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Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

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

Addendum

Replies of South Africa to the list of issues*, **

[Date received: 8 August 2018]

* The present document is being issued without formal editing.

** The annexes to the present document are available on the Committee's web page.

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Reply to issues raised in paragraph 1 of the list of issues (E/C.12/ZAF/Q/1)

1.1 The Constitution of the Republic of South Africa, 1996, (the Constitution) provides for every detained person, including a sentenced prisoner, to be provided with legal representation at state expense where substantial injustice would otherwise result. The Legal Aid South Africa Act, 2014¹ establishes Legal Aid South Africa, an independent statutory body, to fulfil such constitutional obligations.²

1.2 Section 34 of the Constitution guarantees access to courts and the right to a fair public hearing.³ In line with the requirements placed on it by the Constitution, Legal Aid South Africa has identified the following priorities in relation to the provision of legal aid to:

- Children in civil matters affecting them where substantial justice would otherwise result;
- Every detained person (including sentenced prisoners);
- Every person who is accused of a crime;
- Those who wish to appeal or review a decision of court in a higher court;
- Women; particularly in divorces, maintenance, and domestic violence cases;
- The landless, especially with regards to evictions.

1.3 In terms of the enabling legislation, Legal Aid SA is also mandated to render or make available legal aid and legal advice, provide legal representation to persons at state expense and to provide education and information concerning legal rights and obligations.⁴

1.4 Legal Aid SA is funded by the national fiscus.⁵ With regards to the provision of legal aid to poor and vulnerable persons, the delivery statistics for 2017/18 are as follows:

- Assisted a total of **731,856** clients with legal assistance in criminal and civil legal matters as well as legal advice matters;
- Provided legal representation in 426,617 legal matters;
- 371,202 (87%) clients were assisted in criminal matters whilst 55,415 (13%) clients were assisted in civil matters;
- 25 impact litigation matters;
- Assisted in 1,774 appeal matters where the judgment/ sentence was appealed to a higher court.
- 34% (46,726) of clients in criminal matters were in custody in correctional centres, while awaiting trial;

¹ Act 39 of 2014.

² It is governed by a Board of Directors, is accountable to the Minister of Justice and Correctional Services as well as to Parliament, but remains independent with regard to its operational activities.

³ Section 34 of the Constitution of the Republic, 1996 provides that: "Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court, or where appropriate, and independent and impartial tribunal or forum.

Dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum".

⁴ Section 3 of the Legal Aid SA Act, 39 of 2014 provides that "The Objects of Legal Aid South Africa are to:

- (a) Render or make available legal aid and legal advice;
- (b) Provide legal representation to persons at state expense; and
- (c) Provide education and information concerning legal rights and obligations, as envisaged in the Constitution and this Act."

⁵ Funding allocations are provided as part of the medium term expenditure framework which covers a period of three years. The total government grant in 2017/18 was ZAR 1,754,394,000 (USD 140 million).

- Assisted **16,350 children** with 62% (10,141) being children in conflict with the law and 38% (6,209) being children needing assistance with civil legal matters;
- Provided legal advice to 305,239 clients.

1.5 With regards to the accessibility of legal aid programmes by **migrants, refugees and asylum seekers**, it is important to highlight that the Constitution's Bill of Rights states that the majority of rights are guaranteed to "everyone" — i.e. not only to South Africans, but also to foreign nationals within our borders.⁶ Legal aid is therefore available to anyone who lives in South Africa if the case:

- Is criminal;
- Involves children;
- Asylum seekers — Legal Aid is available to Asylum seekers applying or intending to apply for Asylum under Chapters 3 and 4 of the Refugees Act, 1998.⁷

1.6 In terms of the Regulations to the Legal Aid SA Act, legal aid in criminal matters may be provided to any accused person charged before a South African court provided such a person qualifies for legal aid in terms of the regulations,⁸ and to natural persons for advice and for legal representation.⁹ Asylum seekers, migrants and refugees will be eligible for criminal legal aid if they are charged with an offence as they would fall within the definition of accused persons.¹⁰ In terms of Regulation 19, legal aid may be granted to legal aid applicants who seek asylum in the Republic or who intends to apply for asylum under Chapter 3 or 4 of the Refugees Act, 1998. In terms of regulation 10 (1) legal aid may be provided for the protection of constitutional rights. Constitutional rights refer to the rights as contemplated in the Bill of Rights which includes the right to language and culture, the protection of cultural, religious and linguistic communities as well as socio-economic rights. In providing legal aid in the protection of constitutional rights, Legal Aid SA is guided by certain factors before legal aid is provided.¹¹ Legal Aid SA may undertake or fund litigation or other legal work which has the potential to positively affect the lives of a larger number of indigent persons.¹² In promoting and protecting rights for asylum seekers Legal Aid SA

⁶ Rights afforded to "citizens" only are: S 19 — political rights, S 20 — citizenship, S21 — the right to enter and remain in and reside anywhere in South Africa and the right to a passport, S 22 — the right to choose their trade, occupation or profession.

⁷ Act 130 of 1998.

⁸ Regulation 2 (1) to the Legal Aid SA Act, 34 of 2014 provides that: "Legal Aid South Africa may provide legal aid in a criminal case to any accused person charged before a South African court who qualifies for legal aid in terms of these regulations."

⁹ Regulation 2 (2) to the Legal Aid SA Act, 34 of 2014 provides that: "Legal Aid is only available to natural persons for advice and for legal representation."

¹⁰ In 2016/2017 3 refugee children were assisted and 3,067 clients were assisted with immigration related offences where Legal Aid SA were engaged in in defending the rights of migrants.

¹¹ Regulation 10 (2) to the Legal Aid SA Act provides that: "In deciding whether a person may receive legal aid for a civil case as contemplated in sub-regulation (1), Legal Aid South Africa must consider the following criteria:

- (a) The seriousness of the implications for the legal aid applicant;
- (b) The complexity of the relevant law and procedure;
- (c) The ability of the legal aid applicant to represent himself/herself effectively;
- (d) The financial means of the applicant;
- (e) The legal aid applicant chances of success in the case;
- (f) Whether the legal aid applicant has a substantial disadvantage compared to the other party in the case; and
- (g) Whether the other requirements of these regulations are met.

¹² Impact Litigation matters are matters which may establish a legal precedent, jurisprudence, have the potential of resolving large number of disputes or potential disputes or may improve the lives of a group of persons or a sizeable portion of a group. The major focus of litigating impact matters is the protection of fundamental human rights as provided for in the Constitution including, socio-economic, cultural, religious and linguistic communities thus ensuring that the Constitution becomes a reality to poor and vulnerable communities.

was involved in a number of impact matters in ensuring that the rights of non-citizens are protected.¹³

1.7 Legal Aid SA is involved in the promotion and protection of **socio-economic rights** focusing on poor and vulnerable group of our society. Many of the matters involved the right of access to adequate housing.¹⁴ With regards to the **protection of cultural rights**, Legal Aid SA undertook litigation in the matter of *Mphephu Maria Ngwenya v. Modjaji Florah Mayelane* on behalf of a female client to protect and advance the rights of women married in accordance with customary law and tradition.¹⁵

Reply to issues raised in paragraph 2 of the list of issues

2.1 The Constitution provides an extensive framework for the protection, enforcement and advancement of the interests of all South Africans, including the Khoi-San. Many of the rights contained in the Bill of Rights are of relevance for the expression of the identity of communities through culture, religion, language and education. Several rights have a bearing (directly or indirectly) on the Khoi-San communities.

