

Submission by the United Nations Country Team South Africa



For the UN Compilation Report

Universal Periodic Review: 4th Cycle

REPUBLIC OF SOUTH AFRICA

1. Introduction

1. South Africa's democratic dispensation is anchored in the 1996 Constitution. The constitution includes a Bill of Rights, which affirms the democratic values of human dignity, equality, and freedom. While the Government of South Africa's actions have contributed to commendable social development changes, the country continues to confront critical challenges such as high unemployment, poor service delivery and inequalities between rich and poor, men and women, rural and urban, youth and adults. South Africa is classified as an upper middle-income country; however, poverty is still widespread.
2. The Government of South Africa and the United Nations in South Africa have finalized the United Nations Sustainable Development Cooperation Framework (UNSDCF) for the years 2020- 2025. The UNSDCF responds to national priorities outlined in the National Development Plan (NDP) 2030, Medium-Term Strategic Framework (MTSF) 2019-2024 and the 2030 Agenda & Sustainable Development Goals (SDGs).

II. Methodology

3. This report is a joint submission of the United Nations Country Team (UNCT) South Africa whereby various UN entities contributed with inputs on thematic issues relevant to their respective mandates. This included an assessment of South Africa's implementation of recommendations from the previous Universal Periodic Reviews (UPRs). The process to facilitate the preparation of the report was coordinated under the auspices of the UNSDCF Results Group 3 on Governance with the support of the Office of the UN Resident Coordinator.

III. Thematic areas: Observations and recommendations

Acceptance of international norms and cooperation with international human rights mechanismsⁱ

4. South Africa is a State party to seven of the nine core human rights treaties. In 2019, South Africa acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). A National Preventive Mechanism (NPM) was also established and the responsibility of leading the NPM has been assigned to the South African Human Rights Commission (SAHRC).
5. South Africa is yet to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the International Convention for the Protection of all Persons from Enforced Disappearance (CED). South Africa is yet to also accede to the Optional Protocol on the Convention of the Rights of the Child and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on communication procedure respectively. In addition, South Africa has not yet acceded to the 1954 Convention relating to the status of stateless persons, nor the 1961 Convention on the Reduction of Statelessness.
6. South Africa has made significant progress in fulfilling its reporting obligations to treaty monitoring bodies although there is still much to be achieved towards implementation of recommendations from all human rights mechanisms. The country successfully went through the third cycle of the Universal Periodic Review (UPR) and is currently working on a State report for the 4th cycle UPR.
7. Although South Africa has extended a standing invitation to Special Procedure mandate holders, there are currently more than twenty pending visit requests and reminders. From 2015 to date, two Special procedure Mandate holders have undertaken visits to South Africa, namely the Special Rapporteur on violence against women, its causes, and consequences in 2015 and the Independent Expert on the enjoyment of human rights by persons with albinism in 2019.

8. In terms of institutional arrangements to foster engagement with human rights mechanisms, there is a high-level Inter-Departmental Committee on Compliance (IDC) with reporting obligations. The IDC operates without permanent nominated membership or focal points from Government ministries/departments and without a designated secretariat to coordinate its overall work. As a result of these institutional and operational gaps, the Government of South Africa is considering establishing a national mechanism for reporting and follow-up (NMRF) in line with OHCHR Practical Guide on NMRF.

Recommendations

- Consider ratifying pending international human rights instruments including optional protocols.
- Consider taking necessary steps to establish an effective NMRF responsible for coordinating the process of State party reporting to human rights mechanisms and implementation of recommendations including the use of the national recommendations tracking database.

Non-Discrimination and Equality

Addressing and Preventing Xenophobia, Racial Discrimination, and Intoleranceⁱⁱ

9. South Africa developed and adopted a National Action Plan (NAP) to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Plan commits all sectors of society to the promotion and protection of human rights, and to raising awareness of anti-racism, equality, and anti-discrimination issues. It is implemented through a Programme of Action (PoA) (2019-2024) that is closely aligned to South Africa's Medium-Term Strategic Framework (MTSF) and contains 19 objectives.
10. Since the adoption of the NAP, the Department of Justice and Constitutional Development (DoJ&CD) held a National Consultative Workshop to refine and validate the measures and commitments in the first five-year plan and develop a Programme of Action to guide the implementation of critical deliverables for inclusion in the strategic performance plans of the Government of South Africa. DoJ&CD also hosted a webinar on anti-xenophobia in March 2020 to enhance awareness that xenophobic violence in South Africa has continued to affect migrants, refugees and asylum-seekers and resulted in the loss of many lives and damage to property. Additionally, the DoJ&CD have conducted 21 anti-xenophobia campaigns between 2019-2021, focusing on protection of the rights of migrants, refugees, asylum-seekers, and stateless persons in different communities and on virtual platforms.
11. While there continues to be some progress in relation to the implementation of the NAP, there are concerns that this is concentrated in Gauteng and KwaZulu-Natal provinces. While South Africa continues to make some progress, the country still experiences sporadic episodes of xenophobic violence, including in September 2019. There were also elements of racism and racist attacks during the July 2021 civil unrest in KwaZulu-Natal and Gauteng. In the lead up to the local government elections in 2021, several newly formed political parties resorted to anti-immigrant messaging to drum up support at the polls. During this period, South Africa also saw the emergence of "Operation Dudula" as a major rallying point for anti-immigrant sentiment in the country. While sections of society, including several ministers, have spoken out against Dudula and its actions, it remains an influential actor in the Gauteng province with growing support.
12. The Prevention and Combating of Hate Crimes and Hate Speech Bill is currently before Parliament since it was tabled in 2018. In public comments received on the Bill, a broad range of stakeholders pointed to potential constitutional concerns with the Bill, for example the exception for homophobic speech in religious contexts.
13. There have been reported cases of attacks and extreme human rights violations against persons with albinism. In the past five years, civil society organizations representing persons with albinism have reported 11 cases of murder or attacks of persons with albinism in South

Africa. In April 2019, South Africa signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa but has not yet ratified. The Independent Expert on the enjoyment of rights by persons with albinism undertook a visit to South Africa in September 2019.

