosecutions. The South African Police Service ("SAPS") issued the SAPS National Instruction On Children in Conflict with the Law.</p> <p>The Regulations on the Child Justice Act require that state officials treat children in conflict with the law in a manner conducive to their participation without intimidating or humiliating them during their handling. At all stages of the process the child must be allowed to ask questions and be afforded an opportunity to express themselves. Officials must treat the child with care and understanding, and the officials must be sensitive to the needs of the child.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>The Child Justice Act and the Regulations issued in pursuance thereof, both underpin the principle of the best interests of the child and therefore singles children out for special protection. It thus affords children in conflict with the law specific safeguards, among others, the right not to be detained, except as a measure of last resort, and if detained, only for the shortest appropriate period of time and the right to be treated in a manner and kept in conditions that take account of the child's age. Children must be kept separately from adults, and boys from girls, while in detention. It further acknowledges that children have the right to family, parental or appropriate alternative care. They have the right to be protected from maltreatment, neglect, abuse or degradation and the right not to be subjected to practices that could endanger the child's well-being, education, physical or mental health or spiritual, moral or social development.</p> <p>Based on these protective principles, the Regulations issued in terms of the Child Justice Act contain specific provisions in Chapter 4 which pertain to the detention and placement of a child prior to sentencing. These protective guidelines and procedures aim to guarantee the best interests of the child.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>In addition, the SAPS have also developed National Instructions for Children in Need of Care and Protection in order to provide clear directives to police officials on the implementation of the Children's Act, 2005.</p> <p>124.38</p> <p>Training of officials on the Prevention and Combatting of Torture of Persons Act (Act No. 12 of 2013) has been included in the programme of training of officials in the Department of Correctional Services. From 2014/15 to 2015/17 2 917 officials were trained.</p>
<p>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> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>12.6. Conditions of detention</p> <p>22.6. Human rights & drinking water and sanitation</p> <p>24. Right to health</p> <p>34. Migrants</p> <p>13.3. Arbitrary arrest and detention</p> <p>Affected persons:</p> <p>- persons deprived of their liberty</p>	<p>FULL IMPLEMENTATION</p> <p>The constitutional provisions as well as those of international human rights and humanitarian law instruments, to which South Africa is a State Party, make it imperative that all persons deprived of their liberty are treated with dignity and are not subjected to cruel, inhumane, degrading treatment or punishment.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		- migrants	
<p>124.88. Prohibit and punish corporal punishment both in the home, as well as in public institutions such as schools and prisons (Mexico);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>12.6. Conditions of detention</p> <p>30.2. Children: family environment and alternative care</p> <p>12.5. Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons deprived of their liberty - children 	<p>FULL IMPLEMENTATION</p> <p>South Africa was the second country on the African continent (after Namibia) to ban corporal punishment when it passed the South African Schools Act in 1996. The legal framework encapsulated primarily in the South African Schools Act 84 of 1996 and its subsidiary legislation establishes a 'coherent and principled system of discipline'. This system includes a prohibition against corporal punishment. It also includes the requirement that school governing bodies ("SGBs") develop codes of conduct at schools through participatory processes. These codes prescribe the rules of a school that learners must adhere to. The codes also establish disciplinary processes where learners have transgressed rules. The prohibition against corporal punishment is entrenched at both a national and a provincial level in South Africa. The ban against corporal punishment seeks to give effect to learners' rights in the Constitution. Section 10 guarantees everyone's right to dignity. Section 12(1) states that everyone has the right to freedom and security of person which includes the right: (c) to be free from all forms of violence; (d) not to be tortured in any way and; (e) not to be treated or punished in a cruel, inhuman or degrading way. Section 28 (1(d) states that every child has the right to be protected from</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>maltreatment, neglect, abuse or degradation.</p> <p>This was confirmed in the Constitutional Court case of <i>Christian Education SA v Minister of Education</i>. The prohibition also seeks to give effect to South Africa's international obligations most notably, in terms of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child</p> <p>The Abolition of Corporal Punishment Act, 1997 (Act No. 33 of 1997) is a general law outlawing corporal punishment.</p> <p>With regard to prisons, the privilege and the disciplinary systems are utilised to promote good behaviour and handling of infringements respectively of the penalties that may be imposed as stipulated in section 24 of the Correctional Services Act (Act 111 of 1998), corporal punishment is not included as a penalty.</p>
RIGHT OR AREA: 12.7. PROHIBITION OF SLAVERY, TRAFFICKING			
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/</p>	Supported	<p>12.7. Prohibition of slavery, trafficking</p> <p>16. Right to an effective remedy, impunity</p> <p>5.1. Constitutional & legislative framework</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.89.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		Affected persons: - general	
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	12.7. Prohibition of slavery, trafficking 5.1. Constitutional & legislative framework Affected persons: - general	FULL IMPLEMENTATION Refer to 124.89.
RIGHT OR AREA: 13.1. LIBERTY & SECURITY – GENERAL			
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	13.1. Liberty & security – general 5.2. Institutions & policies Affected persons: - persons living in rural areas - general	PARTIAL IMPLEMENTATION Safety and security has been identified as one of the strategic priorities of the government in both the National Development Plan 2030 and the Medium Term Strategic Framework. In its introduction, the National Development Plan 2030 highlights that safety is a core human right and a necessary condition for human development and improving productivity. The NDP therefore proposes, as one of its strategic priorities, that crime be reduced through strengthening the Criminal Justice System and improving community environments. It is further stated in the plan that by 2030, "people living in South Africa feel safe at home, at school and at work, and enjoy a community life free of fear. Women should be able to walk freely in the street and

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>children should be able to play safely outside. Businesses should be able to invest confidently and create jobs without the threat of livelihoods being undermined by crime."</p> <p>An understanding of the attitudes of the public regarding crime, the level of concern, how crime affects their daily activities and their perceptions about the causes of crime is central to the development of strategy or policy of its reduction or prevention. The South African Criminal Justice System is made up of various departments that all play different, but important roles in the operation of the Criminal Justice System. This is where the JCPS Cluster has a vital role to play.</p> <p>Government views crime as both a social and a security issue. The general decrease in serious crime over the years can be attributed to the following:</p> <ul style="list-style-type: none"> • Significant investment in policing and criminal justice system; • Improved police to population ratio which now stands at 1:336; • Various other initiatives also contributed in this fight against crime, such as closer interaction with communities, through strengthened implementation of Community Policing Forums (CPFs) and Community Safety Forums (CSFs). • Sector policing has also been adopted as an operational policing approach

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>to strengthen the philosophy of community policing in SAPS.</p> <ul style="list-style-type: none"> • The Rural Safety Plan has been implemented; • Improving the police forensic capabilities at crime scene and forensic laboratories; (the National Department of Health laboratories have also improved their capabilities and capacity and have made progress relating to the backlogs in terms of blood and toxicology analysis). • Improvements to the Automated Fingerprint Identification System (AFIS) as well as staffing and technology at local criminal record centres; and Improvement in detective services capacity, skills and training. <p>Reduced crime levels can be attributed to the increase in visible policing and improved crime-combating initiatives, which were part of the National Crime Prevention Strategy. Improvements in investigations, conviction rates and the imposition of harsher sentences also contributed as disincentives to crime. The conviction rates have increased markedly in the past five years in the following categories of crime: organised crime, sexual offences and trio crimes (hijacking, murder and business robberies).</p> <p>As part of a process of improving coordination within government and</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>enhancing the delivery of services, the President, pursuant to the elections in May 2014, announced in June 2014 newly-constituted Clusters. In line with the re-constitution of Clusters, the chairpersonship of the Clusters at Ministerial level (and consequently also at departmental level) has also rotated over the years in line with decisions by the President as to who heads the respective Clusters.</p> <p>The past 5 years, in particular, were spent consolidating legislation and other measures aimed at deepening democracy; enhancing access to justice; improving the police capabilities and capacity; integrating CJS developments; transforming the administration of Justice including the Judiciary and the courts; improving court performance; strengthening coordination through the Cluster system and the Outcome-based approach of government to deal with priorities; and strengthening the rule of law.</p> <p>Particular emphasis was paid to the operation and efficiency of courts at all levels and the Criminal Justice System (CJS) Review's 7-Point implementation plan recommendations continued to be implemented as part of the JCPS Delivery Agreement.</p> <p>Good progress was made regarding the</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>reduction in case backlogs through the integrated efforts by the JCPS Cluster.</p> <p>In general the efficiency of the CJS, across the whole continuum, has started to improve, but the speedy finalisation of cases remains a challenge which is being addressed through improved case-flow management processes and engagement with the judiciary.</p> <p>A Restorative Justice Policy has been finalised for consideration by the Cluster. It will encourage the use of diversion and alternative dispute resolution mechanism (ADRM) by the courts, and remove a number of less serious crimes from the mainstream court processes.</p> <p>In addition, a policy relating to coordinated interaction with communities through a broader Community Safety Forum Policy Framework, is being consulted upon.</p> <p>Improved Border management has received attention.</p> <p>A draft Cyber Security Policy has been finalised and tabled at the JCPS Cluster with the aim to provide a framework to bolster and improve South Africa's cybersecurity and cybercrime combatting. A new Cybercrimes and Cybersecurity Bill has been developed.</p>
124.78. Continue its efforts in the fight against violence and discrimination based on sexual orientation and	Supported	13.1. Liberty & security – general	FULL IMPLEMENTATION