2.2 Government continues to engage various stakeholders across the country in line with the Constitution which recognises the institution of traditional leadership and the need for continued recognition of African traditional communities and African customary law. Khoi-San communities and leaders however have never before been recognised in accordance with legislation, but with the introduction of the democratic dispensation, there has since been a move to change this.

2.3 Government has paid particular attention to the accommodation and recognition of the Khoi-San. With a view to giving effect to this objective, Government continues to work with and support the National Khoi-San Council (NKC) that serves as a single body with which government consult on all issues relating to the Khoi-San. The NKC consists of 30 members representing the five main groupings of the Khoi-San society (Griqua, San, Cape Khoi, Koranna and Nama). They have been involved in the development of the Traditional

¹³ During 2013 funding was provided for a matter of *Pontsho Doreen Motswagae and 14 Others/Rustenburg Local Municipality and Others* which raised interesting issues relating to the security of tenure of local women occupying homes in their own name and whether the municipality could circumvent the provisions of section 26(3) of the Constitution that no one may be evicted from their home without a Court order. Legal Aid SA was involved in a matter of *Dohnavin Arthur Wilsnach v. Reagan Gilmore and Others*, which highlighted the growing issue of predatory lending and fraudulent scheming sparked by the financial crisis. Loan companies and mortgage lenders engaged in such activities prey on the vulnerabilities of indigent citizens in order to take away their assets, i.e. homes. Recognising the threat that this poses to one's fundamental right to housing Legal Aid SA successfully prevented the eviction of the plaintiff from his home.

During 2014/2015, Legal Aid SA funded the matter of *Lawyers for Human Rights v. Minister of Home Affairs* to put an end to the unlawful detention especially of migrant women and children who suffer untold hardships whilst in detention. Section 34 (1) (d) of the Immigration Act, 2002 (Act 13 of 2002) provides that an illegal foreign national may not be detained for more than 30 calendar days without a warrant of a court extending the detention period on good and reasonable grounds for a period not exceeding 90 calendar days. The Act did not afford a detainee an automatic right to challenge the lawfulness of his or her arrest. The provision was declared unconstitutional and invalid. In the same financial period Legal Aid SA funded the matter of *CORMSA v. President of the Republic of South Africa* to challenge the application brought by the Consortium for Refugees and Migrants (CORMSA) to review the judicial decision to grant Mr. Faustin Kayumba Nyanwasa refugee status.

During 2015/2016 Legal Aid SA was involved in the protection of socio-economic rights, in the matter of *Helgard Petrus Honiball and Premier of the Eastern Cape and Others* where the High Court granted an interim court order in terms of which the respondents undertook to move the communities to an area where they would be given access to flushing toilets and clean drinking water. Furthermore, a slab would be put in place to allow the families to build a temporary structure until such time that proper housing could be built.

¹⁴ For example, in 2012 Legal Aid SA funded a matter involving *Schubart Park Residents v. City of Tshwane Metropolitan Municipality* where the court clarified an eviction process and established the precedent that a municipality must bring a proper application to effect an eviction and provided clarity on section 26 (3) of the Constitution.

¹⁵ Case No. 474/11 2012 3 ALL SA 408 (SCA).

and Khoi-San Leadership Bill (TKLB) which was recently passed by the National Assembly and is now in the National Council of Provinces for concurrence. This Bill will, for the first time ever, make provision for the statutory recognition of the Khoi-San leaders and communities.¹⁶

2.4 The Constitution places significant value on the principles of “unity” and “diversity”. It contains specific features that recognise the right of communities (or indigenous peoples) to engage in cultural, linguistic and religious forms of expression. Therefore there is no need for any part of the South African population (including the Khoi-San) to be accorded any special status, such as “first nation” status. In view thereof, South Africa does not keep separate statistical data on indigenous peoples.

2.5 Government has adopted a process of self-identification/self-classification in the analysis of South Africa’s demography. The use of the current racial demographics and “designated groups”, as is used in, for example, the Employment Equity Act, 1998¹⁷ is required to measure equity and redress.

Reply to issues raised in paragraph 3 of the list of issues

3.1 The Bill is still before Parliament for consideration as part of the legislative process. In accordance with the provisions of Chapter 12 of the Constitution, the Traditional Leadership and Governance Framework Act¹⁸ was adopted by Parliament. This Act makes provisions for the recognition of traditional communities and leaders and also provides for traditional leadership structures. In 1997, Parliament adopted the Council of Traditional Leaders Act which was replaced by the National House of Traditional Leaders Act.¹⁹ During the implementation of both these laws, various limitations and implementation challenges were identified. While certain traditional structures and leadership positions have therefore been recognised by law in compliance with the constitutional prescripts, there has never before been statutory recognition of the Khoi-San. In the late 1990s, the National Khoi-San Council was established to assist government with all matters concerning the Khoi and San communities. This Council consists of representatives of the five main groupings namely the Cape-Khoi, Griqua, Koranna, Nama and San.

3.2 Together with the National Khoi-San Council, government over many years conducted research into the history of the Khoi-San communities and developed criteria to be used for the official recognition of Khoi-San communities and leaders. It was therefore decided to prepare a single Bill that would recognize the Khoi-San and repeal and replace the Framework Act and the National House Act. This would have a number of benefits, including ensuring an integrated approach in dealing with all matters relating to traditional affairs. It would also enhance the uniform manner in which matters relating to traditional affairs are dealt with across the country.

3.3 The Bill also addresses legal uncertainties and gaps that have been identified in the two pieces of legislation.²⁰ As far as traditional leadership is concerned, the TKLB makes provisions for the recognition of headmanship and headwomenship which is one of the gaps identified in the existing Framework Act; it makes provision for the effective monitoring of traditional leadership councils; promotes fair administrative justice by making provision for proper investigations in cases where for example there is an allegation that a community or

¹⁶ The objectives of the bill are: to make provision for the recognition of the Khoi-San, to consolidate (subsequently to repeal) the National House of Traditional Leaders Act, 2009, and the Traditional Leadership and Governance Framework Act, 2003, to ensure an integrated and uniform approach in dealing with all matters relating to traditional leadership, to address the limitations of the two laws that are to be repealed, and to effect consequential amendments to other laws.

¹⁷ Act 55 of 1998.

