



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of South Africa*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide information on: (a) measures taken to ensure that the provisions of the Covenant are given full effect in the domestic legal order; (b) measures taken by the State party to promote awareness of the Covenant among citizens, officials and members of the judiciary; and (c) mechanisms in place to ensure full compliance with the Views adopted in relation to the State party.

Non-discrimination, equality between men and women and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)

2. Please provide information on: (a) specific measures taken to combat manifestations of racism and xenophobia, to ensure that such cases are investigated effectively and those responsible appropriately sanctioned, including when law enforcement officials have been involved in the relevant incidents; (b) the number of racist hate crimes reported to the police and on the ensuing investigations and convictions; and (c) the outcome of investigations into cases of death that occurred during the recent racist violence in Durban, and what steps were taken to allow and facilitate the return to their homes and the recovery of their property of the displaced persons in the Chatsworth suburb who fled there after the xenophobic attacks in Durban.

3. Please provide information on: (a) the expected timeline for the Prohibition of Racism, Hate Speech, Xenophobia and Related Intolerance Bill to be introduced to Parliament and become law; (b) further steps taken to prevent and combat xenophobia and hate speech in the workplace and in education centres, as well as on social media sites; and (c) measures taken to ensure that the comprehensive anti-discrimination legislation already in force in the State party addresses discrimination in all spheres, including in the private sphere, that it prohibits direct, indirect and multiple discrimination, that it contains a comprehensive list of grounds for discrimination—including national origin, sexual orientation and gender identity—and that it provides for effective administrative and judicial remedies.

4. Please provide information on measures taken: (a) to raise awareness about HIV/AIDS, with a view to combating prejudices and negative stereotypes against people living with HIV/AIDS; and (b) to ensure equal access to medical care and treatment.

* Adopted by the Committee at its 114 session (29 June-24 July 2015).



5. Please report on measures taken to address cultural traditions and practices that are deemed harmful to women, including *ukuthwala* (forced marriages of women and girls to older men through abduction), polygamy and the killing of “witches”.

Violence against women, children and lesbian, gay, bisexual, transgender and intersex persons, including domestic violence (arts. 2, 7 and 24)

6. Please inform the Committee about measures taken to prevent and punish sexual and gender-based violence and to encourage victims to report such acts. Please also provide information on training organized by the State party for law enforcement officials and health service personnel to ensure that they are able to respond effectively to all forms of violence against women.

7. Please report on the steps taken to ensure that victims of domestic violence, including women with disabilities, have access to urgent and long-term means of redress, protection and rehabilitation, and that perpetrators are prosecuted and appropriately punished.

8. With reference to the information provided in the State party report (see CCPR/C/ZAF/1, para. 99), please provide further information on the measures taken to combat violence against lesbian, gay, bisexual, transgender and intersex persons and on strategies and results obtained to ensure full operationalization of the National Task Team on Gender and Sexual Orientation-Based Violence.

9. Please inform the Committee about steps taken by the State party: (a) to amend the Children’s Act with the aim of prohibiting virginity tests for girls; and (b) to design and implement effective education campaigns to combat traditional and family pressures on girls and women in favour of this practice. Please indicate what progress has been made towards fulfilling the prohibition of corporal punishment of children in all settings, including in the home.

Prohibition of torture and cruel, inhuman or degrading treatment and treatment of persons deprived of their liberty (arts. 7, 9 and 10)

10. Please provide information on steps taken by the Department of Correctional Services and the South African Police Service to comply with the Prevention and Combatting of Torture of Persons Act of 2013 in order to prevent the recurrence of torture and ill-treatment. Please also respond to allegations that some prisoners have been subjected to electric shock treatment and psychotropic drugs.

11. Please report on specific measures taken to address allegations of police violence and excessive use of force by police officials, including in police stations and house searches. Please report on relevant police training in prevention and investigation of torture and ill-treatment. Please provide additional statistics on the annual number of complaints of violence committed by police lodged over the past five years, the number of investigations opened, their outcome and any penalties imposed on officials that resorted to excessive force or violence. Please inform the Committee about measures taken to improve the transparency of the investigations undertaken by the Independent Police Investigative Directorate into human rights violations perpetrated by police officials.

12. Please provide updated information on the events that occurred in Marikana on 12 August 2012, where 44 miners lost their lives, reportedly as a result of action taken by the South African Police Service, and measures taken to prosecute perpetrators and prevent such events in the future. Please also update the Committee on the findings of the Marikana Commission of Inquiry and on the timeline for their publication.

13. Please indicate the steps that have been taken by the State party: (a) to strengthen the independence of the Judicial Inspectorate for Correctional Services and to ensure that the Inspectorate is adequately funded; and (b) to investigate, discipline and prosecute perpetrators of the Mangaung Correctional Centre abuses and the measures taken to prevent a recurrence of such acts in other prisons. Please provide information on measures taken by the State party to ensure that contract-managed prisons comply with the same domestic laws, international standards and obligations relating to prisoner welfare and management as publicly managed prisons.

14. Please inform the Committee about steps taken to ensure that the Prevention of Combatting and Torture of Persons Act includes specific provisions relating to the right to redress and remedy for victims of torture. Furthermore, please specify whether victims of torture are covered by the South African Victims' Charter and if the government service personnel dealing with victims of torture have received the training necessary to deal with such victims.