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
gender identity (Argentina); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		8. Non-discrimination Affected persons: - Lesbian, gay, bisexual and transgender persons (LGBT)	Refer to 124.51
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	13.1. Liberty & security – general 6. Human rights education and training 5.1. Constitutional & legislative framework Affected persons: - Lesbian, gay, bisexual and transgender persons (LGBT)	FULL IMPLEMENTATION Refer to 124.51
RIGHT OR AREA: 14.3. FREEDOM OF OPINION AND EXPRESSION			
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Noted	14.3. Freedom of opinion and expression Affected persons: - general	FULL IMPLEMENTATION Refer to 124.99. Refer to 124.101.
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);	Noted	14.3. Freedom of opinion and expression	FULL IMPLEMENTATION Refer to 124.99.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		Affected persons: - general - media	Refer to 124.101.
124.104. Consider suspending the enactment of the Protection of State Information Bill, approved last November (Portugal); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Noted	14.3. Freedom of opinion and expression Affected persons: - general - media	NO IMPLEMENTATION Refer to 124.99. Refer to 124.101.
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Noted	14.3. Freedom of opinion and expression Affected persons: - general - media	FULL IMPLEMENTATION Refer to 124.99. Refer to 124.101.
RIGHT OR AREA: 15.1. ADMINISTRATION OF JUSTICE & FAIR TRIAL			
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	15.1. Administration of justice & fair trial 29.2. Gender-based violence Affected persons: - women	FULL IMPLEMENTATION Refer to 124.85. Refer to 124.78. Refer to 124.20. Refer to 124.79.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>Refer to 124.70.</p> <p>Refer to 124.74.</p> <p>Refer to 124.66.</p> <p>Refer to 124.47.</p> <p>The DoJ&CD keeps national statistics of domestic violence matters through the Integrated Case Management System (ICMS). This statistics provides monthly data on all forms of abuse recorded at our courts in terms of the Domestic Violence Act. The ICMS is periodically upgraded to improve data quality.</p> <p>Since 2013, sexual offences courts were re-established. In the quest to reduce secondary victimization, 55 Thuthuzela Care Centres were established. In 2011 the UN Secretary-General recognised these centres as a “world best practice model” in the field of gender violence management and response. The South African Police Services has established the Family Violence, Child Protection and Sexual Offences Units in order to provide victim friendly services to victims of gender based violence.</p> <p>The Department of Social Development has trained victim empowerment service providers in all nine provinces. Six Khuseleka One Stop Centres which provide integrated victim empowerment services have been</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>established. The Department established 84 shelters for abused women and 201 white doors (centres of hope) for victims of gender based violence in different provinces.</p> <p>A 24 hour Gender Based Violence Command Call Centre has been established. The call centre handles 1500 calls a day and these calls are handled by 40 social workers. The centre has won a number of international awards. Our 365 Days Campaign (which grew from the initial 16 Days of Activism for No Violence against Women and Children, held during November/December) has mobilized all sectors of society. This strategy is aimed at mobilizing men and boys to become part of the solution in eradicating violence against women.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>15.1. Administration of justice & fair trial</p> <p>16. Right to an effective remedy, impunity</p> <p>Affected persons:</p> <p>- general</p>	<p>FULL IMPLEMENTATION</p> <p>The independence of the judiciary and access to justice is guaranteed by the Constitution of South Africa.</p>
RIGHT OR AREA: 16. RIGHT TO AN EFFECTIVE REMEDY, IMPUNITY			
<p>124.62. Put in place stronger mechanisms to protect women and girls against gender-based violence and provide redress to victims (Austria);</p> <p>Comments: Position of State Under Review is specified</p>	Supported	<p>16. Right to an effective remedy, impunity</p> <p>29.2. Gender-based violence</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.65.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		Affected persons: - women - girls	
124.63. Take increased measures to protect and provide redress to women subjected to gender-based violence (Czech Republic);	Noted	16. Right to an effective remedy, impunity 29.2. Gender-based violence Affected persons: - women	FULL IMPLEMENTATION Refer to 124.65 The Victims' Charter provides redress for victims.
124.64. Take concrete measures to improve the protection of women against gender-based violence and to ensure that perpetrators are held accountable (Norway); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	16. Right to an effective remedy, impunity 29.2. Gender-based violence Affected persons: - women	FULL IMPLEMENTATION Refer to 124.65.
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	16. Right to an effective remedy, impunity 6. Human rights education and training 29.2. Gender-based violence Affected persons: - judiciary	FULL IMPLEMENTATION Refer to 124.65. Refer to 124.63.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		- women	
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>16. Right to an effective remedy, impunity</p> <p>29.2. Gender-based violence</p> <p>Affected persons:</p> <p>- women</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.65.</p> <p>Refer to 124.63.</p>
<p>124.72. Establish mechanisms that will offer the victims of rape appropriate and adequate support and provide them with redress (Slovenia);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>16. Right to an effective remedy, impunity</p> <p>29.2. Gender-based violence</p> <p>Affected persons:</p> <p>- women</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.65.</p> <p>In, particular the work done by our Thuthuzela Care Centres. Thuthuzela's integrated approach to rape care is one of respect, comfort, restoring dignity and ensuring justice for victims of sexual violence. The management of TCC-model and roll-out falls within the responsibility of the NPA. The success of it is based upon effective and efficient stakeholder cooperation such as between the Departments of Justice, Health, Education, Treasury, Correctional Services, Social Development, the SAPS and designated civil society organisations. The TCC-model is specifically focussed on being victim-friendly and court directed with prosecutor-guided investigations and stakeholder cooperation. The ultimate goal is to minimise secondary</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>victimization, reduce the cycle period for the finalisation of cases and to increase the conviction rates of these cases. When reporting a crime, the victim is removed from an environment such as a police station, to a more victim-friendly environment before being transported by police or an ambulance to the Thuthuzela Care Centre at the hospital. The person also receives counselling. If the medical examination happens within 72 hours of the incident, post-exposure prophylaxis is given. The investigating officer on call at the centre will take the person's statement. The person will receive appropriate medication and is given a follow-up date for further medical treatment, before being transported home or a place of safety. A referral letter will be given or an appointment made for long-term counselling.</p> <p>Before the trial, as part of the TCC-model, a case manager will oversee the prosecutor-guided investigation and will ensure that the case is trial and court ready. The case manager is a legally qualified official with specific additional expertise in dealing with gender-based violence matters.</p> <p>With regards to the trial, consultations with a specialist prosecutor will take place before the case goes to court and court preparation by a victim-assistant officer will be undertaken. The person must also be given an explanation of the possible outcome and</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			regular updates of the trial process by the case manager. The Thuthuzela model is an outstanding example of interdepartmental cooperation.
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>16. Right to an effective remedy, impunity</p> <p>13.1. Liberty & security – general</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - Lesbian, gay, bisexual and transgender persons (LGBT) 	<p>FULL AND ONGOING IMPLEMENTATION</p> <p>Refer to 124.76.</p> <p>Refer to 124.81.</p> <p>Refer to 124.50</p>
RIGHT OR AREA: 17. RIGHTS RELATED TO NAME, IDENTITY, NATIONALITY			