¹⁸ Act 41 of 2003.

¹⁹ Act 22 of 2009.

²⁰ The drafting of the TKLB commenced in 2010 and was subject to extensive consultation as is clear from the Memorandum on the Objects of the Bill. Various versions of the Bill were drafted and it was continuously improved until it was eventually tabled in Parliament in September 2015. The National Khoi-San Council played an important role in the drafting of the clauses related to the Khoi-San and also accompanied departmental officials during extensive community consultations in 2011 and 2012.

leader does not meet the criteria for recognition; and makes provisions for greater accountability of the National House.

3.4 Provision is also made for the effective regulating of partnerships and agreements to ensure that such partnerships and agreements are beneficial to the relevant communities. Existing partnerships and agreements will have to be reviewed to test whether they comply with the requirements of the new law. The Bill addresses the existing gaps in respect of financial systems, accounting systems and the auditing of leadership councils. The functions and roles of traditional leaders and councils as contained in the Bill are of an advisory, facilitative, supportive and participatory nature. This is also clear from the proposed amendment to section 81 of the Municipal Structures Act, 1998.²¹

3.5 It is trusted that this amendment will ensure more effective participation of traditional and Khoi-San leaders in municipal council proceedings. As far as the Khoi-San is concerned, the Bill is of historical value as for the first time ever, statutory provision is made for the recognition of Khoi-San communities and leaders. During the initial recognition process, government will be assisted by a Commission on Khoi-San Matters. It is important to note that the public will be requested to nominate persons who can serve on this Commission. The Commission will include experts in Khoi-San customs and customary law. Recognised Khoi-San communities will have to establish Khoi-San councils for such communities, similar to traditional councils. The Bill makes provision for the integration of recognised Khoi-San leaders into the houses of traditional leaders, which will in future be known as houses of traditional and Khoi-San leaders.²²

Reply to issues raised in paragraph 4 (a) of the list of issues

4.1 South Africa's poverty headcount ratio (with the poverty line equal to US\$ 1.90 per day) fell from 25.0% in 2005 to 16.5% in 2010, before rising to 18.9%. According to Statistics South Africa, when applying the national upper-bound poverty line (equal to R992 per person per month), the proportion of the population that fell below this line declined from 66.6% in 2006 to 53.2% in 2011, before increasing to 55.5% by 2018. According to Statistics South Africa, the share of total income attributed of the 40% poorest in the population declined from 8.2% in 2006 to 7.5% in 2011, before increasing to 8.3% in 2015.

4.2 Statistics South Africa does not publish the income share of the top 10% richest households, however the World Bank estimates this share as falling from 54.2% in 2005 to 50.5% in 2014.

Reply to issues raised in paragraph 4 (b) of the list of issues

Please see **Annexure A, Table 1**

Reply to issues raised in paragraph 4 (c) of the list of issues

See **Annexure A, Table 2**

Reply to issues raised in paragraph 4 (d) of the list of issues

See **Annexure A, Table 3**

Reply to issues raised in paragraph 4 (e) of the list of issues

See **Annexure A, Table 4**

²¹ Act 117 of 1998.

²² Ultimately it is the duty of the institutions of traditional and Khoi-San leadership to promote democratic governance and the values of an open and democratic society; to progressively advance gender equality within the institutions of traditional and Khoi-San leadership; to promote freedom, human dignity and the achievement of equality and non-sexism; to enhance tradition, culture, nation building and harmony and peace amongst people; and to promote the principles of co-operative governance in its interaction with all spheres of government and organs of state.

Reply to issues raised in paragraph 5 of the list of issues

5.1 South Africa is a Party to a number of international and regional instruments such as the United Nations Convention against Corruption, The AU Convention against Corruption, The OECD Anti-Bribery Convention and the SADC Protocol against Corruption.

5.2 Section 217 of the Constitution enjoins organs of state in the national, provincial or local sphere of government to contract for goods or services in accordance with a system that is fair, equitable, transparent, competitive and cost effective. This requires the state to take positive steps to ensure transparency of all public procurement processes including through the investigation of allegations of corruption or improper conduct in procurement processes. Government has passed various pieces of legislation aimed at combating corruption.²³

5.3 Government has established an Anti-Corruption Task Team (ACTT) mandated to fast track the investigation and prosecution of serious corruption cases and to increase the success in fighting and preventing corruption in South Africa. The Anti-Corruption

²³ The **Competition Act, 1998** (Act 89 of 1998), provides for the establishment of the Competition Commission and the Competition Tribunal. The Commission is responsible for amongst other things, the investigation of prohibited practices. The **Prevention and Combatting of Corrupt Activities Act, 2004** (Act 12 of 2004) is the key statute on corruption in South Africa. It provides for the general offence of corruption as well as specific offences. It also provides for investigative measures, as well as preventative measures in the fight against corruption. The **Prevention of Organised Crime Act, 1998** (Act 121 of 1998) (POCA) is aimed at combatting organised crime; money laundering; criminal gang activities and racketeering activities. A person can be charged with racketeering if they have any property in their possession which they know is linked to any illegal business activity. Anybody who buys or rents or is involved in any deal linked to property which they suspect has been illegally acquired (or contributes to unlawful activities) must report their suspicion within a reasonable time. The POCA provides for the forfeiture of assets obtained through criminal activities. A person can only be convicted if they know/ought reasonably to have known that the property formed part of an unlawful activity. Fines and/or imprisonment can be imposed if a person is successfully convicted. The **Public Administration Management Act, 2014** (Act 11 of 2014) was adopted, which provides for the criminalisation of public administration employees conducting business with the State (including Special Advisors), as well as public service employees to declare the interests of their spouses and the establishment of an Ethics, Integrity, Disciplinary, Technical Assistance Unit. The **Financial Intelligence Centre Amendment Act** was adopted, thereby complying with the money laundering requirements of the multi-lateral Financial Action Task Force. This Act made improvements to the existing Financial Intelligence Centre Act, which will assist institutions to strengthen their internal compliance regimes and concentrate their resources more effectively on addressing risks that their products and services may be abused for illicit purposes. On the basis of an understanding of the risks, an institution can apply measures to mitigate those risks, by gathering information on the customer's source of wealth, and monitoring the customer's transaction behaviour to spot transactions that seem anomalous given the recognised customer profile. In situations where transactions differ significantly from the profile, these will be reported to the authorities, such as the Financial Intelligence Centre.

In August 2016, the Public Service Regulations were revised, with the **Code of Conduct** strengthened, to:

- Address the issue of public servants accepting gifts as bribes;
- Include a process for requesting and approving the performing of other remunerative work;
- Require of all public service employees to disclose their financial interests electronically; and
- Establish ethics infrastructure in departments (such as ethics officers and ethics committees) and anti-corruption mechanisms.

