

ADVANCE QUESTIONS TO SOUTH AFRICA

CANADA

- **Violence against Women:**
We would be grateful if you could indicate what specific steps the government and South African Police Services are taking or intend to take to improve the latter's handling of cases of sexual and domestic violence.
- We are pleased to see that certain sections of the long-awaited *Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007* came into operation this past December. However, we note that many of the measures initially proposed by the South African Law Reform Commission (SALRC) in the draft legislation with a view to supporting and protecting complainants in court and to providing comprehensive state-funded post-sexual assault medical care and treatment services have been removed.
- Given that the Act's stated objective is "to afford complainants of sexual offences the maximum and least traumatizing protection that the law can provide", we would be grateful if you could explain why the SALRC's recommendations were not followed on these important points.
- **HIV/AIDS:**
We would be grateful if you could indicate what South Africa is doing to address inequities in access to HIV/AIDS treatment and support, particularly as they concern the rural South African.
- **Criminal Justice System:**
Given the widespread perception that political agendas are compromising the integrity of the South African criminal justice process, and the need for justice to be done as well as be seen to be done, we would be grateful if you would indicate whether the government of South Africa intends to take any steps to address these concerns.
- **Freedom of Expression:**
We consider post-Apartheid South Africa to have a relatively free, independent and dynamic media that is willing and able to hold the government and any other institution or individual to account in the face of evidence of corruption, illegality or a failure to discharge responsibilities. However, a number of developments and controversies over the past year or so have raised some concerns that the level of press and media freedom in South Africa may be declining. These notably include the rash of controversies surrounding the government's Film and Publications Amendment Bill, the appointment of public broadcaster SABC's new board and the ANC's Polokwane Conference resolution regarding the establishment of a Media Appeals Tribunal. Controversies have also arisen concerning the reported bid by an investment consortium involving several of President Mbeki's closest allies to purchase Johncom, the company which owns or enjoys a controlling stake in a number of South Africa's most influential papers, including The Sunday Times, one of the papers most critical of the current administration. This same paper saw members of its editorial staff arrested last year.

- All of these issues raise the specter of state interference with that freedom of expression currently enjoyed by the South African media and we would be grateful if you could indicate whether such concerns are justified and what steps, if any, the government intends to take in the near future to protect and promote the freedom of expression, notably as it concerns the freedom of the press and other media, that it is constitutionally obligated to respect.

DENMARK

- What measures does the government of South Africa intend to take in order to ensure that the reported use of torture is abolished?

FINLAND

- We acknowledge that the Government of South Africa has made commitments to protect children from violence, including by prohibiting the use of corporal punishment in schools, in the penal system and in alternative care settings¹.
- With regard to the United Nations study on violence against children², which states that "no violence against children is justifiable; all violence against children is preventable", we would appreciate to receive further information on legislative, administrative and other measures taken to implement the Study's overarching and setting-specific recommendations in South Africa. In particular, we would greatly appreciate if the Government of South Africa could share with us good practices to prevent and respond to violence against children³.

GERMANY

- Which measures are envisaged by the GoSA to improve equal access to health care and treatment for women suffering from HIV?
- Regarding the alarmingly high crime rates, which measures are intended to be taken by the GoSA to improve the security of its citizens and to enhance the protection of particularly vulnerable groups such as women and children?
- South Africa's constitution is considered one of the most progressive with regard to access to safe drinking water given the fact that the right to access to safe drinking water is explicitly mentioned. Contrary to many other states, South Africa was able to substantially increase the number of people with access to water. How could South Africa's example serve as an example of "best practices" and what are the advantages of a human rights based approach to the water issue?

¹ The summary prepared by OHCHR in accordance with paragraph 15 (c) of resolution 5/1 of the Human Rights Council (A/HRC/WG.6/1/ZAF/2, paragraph 17).

² Report of the independent expert for the United Nations study on violence against children (A/61/299).

³ Report (which provides information on the dissemination of the United Nations study on violence against children and on progress made in the initial phase of follow-up to the study) of the independent expert for the United Nations study on violence against children (A/62/209, see footnotes 21, 25, 39 and 47).

IRELAND

- What measures have been taken to promote the role of human rights defenders, through education and inclusion in decision-making, in particular amongst national authorities, law enforcement officials and security officers?
- What measures have been put in place to support the work of human rights defenders?

PORTUGAL

- South Africa is an important player in the development of human rights law, namely regarding economic, social and cultural rights. The Government of South Africa, however, has not yet ratified ICESCR. Does the GoSA have a timetable for ratification? Would it be possible to have some information on the difficulties South Africa is facing in the ratification process?

SWEDEN

- In its general comment no. 8 (2006), the Committee on the Rights of the Child recommended all states to prohibit all forms of corporal punishment against children, stating the punishment “directly conflicts with the equal and inalienable rights of children to respect for their human dignity and physical integrity,” in contravention of the Convention on the Rights of the Child. South Africa has prohibited the use of corporal punishment in schools and other public institutions, while such punishment continues to be lawful in the context of the family. What measures is the government of South Africa taking to ensure the sufficient legal protection of the freedom of children from physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation in accordance with the said Convention?
- South African legislation, such as the Domestic Violence Act and the recent Criminal Law (Sexual Offences and Related Matters) Amendment Act, provides protection for women against violence. The government has also instituted a number of measures to further the handling by police and judicial bodies of criminal offenses, as well as initiatives such as the 16 Days of Activism on Violence against Women and Children. As the same time, rape, assault and other violence against women, including girls, continues to be widespread. Civil society organisations report that police authorities often refrain from acting on complaints of violence against women. Could the government of South Africa elaborate on what further measures it is considering and taking to eliminate violence against women?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please inform us on the participation of civil society in South Africa in your preparation for this review?
- We would be grateful if you could tell us when South Africa plans to ratify OPCAT?
- Could you please provide information about the status of your national human rights institution and whether it operates in compliance with the Paris Principles?