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>17. Rights related to name, identity, nationality</p> <p>34. Migrants</p> <p>35. Refugees & internally displaced persons (IDPs)</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - refugees and asylum-seekers 	<p>FULL IMPLEMENTATION</p> <p>Measures in place are: amended legislation, training of DHA staff, SOP developed, expanded footprint access (hospitals, mobile units, DHA offices, strengthened partnership through MOU). The department has implemented a huge drive to document those who are undocumented.</p> <p>These notification and registration categories, which came into effect since 2010, cater for both citizens and non-Citizens born and living in SA. They were set out as necessary measures to eliminate the barriers that impede the registration of birth for persons born within the territory of SA, including migrants, asylum seekers and refugees.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			All DHA officials responsible for registration were trained on a step by step process for notification and registration. . DHA (Civic Services and Immigration Services) has regular intra-branch meetings in dealing with the registration and movements of both RSA and non-RSA persons. In an effort to ensure no one is left behind, the department has further established an inter-departmental stakeholder forum with Departments of Health, Social Development, Education, Agri-SA to ensure that all eligible children are issued with birth certificates in order to access various social services.
RIGHT OR AREA: 22.1. RIGHT TO AN ADEQUATE STANDARD OF LIVING - GENERAL			
<p>124.108. Develop further decent work/labour through the comprehensive economic growth (Palestine);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>22.1. Right to an adequate standard of living - general</p> <p>37. Right to development – general measures of implementation</p> <p>23.1. Right to work</p> <p>23.2. Right to just and favourable conditions of work</p> <p>Affected persons:</p> <p>- general</p>	<p>FULL IMPLEMENTATION</p> <p>The Economic Development Department played a major role in ensuring a co-ordinated infrastructure investment programme and in expanding the levels of development finance in the economy, rallying stakeholders around certain policy and programmes that will have major impact on our economy, as well as ensuring that government respond in an informed and more aligned manner across the three spheres to the challenges of the economy. A mid-term review of the New Growth Path jobs drivers was completed for Parliament's Portfolio Committee on Economic Development, which indicated that more than 2 million new jobs had been created in the period since the adoption of the NGP in</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>2010. Key highlights included the innovative and extensive public interest conditions attached to a number of mergers including AB InBev's takeover of SAB Miller, Coca-Cola and Edcon; the actions in the steel industry including the tough competition settlement with Arcelor Mittal and the reparation agreement with the seven largest construction companies; the expansion of investment by the Industrial Development Corporation and the agreement to co-invest in a new auto plant in Nelson Mandela Bay; and the increased investment in the National Infrastructure Plan, projected at R987 billion over the next three years.</p> <p>Economic transformation is a key theme of the NDP we made significant strides in opening the economy to new black-owned companies and expanding levels of youth entrepreneurship. The Industrial Development Corporation recently approved R14,5 billion in new investment, the largest sum in its 76-year history and 26% higher than the preceding year.</p> <p>Of particular note is the fact that this included R2,9 billion in transactions involving 54 black industrialists, so that we broaden participation in the economy. Roughly R1 billion was approved for youth-owned enterprises, showing that we are serious about implementing the Youth Employment Accord. A sum of R1,2 billion was made</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>available to women-owned enterprises, which is an increase of 59% on the previous year, so that we tap the enterprise of women to help build the economy.</p> <p>The IDC is driving new investment and commitments to improve the competitiveness of South African companies, with its initiatives in the past financial year saving and creating 15 000 jobs. In addition to these outcomes, during 2016, the IDC partnered with the Beijing Automotive Industrial Corporation (BAIC) to set up a new R4,3 billion auto-plant in Nelson Mandela Bay that in the first phase will produce up to 50 000 vehicles for the domestic and African market, with planned employment of 2 500 workers during the construction phase and 800 permanent production workers in the plant.</p> <p>.‘All labour legislative amendments were enacted with a view to ensure an improved labour market operations and its sustainability.</p> <p>There are four strategic pillars of decent work, which includes, i) the promotion of fundamental principles and rights at work; ii) promotion of employment and income opportunities; iii) expansion and improvement of social protection cover; and iv) promotion of social dialogue and tripartism.</p> <p>Labour’s co-operative support initiative have</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			a proven record of creating and sustaining employment, they provide over 100-million jobs globally; they advance the ILO's Global Employment Agenda and contribute to promoting decent work.'
<p>124.111. Strengthen its development policies in rural areas, with special emphasis on the access of children and persons with disabilities to services (Chile);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>22.1. Right to an adequate standard of living - general</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - persons with disabilities - persons living in rural areas 	<p>PARTIAL IMPLEMENTATION</p> <p>It was recognised that the social and economic transformation of South Africa would be incomplete without the implementation of fundamental interventions to address the challenges faced daily by the majority of people in rural areas. These challenges include limited economic activity, inadequate infrastructure, widespread poverty, high unemployment and unmarketable skills levels.</p> <p>The Department of Rural Development and Land Reform (DRDLR) was created in 2009. For the first time in its history, the country has a ministry dedicated to the social and economic development of rural South Africa; committed to ensuring that South Africans residing in rural areas enjoyed the same benefits as their urban cousins, so that that they too were covered by the blanket of human rights and basic dignity guaranteed in our Constitution.</p> <p>Following its establishment, the new department immediately embarked on an intensive process to define and conceptualise what rural development should be, and to provide a framework of how it should be</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>implemented. Government's plan for developing rural areas, the Comprehensive Rural Development Programme (CRDP) is aimed specifically at curing the blight of poverty by the creation of vibrant, equitable and sustainable rural communities.</p> <p>To achieve its vision, the new department defined its role and mission as being that of facilitating integrated development and social cohesion through partnerships with all sectors of society. The most important strategy the department pursues to deliver on the CRDP's strategic objectives is, Agrarian Transformation. Objectives of the agrarian transformation strategy include:</p> <p>Social mobilisation to enable rural communities to take initiatives;</p> <p>Sustainable settlements (access to basic services and economic opportunity; meeting of basic human needs; infrastructure development);</p> <p>Establishment of cooperatives and enterprises for economic activities; wealth creation; productive use of assets;</p> <p>Non-farm activities for strengthening of rural livelihoods;</p> <p>Leadership training, social facilitation and familiarity with CRDP objectives; socio-economic independence.</p> <p>Skills development and employment creation</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>(youth, women, people living with disabilities);</p> <p>Democratisation of rural development, participation and ownership of all processes, projects and programmes by rural communities;</p> <p>Co-ordination, alignment and cooperative governance (Local Municipalities, Traditional Councils, Provincial Government and rural communities);</p> <p>Participation of Non-Governmental Organisations including faith-based organisations, Community-Based Organisations and other organs of civil society;</p> <p>Social cohesion and access to human and social capital.</p>
<p>124.113. Take effective measures to combat poverty (Iraq);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>22.1. Right to an adequate standard of living - general</p> <p>22.5. Human rights & extreme poverty</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons living in poverty 	<p>PARTIAL IMPLEMENTATION</p> <p>Multiple policies and programmes have been introduced to bolster food security, production, and nutritional well-being, especially of children. These include:</p> <ul style="list-style-type: none"> • support for subsistence farming and small-scale agricultural programmes to boost food production: • Vitamin A supplementation programme