The following directives and determinations were adopted:

- Directive on Other Remunerative Work Outside the Employee's Employment in the Relevant Department as Contemplated in Section 30 of the Public Service Act, 1994 (Nov 2016);
- Directive on Conducting Business with an organ of state (January 2017);
- Determination on Other Categories of Designated Employees to Disclose their Financial Interests and Directive on the Form, Date and Financial Interests to be Disclosed (March 2017).

The following guides were published by Government:

- Guide on Managing Other Remunerative Work Performed Outside the Public Service;
- Guide on Managing Gifts and Other Benefits in the Public Service;
- Guide on Managing Ethics in the Public Service.

Operational Team Meetings are held monthly involving the core operational stakeholders, the SAPS DPCI, NPA (SCCU and AFU) and the SIU. Integrated case plans are developed for all priority cases and prosecutors are part of the multidisciplinary operational teams from initiation. The ACTT's methodology of prosecutor guided investigation and the system of co-location of prosecutors with the police in courts continues to provide the winning formula for efficient finalisation of cases and contributes immensely to the high conviction rates achieved. A special focus was placed on the prosecution of corruption cases, particularly to improve investor perception and trust in South Africa.

5.4 With regards to the number of cases and prosecution, please see **Annexure A, Table 5**. In line with the priority of government of uprooting corrupt activities in state business, the ACTT secured the conviction of 423 government officials over the past three financial years. These figures include number of officials who were convicted for corruption cases of less than R5 million. For full statistics from the National Prosecuting Authority on corruption matters, please see **Annexure A, Tables 6, 7 and 8**.

Reply to issues raised in paragraph 6 of the list of issues

6.1 Government is urgently dealing with the fact that Chapter 5 has not yet come into force. After the Act was passed, it was decided to first finalise the draft regulations relating to equality courts before attending to the regulations dealing with the promotion of equality (Chapter 5). Government commenced with the regulation-making process in respect of Chapter 5 of the Act in 2003 which was followed by extensive consultation with stakeholders over a period of time. The draft Regulations were also subjected to a Regulatory Impact Assessment and high level discussions followed thereafter. However, it was concluded that there are challenges in respect of some of the provisions of the Act and amendments to the Act are unavoidable.

6.2 Due to the need to deal with these challenges urgently and because of the importance of the Act and its implications for all organs of state, different options regarding the way forward were considered. The National Executive subsequently approved the review of the Act, focusing on Chapter 5, with the assistance of experts in the field. This resulted in a report, which report was used in preparing amendments to the Act. The proposed amendments have been discussed with limited stakeholders and are still under consideration by Government with a view to publishing the proposed amendments for public comments in due course.

Reply to issues raised in paragraph 7 of the list of issues

7.1 The Alteration of Sex Description Act, 2003²⁴ makes provision for the alteration of the sex description of certain individuals in certain circumstances. Once a person identifies his/her identity as a person of particular sex, he/she would undergo the alteration of sexual characteristics by surgical or medical treatment to change his/her gender. Government requires a previous copy of birth certificate, a report stating the nature and results of procedure carried out by the medical practitioner and/or from a qualified psychologist or social worker corroborating the information in order to effect the changes. To date, South Africa has 2 children who changed gender as per their parents' directives/request — a decision is thereby taken by parents for children. Regarding adults, in 2018, 18 persons have applied to alter their sex description.

7.2 Government does not keep statistics on the number of surgeries performed on intersex infants and children, however, it has taken note of the challenges presented by both civil society organisations working in the LGBTI sector as well the relevant treaty bodies that addressed this issue in its concluding observations and recommendations to South Africa.

7.3 In this regard the Ministry of Justice and Correctional Services hosted a National Engagement on the Promotion and Protection of the Human Rights of Intersex Persons Workshop in December 2017. The Report of the National Engagement with

²⁴ Act 49 of 2003.

recommendations to Government can be found on www.doj.gov.za. This matter is receiving attention of Government.

Reply to issues raised in paragraph 8 of the list of issues

8.1 The purpose of section 22(8) of the Refugee Amendment Act, 2017 is to outline the general procedure to give effect to section 11 (h) of the Refugee Act, 1998 that directs the Standing Committee on Refugee Affairs to “... *determine the conditions relating to study or work in the Republic under which an asylum seeker permit may be issued.*” Therefore section 22 (8) does not introduce new measures, but rather provides an open transparent process to give expression to section 11 (h) of the principal act.

8.2 The Births and Death Registration Act, 2010²⁵ stipulates that every birth should be registered within 30 days from the day of birth occurrence. This legislation applies to both South Africans and non-South Africans. There is no exclusion or separate requirement for foreign birth registrations. Once the child’s birth has been registered, an unabridged birth certificate is issued free of charge. Non-South Africans are issued with notice of birth to allow them to register birth in their country of origin.

8.3 South Africa has enacted domestic legislation which is consistent with the spirit and letter of the Conventions aimed at reducing statelessness. The South African Citizenship Amendment Act, 2010²⁶ provides that citizenship can be acquired by **birth, descent and naturalisation**. It also provides that any person born in the Republic and who is not a South African citizen by virtue of the provisions of subsection (1)²⁷ shall be a South African citizen by birth, if he or she does not have the citizenship or nationality of any other country, or has no right to such citizenship or nationality; and his or her birth is registered in the Republic in accordance with the Births and Deaths Registration Act, 1992.

8.4 Government is still considering the ratification of the two Conventions on Statelessness,²⁸ it has actively participated in the annual processes of the Executive Committee of the UNHCR (UNEXCOM), engaged its counterparts in the Southern African Development Community (SADC) region regarding the statelessness of several generations of people who originate from these countries, now living in South Africa without a citizenship status; convened a Birth Registration Indaba in December, 2015 and issued directives encouraging all South Africans to register timeously, including the early birth registration of all children born in South Africa. Despite the challenges associated with efforts to resolve this phenomenon, South Africa remains committed to addressing statelessness through various policy and legislative measures.

Reply to issues raised in paragraph 9 of the list of issues

9.1 Women comprise 51% of the total population. Following elections in May 2014, the President pronounced on a self-standing, dedicated Ministry for Women to be located in the Presidency. The mandate of this Ministry is to promote the socio-economic empowerment of women and the advancement of gender equality.²⁹ South Africa is currently ranked 10th in the world with the most number of females in parliament⁵ according to the Inter-Parliamentary Union, with just over 4 in every 10 benches (42%) held by a woman. In 2016, 276 of South Africa’s 278 municipalities had a sitting mayor. Of these, 107 (or 39%) were

²⁵ Act 18 of 2010.

²⁶ Act 17 of 2010.

²⁷ One or both parents being a South African citizen at the time of the child’s birth.

