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Draft report of the Working Group on the Universal Periodic Review*

South Africa

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its thirteenth session from 21 May to 4 June 2012. The review of South Africa was held at the 16th meeting on 31 May 2012. The delegation of South Africa was headed Mr. Andries Nel, Deputy Minister of Justice and Constitutional Development. At its 18th meeting held on 4 June 2012, the Working Group adopted the report on South Africa.
2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of South Africa by the Czech Republic, Maldives and Cameroon.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21 of 25 March 2011, the following documents were issued for the review of South Africa:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/13/ZAF/1); and Annex 1
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/ZAF/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/ZAF/3).
4. A list of questions prepared in advance by Czech Republic, Denmark, Iceland, Netherlands, Norway, Slovenia, Sweden, and United Kingdom of Great Britain and Northern Ireland was transmitted to South Africa through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The Honorable Mr. Andries Nel, Deputy Minister of Justice and Constitutional Development conveyed to the 13th Session of the Working Group of the UNHRC on the UPR, the warm greetings of the government and people of South Africa.
6. He stated that South Africa was amongst the very first group of countries to be reviewed under the UPR in 2008 and, therefore, it was with a deep sense of honour that it presented its Second Report to this mechanism that is based on the purposes and principles contained in the Charter of the United Nations, including developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all.
7. Earlier this year South Africa celebrated 18 years of democracy that followed its first democratic elections on 27 April 1994 and also, the 15th anniversary of the entry into force of its Constitution on 4 February 1997.
8. This Constitution sets out the framework within which to overcome the legacy of apartheid, predicated on the country's collective desire to heal the divisions of the past and to establish a society based on democratic values, social justice and fundamental human rights and to progressively improve the quality of life for its people and to build a united democratic South Africa able to take its rightful place among the Community of Nations.

9. The Constitution creates statutory institutions such as the Commission for Gender Equality, the Human Rights Commission, and the Commission for the Promotion and Protection of the Rights of Cultural and Linguistic Communities to assist in ensuring the realisation of these and other rights. Legislation has also been passed to combat discrimination, and give citizens access to equality courts in the event of suffering such discrimination.

10. Even in the midst of bitter struggle, South Africa's liberation movement developed moral values of human compassion and solidarity far beyond the narrow confines of its opposition to the apartheid social system. It represented something good, not just something better than apartheid. It asserted the humanness of the human spirit - the search for societies at peace within and among themselves.

11. Naturally, over time, as with others, the internalisation, grasp and general understanding of the UPR process and its requirements have significantly improved from their initial experience and interaction with the first session of this Working Group on 15 April 2008.

12. South Africa was grateful that the South African civil society in its broad formations as stakeholders active in the human rights sector, have also found this process useful by lodging their own independent reports, reflecting their own experiences of human rights enjoyment in the country.

13. South Africa acknowledged and appreciated the recommendations generated for South Africa during the first session of this Working Group for their consideration for implementation.

14. All efforts of government continue to be aimed at redressing the inequalities, imbalances and historical injustices and to restore social justice to the people and to build a united, democratic, non-racial and non-sexist society.

15. While the Apartheid regime provided for the well-being of a mere 5 million White people, the new democratic government was immediately faced with the mammoth task of providing for the wellbeing of the total population – in excess of 40 million people. The implication of this task entailed, among others, ensuring the progressive realisation to food security, access to health services, quality education, social security, adequate housing, water and sanitation, rural development, land reform and land restitution, electrification of rural and peri-urban areas - with very limited resources.

16. In its efforts to give effect to socio-economic rights, Government, working with the people, has over the years expanded the delivery of social services.

17. Since 1994, the national housing programme has delivered 2.8 million new housing units. This has provided shelter to additional 13.5 million people, approximately 25 % of the population, making the programme one of the world's largest subsidized housing programmes. By December 2011, 87% of the rural households had been provided with clean water, and 75% with access to sanitation.

18. Furthermore, Government provides social grants to more than 15 million people, approximately 30% of the population, mainly vulnerable groups such as children, persons above the age of 60 and people with disabilities. Importantly, these benefits are now extended to non-nationals with permanent residence status and refugees.

19. Access to basic education has been broadened through increasing access to schooling for children from poor households by removing the payment of school fees, benefitting eight million children, and through the conversion of tertiary institution loans into bursaries for qualifying students.

20. One of the major achievements in education is the doubling of the foundation phase enrollment from 300 000 in 2003 to 705 000 in 2011. By 2009, 98, 5% of children aged 7 to 15 and 98.8 percent of children aged 7 to 14 were enrolled in our schools. The country remains poised to meet its target of one hundred percent enrollment by 2014.

21. With regards to health, amongst many improvements, in addition to the existing 385 public hospitals, a total of 29 hospitals in rural and urban areas are under construction, while 17 others are in the planning and design stage. These facilities will also provide services for people with HIV and AIDS. Over 3,000 primary health care clinics are now able to provide counselling and testing and treatment for people with HIV and AIDS. This has resulted in an increase in the number of patients accessing Antiretroviral Therapy, from 500 000 in 2008 to 1.9 million in 2012. Access to HIV Testing and Treatment, for mothers and children, has improved, resulting in a more than 50% reduction in HIV transmission from mothers to children, from 8% in 2008 to 3.5% in 2010.

22. South Africa has prioritised the issues of gender equality and the advancement of the rights of women, the promotion and protection of the rights of the child and people with disabilities. Government has established, in 2009, a fully-fledged Department for Women, Children and People with Disabilities (DWCPD) with the core mandate of advocacy for mainstreaming and monitoring of government's policies and programmes with respect to these targeted groups.