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<ul style="list-style-type: none"> • food fortification programmes targeting key micronutrients • breastfeeding promotion • the National School Nutrition Programme • the National Nutrition Security Development Programme • Food Security Policy for South Africa. <p>The provision of comprehensive social security, including income support and a safety net for the poor, remains a cornerstone of the fight against poverty and inequality, especially among children and older persons. In the light of this, the Government of South Africa, through SASSA expanded the safety net to almost 17 million South Africans during the period under review. Of these, almost 12 million children benefitted from child support grants (CSGs) while 3,2 million older persons received old-age grants.</p> <p>The Child Support Grant (which is R350 per month per child), the Care Dependency Grant (R1 500 a month), and the Foster Child Grant (R890) are interventions offered to address income poverty and vulnerability of children. Plans to review the Social</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>Assistance Act with the intent to introduce an extended child support grant for families caring for orphans, are underway, and investigations and consultations have been conducted. However, the process is still not finalised.</p> <p>Older Persons have access to a non-contributory old age grant which enables them to support themselves and families. In terms of this policy, frail older persons access Grant-in-Aid in addition to the old age grant to ensure quality of life to house-bound older persons due to their frailty.</p> <p>The Social Security Assistance Act, 1995 is currently being reviewed. One of the amendments is to improve the level of accessibility in terms of the means test. This clause facilitates accessibility by older persons than before.</p> <p>The Department of Social Development committed to linking care-givers of orphans and vulnerable children receiving child support and other relevant social grants to economic opportunities deriving from its Social Relief of Distress (SRD) and Household Food and Nutrition Security (HFNSP) programmes through cooperatives. Significant progress was made in 2015/16,</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			1150 cooperatives with an average membership of eleven-thousand and five hundred (11,500), 90% of whom are women were supported and linked to economic opportunities from the Social Relief of Distress (SRD) and Household Food and Nutrition Security (HFNSP) Programmes. On average, fifty seven thousand five hundred beneficiaries (57,500) The value of the procurement from cooperatives was R102, 440,953.63 of the budget allocated for SRD and HFNSP which is equivalent to the 30% target set for procurement from cooperatives.
124.114. Maintain and intensify the efforts towards the elimination of poverty and social inequality (Lesotho); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	22.1. Right to an adequate standard of living - general 8. Non-discrimination Affected persons: - persons living in poverty	PARTIAL IMPLEMENTATION Refer to 124.113.
124.115. Continue efforts in the fight against social inequality and poverty (Senegal) ; Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	22.1. Right to an adequate standard of living - general 8. Non-discrimination Affected persons: - persons living in poverty	PARTIAL IMPLEMENTATION Refer to 124.113.
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);	Supported	22.1. Right to an adequate standard of living - general 5.2. Institutions & policies	PARTIAL IMPLEMENTATION Refer to 124.113.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
<p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>		<p>4. Inter-state cooperation & development assistance</p> <p>Affected persons:</p> <p>- persons living in poverty</p>	
<p>124.117. Continue consolidating essential social programmes in the fight against poverty and social exclusion (Venezuela (Bolivarian Republic of));</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>22.1. Right to an adequate standard of living - general</p> <p>8. Non-discrimination</p> <p>Affected persons:</p> <p>- persons living in poverty</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.113.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>22.1. Right to an adequate standard of living - general</p> <p>22.2. Right to food</p> <p>24. Right to health</p> <p>37. Right to development – general measures of implementation</p> <p>Affected persons:</p> <p>- children</p>	<p>PARTIAL IMPLEMENTATION</p> <p>With regards to MDG 1: HALVING THE PROPORTION OF HUNGRY PEOPLE BY LESS THAN 5%</p> <p>In 2015, South Africa approved the Early Childhood Development (ECD) policy which highlights 15 policy positions to ensure universal access by 2030. It provides the essential components of nutrition, health, social protection, inclusion of children with disabilities and special needs, stimulation and early learning to ensure the best possible start in life. From 2014/15, the number of registered ECDs increased by 15% to 27 728 in 2015/16, at the same time, the number of children benefiting from ECD subsidies increased by 40%, to 987 636.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	22.1. Right to an adequate standard of living - general 24. Right to health 34. Migrants Affected persons: - migrants	FULL IMPLEMENTATION Refer to 124.38.
RIGHT OR AREA: 22.2. RIGHT TO FOOD			
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)); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	22.2. Right to food 23.1. Right to work 24. Right to health 25. Right to education Affected persons: - general	PARTIAL IMPLEMENTATION Refer to 124.113. In 2015 South Africa approved the National Food and Nutrition Security Policy which seeks to improve food security and nutritional status of the entire South African population. The Department of Social Development developed the Household Food and Nutrition Security Strategy through which a network of Community Nutrition and Development Centres (CNDCs) was established to increase access to nutritious food by the poor and vulnerable. To this end, 167 CNDCs which provide nutritious food to over 3.3 million beneficiaries have been established. These centres have to date created 937 employment opportunities.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	22.2. Right to food 24. Right to health 25. Right to education 22.3. Right to adequate housing Affected persons: - general	PARTIAL IMPLEMENTATION The following UN agencies are active in South Africa and assist us in realising the various priorities: The Food and Agriculture Organization (FAO), the International Labour Organization, the IOM, the Office of the High Commissioner for Human Rights (OHCHR), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the Office of the United Nations High Commissioner for Refugees, UNHCR, UNIC, UNICEF, UNIDO, the United Nations Office on Drugs and Crime (UNODC), UN Women, the World Bank and the South Africa Public Information Centre(PIC).
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/	Supported	22.2. Right to food 5.2. Institutions & policies Affected persons: - persons living in rural areas	PARTIAL IMPLEMENTATION Refer to 124.21. South Africa made significant strides regarding MDG number one (1) of halving the proportion of hungry people by less than 5% through food security programmes and initiatives such as Extended Public Works