²⁸ The 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

²⁹ This includes the promotion of women and girls’ empowerment; the achievement of substantive gender equality; and the protection of the rights, freedoms and dignity of women. This elevates the promotion of gender equality and ensures that it features prominently on the agenda of both the public and private sectors. The location of the Ministry at the pinnacle of Government renders it authoritative enough to provide oversight, monitoring and evaluation on the progress made with respect to women’s empowerment and gender equality and to ensure that women are socio-economically empowered.

female, slightly lower than the 42% recorded in 2011. Municipalities in Limpopo led the charge in gender equality, followed by North West and Eastern Cape.

9.2 With regards to women judges and magistrates, please see **Annexure A, Tables 9 and 10** respectively. A key transformational initiative involves growing the pool of advocates and attorneys from which potential judicial officers can come. This is achieved through increasing briefs to female legal practitioners. Government has met its targets in this regard and the details of those being briefed are available on the Department of Justice and Constitutional Development's website.

9.3 The Employment Equity Act, 1998 is the legislative measure foreshadowed by section 9(2) for the purpose of ensuring equitable representation of designated groups — including Black people and women — in all occupational levels in the workforce by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination, and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational levels in the workforce.³⁰

9.4 In order to eradicate disparities in employment, the Legislature has chosen to use “*equitable representation in all occupational levels in the workforce*” as a measure. The application of employment equity and related practices is aimed at redressing the structural inequalities inherited from apartheid. The application of these policies are aimed at benefitting certain groups. The numerical targets are used as a measure of representivity and are not inflexible quotas. Women in the workforce, please see **Annexure A, Figures 11 to 15**.

Reply to issues raised in paragraph 10 of the list of issues

10.1 South Africa's National Development Plan sets an employment target of 11 million jobs to be created by 2030. An important component of this target is the National Skills Development Strategy (NSDS). The NSDS is the tool used by Government to drive the process of developing the skills of the labour force. The NSDS is under-pinned by three key pieces of legislation: The **Skills Development Act, 1998**; the Skills Development Levies Act and, the Employment Equity Act, 1998. The Skills Development Act aims to develop the skills of the South African workforce and to improve the quality of life of workers and their prospects of work, to improve productivity in the workplace and the competitiveness of employers and to promote self-employment. The NSDS is implemented mainly through the Sector Education and Training Authorities (SETAs) and the National Skills Fund (NSF).

10.2 The **Employment Services Act, 2014**³¹ aims to strengthen the provision of employment services within the Department and to repeal employment services provisions in the Skills Development Act. It aims to provide free public employment services and regulate private employment agencies. Government's Department of Labour's employment services system is an IT portal where work-seekers can register as unemployed and provide information about their work experience, qualifications and the kind of work they are looking for. Employers can then use the portal to register vacancies and other opportunities they may have, such as training, learner ships, and internships. The system matches work-seekers to opportunities, and after an assessment process, refer work-seekers to employers. To increase the number of registered work-seekers and the number of work-seekers placed in registered employment opportunities, Government will host road shows, run advocacy campaigns, integrate the employment services system with the Unemployment Insurance Fund, the Compensation Fund and national learner database systems, and establish partnerships with other stakeholders such as the National Youth Development Agency,

³⁰ The Act prescribes:

- The identification by analysis of the extent by which people from designated groups may be under-represented;
- The setting of numerical targets with a view to achieving the equitable representation of suitably qualified people from designated groups in each occupational level in the workforce;
- The timeframe within which it is to be achieved; and
- The strategies intended to achieve those targets.

³¹ Act 4 of 2014.

organised business, and municipalities. Through a new counselling strategy, Government aims to get work-seekers job ready and thus reduce the time it takes to place a work-seeker. Government will also explore partnerships to modernise the system's assessment tests. In support of these interventions, the Public Employment Services programme receives R1.1 billion over the medium-term, excluding transfers.

10.3 The placement of work-seekers has been hindered by firstly, the time taken by employers to respond to referrals from Government and secondly the lack of responses by some employers. Over the Medium Term Expenditure Framework, (MTEF) period, Government will implement recommendations to address the root causes of placement challenges, including facilitating life skill activities and enhancing work-seekers readiness for employment to make them more attractive to potential employers.

Please see **Annexure A, Tables 16, 17 and 18** for statistical data on labour force participation, and employment and unemployment rates.

Reply to issues raised in paragraph 11 of the list of issues

11.1 The Survey of Employers and Self-Employed (SESE) is conducted by Statistics South Africa every 4 years and collects information about non-VAT registered businesses, most of which are in the **informal sector**. According to the last SESE, almost 70% of people who start an informal business do so because they are unemployed and have no alternative source of income. In 2013 there were 1,5 million people running an informal business, an increase from the 1,1 million recorded in 2009. Informal businesses are predominantly run by black Africans, persons aged 35–44 years, and those with lower levels of education. Turnover levels and profit margins are relatively small for most informal businesses. In 2013 more than 50% had a turnover of R1500 or less in the month prior to the survey, and less than 10% of businesses made net profits of more than R6000. For the full SESE, please see **Annexure B**.

11.2 It is often assumed that when work is informal, it is not protected, and that informal workers do not have rights. This is not true. Whilst they do not have the protection of employment laws, informal workers enjoy the same constitutional rights as everybody living in South Africa.³² These would include, e.g. the right to have their inherent dignity respected and protected,³³ the right to administrative action by the government that is lawful, reasonable and procedurally fair,³⁴ the right to not be arbitrarily deprived of their property,³⁵ the right to access to courts³⁶ and the right not to be discriminated against.³⁷

11.3 Temporary employment services (TES) are commonly referred to as labour brokers, in South Africa. TES are regulated mainly by the Labour Relations Act, 1995 (LRA) and the Basic Conditions of Employment Act, 1997 (BCEA). Amendments to the LRA, which came into effect in January 2015, affect **s198 and 198A** of the Act, and brought about changes to the way a relationship between a TES, its employees and its clients is regulated. The LRA contains general provisions that apply to a TES and all of its employees, and specific provisions that apply to the TES and its employees earning below the prescribed BCEA threshold. Section 198A of the LRA applies only to employees earning below the threshold. These employees are often considered to be vulnerable employees and are

³² For example, in 2015 a Durban street trader took eThekweni municipality to court. The Durban High Court held that the eThekweni municipality's power to impound and confiscate the goods belonging to these traders under the 2014 Informal Trading Bylaw is unconstitutional, invalid and unlawful. The court also ruled that metro officers, who could not account for goods confiscated from street trader John Makwicana, were liable to pay him compensation. The court further held that the city's exemption from liability for the loss of goods in terms of the bylaw was also unconstitutional, unlawful and invalid.

³³ Section 10 of the Constitution.

³⁴ Section 33.

³⁵ Section 25.

³⁶ Section 34.

³⁷ Section 9.

afforded additional protections in terms of s198A.³⁸ Government does not keep statistical data on temporary employment services.

Reply to issues raised in paragraph 12 of the list of issues

12.1 The National Minimum Wage Bill which aims to provide for a national minimum wage and to establish the National Minimum Wage Commission is currently before Parliament for consideration. A number of oral and written submissions have been received from the public and stakeholders on the Bill and the Parliamentary Portfolio Committee is considering the submissions.