Recommendations:

- Take concrete steps to pass the Prevention and Combating of Hate Crimes and Hate Speech Bill into law.
- Take concrete measures to address and prevent xenophobia, racial discrimination, and intolerance through the implementation of the NAP and the five-year Implementation Plan.

Discrimination and violence against womenⁱⁱⁱ

14. South Africa's legislative, institutional and policy framework provides for an enabling environment to tackle discrimination and violence against women.
15. In 2014, the South African Law Reform Commission (SALRC) released a Discussion Paper on the practice of ukuthwala,^{iv} then revised and released again in 2015 to include public consultations and the proposed Prohibition of Forced Marriages and Child Marriages Bill. However, the South African legal framework has yet to adequately address forced and child marriages.
16. In 2018, following a Presidential Summit, an interim steering committee on GBVF was established. In 2020, this committee produced a National Strategic Plan on Gender Based Violence and Femicide (NSP) to respond to the -GBVF crisis. The NSP aims to provide a multi-sectoral, coherent strategic policy and programming framework to strengthen a coordinated national response, "to address the needs and challenges faced by all, especially women across age, sexual orientation, sexual and gender identities; and specific groups such as elderly women, women who live with disability, migrant women and trans women, affected and impacted by the gender-based violence scourge in South Africa".^v
17. South Africa still experiences very high levels of gender-based violence and Femicide (GBVF), which was also exacerbated by the COVID-19 pandemic. This has prompted the government to characterize GBV as a "second pandemic" and to declare an "Emergency Action Plan" with a fund of R1 billion to fight GBVF. Amid this serious national concern, the Government of South Africa continues to make efforts to address the scourge of GBVF.
18. On 4 February 2021, the President of South Africa launched a private sector-led, multi-sectoral GBVF Response Fund aimed at supporting the implementation of the NSP, and the wider GBVF response in South Africa
19. Police and health services have been identified as important entry points for victims and survivors of GBV with 56 GBV one-stop centres, called Thuthuzela Care Centres (TCCs). Usually located within hospitals, the TCCs offer an integrated multisectoral response for GBV victims, where psychosocial, health, justice and police services are provided in the same unit. TCCs are present across all the 9 provinces and are considered a good practice in terms of service integration, although these services are mostly located in urban centres and not always functioning on a 24-hour schedule.
20. On 18 March 2021, South Africa launched its National Action Plan on Women, Peace and Security (2020-2025). The NAP responds directly to the UN Security Council Resolution (UNSCR) 1325, encouraging Member States to take action to further women's political and civil society participation, the protection of women and girls and gender training on a national level. It provides a framework to achieve "greater peace and security for women" and enables representation and meaningful participation for women in peace processes. In addition, it prioritises their needs and experiences in all conflict and non-conflict contexts.

21. In June 2021, South Africa adopted the Recognition of Customary Marriages Amendment Act 1, amending the Recognition of Customary Marriages Act (Act No. 120 of 1998), to regulate the proprietary consequences of customary marriages entered into before the entry into force of the 1998 Act.
22. In 2021, South Africa adopted the National Policy on the Prevention and Management of Learner Pregnancy in Schools, to reduce the incidence of early pregnancies among students through the provision of quality comprehensive sexuality education.
23. On 25 January 2022, the President also signed into law the Criminal and Related Matters Amendment Act, 12 of 2021, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 13 of 2021, and the Domestic Violence Amendment Act, 14 of 2021. The enacted legislation is a deliverable from the NSP and aims to strengthen efforts to end GBV.

Recommendations:

- Continue prioritizing the rollout and close monitoring of the implementation of the National Strategic Plan on GBVF, including through improved coordination and referrals between sectors (police, justice, health, social services).
- Expand and improve the national information systems to regularly collect and disseminate data on all forms of GBV. Data should be disaggregated by sex, age, location, sexual orientation, disability, and other relevant socio-economic characteristics.

Structure of the National Human Rights Machinery

The National Human Rights Institution^{vi}

24. Following South Africa's ratification of the OPCAT in 2019, a NPM was established within the South African Human Rights Commission (SAHRC). The Government of South African has adopted a multi-body NPM, designating multiple institutions as NPM. The main challenge of multiple body NPMs is ensuring coherence (including of approach, working methods, objectives, methodology, and other factors) within a diverse group of institutions without a preventive mandate. Every institution in a multiple body NPM should comply with the requirements of the OPCAT. This means, each of the institutions comprising the NPM needs to be independent of the bodies they oversee. The NPM is currently facing some challenges towards drafting a legislative framework.

Recommendations

- Allocate adequate financial and human resources to the SAHRC to enable it to fulfil its mandate.
- Establish a NPM in line with the guidelines on national preventive mechanisms issued by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Rights of specific groups

Rights of children^{vii}

25. South Africa is committed to a child-focused social development agenda. The governing national policy framework such as the National Plan of Action for Children (NPAC) and the MTSF 2019 – 2024 commits to achieving inclusive sustainable development by building the country's human capital through the provision of services essential to realising children's critical rights.
26. Corporal punishment of children has been prohibited in detention and in alternative care settings under the Children's Act of 2005. In 2019, the South African Constitutional Court found the common law defence of 'reasonable chastisement' to be unconstitutional. This offers prohibition of all corporal punishment of children in the country, although corporal

punishment continues to be practised.

27. The lack of access to effective birth registration, and therefore birth certificates, for children born to one or more undocumented parents or in a case where one or more parent lacks valid immigration status, remains a matter of concern. The prolonged closure of the Refugee Reception Offices (RROs) has exacerbated this issue, as many undocumented asylum-seekers are unable to register the births of their children. Amid the fear of persecution that brought about their flight, these asylum-seekers are unable to avail themselves of civil registration services at the embassies of their country of origin. At present, this means that South Africa is not registering the births of all children born in its territory. This practice contravenes Articles 7(1) and 22(1) of the Convention on the Rights of the Child.

Recommendations

- Commit to universal birth registration, including the registration of births of all children born in South Africa.
- Take measures to issue to all children born in South Africa a Birth Certificate and that their data appears in the National Registry to ensure they have access to a legal document and identity with which they can access key social services.