23. Furthermore, discrimination on the ground of sexual orientation is prohibited by the Constitution. Given the recent spate of violence that targeted LGBTI persons, government has established a National Task Team comprising representatives from government and civil society to advise on measures to ensure maximum protection, adequate remedies and combating impunity. The Courts have set an important precedent and sent a strong signal that crimes of this nature will not be tolerated. Recently, four perpetrators of the so-called "corrective rape" of lesbians were sentenced to 18 years imprisonment.

24. The government remains undeterred in its pursuit of a nation united in its diversity, by creating platforms for social dialogue to strengthen and deepen acceptance, tolerance, and racial harmony. To this end, specialised institutions, provided for by the Constitution, have been established to promote and protect cultural, linguistic, religious rights and practices of our people.

25. These values also constitute South Africa's vision towards the creation of a better Africa in a better World based on the principles of social and universal justice.

26. At a global level, South Africa has, among others, hosted the UNCTAD, WSSD, the WCAR, FIFA 2010 and COP17 as a demonstration of its commitment to multilateralism, and accepting its global responsibilities, as well as promoting a fair, just and equitable world order.

27. In pursuit of this vision, our Government has hosted and played a significant role at a regional level at the 2002 AU Summit where the Constitutive Act of the African Union was ratified in pursuance of a common vision of a united and strong Africa in order to strengthen cohesion and solidarity among its peoples.

28. In addition, South Africa hosted the recently concluded Global African Diaspora Summit on 25 May 2012, which resolved to establish the African Diaspora Volunteer Programme, which aims to link the Diaspora with the development efforts of the continent, and to give concrete meaning to the concept of one African family.

29. The Government will continue to pursue its key priorities as set out in the Medium Term Strategic Framework for the period 2009 to-2014. These include the establishment of the National Health Insurance with the objective to ensure universal health coverage.

30. The government is implementing a Gender Equity Strategy to achieve its target of a minimum of 50% women representation. For example, representation of women in the Legislature stands at 44% as compared to 25% after the first democratic elections in 1994. A new Gender Equity Bill that aims to enforce gender parity measures across all sectors of society is in the pipeline.

31. With regard to safety and security, the delegation was happy to report that the crime statistics released during September 2011 confirm that the tide against crime is turning. A reduction in the reported crime statistics has been seen across all categories of crime. Importantly, the 2011 National Victims of Crime Survey findings supported trends that show a decrease in crime levels.

32. All the above are examples of key priorities that the South African government is pursuing towards the realisation of the aspirations of its people and the fulfilment of its international obligations of the respect for, promotion, protection and fulfilment of human rights and fundamental freedoms. The government will continue to work tirelessly towards the development of the country, as a developmental state that responds to the needs and aspirations of its people. To this end, government is striving to strengthen the public sector to improve the provision of services within a Developmental State.

33. Government is committed to work with independent institutions created to support its constitutional democracy such as the Human Rights Commission, the Commission on Gender Equality and the Office of the Public Protector.

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

35. In conclusion it was stated that, whilst extraordinary progress has been made over the past eighteen years, there is much left to be done and that government is very mindful of the words of its former President, Nelson Mandela:

36. "I have taken a moment here to rest, to steal a view on the glorious vista that surrounds me, to look back on the distance I have come. But I can rest only for a moment, for with freedom come responsibilities and I dare not linger for my long walk has not yet ended".

B. Interactive dialogue and responses by the State under review

37. During the interactive dialogue, 77 delegations made statements. The delegation of South Africa was thanked for its presentation of the national report and for its constructive engagement in the universal periodic review process. Recommendations made during the dialogue are found in section II of the present report.

38. India commended South Africa on its achievements in different areas including health insurance and universal primary education. It requested information on how the reconfigured cluster system to coordinate mechanisms to implement programmes for the attainment of the national key priorities identified for its Medium-Term Strategic Framework and the recently established Planning Commission are coordinated.

39. Indonesia welcomed steps taken to address inequalities. It appreciated the partnership with UNDP in introducing a collaborative programme to help governments and partners to identify and prioritize bottlenecks on particular MDGs. It noted South Africa faced considerable challenges in combating, racism, xenophobia and related intolerance. Indonesia made recommendations.