Elimination of slavery and servitude (arts. 8 and 24)

15. With reference to the information provided in the State party's report (see CCPR/C/ZAF/1, para. 78), please inform the Committee about measures taken to implement the Prevention and Combatting of Trafficking in Persons Bill, adopted in 2013. Please clarify whether the State party established a nationwide identification and referral system for victims of trafficking in human beings. Please provide information on measures taken to ensure that sufficient services, including shelters, are available to men and women who are victims of trafficking. Please update the Committee on measures taken to outlaw and prosecute labour brokers involved in the exploitation of migrant workers.

Treatment of migrants and asylum seekers (arts. 6, 7, 9, 10, 13 and 14)

16. With reference to the information provided in the State party's report (see CCPR/C/ZAF/1, para. 152), please inform the Committee about the New Immigration Regulation of 2014, particularly with regard to its implications for the rights of non-nationals.

17. Please provide information on measures taken to ensure that asylum seekers, refugees and undocumented migrants receive adequate protection and access to justice and to health and psychosocial services. Please also provide information on measures taken to ensure that all refugee claimants are treated in a non-discriminatory fashion in relation to their refugee claim, that they can access appeal procedures and that they do not risk deportation to places where they may risk being killed, tortured or ill-treated.

18. With reference to the information provided in the State party's report (see CCPR/C/ZAF/1, paras. 96 and 152), please provide information on the measures taken to ensure that migrants, including unaccompanied minors, are not arbitrarily detained and that the detention of persons pending deportation is not excessively protracted.

19. Please inform the Committee about measures taken to address the allegedly harsh conditions in which refugees and migrants are being held in detention centres such as the Lindela Repatriation Centre, the country's largest detention facility for undocumented migrants. Please also provide information on the implementation of the relevant court orders regarding the closure of refugee reception centres in Johannesburg, Port Elizabeth and Cape Town.

Right to life, liberty and security of person and treatment of persons deprived of their liberty (arts. 6, 9, 10, 14 and 23)

20. With reference to the information provided in the State party's report (see CCPR/C/ZAF/1, para. 77), please provide updated information on measures taken to substantially decrease and eliminate cases of death of inmates in police custody.

21. Please provide updated information on measures taken to improve the conditions of detention in the State parties' places of incarceration and particularly in reducing overcrowding. Please provide information on measures taken to improve the conditions of detention in the Groenpunt Maximum Security Correctional Centre and the Lindela Repatriation Centre, and to reduce the extent of pretrial detention in criminal proceedings.

Equality before the law and access to a fair trial (art. 14, 23 and 26)

22. With reference to the information provided in the State party's report (see CCPR/C/ZAF/1, paras. 242 and 243), please inform the Committee on whether the State party contemplates making its laws available in all official languages. Please report on whether free legal assistance is provided in any cases where the interest of justice so requires.

Juvenile justice (arts. 9, 10, 14 and 24)

23. With reference to the information provided in the State party's report (see CCPR/C/ZAF/1, paras. 124-128), please provide information on measures taken to strengthen the juvenile justice system with adequate financial and human resources.

24. Please inform the Committee if juvenile offenders are separated from adults and if alternatives to detention and imprisonment are available for them.

Protection of human rights defenders (arts. 2 (3), 9 and 19)

25. Please inform the Committee about measures taken to ensure the protection of human rights defenders and other civil society activists from threats and harassment. Please indicate what protective measures have been taken to prevent such violations and to bring perpetrators to justice, as well as measures to ensure access to reparation for the victims.

Right to private communication (arts. 17 and 19)

26. With reference to the information provided in the State party's report (see CCPR/C/ZAF/1, para. 188), it appears that under the Regulation of Interception of Communication and Provision of Communication Related Information Act (Act No. 70 of 2002), the Government may intercept communications in the course of their transmission. Please provide information on: (a) practices governing the monitoring, surveillance and interception, analysis, use and storage of private communications (including Internet, telephone, e-mail and fax communications) and data; and (b) the existing legal safeguards against arbitrary interference with the privacy of all individuals, regardless of nationality and physical location when intercepted, and on how they are being implemented. Please also update the Committee on when the provisions of the Protection of Personal Information Act 2013 will be fully operationalized.

Right to participate in public life and rights of minorities (arts. 25 and 27)

27. With reference to the information provided in the State party's report (see CCPR/C/ZAF/1, para. 234), please provide information on measures taken to ensure that the voting process is fully accessible to all persons with disabilities, and that voting and information thereon is provided in all accessible formats to persons with disabilities.

28. Please provide information on steps taken to end discrimination against indigenous people. Please inform the Committee about any measures adopted to promote and increase indigenous people's participation in public life at all levels of the State and their representation in decision-making positions. In this regard, please inform the Committee about any measures taken to give legal recognition to indigenous people, in particular the Khoisan people, and whether it is intended to include representation from the Khoisan people in the House of Traditional Leaders. Please provide information on steps taken to support these communities in fully realizing their rights, including the right to use their own language and to enjoy their own culture through the traditional use of the land and other natural resources.

29. Please provide information on measures taken by the Department of Agriculture, Forestry and Fisheries to maintain subsistence fishing permits and quotas, and comment on reports that existing subsistence fishing quotas of indigenous groups have been taken away without warning while those of commercial fishers have remained unaffected or have even been increased. Please further inform the Committee about steps taken to reform and improve its land-restitution processes.

**Dissemination of information relating to the Covenant and the Optional Protocol
(art. 2)**

30. Please provide information on the steps taken to disseminate information on the Covenant and on the submission of the first periodic report of the State party and its forthcoming examination by the Committee. Please also provide information on the involvement of representatives of all ethnic and minority groups and civil society in the preparatory process.