Rights of persons with disabilities^{viii}

28. South Africa ratified the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol in 2007 and the country is still in the process of establishing an Independent Monitoring Mechanisms (IMM) under article 32(2) of the CRPD. South Africa's implementation of CRPD obligations is set out in the White Paper on the Rights of Persons with Disabilities (WPRDP) in December 2015. SA's obligation to adhere to the provisions of the CRPD has been reaffirmed by commitment of various government entities to work with the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD) to support and build the capacity of the disability machinery to realise the goals of the White Paper. The UN in South Africa continues to work in collaboration with the Government of South Africa to enhance the capacity of organisations of persons with disabilities (OPD) on monitoring implementation of the CRPD. This also includes the development of child wellbeing tracking tool for children with disabilities to monitor and evaluate service provision to children including developing a disability responsive budgeting framework.
29. However, there is still no comprehensive legal framework for the protection of human rights of people with disabilities. In September 2020, the Advisory Committee for Project 148 was approved by the Minister of Justice and Correctional Services. Project 148, led by the South African Law Reform Commission, seeks to domesticate the CRPD. The project is expected to guide the adoption, modification, abolishment, and development of disability rights laws in South Africa to bring them into alignment with the provisions of the CRPD.
30. Many barriers continue to prevent persons with disabilities from equal and effective enjoyment of all human rights and fundamental freedoms. Stigmatization and discrimination against persons with disabilities remains widespread in South Africa, especially against persons with psychosocial or intellectual disabilities and persons with albinism. Barriers in education mean that learners with disabilities, including girls, and those with intellectual disabilities or autism and those who are deaf or hard of hearing, remain largely outside the school system. These learners face barriers in accessing mainstream schools, such as discrimination in admissions to school, long distances, inadequate transportation, a lack of teachers trained in inclusive education, Sign Language, Easy Read, large print, Braille and text to speech, a lack of accessible curricula, and negative societal attitudes against the attendance of children with disabilities at regular and inclusive schools.
31. In 2018, the Department of Basic Education agreed to provide textbooks in Braille for learners with visual impairments following an out of court settlement with South African

National Council for the Blind (SANCB), the National Braille Authority and three school governing bodies. During the litigation, they argued that learners should not be discriminated against because of their disability, acknowledging they have the right to Braille material in any South African language. Civil society groups have continued to advocate for the provision of Braille learning materials in the country's 22 public schools for the visually impaired.

32. On 21 September 2021, Blind SA successfully challenged the Copyright Act for failing to allow people who are blind or visually impaired to convert published works, such as books, into accessible formats without the permission of the copyright holder. The High Court agreed and declared the Copyright Act to be unconstitutional to the extent that it limits persons who are blind or visually impaired from acquiring published works in accessible format.
33. The COVID-19 pandemic and the lockdown measures further hindered the equitable provision of a range of services to persons with disabilities. The glaring inequalities included lack of access to appropriate and accessible information, restricted movement which limited access to basic services such as health, education, justice, and increased incidences of violence.

Recommendations

- Ensure the meaningful participation of persons with disabilities in decision making processes.
- Take concrete measures to support the development of disability specific legislation in line with the White Paper on the Rights of Persons with Disabilities.

Rights of migrants and asylum seekers^{ix}

34. As the main country of destination for migrants in the sub-region, with an estimated migrant population of 2.9 million, South Africa faces challenges of integration and social cohesion of migrants. Since March 2020, with the onset of COVID-19, the Department of Home Affairs has discontinued its Refugee Reception Office (RRO) services. This has had a severe impact on refugees and asylum-seekers, who need to renew their identity documentation.
35. The continued closure of the RROs, not only risks creating a new backlog of new arrivals/asylum-seekers but also has critical knock-on effects on access to asylum procedures, regularization of stay, lack of documentation and access to crucial services such as education, health, and social welfare (SASSA) grants. South Africa's efforts to mitigate the adverse consequences of the RROs closure through the online renewal of permits is commendable but does not offer a solution for new arrivals, asylum-seekers, and refugees whose permits expired prior to the lockdown. To have a fair and efficient asylum system with integrity, all processes, including those related to documentation need to be operational.
36. While provisions of labour legislation afford protection of rights of all workers, undocumented migrants remain in effect outside the scope of the protection afforded by labour legislation, due to the lack of necessary documentation. The Government developed a White Paper on International Migration (2017), which is supposed to provide a policy framework that will guide the comprehensive review of the immigration and other related legislation and is in line with the international commitments the country made as a signatory to the Global Compact for Safe, Orderly and Regular Migration.
37. In January 2022, the Government published a directive that requires Zimbabwe Exemption Permit holders to apply for one or other visas provided in the Immigration Act that they may qualify for, and to do so before the 31 December 2022.^x
38. The Government of South Africa is currently developing a National Labour Migration Policy that will focus on four key areas; the perception by South Africans that undocumented migrants are distorting the labour market, the release of a critical skills list by the

Department of Higher Education and Training that could be used as a last resort to facilitate granting of work visas for foreign nationals, ensuring that protection of migrants align with international standards and guidelines and to implement these initiatives in the context of regional integration agreed at SADC and AU levels.

Recommendations:

- Address negative narratives directed at migrants and implement measures to sensitise the public on the rights of migrants, refugees, asylum-seekers, and their positive contributions to society in order to dispel negative images of migration.
- Take concrete steps to reopen Refugee Reception Offices and consider expanding the online permit extension platform to include asylum-seekers and refugees whose permits expired prior to the COVID-19 lockdown as well as to new asylum applicants.

Other Civil and political rights

Human rights in the administration of justice including condition of detention^{xi}

39. Since July 2019, the NPM unit in the SAHRC has conducted visits to places of deprivation of liberty. Several structural concerns were observed in some correctional centres. There appears to be a substantive difference between publicly run correctional facilities and those that are sub-contracted to private entities. This is evident through the state of the facilities and the availability and variety of rehabilitation programmes offered at correctional centres. The NPM in its 2000 annual report highlighted concerns in relation to allegations of torture, ill treatment including involuntary medical treatment of offenders, and overcrowded prolonged remand detention. In most centres, the NPM observed that there is a systemic failure to provide budgetary and other measures for the provision of adequate standards of accommodation, nutrition, hygiene, clothing, bedding, exercise, physical and mental health care, reading and other educational facilities and support services, in accordance with the Correctional Services Act, 1998 (Act No. 111 of 1998), Department of Correctional Services (DCS) regulations and international human rights law.^{xii}

Recommendation

- Take concrete measures to improve places of detention including allocation of adequate resources.