40. Iran (Islamic Republic of) noted the different policies and practices in promoting human rights nationally and internationally, especially the implementation of legislation and programmes, with a resultant positive impact on the nation's quality of life, including health insurance, food security, primary education and access to higher education. It made recommendations.
41. Iraq commended achievements in implementing recommendations accepted in the first UPR review. It noted the identification of priorities in the areas of education, health and economic growth, job creation, decent work, combating corruption and crime, development and land reform. Iraq made recommendations.
42. Ireland appreciated achievements in tackling the legacy of inequality. It urged that strong priority be given to the Combating of Torture Bill. It noted that xenophobia remained a significant challenge. Ireland encouraged South Africa to continue its gender-based violence prevention efforts and strengthen provision of services and accountability in that area. Ireland made recommendations.
43. Poland thanked South Africa for its informative national report and constructive participation in the UPR process. Poland made recommendations.
44. Japan commended steps taken to combat HIV/AIDS. It encouraged reference to the relevant principles, guidelines and GA resolution concerning leprosy-related discrimination as it continues to address leprosy-related discrimination. It hoped South Africa would continue to address racism and xenophobia. Japan made recommendations.
45. Lesotho noted measures adopted to introduce a national health insurance system. It commended the on-going efforts to improve human rights, which had been instrumental in the successful transition from apartheid to a multicultural democracy and regarding the elimination of poverty and social inequality. Lesotho made a recommendation.
46. Malaysia was encouraged by efforts made since the first UPR and noted the commitment to adopting laws and policies to advance human rights. It recognized the challenges arising from decades of racial discrimination and other problems during colonial occupation and welcomed its new National Planning Commission. Malaysia made recommendations.
47. Mauritania welcomed the strengthening of the legislative framework and reforms to overcome poverty and social inequalities. It appreciated the creation of the Department for Women, Children and People with Disabilities. It encouraged South Africa to continue its work to improve detention conditions in Lindela, completion of the law on fighting trafficking in persons.
48. Mexico highlighted progress in primary education and access to healthcare for persons with HIV. Referring to the obligations under the CEDAW, it enquired what steps were being taken to accelerate implementation of the strategy to change or eradicate negative stereotypes that discriminate against women. Mexico made recommendations.
49. Morocco welcomed the new youth development body and requested more information on its mandate, composition and achievements. It recognized the country's challenges in attaining the health-related MDGs. It saluted South Africa's international leadership role in combating racism. Morocco made recommendations.
50. Mozambique acknowledged steps towards the materialization of Constitutional dispositions and international commitments. It praised South Africa's key role in building strong regional partnerships and introducing regional programmes with relevant UN Agencies and welcomed the establishment of the South Africa Development Agency (SADPA). Mozambique made a recommendation.

51. Namibia praised South Africa for its programmes to alleviate poverty, including establishing a social protection system, its action plan on education and the soon to be established national development partnership agency all of which are important to help achieve the MDGs. Namibia made recommendations.
52. Netherlands commended South Africa for its leading role in the Human Rights Council, notably in different areas of anti-discrimination. It welcomed its commitment to partnerships with civil society and a national dialogue in the preparation of the national report. Netherlands made recommendations.
53. New Zealand enquired about increasing maternal mortality and morbidity and plans to address them. It also asked what steps would be taken to deal with sexual violence, especially against LGBT persons. It requested an update on the Combating Torture Bill and on plans to ratify the OP-CAT. New Zealand made recommendations.
54. Nicaragua noted measures adopted by South Africa to foster human development and economic growth in order to eradicate poverty by 2030. It applauded the re-establishment of an institution specialized in domestic violence, child protection and sexual crimes. Nicaragua made recommendations.
55. Norway supported South Africa's leadership in combating violence and discrimination based on sexual orientation and gender identity. It expressed concern about the Protection of State Information Bill. It welcomed new national institutions, particularly to address violence against women. Norway made recommendations.
56. Pakistan welcomed South Africa's role in the international response to racism and intolerance. Pakistan requested further information on the "Green Paper on Families" aimed at promoting family life. It commended ongoing efforts to adopt pro-development measures, but noted the historical injustices of colonialism and apartheid reflected in marginalization and social exclusion. Pakistan made a recommendation.
57. Palestine noted the priorities for 2009-2014 in the areas of job creation, health, education, combating corruption and crime, land reform and rural development as well as food security. Palestine noted the challenges in providing quality education for all. Palestine made recommendations.
58. Paraguay as a bilingual country, it welcomed South Africa's draft bill on national languages. It noted its efforts to improve the situation of foreigners detained in the Lindela Repatriation Centre and to prevent and combat trafficking in persons. Paraguay made recommendations.
59. Philippines commended its selection of national priorities that include job creation, health, education, rural development and land reform, and food security, which dovetail with promoting and protecting the rights to work, health, education and adequate food. Philippines made a recommendation.
60. Italy encouraged South Africa to pursue the advancement of human rights in particular MDGs 4, 5 and 6 and praised the country's role in adopting the United Nations resolution on sexual orientation and gender identity. It asked what about the measures adopted against FGM phenomena in migrant communities. Italy made a recommendation.
61. Portugal commended South Africa's leadership in combating racial discrimination and intolerance and reiterated Portugal's commitment to helping to combat the scourge. It highlighted South Africa's internationally-admired Constitution, which protected all rights, including economic, social and cultural rights. Portugal made recommendations.
62. The Republic of Korea commended South Africa's achievements in the areas of education, health and eradication of poverty, among others and encouraged it to build upon

such accomplishments and continue efforts to improve the human rights situations. It made recommendations.

63. Romania commended South Africa for positive elements mentioned in its national report. It regretted that no progress had been made as to the ratification of the OP CAT and the International Covenant on Economic, Social and Cultural Rights and encouraged their ratification. Romania made a recommendation.

64. The Russian Federation noted measures to improve national human rights mechanisms, the adoption of laws and the establishment of bodies attending to the rights of children and women. It commended progress in the area of primary education and health. It made a recommendation.

65. Senegal noted important positive changes at the institutional level and the adoption of strong measures to promote development and improve human rights situation in the country. It noted particularly the national development plan to fight against poverty and social inequality. Senegal made recommendations.

66. Singapore took note on the emphasis placed by South Africa on education and skills development and highlighted that enrolment in primary education has reached almost 100%. It noted that as pointed out in the national report, the high prevalence of HIV/AIDS continues to be a challenge. Singapore made recommendations.

67. Slovakia acknowledged South Africa's efforts in improving access to prevention, treatment and assistance to people living with HIV. It welcomed the functioning of one commissioner dedicated to children's rights within the South African Human Rights Commission. Slovakia made recommendations.

68. Slovenia encouraged South Africa to continue its action to achieve MDGs. It expressed concern about the persistence of attacks against LGBT individuals, the occurrence of hate crimes, reports of violence against children and lack of legislative measure to prevent, prosecute and punish acts of torture and other ill-treatment. Slovenia made recommendations.

