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**Item 6 – Adoption of the outcome of the UPR of South Africa
21 September 2012**

Human Rights Watch welcomes the UPR report on South Africa, which includes important recommendations concerning South Africa’s full compliance with international human rights law, the progressive realization of economic and social rights, protecting freedom of expression, and upholding women’s rights and the rights of vulnerable groups.

We commend South Africa’s progress in providing greater access for vulnerable communities, who have historically experienced exclusion, to services in areas such as education, housing, health and social security, and welcome that it accepted many important recommendations in this respect. However, Human Rights Watch is concerned that greater access has not necessarily been matched by progressive improvement in the quality of such services. For example, despite the significant expenditure on education as a proportion of the GDP, South Africa’s education system was ranked 133rd out of 142 countries in the world by the World Economic Forum. We therefore urge the government to review its current policy towards improving learning in the country. We are also concerned about the non-delivery of textbooks to students in the Limpopo for the first seven months of the 2012 school year which has resulted in those students not being able to effectively enjoy the right to education.

Human Rights Watch commends the government in respect of the amendments to the Protection of State Information Bill, but regrets it could not accept recommendations in this regard. We are still concerned that such changes have not gone far enough to ensuring the protection of freedom of expression. Clause 1 (4) of the Bill provides that the Bill is supreme to any other law that deals with classified information and therefore when in conflict with provisions such as provisions in the Promotion of Access to Information Act (PAIA), would be given precedence. This would have a regressive impact on the right to freedom of expression. Human Rights Watch urges the government to carefully reconsider the regressive impact the Bill will have on sections of the PAIA, and amend it accordingly.

Gender based violence and discrimination on the grounds of sexual orientation have reached crisis proportions in South Africa and we commend the engagements taken by South Africa during the UPR to address this concern. Although Human Rights Watch welcomes the efforts by the government for the further empowerment of women and the establishment of National Task Team to advise on measures for the protection of LGBTI persons, the draft Traditional Courts Bill in its current form is contrary to the commitment to create a society based on equality and we deeply regret that South Africa could not accept the recommendation made by Norway in this regard. The draft Bill restricts access to justice by denying those living under the traditional authority the right to opt out of such a justice system and go straight to conventional courts of law. The effect of the Bill, if passed, will further entrench gender inequalities in a certain South African communities. Human Rights Watch urges the government to review this Bill so that it is in accordance with its international and national human rights obligations.