Prohibition of slavery and trafficking^{xiii}

In South Africa, there is the Prevention and Combating of Trafficking in Persons Act, 2013 (Act No.7 of 2013) hereinafter referred to as the Act. The Act is aimed at giving effect to South Africa's obligation to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Person, especially women and children. In addition, there are several pieces of legislations in South Africa aimed at addressing human trafficking^{xiv}. In 2019, the Government of South Africa put in place the Prevention and Combating of Trafficking in Persons National Policy Framework (NPF). The NPF is aimed at ensuring that all government departments and other stakeholders are collectively guided in the implementation of anti-trafficking responses and of their statutory responsibilities. In particular, the NPF intends to support the implementation of the Act, which aims to ensure that the criminal justice system is effective in prosecuting the criminals and protects the victims of trafficking in persons. The Act also promotes a cooperative and aligned response among all government departments, as well as with civil society organisations engaged in assisting and supporting trafficked persons. As a strategic planning tool, the national policy framework is also key to secure political and financial support and to ensure rational use of resources and effective responses.

Recommendation

- Continue to work towards implementation of the Prevention and Combating of Trafficking in Persons National Policy Framework

Economic, social and cultural rights

Right to adequate standard of living^{xv}

40. South Africa has made considerable strides to improve the wellbeing of its citizens since its transition to democracy in the mid-1990s, but progress has stagnated in the last decade. Recent trends in poverty reduction have been reversed. An estimated 30.6 million (55.5%) South Africans live below the Upper Bound poverty line. Female-headed households in rural areas are 2.7 times more likely to be at risk of poverty than male-headed households. High unemployment levels contribute more than any other factor to the poverty index. The most vulnerable to poverty are children under 17, women, non-white, and people living in rural areas and water scarce regions. The provinces most vulnerable to poverty are the Eastern Cape, Limpopo, and KwaZulu-Natal.^{xvi} The COVID-19 pandemic has exacerbated poverty and unemployment in South Africa, thereby also increasing inequalities.^{xvii}
41. Over 13.8 million people (approximately one quarter of the population) live below the food poverty line.^{xviii} Pandemic-induced disrupted food systems (including the initial cessation of the National School Nutrition Programme (NSNP) during school closures); reduced livelihoods and food price hikes exacerbated food insecurity.
42. Rural poverty remains a challenge, with rural women, youth, smallholder farmers, farm workers and landless people amongst those most likely to be left behind. On 1 April 2018, the Value Added Tax rate was increased from 14% to 15% without conducting a preceding human rights impact assessment. An Expert Panel was subsequently established to mitigate the effects of the increase on the poor.^{xix} Austerity measures were also introduced to relieve the debt level.^{xx}

Recommendations:

- Intensify efforts to combat illicit financial flows and tax avoidance.
- Increase the level of funding in the areas of social security, health and education including adopt a framework legislation protecting the right to adequate food and nutrition.

Right to adequate housing^{xxi}

43. Section 26 of the Constitution provides that everyone has the right to have access to adequate housing and that the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right. The Housing Act, 1997 provides for the facilitation of a sustainable housing development process and sets out the roles, responsibilities, and functions of the different spheres of government. While the Government of South Africa continues to make efforts to address the housing needs, the percentage of the population residing in informal dwellings continues to increase. This is because of the critical lack of affordable housing for many poor and low-income households. Despite a strong constitutional and legislative framework, those living in informal settlements are more likely to experience inadequate housing, lack access to basic services or maintenance and face the threat of evictions. Some farm dwellers also reside in dire conditions.^{xxii}

Recommendations:

- Continuing to provide adequate social housing in urban areas and to upgrade housing conditions in informal settlements.

- Ensure full implementation of the Extension of Security of Tenure Act and encourage farmers to improve housing conditions of farm dwellers.

Right to social security^{xxiii}

44. The comprehensive social protection programme significantly contributes to poverty reduction; but a gap remains for adults aged 18-59 years who do not receive a disability grant and who have little to no income. A special COVID-19 Social Relief of Distress grant of R350 a month was introduced for unemployed persons who did not receive any other social grant or UIF payment. The grant lapsed on 30 April 2021 but was reinstated following a civil unrest in July 2021. It has been extended for one year until March 2023. The grant amount is set far below the poverty line. Refugees and asylum seekers were initially ineligible for the grant. Following litigation, only non-nationals with irregular migration status are now ineligible.

Recommendations:

- Ensure that adults 18-59 years with little or no income have access to social protection.
- Revise the amount of grants based on the recommended composite adequate standard of living index.

Right to safe drinking water and sanitation^{xxiv}

45. South Africa has over 2,700 informal settlements, with an estimated population of 6.8 million people. Gross inequality in access to basic services, such as water, sanitation, and electricity, persists. An estimated 7 million people that live in rural settlements do not have access to water. In these settlements, 26% of all schools, and 46% of clinics do not have access to water. Many vulnerable people, including many of the 266,694 refugees and asylum seekers, live in crowded conditions and poorly sanitised environments.^{xxv} The South African Human Rights Commission reported in September 2021 that 3 297 schools still use pit latrines, which affects over 1 million learners.^{xxvi}

Recommendations:

- Improve access to water and sanitation in informal urban and rural settlements.
- Urgently ensure that all schools and health centres have access to water and sanitation.