69. Spain commended South Africa for progress in addressing HIV/AIDS and the protection of the rights of LGBT. It asked about measures adopted to ensure that the future Law Protection of State Information does not curtail freedom of the press and right to information on possible inappropriate action by public officials. Spain made recommendations.

70. Sri Lanka commended South Africa on its Constitution and legislation enacted on women's empowerment, gender equality, child justice and health. It was mindful of South Africa's successful evolution from the particular historical circumstances it faced. It welcomed the proposed National Languages Bill and its commitment to achieving the MDGs. Sri Lanka made a recommendation.

71. Sudan commended the democratic transformation, through efforts to conserve the institutions of traditional leadership as well as including them in the governing bodies. It appreciated the establishment of the traditional administration. Sudan asked about its effect on stability and security.

72. Swaziland noted that, despite South Africa's relentless efforts to improve livelihoods, the institutions created to ensure equality and human rights, promotion and protection sometimes worked to disable elected officials in the exercise of their duties. Swaziland made a recommendation.

73. Sweden welcomed measures to protect women and children, but noted reports of continued violence against women and girls. It noted that since becoming a democracy South Africa had promoted freedom expression and access to information. However it also

noted that the Protection of State Information Bill might lead to restrictions on media freedom. Sweden made recommendations.

74. Switzerland remained concerned about discrimination against women, particularly in rural areas. It recognized that South Africa has mechanisms to ensure the independence of the judiciary. It made recommendations.

75. Thailand noted with appreciation South Africa's promotion of socio-economic development under the National Development Plan and the New Growth Path. It also welcomed the implementation of recommendations made during the first UPR in HIV/AIDS prevention and provision of care. Thailand made recommendations.

76. Timor-Leste highlighted the cluster system adopted by South Africa to ensure coherence of action among government institutions. It noted with sympathy the challenges faced and appreciated attention given to both primary and higher education. It noted reports of high levels of gender based violence. It made recommendations.

77. Togo highlighted the launching in 2010 of a national commission on planning and the publication in 2011 of a national development plan. It also appreciated the adoption in 2010 of an awareness campaign on HIV/AIDS. It made recommendations.

78. Ukraine enquired about measures to improve access to health care and treatment, especially for women suffering from HIV. It praised South Africa for ensuring access to water and hoped that this experience would serve as an example. Ukraine made a recommendation.

79. The United Kingdom of Great Britain and Northern Ireland was concerned by continuing violent crimes against women and LGBT people in South Africa. It welcomed the fact that the Constitution upheld freedom of expression and asked how the Government will ensure that the proposed legislation will not restrict this right. It made recommendations.

80. The United States of America commended South Africa for its position in the prevention of discrimination including based on sexual orientation, but was concerned about reports of violence and prejudice against LGBT communities. It recognized efforts to combat human trafficking, but raised concern about the Protection of State Information Bill. It made recommendations.

81. Uruguay recognized major normative advances in combating xenophobia, hate incitation and ethnic-based origin violence. It noted the persistence of patriarchal attitudes regarding women. It made recommendations.

82. Uzbekistan highlighted positive results in primary education and social security, including a national system of medical insurance and pensions. Uzbekistan enquired about efforts to develop infrastructure and alleviate poverty and high levels of unemployment. Uzbekistan made a recommendation.

83. Venezuela (Bolivarian Republic of) highlighted social assistance programmes which benefit more than 15 million people and contribute to the achievement of MDG1. It noted South Africa's international role in the implementation of the Durban Declaration and Programme of Action. It made recommendations.

84. Viet Nam acknowledged challenges which South Africa faced as a multi-ethnic and multi-culture society and commended its remarkable achievements on education, health care, economic growth and job creation. It made recommendations.

85. Zimbabwe commended administrative, legislative and judicial measures to advance human rights in South Africa, as well as strides made in the socio-economic, civil and

political spheres. It noted remaining challenges in the sphere of education, health, employment and social cohesion. It made recommendations.

86. Algeria welcomed efforts to promote and protect human rights without discrimination, to achieve development and social cohesion. It welcomed the Medium Term Strategic Framework 2009-2014 towards achievement of the MDGs. Algeria asked for more information on measures to attain food security. It made a recommendation.

87. Angola commended the Medium Term Strategic Framework 2009-2014 as well as several draft bills on prevention of torture, social security, cyber criminality and human trafficking. It also welcomed the strengthening of the normative framework for the protection of human rights. It made a recommendation.

88. Argentina welcomed the creation of the Department for Women, Children and People with Disabilities. It welcomed the signature of the OP CAT and encouraged South Africa to ratify it. Argentina made recommendations.

89. Australia deplored the continued high levels of sexual and gender-based violence. It raised concern over ongoing incidents of xenophobic violence. Australia was encouraged by South Africa's decision to host the "Global African Diaspora Summit". It welcomed South Africa's efforts to address HIV/AIDS. It made recommendations.

90. Austria commended South Africa for progress in the area of economic and social rights as well as in reaching the MDGs. It expressed concern about reports of persistent discrimination against women and high levels of sexual and gender-based violence. Austria made recommendations.

91. Bangladesh commended South Africa for programmes and policies like the national housing programme and the social grants programme, broadening access to basic education and the establishment of the National Planning Commission. It stressed that despite impressive progress made there remained challenges due to social divisions and economic inequality.

92. Belgium commended South Africa's positive role in the promotion of human rights notably in combating discrimination. It highlighted progressive legislation regarding LGBT but noted very serious incidents of violence, including sexual violence. It expressed concern over the fate of migrant workers and asylum seekers. It made recommendations.