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc			Programme (jobs), Social Security System (social grants as safety nets) food production (CASP and Fetsa Tlala) and others. Multiple policies and programmes have been introduced to bolster food security, production and nutritional well-being, especially of the children of the country. These include support for subsistence farming and small-scale agricultural programmes to boost food production; a Vitamin A supplementation programme; food fortification programmes targeting key micro-nutrients; breastfeeding promotion; the National School Nutrition Programme; a National Nutrition Security Development Programme; and, most recently, a Food Security Policy for South Africa.
RIGHT OR AREA: 22.6. HUMAN RIGHTS & DRINKING WATER AND SANITATION			
124.121. Take additional measures to guarantee access for all citizens to safe drinking water and sanitation (Togo); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	22.6. Human rights & drinking water and sanitation Affected persons: - general	PARTIAL IMPLEMENTATION Refer to paragraphs 35 and 36 Main Country Report (check report) With regards to the right to water and sanitation, it must be noted that under South Africa's former water law the right to use public water was tied to the ownership of land along watercourses. A new system of water allocation has been phased in so as to provide equitable access to water, to meet the basic human needs of present and future generations, and to redress the results of

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>past racial and gender discrimination. The constitutional right to access to water is implemented through the Water Services Act and the National Water Act. These Acts protect and facilitate the free exercise of the right to access and dispose of water resources in an equitable, environmentally-responsible and sustainable manner. In terms of section 4 of the Water Services Act everyone is entitled to basic water supply. Over the years since 1994, there has been an increase in the proportion of the population that is accessing safe drinking water in South Africa.</p> <p>Access to safe drinking water is fundamental right that also links to the health, well-being and safety of the population of the country. The quality and availability of the water services are of extreme importance for the quality of human life and living standards. There have been significant improvements in access to piped water over the past decade.</p> <p>The proportion of households whose main source of water for drinking is piped water inside the yard has almost doubled from 16,6% in 1996 to 30% in 2016. There is a slight decline of 0,2% from 2011 to 2016 of households whose main source of water for drinking is piped water inside the dwellings. Just less than three-quarters of households use piped water inside the dwellings/yards as their main source of water.</p> <p>60,6% of households in 2016 have access to</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			flush toilets connected to sewerage system as compared to 57% in 2011. Similarly, there is an increase in the proportion of households using pit toilets with ventilation and the decline among those using pit toilets without ventilation. Also, there is a decline of households with no toilets. This trend is seen across all periods since 2001. There is upward trend of households using chemical toilets. The use of chemical toilet increased from 1,9% in 1996 to 4,2% in 2016 – the increase of 1,7%.
RIGHT OR AREA: 23.1. RIGHT TO WORK			
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>23.1. Right to work</p> <p>23.3. Trade Union Rights</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>South Africa in joint partnership with Ecuador introduced a landmark resolution on the elaboration of a legally binding instrument regulating the responsibilities of transnational corporations (TNCs) and other business enterprises (OBEs). This landmark UNHRC Resolution 26/9 has created an intergovernmental working group which will commence the actual negotiation of the instrument at its third session in 2017. The scope, format, nature and content of the envisaged instrument will address key issues such as extraterritorial jurisdiction. The principle objective of the instrument is to complement weak national legislation and to assist victims in cases where there is a total absence of national legislation with a view to</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			ensuring maximum protection and effective legal remedies for the victim communities and combatting impunity in this regard.
RIGHT OR AREA: 24. RIGHT TO HEALTH			
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>5.2. Institutions & policies</p> <p>Affected persons:</p> <p>- general</p>	<p>PARTIAL IMPLEMENTATION</p> <p>On December 2015, the Minister of Health released the White Paper on the National Health Insurance (NHI) as approved by cabinet for public comment. The NHI White Paper is a policy document that seeks to transform the South African health care system with emphasis on the promotion of health and the prevention of diseases. The NHI is a health system that seeks to provide access to quality and affordable health care services for all South Africans based on their health needs irrespective of their socio-economic status.</p>
<p>124.123. Take tangible measures to ensure that women have access to all public services, in particular to public health services (Switzerland);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>29.1. Discrimination against women</p> <p>Affected persons:</p> <p>- women</p>	<p>PARTIAL IMPLEMENTATION</p> <p>The Department of Health (DoH) provides leadership and coordination of health services to promote the health of all people in South Africa through an accessible, caring and high quality health system based on the primary healthcare (PHC) approach. The DoH contributes directly to achieving the government's goal for a long and healthy life for all South Africans. In line with the vision of</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>the National Development Plan (NDP) of ensuring a long and healthy life for all South Africans, the department focuses on sustainably expanding HIV and AIDS and tuberculosis (TB) treatment and prevention, revitalising public healthcare facilities, and ensuring the provision of specialised tertiary hospital services. South Africa has reduced the HIV-infection rate from 8% in 2008 to 1,5% in 2015.</p> <p>Increased life expectancy of the population demonstrates that the number of AIDS-related deaths and infant mortality rates have dropped over the past few years.</p> <p>More women are getting into government's Prevention of Mother-to-Child Transmission Programme. The country runs the biggest HIV-treatment programme in the world, with more than 12 million people tested in 2015 and close to 170 000 babies tested at the crucial six-weeks stage.</p> <p>According to the results of the General Household Survey released by Statistics South Africa in June 2016, seven in every 10 (70,5%) households went to public clinics and hospitals as their first point of access when household members fell ill or got injured.</p> <p>By comparison, a quarter (25,3%) of households indicated that they went to private doctors, private clinics or hospitals. Most households (92,8%) went to the nearest</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			health facility.
<p>124.124. Consolidate its strategies and programmes to reduce the phenomenon of maternal and child mortality (Algeria);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>5.2. Institutions & policies</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - women 	<p>PARTIAL IMPLEMENTATION</p> <p>The child mortality rate during the 1990s was 59 out of every 1000 children (DHS, 1998). In addition to the legacy of apartheid, South Africa had to battle the impact of the HIV/AIDS pandemic which severely impacted on the country's ability to accelerate human development. Improved coverage of key interventions such as immunisations, promoting breastfeeding, Prevention of Mother to Child Transmission (PMTCT), antiretroviral therapy (ART) and the treatment of common childhood illnesses (for example, diarrhoea and pneumonia) using the Integrated Management of Childhood Illness (IMCI) approach, contributed to the decline in mortality.</p> <p>Immunisation is an effective measure to prevent many of the avoidable causes of child mortality. The MDG indicator on immunisation coverage is the proportion of one-year-old children immunised against measles. The general trend in measles vaccination coverage has been positive, increasing from a baseline of 68.5% in 2001 to 91.2% in 2014. Progress has been made in increasing the coverage of all essential vaccines in South Africa, with sustained high coverage rates recorded in the last decade. .</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>The majority of children have benefited from a national drive to improve their health and well-being, a drive that has contributed to improvements in child mortality through improved access to preventive and promotive health services. Therefore, even though South Africa was unable to achieve a two-thirds reduction in mortality rates, substantial progress in reducing child mortality. Pneumonia incidence in children under the age of five years dropped consistently between 2010 and 2014, from 79 to 53 per 1000 children. Between 2010 and 2014 the proportion of HIV-exposed infants who tested positive for HIV at six weeks of age dropped from 9% to 1.6%</p> <p>Despite expansion of the Prevention of Mother to Child Transmission (PMTCT) programme, The National Committee on Confidential Enquiries into Maternal Deaths (NCCEMD) was established to monitor and recommend solutions to reduce maternal mortality. The Committee is responsible for investigating every maternal death, with respect to primary and final causes of death, and the care that was given. Recommendations for the care of pregnant mothers are then made in a report provided to the Minister of Health. Strategies for reducing maternal mortality are made on the basis of this report.</p>
124.125. Continue its efforts to accelerate the achievement of the MDGs targets, particularly those	Supported	24. Right to health 37. Right to development –	PARTIAL IMPLEMENTATION

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
<p>health related MDGs (Indonesia);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>		<p>general measures of implementation</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general 	Refer to 124.124.
<p>124.127. Strengthen its efforts in HIV/Aids prevention and treatment and reduce child and maternal mortality rates (China);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - persons living with HIV/AIDS - women 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.124.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>37. Right to development – general measures of implementation</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - persons living with HIV/AIDS - women 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.124.</p> <p>By 2010, South Africa had made significant progress in achieving universal access to treatment for HIV/AIDS by those who need it. The proportion of eligible adults and children receiving antiretroviral therapy (ART) leapt from 58.3% in 2010, to 75.2% in 2011 and ART coverage for HIV positive pregnant women also leapt from 87.3% to 99%. In 2013, 2.3 million South Africans were on antiretroviral treatment making it the largest programme in the world.</p> <p>The number of reported malaria cases decreased markedly and malaria-related mortality decreased by 80% from 2000 to 2013. South Africa is now one of the few</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			countries in Africa that is ready for malaria elimination.
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - girls - persons living with HIV/AIDS - women 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.124.</p> <p>Refer to 124.128.</p>
<p>124.130. Continue to take measures in order to reduce the rate of mortality due to HIV and AIDS (Romania);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons living with HIV/AIDS 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.124.</p> <p>Refer to 124.128.</p>
<p>124.131. Maintain and further build upon its HIV/AIDS prevention, care and treatment programmes (Singapore);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons living with HIV/AIDS 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.124.</p> <p>Refer to 124.128.</p>
<p>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));</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at:</p>	Supported	<p>24. Right to health</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.124.</p> <p>Refer to 124.128.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		- persons living with HIV/AIDS	
<p>124.133. Develop and implement plans to reduce physical and cost barriers to accessing HIV-related health services in rural areas (Ireland);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons living in rural areas - persons living with HIV/AIDS 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.124.</p> <p>Refer to 124.128.</p> <p>Also note that The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 lists the following grounds where discrimination is prohibited: <i>race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.</i></p> <p>HIV/AIDS has been added as a prohibited ground against which there may not be discriminated.</p> <p>Evidence suggests that persons living with HIV/AIDS face discrimination and stigmatization and current legal recourse is often not sufficient. This amendment will go a long way to protect persons living with HIV/AIDS. The inclusion of HIV/AIDS status will result in greater access to equality courts, as a claimant would only have to prove that there was discrimination on the basis of HIV/AIDS status. The person accused of discriminating would then have to prove that the discrimination was fair. The proposed amendment will thus assist in developing a human rights approach in accordance with</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			international precedents.
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>8. Non-discrimination</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons living with HIV/AIDS 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.124.</p> <p>Refer to 124.128.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>29.1. Discrimination against women</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - girls - persons living in rural areas - women - persons living with HIV/AIDS 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.124.</p> <p>Refer to 124.128.</p>
<p>124.136. Closely collaborate with UNICEF and UNAIDS in order to implement programmes aimed at reducing the cases of Mother-to-Child HIV Infections (Portugal);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>4. Inter-state cooperation & development assistance</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - persons living with HIV/AIDS 	<p>FULL IMPLEMENTATION</p> <p>The rollout of programmes is closely linked with the on-going work of relevant UN agencies such as WHO, UNFPA, UNICEF, UNAIDS and UNWOMEN.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
<p>124.137. Continue with action to further reduce maternal and child mortality, and the prevalence rate of HIV and AIDS (Sri Lanka);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - women - persons living with HIV/AIDS 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.124.</p> <p>Refer to 124.128.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons living with HIV/AIDS - children - girls 	<p>PARTIAL IMPLEMENTATION</p> <p>The work being done by The South African National AIDS Council (SANAC) must be highlighted. SANAC is a voluntary association of institutions established by the national cabinet of the South African Government to build consensus across government, civil society and all other stakeholders to drive an enhanced country response to HIV, TB and STIs.</p> <p>The main objectives of the Council are to:</p> <ul style="list-style-type: none"> • foster dialogue between government, civil society and all other stakeholders and to oversee the country's response to HIV, TB and STIs; • advise government on HIV and AIDS, TB and STI policy and strategy and related matters; • strengthen the governance,