Right to work^{xxvii}

46. South Africa's unemployment rate in Q3:2021 increased by 0,5% to 34,9%. This is the highest official unemployment rate recorded since the start of the survey in 2008.^{xxviii} According to the UN definition of youth (15-24 years), the national unemployment stood at 58.2% for the narrow definition of unemployment and at 70% for the expanded definition.^{xxix}

47. The gender pay gap stands at 30% with men more likely to be employed and have relatively better-paying jobs compared to women.^{xxx} The labour market is also characterised by racial inequality. Black Africans have the worst employment outcomes and earn the lowest wages when they are employed. Whites earn substantially higher wages than all the other population groups.^{xxxi} People with disabilities, particularly black women, face challenges in accessing employment.^{xxxii} Workers in the informal economy do not benefit from employment and labour rights and have insufficient access to social protection.^{xxxiii}

Recommendations:

- Intensify job creation efforts and expand social protection coverage for unemployed youth.
- Enforce law and policy on equal pay for equal work to close the gender pay gap.

Right to health including sexual and reproductive health rights ^{xxxiv}

48. South Africa continues to make efforts to improve maternal mortality. Maternal mortality ratio (MMR) improved from 276 per 100,000 live births in 2007 to 119 in 2017. This improvement is attributed to three interventions – first, the implementation of a monitoring system of maternal deaths called the National Committee for Confidential Enquiry into Maternal Deaths (NCCEMD); second, increased coverage of highly active antiretroviral therapy (HAART) at population level; and third, the Essential Steps in Managing Obstetric Emergencies (ESMOE) ^{xxxv}
49. Sexual and reproductive health provision is essential for development pathways of education and employability for youth and women. Three-quarters (75.7%) women of reproductive age (15-49) had their family planning needs satisfied with modern methods. ^{xxxvi} The promotion and use of modern contraceptive methods are showing success as close to 60 % of women aged 15-49 years use modern contraceptive methods. ^{xxxvii}
50. South Africa has the highest number of HIV infections globally with over 7.5 million people reportedly living with HIV, while more than 300,000 people are estimated to have active TB infections. Approximately 2.5 million HIV-positive people are not on antiretroviral (ARV) drugs. The vulnerability of those living with HIV and/or TB has been exacerbated by the COVID-19 pandemic. The virus poses an extra health risk for people living with HIV and/or TB, and lockdown measures prevented access to care and treatment. According to surveys conducted in 2020, approximately 13.2% of the population stated that their chronic medication was inaccessible during the lockdown; 23% of respondents reported that they were unable to access medicine, condoms, or contraception in the four weeks prior to the survey; one in ten pregnant women living with HIV reported running out of anti-retroviral treatment (ART); and one in six pregnant women reported at least a two-month gap in care. ^{xxxviii}
51. While the Constitution and the Choice on Termination of Pregnancy Act (No. 92, 1996) provide for the right to access legal and safe abortions under certain conditions; only 7% of health-care centres provide abortion services, hampered in practice, owing to the invocation by medical personnel of conscientious objection and the limited accessibility of facilities offering such services, particularly in rural areas.
52. The country's two-tiered health system is fragmented and inequitable. The private sector boasts excellent facilities at high costs. Public-sector facilities cater for nearly 83% of the population but are over-crowded and under-resourced in relation to the number of medical professionals, equipment, and expenditure, and at times provide inadequate quality of health services for mostly the poor and marginalised. Those most affected include poor communities, black women and children in the rural and less affluent urban areas, asylum seekers, people living with HIV and mine workers. ^{xxxix}

Recommendations:

- Address the disparities between the public and private health-care systems, as well as between rural and urban areas, by increasing medical resources and improving quality of care including sexual and reproductive health care, particularly in the primary and community health-care sectors and in rural areas.
- Continue efforts to establish the National Health Insurance.

Right to education ^{xl}

53. South Africa has made good progress in addressing early childhood education (ECD), recognizing ECD as a public good that contributes to the growth and development of society in the medium and long-term as set out in the National Integrated Early Childhood Development Policy (2015). The Government has increased access to structured early

learning opportunities with the universalisation of Grade R and a dedicated focus on increasing the availability of structured early learning centres and programmes for children under the age of 4 years. This has been achieved through an early childhood development (ECD) subsidy and ECD infrastructure programme of action.

54. Whilst South Africa's enrolment rates are high, it faces significant retention and completion challenges. The country also faces significant challenges in the quality of teaching and learning provided, notably for the most vulnerable of children. Less than 60% of learners complete their final year of schooling. The most common reasons for dropout are poverty, failure to do well at school including family commitments, and pregnancy.
55. There is access and gender parity in South Africa's education system, although inequality in the quality of education and outcomes remains. Only 6% of Grade 3 students performed at an appropriate level in mathematics in 2015, and 78% of Grade 4 learners could not read for meaning in any official language in 2016. Inadequate resources, poor infrastructure and limited learning and recreational facilities contribute to high dropout rates, especially in rural areas.^{xli}
56. Many children with disabilities do not attend school. State-run schools for children with disabilities charge fees. An estimated 30% of migrant, refugee and asylum-seeking children are not enrolled in formal education.^{xlii}
57. School closures during the lockdown period amid the COVID-19 pandemic drastically disrupted school activities, learning, and development. It also resulted in 9.1 million children losing access to a daily meal due to the initial discontinuation of the National NSNP. A High Court declaratory order was subsequently granted to reinstitute the NSNP regardless of school closures.^{xliii}

Recommendations:

- Improve school infrastructure and ensure that all schools have access to water, sanitation facilities and electricity.
- Ensure that all children have access to education regardless of their immigration and disability status or documentation and with quality learning outcomes.

Endnotes

All recommendations are linked to the UPR 3rd cycle

ⁱ **39.18** ratify the Optional Protocol to the Convention against Torture, to open up for international inspection its places of detention (Norway); **139.14** Ratify the Optional Protocol to the Convention against Torture with a view to establishing a national preventive mechanism against torture (Chile) **139.15** Ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism (Hungary); **139.13** Intensify its efforts to ratify the Optional Protocol to the Convention against Torture, including by holding multi-stakeholder consultations on a possible national preventive mechanism model most suitable for South Africa (Rwanda); **139.17** Take all necessary measures to ensure that all reports of ill-treatment and torture in prisons and centres of detention are adequately investigated and ratify the Optional Protocol to the Convention against Torture (Estonia); **139.7** Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain) (Denmark) (Italy) (Lebanon) (Montenegro) (Senegal) (Burkina Faso) (Portugal) (Philippines) (Germany); Promptly ratify the Optional Protocol to the Convention against Torture (Guatemala); **139.9** Ratify protocols as committed to, including the Optional Protocol to the Convention against Torture (Austria); **139.10** Become a party to the Optional Protocol to the Convention against Torture (Albania) (Togo); **139.11** Ratify the Optional Protocol to the Convention against Torture, signed in 2006 (Brazil); **139.12** Continue to take measures to prevent torture and other forms

of ill-treatment, including steps towards the ratification of the Optional Protocol to the Convention against Torture (Georgia); **139.33** Establish a standing inter-ministerial committee to improve coordination in relation to human rights reporting and follow up on the implementation of recommendations (Ireland); **139.31** Facilitate the visit of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (Congo); **139.30** Continue its active engagement with the United Nations human rights mechanisms (Azerbaijan);