93. Botswana noted with satisfaction progress made in development, social cohesion and national reconciliation as well as in addressing human rights issues. It praised the formulation and implementation of the Medium Strategic Framework and noted initiatives in the areas of gender, child protection, and disabilities.

94. Brazil praised the Government for combating poverty and social inequalities as well as establishing a new Department on Women, Children and People with Disabilities. It noted the Comprehensive HIV and Aids Treatment. It commended its ratification of the Optional Protocol to the CRC on children in armed conflict. It made recommendations.

95. Burkina Faso noted with satisfaction that the national report describes action taken to implement the recommendations received during the first UPR cycle. It noted that several international instruments had not yet been ratified. It made recommendations.

96. Canada noted reports that some police officers accepted bribes from rape perpetrators; low rates in investigating and successfully prosecuting sexual violence including incidents allegedly perpetrated by South African peacekeepers; as well as the inadequacy of support for victims. It inquired about measures undertaken or planned in response to these concerns. It made recommendations.

97. Cape Verde noted South Africa's significant achievements in the social sphere with respect to health, in particular in combating AIDS, and efforts to ensure education and social services despite the persistent difficulties. It made recommendations.

98. Chad noted with satisfaction the broad consultation with national institutions in the preparation of the report. It noted South Africa's dynamic policy towards the youth through the National Agency for Youth Development to promote social freedom and economic emancipation. It made recommendations.

99. Chile recognized efforts undertaken to consolidate human rights in the legal and institutional framework, as part of the on-going process of reforms. Chile highlighted particularly, progress made in the area of social security and right to food and the creation of an inter-ministerial committee on xenophobia. Chile made recommendations.

100. China commended endeavours to safeguard the rights of women, children persons with disabilities, indigenous peoples and veterans. It highlighted achievements in education and the promotion and initiation of a national insurance scheme. It noted efforts to eradicate xenophobia and promote social harmony. It made a recommendation.

101. Congo commended South Africa for measures such as the implementation of a National Health Insurance, the National Language Bill and the harmonization of the age for pension rights for men and women. It welcomed the Action Plan 2014 on education.

102. Costa Rica praised South Africa for promoting a legal framework which incorporates the highest international standards on torture and hoped that legislation will be approved promptly. It hoped for a swift finalization and implementation of a national plan to combat racism, racial discrimination, xenophobia and related intolerance. It made recommendations.

103. Côte d'Ivoire congratulated South Africa on its political courage, highlighting the many challenges it faced in building a multiracial and harmonious society. It recalled the international community's duty show solidarity to South Africa. It made a recommendation.

104. Cuba underscored the progress made in combating HIV/AIDS, in accordance with recommendations made during the first UPR cycle. It noted the creation of the National Commission of Planning in 2010 for development and growth to result in the decrease of inequalities. Cuba made a recommendation.

105. Czech Republic acknowledged progress in the enhancement of the role of women but noted the high rate of gender-based violence. It regretted that South Africa had not adopted legislative measures to prevent, prosecute and punish acts of torture and other ill treatment since 2008. It expressed concern about attempts to limit freedom of expression. It made recommendations.

106. Denmark was concerned at reports of violent attacks against women because of their sexual orientation. It inquired about measures taken to ensure that victims of gender based violence have effective access to justice and social support services. It welcomed the Prevention and Combating of Torture Bill and requested information on the timeline for the enactment of the bill by Parliament. It made recommendations.

107. Djibouti expressed its appreciation for the promotion and protection of human rights and initiatives taken to ensure and guarantee promotion of women's rights in spite of challenges. Djibouti made recommendations.

108. Ecuador praised South Africa's efforts to combat discrimination and racism. It highlighted South Africa's achievements, among which, the National Health Security, the universal primary education and the South African national languages draft bill. Ecuador made recommendations.

109. Egypt welcomed programmes which have a positive impact on quality of life. Egypt noted the challenges specifically related to xenophobia and social cohesion and was interested in knowing of lessons learnt in this regard. Egypt made a recommendation.

110. Finland welcomed South Africa's progressive approach to sexual orientation and gender identity. It expressed its concerns over cases of violence, including reported hate crimes against LGBT individuals. It inquired about measures taken to prevent such crimes. Finland made a recommendation.

111. France noted that South Africa is not yet party to OP CAT or ICESCR. It regretted that LGBT persons continue to be targets of serious physical or psychological violence. It inquired about the conformity of provisions of the draft bill on transferring judicial powers to traditional chiefs with the principles enshrined in the Constitution. It made recommendations.

112. Germany observed that UNICEF noted in 2011 that one in three children experienced hunger or was at risk. It referred to reports of attacks against non-nationals, where perpetrators relied on impunity and the difficult living conditions of migrants. Germany made recommendations.

113. Ghana congratulated the Government on achievements inter alia in the areas of health and education, land reform, social security and job creation. It welcomed the establishment of the Department of Women, Children and People with Disabilities, and the Departments for Basic Education and Higher Education and Training. It urged the government to implement the Action Plan adopted towards the Realisation of Schooling 2025.

114. Hungary welcomed governmental structural changes to better achieve the goals of its Medium-Term Strategic Framework and requested more information on the main challenges on its implementation. It noted the draft bill on the prohibition and criminalization of torture. Hungary made recommendations.

115. South Africa then provided responses to questions presented in advance and during the inter-active dialogue.

116. Regarding legislation on the crime of torture, Cabinet has recently approved a Draft Bill criminalizing torture in South Africa, consistent with the provisions of the CAT. The Bill is being processed through Parliament.