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>leadership and management of the response to HIV, TB and STIs at national, provincial, district and local levels;</p> <ul style="list-style-type: none"> strengthen the multi-sectoral response to HIV, TB and STIs as a contribution to the overall social and economic development of South Africa, including but not limited to policy review, programme management and co-ordination, technical assistance and capacity building and sectoral support; mobilise resources domestically and internationally to finance the response to HIV, TB and STIs, including but not limited to estimating expenditure and resource needs, fund-raising from domestic and international institutions, including Treasury, donor co-ordination and investigating new sources of funding for the multi-sectoral response and the NSP; ensure the monitoring of progress against the targets set in the NSP and ensure mid and end of term evaluations for the prevailing NSP; create and strengthen partnerships for an expanded national response

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			in South Africa to HIV, TB and STI among government agencies, non-governmental organisations (NGOs), donors of funds, agencies of the United Nations, the South African private sector and people living with HIV, TB and STIs.
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	24. Right to health 25. Right to education Affected persons: - general - children	PARTIAL IMPLEMENTATION Refer to 124.124. Refer to 124.122. Refer to 124.113. Refer to 124.21.
124.140. Promote rights to education and health in disadvantaged and underprivileged areas (Senegal); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	24. Right to health 25. Right to education Affected persons: - general - children	PARTIAL IMPLEMENTATION The Department of Higher Education and Training has expanded access to public universities and TVET Colleges through the building and opening of universities in the rural provinces of the Northern Cape and Mpumalanga. In the 2016 Budget Vote Speech, the Minister of Higher Education and Training, Dr BE Nzimande, MP, stated, "Key to our strategy of expanded university access are our new institutions, Sol Plaatje University and the University of Mpumalanga in February admitted their third intake, with enrolments up from 130 and 140 in 2014 to 710 and 1329 respectively. R1.6-billion was invested and seventeen new buildings built,

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>enabling this expansion. New infrastructure for further expansion in 2017 valued at R1.26-billion is under construction. The Sefako Makgatho Health Sciences University entered its second year of operation with an intake of 1 300 students.”</p> <p>The DHET has also recently spearheaded the physical expansion of TVET College campuses in Bambananani (part of Umfolozi TVET College) and Nkandla A (2017), both in rural KwaZulu-Natal as well as Thabazimbi , a satellite of Waterberg TVET College in Limpopo. The Thabazimbi campus was officially opened in 2016.</p> <p>These rural TVET Colleges serve the most remote areas of South Africa and thus address the lack of educational facilities in disadvantaged areas. The three latest campuses will provide training to young people and stimulate the local economies of these rural and disadvantaged areas.</p> <p>NSFAS allocation has been significantly increased to cater for the “missing middle” – that is students who come from households with an annual income of R600 000 will not pay university fees. Support will not only be based only on merit but on affordability- thus promoting access to PSET for many students</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>from disadvantaged backgrounds. This means more access to post-school education and training by students from poor households. In the 2016/17 Budget vote speech it was stated that, “Another R4.57-billion is allocated to the National Student Financial Aid Scheme, NSFAS, in 2016/17 made up of R2.54-billion to ensure that 71 753 students who were not or insufficiently funded in 2013 to 2015 can pay their debts, and R2.03-billion to ensure that these students and poor students entering universities for the first time can study”. In concrete terms, NSFAS allocation increased by 47.3% in 2016. This, together with the other NSFAS funds, managed to put 205 000 through university, and another 200 000 students through TVET colleges. That is a total of 405 000 students from disadvantaged backgrounds receiving government support in 2016 alone.</p> <p>Refer to 124.139</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>24. Right to health</p> <p>25. Right to education</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - women 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.139.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
RIGHT OR AREA: 25. RIGHT TO EDUCATION			
<p>124.142. Strengthen its educational strategies to ensure that all children enrol in school and receive basic education (Iran (Islamic Republic of));</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>25. Right to education</p> <p>Affected persons:</p> <p>- children</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.139.</p> <p>Across population groups there is an increase of persons attending at an educational institution from 1996 to 2016. The number of black Africans attending an educational institution increased from 10,5 million in 1996 to 14,8 million in 2016. The Indian/Asian population had the lowest increase from 300 775 in 1996 to 323 986 in 2016. The number of white persons attending an education institution decreased from 980 474 in 2011 to 965 374 in 2016. There is a considerable decrease of 1,4 million people with no schooling between 1996 and 2016. The number of persons who attained primary education and secondary education has also increased over time (1996–2016); 12,4 million and 8,3 million respectively. People who attained at least a Bachelor's degree have increased greatly between 1996 and 2016; (by 824 564 thousand).</p>
<p>124.143. Continue its current efforts in the fields of social cohesion and quality of basic education (Egypt);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>25. Right to education</p> <p>Affected persons:</p> <p>- general</p> <p>- children</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.31.</p> <p>Refer to 124.113.</p> <p>The National Development Plan (2030), Medium-Term Strategic Framework (MTSF)</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>2014-2019 and Action Plan 2019 are strategies focused on achieving the Millennium Development Goals (MDG) in respect of Schooling 2030. Education is the apex priority of the country; it is the key lever to improving the quality of life in a society.</p> <p>The Curriculum Assessment Policy Statement (CAPS) by the Department of Basic Education (DBE) makes Creative Arts subject compulsory learning area in the Foundation and Senior Phases. At Further Education and Training (FET) phase learners are made choose the creative arts genre that they would want to specialise with. The following programmes forms part of the DAC's contribution in the fields of social cohesion and basic education.</p> <ul style="list-style-type: none"> • A Flag in Every Schools Campaign • Promotion of the National Symbols mainly the National Anthem and the African Union Anthem • Schools and Curriculum Enrichment Programmes such as the Schools Chorale Eisteddfod and Spelling Bee • The Artists in Schools • Heritage Education • Oral History