ⁱⁱ **139.99** Strengthen the protection of lesbian, gay, bisexual, transgender and intersex persons against stigmatization, harassment and discrimination by promoting tolerance for sexual diversity and different gender identities and by clearly classifying acts of violence against these persons as hate crimes (Belgium); **139.98** Develop policies, plans and information campaigns to eradicate at all levels stereotypes and discrimination against people based on their sexual orientation or gender identity, focusing particularly on public officials and those in charge of law enforcement (Chile); **139.78** Strengthen its policy to combat racism, racial discrimination, xenophobia and related intolerance (Côte d'Ivoire); **139.95** Include in its action plans the protection of persons with albinism (Honduras); **139.93** Take measures to protect people with albinism and to develop educational campaigns to promote tolerance and respect for diversity (Israel); **139.97** Engage non-governmental organizations on the lesbian, gay, bisexual, transgender and intersex task team and update and implement the national lesbian, gay, bisexual, transgender and intersex strategy (United States of America); **139.89** Enhance the prevention, investigation and prosecution of violent crimes against individuals belonging to vulnerable groups (United Kingdom of Great Britain and Northern Ireland); **139.63** Heed the recommendation of the Human Rights Committee to redouble efforts to prevent and eliminate all manifestations of racism and xenophobia, as well as to improve the policing action in its response to violence against non-citizens (Honduras); **139.50** Ensure that the Prevention and Combating of Hate Crimes and Hate Speech Bill is in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination and make every effort to expedite its enactment (Uruguay); **139.57** Take all necessary steps to address xenophobia through legislation, appropriate public awareness programmes and promotion of tolerance and cultural diversity, and adopt a national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Sweden); **139.52** Ensure proper implementation of the Prevention and Combating of Hate Crimes and Hate Speech Bill and the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance, once adopted (Republic of Moldova); (Spain); **139.59** Engage civil society, activists, non-governmental organizations and the media to seek common ground on the draft hate crimes bill (United States of America); **139.51** Continue to combat hate crimes and hate speech, and ensure that the provisions of the Prevention and Combating of Hate Crimes and Hate Speech Bill cannot be used to restrict the rights to freedom of expression and religion (Estonia); **139.58** Continue to promote the effective implementation of the Durban Declaration and Programme of Action by the international community, in order to combat racism (China); **139.99** Strengthen the protection of lesbian, gay, bisexual, transgender and intersex persons against stigmatization, harassment and discrimination by promoting tolerance for sexual diversity and different gender identities and by clearly classifying acts of violence against these persons as hate crimes (Belgium); Engage non-governmental organizations on the lesbian, gay, bisexual, transgender and intersex task team and update and implement the national lesbian, gay, bisexual, transgender and intersex strategy (United States of America); **139.93** Take measures to protect people with albinism and to develop educational campaigns to promote tolerance and respect for diversity (Israel);

ⁱⁱⁱ **139.192** Take urgent measures to repeal laws that discriminate against women in matters such as marriage and family relations (Argentina); **139.190** Consolidate its ongoing programmes to promote women's empowerment and gender equality (Zimbabwe); **139.191** Strengthen its efforts to promote gender equality (Timor-Leste); **139.198** Implement a national strategy to modify or eradicate, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women, harmful practices and stereotypes that discriminate against women (Uruguay); **139.228** Develop specific measures to educate society and enforce existing legislation addressing the practice of ukuthwala and other customary practices leading to forced and child marriages (Hungary); **139.227** Take all necessary measures to end sexual and gender-based violence, especially by developing adequate gender-sensitive training programmes for law enforcement agencies, the national prosecuting authority and judicial officers and by adopting specific legislation addressing the practice of ukuthwala (child marriage) (Germany); **139.195** Step up its fight against gender-based discrimination and violence, uproot its social acceptability and increase efforts for the protection of its victims and redress for violations of their rights, as well as efforts on accountability of perpetrators (Czechia); **139.196** Prevent and combat all forms of discrimination and eliminate violence against women, including domestic

violence (Philippines); **139.189** Continue its efforts to combat all forms of discrimination against women, to fight violence against them and to enhance their presence in higher decision-making positions (Tunisia); **139.205** Strengthen measures to address the serious and ongoing issue of violence against women, while taking on board the recommendations of the Special Rapporteur on violence against women, its causes and consequences (Japan); **139.214** Develop comprehensive policies and programmes on gender-based violence, including training of security forces, prosecutors and judges in order to properly deal with those cases (Israel); **139.208** Adopt a comprehensive national plan to address comprehensively the problem of gender-based violence, whether physical, psychological or sexual, providing to all relevant public services sufficient resources to implement these policies, taking into account the specific circumstances of women and girls who suffer from the most serious vulnerability (Chile); **139.197** Reduce violence against women through awareness and mobilization campaigns to change social norms, significantly strengthen legal accountability in cases of violence against women and improve national strategic planning to mobilize resources and improve coordination in combating violence against women (Canada); **139.213** Adopt additional measures to combat all kinds of gender-based violence and to enforce the existing legislation on the matter by, inter alia, promoting awareness campaigns and providing appropriate care to women and girls victims of violence (Brazil); **139.209** Set in place a comprehensive, national coordinated strategy to address gender-based violence in order to ensure the implementation of the legal framework and to tackle the high prevalence of sexual and gender-based violence, including against children (Finland); **139.204** Conduct a thorough investigation of the root causes of gender-based violence and base future policy interventions on its results (Norway); **139.210** Develop a comprehensive, multisectoral national strategic plan on gender-based violence (Netherlands); **139.211** Revive efforts to develop a national action plan on combating gender-based violence (Georgia); **139.212** Revive efforts to develop a national strategic plan on gender-based violence and ensure appropriate resources for its implementation (Slovenia); **139.215** 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 to the police, of the necessity to act against all cases of sexual and gender-based violence, including on the grounds of real or perceived sexual orientation, gender identity or expression (Sweden); **139.216** Carry out a national outreach campaign for the elimination of sexual and gender-based violence which includes information on the rights of victims (Mexico); **139.217** Increase efforts to guarantee women's access to justice, protection and other remedies and put in place stronger mechanisms to protect women and girls from gender-based violence and provide redress to victims (Austria); **139.219** Reinforce its efforts to ensure the thorough investigation and prosecution of crimes of gender-based and domestic violence and guarantee access to justice for victims (Mongolia); **139.206** Ensure implementation of the Domestic Violence Act, especially on violence against women (Namibia); **139.218** Deploy the necessary efforts to improve the functioning of the courts dealing with sexual crimes in the country, while intensifying public awareness-raising campaigns aimed at reducing the underutilization of these courts (Haiti);