117. On the Protection of State Information Bill (POSIB), it was clarified that the POSIB is not a media bill. The primary purpose is not to regulate or interfere in any way with the media or access to information, but seeks to amend current statutes not consistent with our Constitution. Government has been very open and has engaged with the media and with civil society. The draft Bill is currently before Parliament.

118. Government is committed to combat any discrimination or violence against persons on the basis of sexual orientation and has pronounced itself accordingly. The Minister of Justice and Constitutional Development has established a Task Team to develop a national intervention strategy on these crimes through, among others, research, and policy development. Government has adopted measures that focus among others, on the prevention, combating and punishment of sexual violence against women and children. These include support to the victims through the establishment of victim friendly facilities. Additionally Government is considering re-establishing sexual offences courts.

119. With regards to questions raised on fighting crime in rural areas, it was reiterated that crime had decreased in the fiscal year 2010–2011. The decrease in contact crimes, which include serious offences such as murder, rape and assault, has been of 6.9 %. Furthermore, in 2010 the Rural Safety Strategy was launched which involves the various concerned

actors in addressing contact crimes, such as farm killings and others. Regarding allegations that some police officials had accepted bribes from rape suspects, South Africa responded that the government takes such allegations very seriously and, when these are reported, criminal and administrative proceedings are immediately instituted. The community is also continuously encouraged to report such action.

120. South Africa indicated that government is developing a comprehensive Immigration Policy by reviewing its existing legislation, systems and processes. Research has been undertaken to identify best international practices and adapt them to the South African situation. A draft policy document has been developed and in June 2012. The department will undertake a programme of consultation and advocacy with key stakeholders, which will culminate in an amendment of the Immigration and Refugee Acts by the end of March 2013. The policy will be in line with the South African Constitution which is founded on the principles of self-determination, non-discrimination and human rights. The policy will also take into consideration all the recommendations made by various United Nations human rights Treaty Monitoring Bodies and International Humanitarian Law Agencies. Government remains committed to the ratification of all outstanding international human rights and humanitarian law instruments. In terms of concerns raised about the application of the principle of non-refoulement, our current Refugee Act of 1999 incorporates this principle and it is complied with by the government.

121. On issues related to health, South Africa informed the Human Rights Council that a number of interventions had been introduced to decrease maternal and child mortality, which it was acknowledged is unacceptably high. Both maternal and child mortality are related to the generalized HIV epidemic that the country has faced since the early 90s. It was indicated, however, that some gains had been made in reducing these rates. South Africa referred to a recent WHO-UNAIDS and World Bank report which indicates that maternal mortality has been reduced by about 6% in the last five years. With respect to reducing HIV/AIDS, a five year national strategy is being implemented and an accelerated plan to prevent mother to child transmission is also under way. This plan has already resulted in a significant decrease in the transmission of HIV from mothers to children between 2008 and 2010. Information on treatment thresholds for HIV positive women and children, and initiatives to reduce maternal and child mortality was also provided.

122. With regards to questions on corporal punishment, South Africa clarified that the courts have outlawed corporal punishment as an infringement of the right to be free from inhuman treatment or punishment. Additionally, subsequently legislation was adopted in this regard including the Africans' Schools Act of 1996 prohibits corporal punishment in a school setting and the 1997 Abolishment of Corporal Punishment Act, which is a law of general application. South Africa explained that the issue of complaints on compliance with treaty obligations has been taken to a higher level. A Committee of relevant government departments has been set up, which will address the follow up to the UPR and other reports. This Committee will be working together with the South African Human Rights Commission. Additionally a work plan is being developed to address not only reporting to human rights bodies and mechanisms but also ratification of human rights instruments. This initiative has the support of various key authorities.

123. On poverty eradication, the delegation indicated that social assistance constitutes the Government's biggest poverty alleviation measures, which provides social assistance of income support to in excess of 15 million persons at a cost of 3.5% of South Africa's Gross Domestic Product. It was acknowledged that this income support alone would not suffice to change the fortunes of the people unless it is complimented by other initiatives. The anti-poverty strategy incorporates education, one of the strong pillars of the country's anti-poverty initiative. South Africa believes that through education it will be able to improve the future possibilities of its people participating actively in the labour market, making it

possible for them to earn their own income to provide for their own livelihood and interrupting the cycle of poverty from one generation to the next. These are supported by initiatives to provide health care services to vulnerable groups. Poverty eradication is treated very seriously by the Government and efforts to expand the social safety net to cover as many persons as possible are continuous. It was reiterated that access to social assistance programmes has been extended to permanent residents as well as persons who have been granted refugee status. As a result no one in the country now suffers lack of access to food.

124. South Africa indicated it had noted a number of requests for information that it had been unable to respond to because of lack of time and would provide this information at a later date. It thanked the delegations for their participation, their questions and the constructive recommendations that had been made.