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<ul style="list-style-type: none"> Archives Awareness <p>During 2014/15, we popularized our national identity to 887 schools by installing the national flag, having engagements/conversations with learners to create awareness about the Preamble of the Constitution, national anthem African Union anthem, and national symbols, and distributing posters and CDs with information about the latter.</p>
<p>124.144. Continue its efforts to improve its education system and provide skills development programmes especially for youths (Singapore);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>25. Right to education</p> <p>Affected persons:</p> <p>- children</p>	<p>FULL IMPLEMENTATION</p> <p>On the policy front, the Department of Higher Education and Training (DHET) has developed a Social Inclusion Policy Framework for the Post-School Education and Training System (PSET) which emphasises the instilling of human rights culture beyond the lecture rooms in colleges and universities of all types. This policy framework has gone through the public comment process and is now in the stages of finalisation. It will ensure the strengthening, monitoring and evaluation of Fundamental programmes that have a human rights and constitutional values education elements. The DHET is also in the process of developing a Strategic Disability Policy Framework for the PSET to ensure that students with disabilities receive quality</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>education and training in the context of human rights. This development is in line with the Bill of Rights as enshrined in the Constitution of the Republic South Africa and the United Nations Convention on the Rights of People with Disabilities (UNCRPD).</p> <p>In support of arts education in schools, the DAC in collaboration with the Department of Basic Education, provinces and community stakeholders, placed over 200 artists in schools in eight provinces in 2013 -2014. The project aims to improve arts education by pairing artists and teachers in the classroom to present the arts curriculum at primary and secondary schools. The project also aims to build new audiences for arts and culture, and to provide additional revenue streams for artists.</p> <p>Through the 'Artists in Schools' initiative we have begun placing arts facilitators and educators at schools around the country as part of integrating arts and culture into our learners' school experience. Through this project, we hope to stimulate interest in the arts and to build cultural and social values that increase creativity and inclusivity. Through arts education we have also begun to intervene in rewriting history so that new generations know the truths of our realities</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>and histories.</p> <p>The DAC has also embarked on the youth development and the national youth service programme called the “Youth Patriots”. The purpose of the programme is to empower the young people with relevant skills in the area of the arts, culture and heritage with the view to inculcate the culture of patriotism and civic participation.</p> <p>The National Sport and Recreation Plan provides for the following activities with a special focus on the youth, including children with a disability:</p> <ul style="list-style-type: none"> • Organise National Youth Camps in all Provinces with a special focus on unemployed youth and children living on the streets and empower youth leaders to run Youth Camps. • Support Talent Identification and Development (TID) and the culmination of school sports events into major national events, namely the National Top School Games and the “SA Youth Olympic Games”. (All schools will be eligible to participate in these Games including schools that cater for children with a disability.)

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
<p>124.145. Maintain its commitment to improve the quality of education to ensure the full enjoyment of the right to education (Timor-Leste);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>25. Right to education</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.31.</p> <p>Refer to 124.113.</p> <p>Refer to 124.143.</p> <p>Section 29 of the Constitution provides for the right to education. Since 1994, South Africa has tirelessly pursued transformation measures in all aspects of education.</p>
RIGHT OR AREA: 29.1. DISCRIMINATION AGAINST WOMEN			
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>29.1. Discrimination against women</p> <p>37. Right to development – general measures of implementation</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general - persons with disabilities - women 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.59.</p>
<p>124.48. Early adoption of the Women's Empowerment and Gender Equality Bill (Australia);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at:</p>	Supported	<p>29.1. Discrimination against women</p> <p>5.1. Constitutional & legislative framework</p>	<p>NO IMPLEMENTATION</p> <p>The Bill has lapsed.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		Affected persons: - women	
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>29.1. Discrimination against women</p> <p>16. Right to an effective remedy, impunity</p> <p>Affected persons: - women</p>	<p>FULL IMPLEMENTATION</p> <p>Legal Aid South Africa's role is to provide aid to those who cannot afford their own legal representations. This includes poor people and vulnerable groups such as women, children and the rural poor. It does this in an independent and unbiased manner with the intention of enhancing justice and public confidence in the law and administration of justice. In order to fulfil its mandate and realise its mission, Legal Aid South Africa uses four service delivery channels:</p> <ul style="list-style-type: none"> • Justice Centres • Cooperation agreements • Special litigation <p>Access to justice is provided through Justice Centres. Legal Aid South Africa has cooperation agreements with various universities that have law clinics. Through the law clinics, the universities, in conjunction with Legal Aid South Africa, provide legal assistance to their communities.</p> <p>Other initiatives to assist women include Maintenance Officers and Maintenance Investigators at Maintenance Courts. Protection orders are available in terms of the Domestic Violence Act. For civil claims, our</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			Small Claims Courts provide speedy and cost-effective access to justice for all.
124.60. Step up efforts to eliminate violence and discrimination against women (Republic of Korea);	Noted	29.1. Discrimination against women Affected persons: - women	PARTIAL IMPLEMENTATION Refer to 127.70.
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	29.1. Discrimination against women 6. Human rights education and training 16. Right to an effective remedy, impunity Affected persons: - women	PARTIAL IMPLEMENTATION Refer to 127.70.
RIGHT OR AREA: 29.2. GENDER-BASED VIOLENCE			
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); Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc	Supported	29.2. Gender-based violence Affected persons: - children - internally displaced persons - women	PARTIAL IMPLEMENTATION Refer to 124.59. Note: The Department of Women, Children and People with Disabilities has been replaced by the Department of Women. The issues of children and people with disabilities were moved to the Department of Social Development.

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
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);	Noted	29.2. Gender-based violence 5.2. Institutions & policies 31.1. Persons with disabilities: definition, general principles Affected persons: - general - persons with disabilities - women	PARTIAL IMPLEMENTATION South Africa has approved the White Paper on the Rights of Persons with Disabilities Roles and Functions of Institutions promoting Democracy with particular reference to Section 13(1)(b) of the South African Human Rights Commission Act, 2013 empowers the SAHRC to monitor the implementation of, and compliance with, international and regional conventions and treaties, international and regional covenants, and international and regional charters relating to the objects of the Commission, and requires of the SAGRC to prepare and submit reports to the National Assembly pertaining to any of these human rights instruments. However, enabling capacity and resources are currently being discussed.
124.61. Adopt all necessary measures to prevent, fight and punish any violence against women and children (Switzerland);	Noted	29.2. Gender-based violence 16. Right to an effective remedy, impunity Affected persons: - children - women	PARTIAL IMPLEMENTATION Refer to 124.65.
124.68. Strengthen the training of the police, prosecutors and the judiciary in the area of gender based violence	Supported	29.2. Gender-based violence 6. Human rights education and	PARTIAL IMPLEMENTATION