12.2 Government believes that the national minimum wage is a step in the right direction. It must be noted that the level of the national minimum is informed by the realities and context of our labour market. This is as a result of a research by a panel of independent experts who looked at an appropriate level which will not result in job losses in the labour market and its impact on poverty. Government is certain that an improvement in wages of millions of workers who are earning below R20 per hour will improve their lives. It is also critical to note that it is a minimum wage, i.e. a floor below which no worker should earn. The national minimum wage will take place side by side along with collective bargaining. The level will be indexed by the National Minimum Wage Commission and will be reviewed annually to ensure that the national minimum wage respond to the standard of living. Regarding mechanisms to ensure compliance, the Basic Conditions of Employment Act, 1997 establishes a labour inspectorate which ensures compliance with conditions of employment and minimum wages.

Reply to issues raised in paragraph 10 of the list of issues

13.1 The following **challenges** are being experienced by the labour market in the implementation of equal pay for work of equal value:

- Insufficient or even lack of relevant evidence presented to the Commission for Conciliation, Mediation and Arbitration (CCMA) to support equal-pay claims lodged during pay disputes at the CCMA due to lack of transparency around pay structures (confidentiality clauses on salaries incorporated in the employment contracts). This makes proof of disparities in pay very difficult;
- Inability on the side of the complainant/ employee, to link the alleged ground of unfair discrimination to a correct listed ground such as gender or race;
- Lack of understanding by employees/trade unions on how the principle of equal pay for work of equal value should be implemented in instances where there is a collective agreement in place;
- Complainant choosing a wrong comparator to substantiate its equal-pay claim at the CCMA; and
- Lack of clear remuneration/ pay policies on salaries often informed by how good the individuals are able to negotiate their own salary packages during the recruitment processes.

13.2 The following remedial actions are being undertaken to enhance compliance by employers in the relation to equal pay for work of equal value:

- Continuous advocacy campaigns to promote and educate employers, employees and trade unions on equal pay, transparency around salaries, pay policies and structures;
- Encourage collective bargaining structures such as bargaining councils to apply and enforce the principle of equal pay for work of equal value in wage-negotiation process and conclusion of collective agreements;

³⁸ TES must provide the employee with written particulars of employment that comply with s29 of the BCEA when the employee commences employment. If the TES fails to remunerate its employees placed with a client, the failure constitutes a breach of the BCEA, and the TES and its client are jointly and severally liable for payment of remuneration. The LRA amendments introduced the concept of “deemed employment” in instances where TES employees who earn below the threshold do not perform a temporary service as defined in the LRA.

- Enhance compliance with the principle of equal pay for work of equal value by making it a condition for accessing State Contracts and Certificates of compliance under section 53 of the Employment Equity Act when this section is promulgated in the near future;
- Minimum wage-setting bodies, should have the duty to apply the principle of equal pay for work of equal value in the setting of minimum wages. For example, the introduction of the National Minimum Wage is another mechanism of ensuring that the pay inequalities are addressed.

13.3 With regards to Employment Equity Act compliance, the Act makes provision for the Department of Labour to immediately approach the Labour Court for the imposition of a fine on a designated for non-compliance with its obligation to prepare and/or implement an employment equity plan; or submit an annual employment equity report. It can approach the Labour Court for the imposition of a fine without giving the designated employer an opportunity to remedy its non-compliance. The fines are substantial.³⁹

Reply to issues raised in paragraph 14 of the list of issues

14.1 Mining health and safety in South Africa is governed by the **Mine Health and Safety Act, 1996**.⁴⁰ The **Mine Health and Safety Inspectorate** was established to protect and safeguard the health and safety of mine employees and communities affected by mining operations.

14.2 The Compensation for Occupational Injuries and Diseases Act (“COIDA”) provides for compensation for disablement and/or injuries caused by injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases. The Department of Labour intends on extending the class of employees who can claim compensation in terms of COIDA to include domestic workers.

Reply to issues raised in paragraph 15 of the list of issues

15.1 Chapter 10 of the Basic Conditions of Employment Act, 1997, empowers labour inspectors to promote, monitor and enforce compliance with labour law. Section 65(1) makes provision for powers of entry and also outlines types of premises that can be inspected. In order to monitor and enforce compliance with an employment law, a labour inspector may, without warrant or notice, at any reasonable time, enter any workplace or any other place where an employer carries on business or keeps employment records, that is not a home; any premises used for training in terms of the Manpower Training Act, 1981⁴¹ or any private employment office registered under section 15 of the Guidance and Placement Act, 1981.⁴² The determination of what constitutes a *reasonable time* within which to execute an action when no fixed time is prescribed for that category of dispute, is a fact-specific enquiry having regard to the dynamics of labour relations considerations.⁴³

15.2 Regarding increasing the number of labour inspectors, the number of inspections is set to increase from 217, 008 employers in 2017/18 to 229 068 in 2020/21. In order to achieve these targets and support Government’s commitment to creating decent working conditions R1,9 billion has been allocated to the Inspection and Enforcement Services programme.

Reply to issues raised in paragraph 16 of the list of issues

16.1 The provision of financial resources and the training of shop stewards has been undertaken. Government also runs Workers Colleges to provide training to union leaders on various issues including dispute resolution procedures in line with the law.

³⁹ In 2017 the Department of Labour announced a National Director General Review whereby 72 JSE listed companies were inspected to ensure that they have complied with the EEA. Six JSE-listed companies had already been found to be non-compliant and have been referred for prosecution.

⁴⁰ Act 29 of 1996.

⁴¹ Act 56 of 1981.

⁴² Act 62 of 1981.

⁴³ In the matter *Hospersa OBO TS Tshambi v. Department of Health, KwaZulu-Natal*.

16.2 The Labour Relations Indaba, which seeks to address the instances and the duration of strikes, in the process addressing employer/employee relations, is making a positive impact. Progress has been made, under the auspices of NEDLAC, to address strike related intimidation, usually arising when a minority union seeks to compel the majority to join the strike. Other initiatives include the Multi-stakeholder Rustenburg Peace Accord in the Platinum Belt. Furthermore, amendments to section 150 of the Labour Relations Act gives the Commission for Conciliation, Mediation and Arbitration (CCMA) the right to intervene in industrial actions in instances of violence and where the public interest is negatively affected. The CCMA has been given more latitude to assist parties to conclude picket rules and may even “impose” picket rules if parties fail to agree. This arose out of the tendency to disregard picket rules. The recently amended Labour Relations Act, the Basic Conditions of Employment Act and the Employment Equity address the question of wage disparities of particularly rock drillers and other employees. In addition, the law now prohibits labour brokers from employing workers on terms and conditions that are less favourable than those applicable to the employees of the client to whom the labour broker employee renders services.