II. Conclusions and/or recommendations

125. **The following recommendations will be examined by country South Africa which will provide responses in due time, but no later than the 21st session of the Human Rights Council in September 2012. The response of South Africa to these recommendations will be included in the outcome report adopted by the Human Rights Council at its 21st session in September 2012:**

- 125.1. **Complete its accession to the core human rights instruments that are still not yet ratified (Iraq);**
- 125.2. **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);**
- 125.3. **Finalise the ratification process of the ICESCR (Hungary);**
- 125.4. **Consider ratifying the ICESCR (Brazil);**
- 125.5. **Ratify ICESCR (Chad);**
- 125.6. **To consider ratifying the ICESCR and its Optional Protocols (Palestine);**
- 125.7. **Ratify the ICESCR and its Optional Protocol (Slovenia);**
- 125.8. **Ratify ICESCR and sign its Optional Protocol allowing the right of individual petition (Portugal);**
- 125.9. **Accede to the OP-CAT and the ICESCR (France);**
- 125.10. **Ratify ICESCR and the International Convention for the Protection of All Persons Against Enforced Disappearance (CED) (Spain);**
- 125.11. **Continue intensifying its efforts to ratify the CED (Argentina);**
- 125.12. **Ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Nicaragua);**
- 125.13. **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);**
- 125.14. **Ratify ILO 189 on decent work for domestic workers (Chad);**

- 125.15. **Ratify the OP-CAT (Togo, Nicaragua, Hungary);**
- 125.16. **Deposit at the earliest possible date its instrument of ratification to OP-CAT (Denmark);**
- 125.17. **Consider an early ratification of the third OP to CRC (OPIC) on a communication procedure (Slovakia);**
- 125.18. **Accede to the Agreement on Privileges and Immunities of the ICC (Slovakia);**
- 125.19. **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);**
- 125.20. **Pay special attention in the adoption of laws and their implementation to change of negative social practices particularly with respect to; torture and ill treatment in detention, sexual violence and discrimination against women and the protection of children (Cape Verde);**
- 125.21. **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);**
- 125.22. **Consolidate economic initiatives aimed at empowering its people, especially those who were underprivileged under the Apartheid system (Zimbabwe);**
- 125.23. **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);**
- 125.24. **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);**
- 125.25. **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);**
- 125.26. **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);**
- 125.27. **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);**
- 125.28. **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);**
- 125.29. **Continue its efforts to build an inclusive, diverse and tolerant society (Pakistan);**

- 125.30. 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);
- 125.31. Continue strengthening its programmes aimed at the achievement of social cohesion and tolerance (Venezuela (Bolivarian Republic of));
- 125.32. 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);
- 125.33. 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);
- 125.34. Continue its policy to combat racism and all forms of discrimination and racial intolerance and continue implementing affirmative actions for vulnerable groups (Ecuador);
- 125.35. Pursue its efforts in combating racism, in particular to guarantee an effective follow up to the outcome of the Durban Conference (Morocco);
- 125.36. To pursue their efforts in taking the necessary measures to reduce and prevent racial discrimination (Palestine);
- 125.37. Speed up the process to develop its National Action Plan against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Namibia);
- 125.38. Reinforce its efforts to prevent and combat racism, racial discrimination, xenophobia and other related intolerance in particular against foreigners (Iran (Islamic Republic of));
- 125.39. Continue multiplying measures that guarantee the full protection of the human rights of foreigners in South Africa (Paraguay);
- 125.40. Continue combating acts of xenophobia against migrants, refugees and asylum-seekers (Djibouti);
- 125.41. Continue its best efforts to combat xenophobia and prevent any violence against foreigners (Thailand);
- 125.42. Strengthen measures to combat the phenomena of xenophobia (Iraq);
- 125.43. Take all necessary steps to address the evil of xenophobia through legislation and greater public awareness programmes (Ireland);
- 125.44. Reinforce measures to combat and prevent xenophobia and related violence (Republic of Korea);
- 125.45. To continue the discouragement of any manifestation of xenophobia (Mozambique);
- 125.46. 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);
- 125.47. Implement a national strategy which includes the review and the drafting of laws, and campaigns to raise awareness about discrimination at all levels of society, including traditional leaders, aimed at modifying or eliminating, in accordance with the Convention on the Elimination of All Forms

of Discrimination against Women (CEDAW), harmful stereotypes and practices which discriminate women (Uruguay);

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

125.49. 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);

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

125.51. 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);

125.52. 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);

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

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

125.55. 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);

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

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

125.58. 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);

125.59. 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);

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

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

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

- 125.63. Take increased measures to protect and provide redress to women subjected to gender-based violence (Czech Republic);
- 125.64. Take concrete measures to improve the protection of women against gender-based violence and to ensure that perpetrators are held accountable (Norway);
- 125.65. 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);
- 125.66. Considers the adoption of a specific law for domestic violence, containing both criminal and civil provisions (Brazil);
- 125.67. 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);
- 125.68. Strengthen the training of the police, prosecutors and the judiciary in the area of gender based violence (Norway);
- 125.69. 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);
- 125.70. 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);
- 125.71. 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);
- 125.72. Establish mechanisms that will offer the victims of rape appropriate and adequate support and provide them with redress (Slovenia);
- 125.73. Step up efforts against sexual violence and improve social support services to victims (Italy);
- 125.74. Rigorously apply the legislation against gender violence and sexual violence, especially against girls and boys (Spain);
- 125.75. 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);
- 125.76. 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);
- 125.77. Implement training programs for the security forces so that crimes motivated by race nationality, religion ethnicity, sexual orientation or identity, are adequately investigated (Uruguay);
- 125.78. Continue its efforts in the fight against violence and discrimination based on sexual orientation and gender identity (Argentina);

- 125.79. 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);
- 125.80. 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);
- 125.81. 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);
- 125.82. 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);
- 125.83. 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);
- 125.84. Publicly denounce crimes committed against LGBTs and to conduct thorough investigations into and prosecutions of these attacks (Austria);
- 125.85. 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);
- 125.86. 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);
- 125.87. 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);
- 125.88. Prohibit and punish corporal punishment both in the home, as well as in public institutions such as schools and prisons (Mexico);
- 125.89. Enact the Prevention and Combating of Trafficking in Persons Bill as soon as possible (Namibia);
- 125.90. 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);
- 125.91. 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);
- 125.92. 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);
- 125.93. 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);