^{iv} Ukuthwala is a form of abduction that involves kidnapping a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or young woman's family to endorse marriage negotiations

^v <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf>. The plan is organized in six pillars (1) Accountability, Coordination and Leadership (2) Prevention and Rebuilding Social Cohesion (3) Justice, Safety and Protection (4) Response, Care and Healing (5) Economic Empowerment (6) Research and Information Management.

^{vi} **139.38** Establish an effective and independent national mechanism for the prevention of torture according to the criteria of the Optional Protocol to the Convention against Torture (Switzerland); **139.36** Continue strengthening the national human rights institutions of South Africa in accordance with its Constitution in order for them to be able to exercise their powers and execute their functions impartially and independently (Indonesia); **139.37** Provide adequate financial resources to the South African Human Rights Commission to enable it to carry out its work (Uganda);

^{vii} **139.225** Ensure in national legislation that the minimum age for marriage is 18 years for both girls and boys and take all necessary measures to prevent and eliminate child sex tourism and exploitation of child labour (Slovenia); **139.233** Adopt legislation to prohibit all forms of corporal punishment in the private sphere (Israel); **139.234**; Expedite the adoption of legislation to prohibit all forms of corporal punishment in the home, including "reasonable chastisement", and ensure that those who perpetrate corporal punishment are held accountable (Liechtenstein); **139.235** Ensure registration of all children at birth as well as delayed registration of children who have not been registered at birth (Czechia); **139.236** Further engage in facilitating administrative procedures for birth registration, especially for disadvantaged children coming from rural and

poor areas (Serbia); **139.237** Review and amend all legislation and regulations relevant to birth registration and nationality to ensure their full conformity with the Convention on the Rights of the Child (Albania); **139.240** Ensure birth registration of all children born on South African territory, regardless of the immigration status or nationality of the parents (Mexico); **139.222** Implement the Convention on the Rights of the Child through the harmonization of its national laws to ensure that the minimum age for marriage is established at 18 years for both girls and boys and remove barriers to birth registration (Kenya); **139.221** Harmonize legislation in order to ensure that the minimum age of marriage is increased to 18 years for boys and girls, without exception (Haiti); **139.231** Amend the Children's Act with the aim of prohibiting virginity tests on children, irrespective of their age (Zambia); **139.229** Continue efforts to combat sexual violence against children (Algeria); **139.230** Steps up its efforts to prevent harmful practices carried out on children (Timor-Leste); **139.232** Make additional efforts to combat child labour and guarantee children the enjoyment of the rights that are guaranteed to them in accordance with international standards (Iraq); **139.242** Continue ensuring that unaccompanied migrant children entering South Africa are kept in child and youth care centres and treated as children in need of care and protection (Holy See);

^{viii} **139.187** Adopt measures to ensure the inclusive education of persons with disabilities (Israel); **139.188** Prioritize implementing the right to an inclusive basic education for all children with disabilities (Australia);

^{ix} **139.80** Take measures to prevent risks of violence against foreigners, migrants or asylum seekers (France); **139.64** Improve police responses to violence against foreigners (Central African Republic); **139.81** Take all required measures to halt the exploitation of migrants, asylum seekers and refugees and facilitate their integration into society (Turkey); **139.113** Improve conditions in detention centres and avoid overcrowding, as well as the detention of migrants (Mexico);

^x <http://www.dha.gov.za/index.php/notices/1506-minister-s-immigration-directive-no-01-of-2022-extension-of-zep-for-a-period-of-12-months>

^{xi} **139.113** Improve conditions in detention centres and avoid overcrowding, as well as the detention of migrants (Mexico); **139.138** Strengthen its policy and programmatic measures aimed at addressing the big challenges of inequality, poverty and unemployment (Zimbabwe); **139.159** Continue taking measures aimed at eliminating historical injustices and inequalities in all sectors, especially in the health and education sectors, in order to improve the living standards of all its people (Namibia);

^{xii} <https://sahrc.org.za/npm/index.php/npm-resources/general-reports>

^{xiii} **139.126** Continue the efforts aimed at combating trafficking in persons, particularly women and children, in the framework of enforcing national legislation and the international conventions that South Africa has ratified (United Arab Emirates); **139.128** Continue its efforts to combat trafficking of persons through the effective implementation of the Prevention and Combating of Trafficking in Persons Act (Maldives); **139.129** Consider formulating a national plan of action on trafficking, with a particular focus on data on trafficking in children (Bangladesh); **139.125** Closely cooperate with relevant governmental and non-governmental foreign agencies to tackle trafficking in persons and ensure that appropriate protection is rendered to various groups of victims, including victims who are foreign nationals (Thailand); **139.124** Continue the ongoing efforts to combat human trafficking and strengthen measures to protect victims of trafficking (Sri Lanka); **139.127** Continue measures to combat trafficking in human beings (Azerbaijan);

^{xiv} Prevention and Combating of Trafficking in Persons Act: Regulations under Section 43(3), GG 39318, RG 10513, GoN 1006, 23 Oct 2015, Prevention and Combating of Trafficking in Persons Act: Regulations: Prosecutor's referral of suspected victims of trafficking in persons, GG 39119, RG 10485, GoN 737, 21 Aug 2015, Directives in terms of section 44(1)(a) and related forms

^{xvi} United Nations, South Africa Common Country Analysis 2019-2020, p. 8

^{xvii} United Nations, South Africa Common Country Analysis 2019-2020, p. 5.