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
<p>(Norway);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>		<p>training</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - judiciary - general 	<p>Refer to 124.80.</p> <p>Refer to 124.79.</p> <p>Refer to 124.77.</p>
<p>124.73. Step up efforts against sexual violence and improve social support services to victims (Italy);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>29.2. Gender-based violence</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women - general 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.80.</p> <p>Refer to 124.79.</p> <p>Refer to 124, 77.</p>
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	REJECTED	<p>29.2. Gender-based violence</p> <p>16. Right to an effective remedy, impunity</p> <p>Affected persons:</p>	RECOMMENDATION REJECTED
RIGHT OR AREA: 30.1. CHILDREN: DEFINITION, GENERAL PRINCIPLES, PROTECTION			
<p>124.53. Take measures improving the security of citizens and enhancing protection of particularly vulnerable groups such as women and children (Ukraine);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at:</p>	Supported	<p>30.1. Children: definition, general principles, protection</p> <p>29.1. Discrimination against women</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.66.</p> <p>Refer to 124.74.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc		29.2. Gender-based violence Affected persons: - children - women	
RIGHT OR AREA: 30.2. CHILDREN: FAMILY ENVIRONMENT AND ALTERNATIVE CARE			
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>30.2. Children: family environment and alternative care</p> <p>30.3. Children: protection against exploitation</p> <p>29.1. Discrimination against women</p> <p>21. Economic, social & cultural rights – general measures of implementation</p> <p>5.2. Institutions & policies</p> <p>31.1. Persons with disabilities: definition, general principles</p> <p>Affected persons:</p> <p>- children</p> <p>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.31.</p> <p>The Department of Housing has taken significant steps in addressing the inequalities that existed in the past as a result of race and gender discrimination. Various regulatory measures have been put in place to encourage financial institutions to extend credit to historically disadvantaged groups. One of these measures was the Home Loan and Mortgage Disclosure Act, 2000 which sought to encourage financial institutions to provide credit to help historically disadvantaged persons to acquire housing. This complements the program on low-cost housing program (Redistribution and Development Program (RDP- housing Scheme) which was introduced in 1994, it affords those without homes access to free houses given to unemployed and indigent persons. Priority is given to women headed households.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		<ul style="list-style-type: none"> - older persons - persons with disabilities - women 	<p>South Africa adopted the following strategies and programmes to ensure the enjoyment of cultural, economic and social rights of its citizens, especially vulnerable groups, including women, children, the elderly, the minorities and persons with disabilities:</p> <p>i)MZANSI GOLDEN ECONOMY STRATEGY</p> <p>The Department of arts and culture (DAC) is currently implementing the Mzansi Golden Economy (MGE) strategy which was launched in 2011. The objective of the strategy amongst others is to increase the proportion of arts, culture and heritage practitioner in the workforce of South Africa and to create jobs. As part of the implementation of the strategy, the DAC also ensures that women, youth and people with disabilities play a bigger role towards the DAC achieving its objective</p> <p>ii)ARTS ACCESS IN CORRECTIONAL SERVICES</p> <p>The DAC is working with the Department of Correctional Services (DCS), to mainstream the Arts Access Programme in Correctional Services into the work of their respective departments in order to coordinate and manage their impact on the Arts Access Programme in Correctional Services. The programme aims to promote Arts, Culture and Heritage participation in Correctional</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>Facilities (marginal group), to empower the offenders in the arts which have the potential for self-sustainability post-incarceration and rehabilitation while under correctional supervision and to focus in particular on youth, women and people with disabilities</p> <p>iii)ARTS ACCESS IN SCHOOLS</p> <p>In conjunction with the Department of Basic Education (DBE), the DAC works to contribute to the Arts, Culture and Heritage content to be included in the DBE curriculum (e.g. Curriculum Assessment Policy Statement (CAPS) and assist in providing relevant resource materials for educators to be able to implement the curriculum effectively thus supporting the school enrichment and mass participation cultural programmes.</p>
RIGHT OR AREA: 30.3. CHILDREN: PROTECTION AGAINST EXPLOITATION			
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>30.3. Children: protection against exploitation</p> <p>30.4. Juvenile justice</p> <p>12.7. Prohibition of slavery, trafficking</p> <p>25. Right to education</p> <p>Affected persons:</p> <p>- children</p>	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.21.</p> <p>Refer to 124.89.</p> <p>The Child Justice Act, 2008 (Act No 75 of 2008) establishes a mechanism for dealing with children who lack criminal capacity outside the criminal justice system.</p> <p>South Africa has ratified international and</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
		- general	<p>regional instruments that facilitate trans-national collaborative measures aimed at combating trafficking in women and children. These instruments are: the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the UN Convention against Trans-national Organized Crime.</p> <p>The Prevention and Combating of Trafficking in Persons Act, 2013 is a comprehensive law dealing with the issue of trafficking, which was previously dealt with in various pieces of legislation. In addition to creating very specific offences criminalising trafficking in persons, the Act also focus on the plight of victims, by allowing for those convicted of trafficking to be forced to pay compensation to a victim for damages, injuries, both physical and psychological harm suffered and loss of income, amongst others.</p> <p>Child victims of trafficking will fall under all the protective measures of the Children's Act, whilst organisations that provide services to adult victims must be accredited and must comply with certain norms and standards and must offer specific programmes to victims of trafficking. A set of guidelines have furthermore been developed to ensure that minimum norms and standards are in place when dealing with child and adult victims of trafficking. This will ensure the treatment of</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			victims of trafficking with the dignity as enshrined in the Constitution.
RIGHT OR AREA: 31. PERSONS WITH DISABILITIES			
<p>124.112. Create a favourable environment for the effective enjoyment of the rights of persons with disabilities (Djibouti);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>31. Persons with disabilities</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons with disabilities 	<p>PARTIAL IMPLEMENTATION</p> <p>Refer to 124.59</p> <p>In December 2015 South Africa approved a White Paper on the Rights of Persons with Disabilities and its implementation matrix (2015-2030) to promote and protect the rights of persons with disabilities.</p> <p>This represents one of the initial steps to domesticate the UNCRPD. The White Paper compels the state to produce annual progress reports that tracks the implementation matrix.</p>
RIGHT OR AREA: 34. MIGRANTS			
<p>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);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>34. Migrants</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - refugees and asylum-seekers - migrant workers 	<p>FULL IMPLEMENTATION</p> <p>Refer to 124.38.</p> <p>South Africa has continued to implement measures to realise the right to work and the right to just and favourable conditions of work. This includes the migrant workers.</p>
124.149. Establish policies and programmes designed to promote the integration of migrants into society and the	Supported	34. Migrants	PARTIAL IMPLEMENTATION

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
<p>respect to their rights, including the protection of their physical integrity (Slovakia);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>		<p>5.2. Institutions & policies</p> <p>Affected persons:</p> <p>- migrants</p>	<p>Refer to 124.43.</p> <p>Refer to 124.39.</p> <p>Refer to 124.38.</p> <p>Refer to 124.150.</p> <p>The Green Paper on International Migration (2016) contends that it is neither desirable nor possible to stop international migration. International migration is a natural, largely positive phenomenon – which if well managed – can, does and will make a crucial contribution to growing our economy and transforming Africa as envisioned in Agenda 2063.</p>
<p>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).</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>34. Migrants</p> <p>19. Rights related to marriage & family</p> <p>Affected persons:</p> <p>- children</p> <p>- migrants</p>	<p>PARTIAL IMPLEMENTATION</p> <p>In ensuring that the state takes reasonable legislative and other measures within its resources, to achieve the progressive realisation of each of these rights, DHA has, in 2010, amended the Birth and Deaths Registration Act of 1992 emphasising that all births must be registered within 30 days of birth. The law makes registration of births and caters for the institution of penalties for Late Registration of Birth (LRB) and incentives/benefits. The issuance of birth certificates is free in the first time. The process of registering births is however simplified in the Regulations promulgated in</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>2014, giving effect to notice of birth for:</p> <ol style="list-style-type: none"> 1. Children born of South African Citizens; 2. Children born of permanent residents, refugees and asylum seekers 3. Children born of parents who are non-SA citizens 4. Children born out of wedlock; Abandoned or orphaned children 5. LRB of children of SA citizens; Recording of adoption in birth register, and 6. Children born outside the republic, <p>South Africa hosted the AU/UN Ministerial Conference on Civil Registration and Vital Statistics during September 2012. The aim of the Conference was to enhance efforts to implement national population registers in every country on the African Continent. All participating countries committed themselves to the registration of their citizens, especially children.</p> <p>South Africa seeks to work closely with the UN and with countries in the region to develop regional strategies to manage mixed migration and to initiate bilateral agreements on managing asylum seekers who transit through numerous safe countries in search of protection. We are of the view that the</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
			<p>development of a standardized biometric-based registration system to record the details of all asylum seekers and/or refugees and in particular children born into these situations, will greatly assist in reducing statelessness on the African continent.</p> <p>National law dealing with citizenship is largely based on the <i>jus sanguinis</i> principle according to which citizenship is determined by having one or more parents who are citizens of the State. It also does not distinguish between citizenship and nationality, which is the case in other jurisdictions. Any amendment in this regard will have to be the subject of extensive research and policy development.</p> <p>Once the issues mentioned above are adequately addressed, South Africa will be in a much better position to evaluate and, where appropriate, approach Parliament to consider amending domestic laws to bring it in line with the Conventions on Statelessness.</p> <p>As the government have not yet reached that stage, the country can unfortunately not be able to accede to the Conventions.</p>

RECOMMENDATION	POSITION	FULL LIST OF THEMES	ASSESSMENT/ COMMENTS ON LEVEL OF IMPLEMENTATION
RIGHT OR AREA: 38.1. HUMAN RIGHTS, STRUCTURAL ADJUSTMENT/ECONOMIC REFORM POLICIES & FOREIGN			
<p>124.22. Consolidate economic initiatives aimed at empowering its people, especially those who were underprivileged under the Apartheid system (Zimbabwe);</p> <p>Comments: Position of State Under Review is specified in Annex to A/HRC/21/6/Add.1, which can be found at: http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ZA/A_HRC_21_16_Add.1_South%20Africa_E_Annex.doc</p>	Supported	<p>38.1. Human rights, structural adjustment/economic reform policies & foreign</p> <p>9. Racial discrimination</p> <p>Affected persons:</p> <p>- general</p>	<p>FULL IMPLEMENTATION</p> <p>South Africa has taken legislative measures to achieve this: in terms of the Employment Equity Act and Broad Based Black Economic Empowerment Act. The fundamental objective of the BBBEE Act is to advance economic transformation and enhance the economic participation of black people in the South African economy.</p>