16.3 The Marikana Commission of Inquiry released its report in 2015, recommending an overhaul of public order policing and a panel of experts was appointed in April 2016. Government is implementing the Farlam Commission’s recommendations, including attending to other factors, such as inadequate housing for miners. Former President Zuma also established an inter-ministerial committee on the revitalisation of mining towns, including Marikana. Just over R1bn had been budgeted for this.

16.4 The Commission recommended with regard to Public Order Policing that a panel be established to perform the tasks set out in paragraphs 8, 9 and 10 of the Farlam Commission report. The Panel and the Ministerial Transformation Task team were set up and are fully operational.

16.5 With regards to the recommendation on the control over operational decisions, Standing Order 262 was repealed and was replaced with National Instruction 4 of 2014, which addressed the control over operational decisions within SAPS, as outlined by the Farlam Commission of Inquiry Final Report.

16.6 Regarding the compensation for the Marikana victims, the SAPS has instructed its attorneys to make offers of payments in full settlement of claims for the claims where quantification were complete and are not under criminal investigation. With regards to healing, the Marikana Reconciliation, Healing and Renewal Committee was established in 2015 to promote healing, cohesion and lasting peace among the communities in Marikana. The North West provincial government set aside over R460 million for housing projects in the platinum mining area of Marikana, as part of measures geared towards long-term stability in the country’s mining industry. The provincial government, in partnership with Lonmin committed to building 2 000 housing units over a period of three years. Government has handed over a R700 million housing project in Marikana which will yield 2 600 units upon completion.

16.7 The report from the panel of experts has been finalised and is being considered by Government.

Reply to issues raised in paragraph 17 (a) of the list of issues

17.1 The social security coverage in the form of non-contributory benefits (social assistance) has increased tremendously over the years making the programme government most effective poverty alleviation machinery. The programme provides non-contributory benefits to vulnerable groups in the form of older persons grant, disability grant, child support grant, foster child grant, care dependency grant, war veterans’ grant, grant-in-aid and social relief of distress. The benefit amounts are adjusted annually in keeping with economic changes and in the current financial year (2018/2019) consideration was on the inflation and vat increase. For the coverage and take-up rate for different provisions as at March 2018, please see **Annexure A, Table 19**. For the amount of benefits, please see **Annexure A, Table 20**.

Reply to issues raised in paragraph 17 (b) of the list of issues

17.2 Government tabled the Discussion Paper on National Social Security Reform in NEDLAC in November 2016. Consultation is currently underway within NEDLAC. The initial proposed timeline for engagement was 12 months. The President established an Inter-Ministerial Committee to give guidance to the reform agenda. The social security reform proposals under consideration are quite far reaching and complex, with multiple stakeholder interests to be negotiated. This requires intensive stakeholder consultations.

Reply to issues raised in paragraph 17 (c) of the list of issues

17.3 The UIF details are contained in **Annexure A, Table 21**. The New Unemployment Insurance Amendment Act, 2016⁴⁴ has extended better protection and UIF benefits to workers. The Act, inter alia, increases UIF benefits from 238 to 365 days and increase maternity leave benefits to 66%. It covers workers who lost working hours due to reduced time at their work place. It also does not exclude workers from UIF and maternity leave benefits if they are members of the Government Employees Pension Fund. The Act now includes public servants under the UIF and thus be covered in the event of dismissal as well as women who had miscarriages during the third trimester or a still born birth. It allows the family and/ or nominated beneficiary of deceased claimant to receive their benefits and prohibits the charging of fees by any party to a UIF claimant.

Reply to issues raised in paragraph 17 (d) of the list of issues

17.4 Following approval by Cabinet in 2015/2016 financial year, Government intends to implement the Child Support Grant Top-up which will benefit orphans in the care of family members and children in child headed households. The provision will come into effect after promulgation of the Social Assistance Amendment Bill, 2018 which has been submitted to Parliament.

Reply to issues raised in paragraph 17 (e) of the list of issues

17.5 Since 2015 the Chamber of Mines, together with the Occupational Lung Disease Working Group comprising six of our members — African Rainbow Minerals, Anglo American SA, AngloGold Ashanti, Gold Fields, Harmony and Sibanye Stillwater — have been working closely with the Compensation Commissioner to address the challenges. The Chamber of Mines together with the various Funds responsible for the retirement benefits and the Financial Services Board (FSB) established a website portal where any individual in any industry who believes that he or she have retirement fund benefits due to them can check whether this is so.

Reply to issues raised in paragraph 18 of the list of issues

18.1 The 3rd phase of the CLPA covered the period April 2013 to March 2017 and focussed on service delivery and implementation. The revision of the CLPA aimed to come up with a set of workable action steps, will make a direct difference for children engaged, or at risk of being engaged, in child labour and to be prioritise according to the seriousness of the issue being addressed and the likely impact of the action step.⁴⁵

18.2 Government departments have made progress on their action steps in order to reach their goals. Taking the target set by the Mission of the Alliance 8.7 that the worst forms of child labour must be eliminated and that child labour in all its forms must be eradicated by 2025, actions steps not finalised by government departments were captured and/or amended for the inclusion of the CLPA phase four for the period April 2017 to March 2021.

⁴⁴ Act 10 of 2016.

⁴⁵ Key elements of the CLPA are: Targeting the implementation of government and other stakeholders' programmes and policies on poverty, employment, labour and social matters more effectively in areas where the work children do has serious negative effects on them:

- Promoting new legislative measures against WFCL;
- Strengthening of national capacity to enforce legislative measures;
- Increasing public awareness and social mobilization against WFCL.

18.3 In 2010, Statistics South Africa conducted a second Survey of Activities of Young People (SAYP) as an add-on to the Quarterly Labour Force Survey (QLFS). The first stage of this survey involved identifying households with children aged 7–17 years during the QLFS data collection that took place in the third quarter of 2010. The second stage involved a follow-up interview with children in those households to establish what kind of activities they were involved in. Overall, 784 000 children were revealed by the SAYP as being vulnerable on at least one of the indicators. This is slightly less than the 847 000 found in this position in 2006 despite the expanded age group covered by the SAYP. (The 2006 survey covered the age group 10–17 years.) Girls were more likely than boys to be affected in 2010. This is different to 2006 when there was little gender difference. As in 2006, children aged 10–15 were the most likely to be in child labour.

18.4 The Compensation Fund did not receive any injury on duty (IOD/OD) claims for employees classified as child labour.

Reply to issues raised in paragraph 19 of the list of issues

19.1 The Bill was adopted by the National Assembly of Parliament on 4 March 2014, and was put before the National Council of Provinces for concurrence. However due to certain policy and legislative considerations, mainly that there was already a strong legislative and policy framework in place, an additional piece of legislation on the same issues could have led to duplication, rather more emphasis should be placed on implementation of existing legislative and policy provisions. The Bill had therefore lapsed.