^{xviii} United Nations, South Africa Annual Report 2020, p. 14

^{xix} UN Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018, E/C.12/ZAF/CO/1, para 17

^{xx} UN Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018, E/C.12/ZAF/CO/1, paras 18-19

^{xxi} **139.154** Build on the progress made to provide adequate housing through such programmes as the integrated human settlements grant and the urban settlements development grant (Malaysia);

^{xxii} United Nations, South Africa Common Country Analysis 2019-2020, p. 11; UN Committee on Economic,

Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018, E/C.12/ZAF/CO/1, paras 58-59

^{xxiii} **139.141** Continue to ensure effective access to social protection for vulnerable groups (Madagascar);

^{xxiv} **139.157** Continue efforts to enable all households, schools and health centres to have access to safe drinking water and sanitation (Uruguay); **139.156** Continue to enhance the realization of the human rights to water and sanitation, giving special attention to ensuring that all homes, health centres and educational establishments have safe drinking water and improved sanitation facilities (Spain);

^{xxv} United Nations, South Africa Annual Report 2020, p. 19

^{xxvi} SAHRC, July 2021 Report on Water and Sanitation in Schools by the South African Human Rights Commission <<https://www.sahrc.org.za/home/21/files/Water%20And%20Sanitation%20Report%20-%2028%20SeptemberPM.pdf>>

^{xxvii} **139.140** Continue programmes to foster economic growth and reduce unemployment (Russian Federation); **139.139** Redouble efforts to improve access by young people and vulnerable groups to decent work (Angola);

^{xxviii} Statistics South Africa, The South African economy sheds more than half a million jobs in the 3rd quarter of 2021 <<http://www.statssa.gov.za/?p=14922>>

^{xxix} United Nations, South Africa Common Country Analysis 2019-2020, p. 5

^{xxx} Statistics South Africa, How Unequal is South Africa? <<http://www.statssa.gov.za/?p=12930>>

^{xxxi} Statistics South Africa, How Unequal is South Africa? <<http://www.statssa.gov.za/?p=12930>>

^{xxxii} United Nations, South Africa Common Country Analysis 2019-2020, p. 27

^{xxxiii} United Nations, South Africa Common Country Analysis 2019-2020, p. 11

^{xxxiv} **139.165** Consolidate and fully implement programmes for preventing and eliminating tuberculosis and engage in international cooperation in this regard (Democratic People's Republic of Korea); **139.163** Take effective measures to eliminate the disparity in health-care provision between rural and urban areas and to improve the quality of health services across the country, including through the adoption of effective legislation and amendments on the national health (Maldives); **139.167** Continue its efforts in the fight against HIV by adopting a comprehensive national policy to deal with the epidemic and diseases that are sexually transmitted and tuberculosis (Libya); **139.170** Strengthen national policies in the area of public health coverage, particularly in the fight against HIV/AIDS in rural areas (Angola); **139.166** Continue its measures to eliminate discrimination and increase its efforts to tackle HIV infection by ensuring equal access to treatment and support (Japan); **139.173** Improve knowledge among health-care workers and adolescents about sexual and reproductive health and rights, including through comprehensive sexuality education that involves men and boys (Iceland); **139.164** Continue to address the issue of maternal mortality (Portugal); **139.174** Prevent unwanted pregnancies as provided under the Choice on Termination of Pregnancy Act (Iceland); **139.161** Continue efforts to ensure access to quality health care to all South Africans in line with efforts to achieve universal health-care coverage by 2030 (Malaysia); **139.168** Increase its efforts in addressing the HIV epidemic (Turkey); **139.162** Strengthen efforts to diminish the gap in health care between rural and urban areas (Holy See); **139.172** Ensure comprehensive sexuality education in the school curriculum, including on consent, contraception and gender-based violence (Denmark);

^{xxxv} Stats SA, 2019: 63; Maternal mortality Estimates 2017 (MMIEG) UN-IGME 2018).

^{xxxvi} Stats SA, 2019

^{xxxvii} Republic of South Africa, Statistics South Africa, South Africa Demographic and Health Survey, 2016 Key Indicators Report

^{xxxviii} United Nations, South Africa Annual Report 2020, p.11

^{xxxix} United Nations, South Africa Common Country Analysis 2019-2020, p. 28

^{xl} **139.179** Improve the quality of basic education through programmes to ensure that teachers have adequate content knowledge and appropriate training, as well as by prioritizing the most disadvantaged schools in infrastructure and other improvement programmes (Canada); **139.176** Increase its activities towards the full realization of the right to education and continue increasing investment in this field (Islamic Republic of Iran); **139.180** Further increase investment so as to improve education in rural areas (China); **139.181** Continue to adequately resource its provincial schools building programme so that more children, particularly those from

poor rural communities, can have access to schools that are safe and adequately equipped (Singapore); **139.177** Continue to broaden the scope for access to and quality of public education, as well as ensuring equal opportunities and leaving no one behind, from primary through secondary to tertiary level (Botswana); **139.185** Prioritize the retention of girls in schools and accord to them the opportunity and the environment to progress at a par with their male colleagues (Botswana); **139.182** Continue its efforts to improve the quality of education, including the quality and availability of school facilities, educational materials, teaching staff and curricula, prioritizing the most disadvantaged schools (State of Palestine); **139.184** Provide appropriate solutions to the significant decline in the rate of school attendance in secondary education, especially among girls (Mauritania);

^{xli} United Nations, South Africa Common Country Analysis 2019-2020, pp. 9; 30

^{xlii} UN Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018, E/C.12/ZAF/CO/1, paras 70-73

^{xliii} United Nations, South Africa Annual Report 2020, p. 18