- 125.94. Establish human rights education and training programmes for police and law enforcement officers (Costa Rica);
- 125.95. 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);
- 125.96. 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);
- 125.97. Further strengthen freedom of expression and access to public domain information, particularly at the community level and with government departments (Poland);
- 125.98. Ensure compliance of domestic laws with the right to access to information and freedom of expression (Austria);
- 125.99. Ensure that the Protection of State Information Bill, when adopted, fully complies with international human rights law (Norway);
- 125.100. 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);
- 125.101. 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);
- 125.102. 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);
- 125.103. Amend the draft bill on the Protection of State Information so that freedom of press is not curtailed in a disproportionate manner (Switzerland);
- 125.104. Consider suspending the enactment of the Protection of State Information Bill, approved last November (Portugal);
- 125.105. 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);
- 125.106. Engage civil society, activists, NGOs and media to seek common ground on the Protection of State Information Bill (United States of America);
- 125.107. Safeguard the freedom of the press, through the abrogation of the Protection of Information Bill (Germany);
- 125.108. Develop further decent work/labour through the comprehensive economic growth (Palestine);
- 125.109. 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));

- 125.110. Continue its efforts to combat corruption, social and economic inequalities (Togo);
- 125.111. Strengthen its development policies in rural areas, with special emphasis on the access of children and persons with disabilities to services (Chile);
- 125.112. Create a favourable environment for the effective enjoyment of the rights of persons with disabilities (Djibouti);
- 125.113. Take effective measures to combat poverty (Iraq);
- 125.114. Maintain and intensify the efforts towards the elimination of poverty and social inequality (Lesotho);
- 125.115. Continue efforts in the fight against social inequality and poverty (Senegal);
- 125.116. 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);
- 125.117. Continue consolidating essential social programmes in the fight against poverty and social exclusion (Venezuela (Bolivarian Republic of));
- 125.118. 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);
- 125.119. 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);
- 125.120. Consolidate its efforts towards improving all aspects of education and health in accordance with its National Action Plan (Zimbabwe);
- 125.121. Take additional measures to guarantee access for all citizens to safe drinking water and sanitation (Togo);
- 125.122. Pursue the establishment of national health insurance system which will contribute to improving the quality of primary basic health care for all (Angola);
- 125.123. Take tangible measures to ensure that women have access to all public services, in particular to public health services (Switzerland);
- 125.124. Consolidate its strategies and programmes to reduce the phenomenon of maternal and child mortality (Algeria);
- 125.125. Continue its efforts to accelerate the achievement of the MDGs targets, particularly those health related MDGs (Indonesia);
- 125.126. 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);
- 125.127. Strengthen its efforts in HIV/Aids prevention and treatment and reduce child and maternal mortality rates (China);
- 125.128. 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);

125.129. 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);

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

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

125.132. 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));

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

125.134. 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);

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

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

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

125.138. 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);

125.139. 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);

125.140. Promote rights to education and health in disadvantaged and underprivileged areas (Senegal);

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

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

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

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

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

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

125.147. 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);

125.148. 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);

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

125.150. 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);

125.151. 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).

126. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of South Africa was headed by the Honourable Mr. Andries Nel, Deputy Minister of Justice and Constitutional Development and composed of the following members:

- H.E. Mr. Abdul S. Minty, Ambassador, Permanent Representative South African Permanent Mission Geneva;
- Mr. Vusumuzi Madonsela, Director General, Department of Social Development, **Pretoria**;
- Prof. Muzamani Charles Nwaila, Director General, Department of Traditional Affairs, **Pretoria**;
- Mr Jackson Wesley McKay, Deputy Director General, Department of Home Affairs, **Pretoria**;
- Dr. Yogan Pillay, Deputy Director General, Department of Health, **Pretoria**;
- Lieutenant General AL Mofomme, Deputy National Commissioner, South African Police Service, **Pretoria**;
- Mr. Luvuyo L. Ndimeni, Deputy Permanent Representative, South African Permanent Mission, **Geneva**;
- Mr. Pitso Montwedi, Chief Director: Human Rights and Humanitarian Affairs, Department of International Relations and Cooperation, **Pretoria**;
- Mr. John Makhubele, Chief Director: International Legal Relations, Department of Justice and Constitutional Development, **Pretoria**;
- Ms. Ooshara Sewpaul, Chief Director: Constitutional Development, Department of Justice and Constitutional Development, **Pretoria**;
- Major General Susan Pienaar, Head of Crime Prevention, South African Police Service, **Pretoria**;
- Dr Lindiwe Makubalo, Minister:Health, South African Permanent Mission, **Geneva**;
- Ms. Kgomotso D. Rahlaga, Counsellor: Political, South African Permanent Mission, **Geneva**;
- Mr. Tsela Joseph Kgoelenya, Counsellor:Legal, South African Permanent Mission, **Geneva**;
- Ms. Tilana Grobbelaar, Counsellor: Multilateral, South African Permanent Mission, **Geneva**;
- Ms. Kefilwe Lydia Motsumi, Counsellor: Legal, South African Permanent Mission, **Geneva**;
- Mr. Tanana Mpanyane, First Secretary: Political, South African Permanent Mission, **Geneva**;
- Mr. Sedwyn F. Anthony, First Secretary: Political, South African Permanent Mission, **Geneva**;

- Ms. Yatasha Naidoo, Assistant Director: Economic, Social and Cultural Rights, Department of International Relations and Cooperation, **Pretoria**.
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