Reply to issues raised in paragraph 20 of the list of issues

20.1 Removing difference in treatment between women and men and removing the possibility of exemption from the minimum age requirement to enter into marriage can only be done through legislative review. Muslim marriages are currently not recognized as valid marriages in terms of South African law. For that reason the proprietary consequences of Muslim marriages are currently not regulated in terms of the Divorce Act. However, a Muslim couple can conclude a valid civil marriage in accordance with the Marriage Act, 1961.⁴⁶

20.2 Over the years numerous attempts have been made to promote legislation which recognizes religious Muslim marriages and deals with their dissolution and the patrimonial consequences thereof. In order to appreciate the challenges experienced in recognising Muslim marriages by way of statute, it is important to have regard to the sentiments of the Muslim community itself and the concerns and attitudes raised towards the proposed legislation. The diversity within the South African Muslim community and the different schools of religious thought to which the various groupings adhere have complicated the promotion of legislation aimed at giving legal status to Muslim marriages.⁴⁷ At present,

⁴⁶ Sachs J held in *Minister of Home Affairs v. Fourie*:

“[96] The need for co-existence and respect for diversity of belief is in fact expressly recognised by the Marriage Act. The Act in terms permits religious leaders to be designated as marriage officers, religious buildings to be used for the solemnisation of marriages, the marriage formula usually observed by a religious denomination to be employed and its religious marriage rites to be followed. It is not only permissible to solemnise marriages in these ways. All such marriages are recognised and given legal force by the State. Legal consequences flow from them as from a civil marriage celebrated before a magistrate or other State marriage officer. The State interest in marriage ceremonies performed by religious leaders is protected by empowering the Minister of Home Affairs to designate the ministers of religion concerned and to approve of the marriage formula being followed.”

⁴⁷ The objections received from theologians in Islam indicate that it is not permissible to legislate in respect of Muslim marriages because the dictates of the Holy Quran prevail in such matters and the Legislature cannot interfere by attempting to interpret the Holy Quran. The matter is further complicated by the fact that a range of principles pertaining to marriage under Shariah are manifestly irreconcilable with the South African constitutional regime. By way of example, the minimum age for marriage of women is nine and for men is twelve and a Muslim minor girl’s father may arrange her marriage before she reaches adulthood, in accordance with Shariah (catering for variances for each of the different schools), which principles are irreconcilable with the South African constitutional framework. Alternatively, in enacting legislation, the State might be accused of revising (and in the

there is no specific statutory recognition of any religious marriages. Accordingly, the position of Muslims, is no different to that of Jews, Hindus or any other religious grouping.

20.3 The Children's Act, 2005⁴⁸ defines "*exploitation*", in relation to a child, as including all forms of slavery or practices similar to slavery, including debt bondage or forced marriage.⁴⁹ Section 12 provides that every child has the right not to be subjected to social, cultural and religious practices which are detrimental to his or her well-being. A child below the minimum age set by law for a valid marriage may not be given out in marriage or engagement; and above that minimum age may not be given out in marriage or engagement without his or her consent.

20.4 The Marriage Act, 1961⁵⁰ provides for the prohibition of marriage of persons under certain ages and states that no boy under the age of 18 years and no girl under the age of 15 years shall be capable of contracting a valid marriage except with the written permission of the Minister of Home Affairs.⁵¹

Reply to issues raised in paragraph 21 (a) of the list of issues

21.1 Although approximately 48% of the population was food secure in 2005, we, however, have a high percentage of the population who experienced hunger (food insecurity) during this time. It is, however, noteworthy that between 2005 and 2008 food insecurity was reduced by 50% (from 52,0% to 25,9%). Malnutrition consists of both wasting (3,0%) and overweight (13%). During 2016, the overweight value for South Africa (13%) was more than twice the global average of 6,1%.⁵²

Reply to issues raised in paragraph 21 (b) of the list of issues

21.2 Government supports around 435000 subsistence and smallholder farmers through providing farm equipment, fencing, fertilisers, seedlings and other essentials; disbursing a grant through Comprehensive Agricultural Support Programme (CASP) and repairing damaged infrastructure. Further measures included supporting Agri-Park initiative.⁵³

21.3 Farmers are also provided with advisory services and training on the basic components of food security. R241 million has been prioritised on an agricultural census in collaboration with Statistics South Africa. The census will create a registry of subsistence, smallholder and commercial farmers, and gather baseline information. The gathered information will be used to properly target support to farmers, avoid duplicating support to emerging farmers, and allow for proper ratio of extension officers to ensure the productivity of emerging farmers. Government further aims to deploy at least 150 veterinarians each year over the medium term, to strengthen primary animal health care, support smallholder animal production, and contribute to productivity and food security. This initiative will be supported by an allocation of R403 million over the medium term, in the Agricultural Production, Health and Food Safety programme.

process distorting) Shariah law so as to ensure that it is constitutionally compliant. The consequence of such a course is particularly serious given that Shariah is divinely ordained and derives from Qur'anic principles; it is therefore not subject to any form of development, amendment or revision. The further complication is that if the State were to engage in such an exercise of developing Shariah to accord with the Constitution through the enactment of legislation, it will, of necessity, have the effect of depriving Muslim persons of the right to practise Shariah in its undeveloped and original form and thereby transgress the right of freedom of religion.

⁴⁸ Act 38 of 2005.

⁴⁹ Section 1.

⁵⁰ Act 25 of 1961.

⁵¹ Section 26.

⁵² Sustainable Development Goals, Indicator Baseline Report 2017-South Africa.

⁵³ The initiative aims to establish and maintain producer support infrastructure such as markets and agro-processing facilities; create networks and provide logistical services for producers, inputs suppliers; and coordinate activities for producer support and development to create jobs and develop rural economies.

Reply to issues raised in paragraph 21 (c) of the list of issues

21.4 The recently completed South African Demographic and Health Survey (2016) found a significant improvement in exclusive breastfeeding rates, from 8% in 2003 to the current 32%. This is a notable achievement for South Africa and is a significant step towards reaching the World Health Assembly (WHA) target of 50% by 2025. Government intends to continue efforts to ensure more babies are exclusively breastfed for the first six months of life, with no other food, other liquids, or even water. Optimal breast practices also include initiation of breastfeeding within an hour after birth and continued breastfeeding until two years of age and beyond.

Reply to issues raised in paragraph 21 (d) of the list of issues

21.5 Government is implementing interventions focused on clinical nutrition, public health nutrition, and food service management. Clinical guidelines on Adult Parenteral and Enteral nutrition and Paediatric Parenteral Nutrition were developed. As part of overcoming the high prevalence of overweight and obesity, Government has provided orientation workshops on health meals in the workplace to all government departments. These workshops aim to help employees adopt healthy eating habits. Guidelines for healthy eating in Early Childhood Development centres were also developed, with the aim to improve the quality of food served.

Reply to issues raised in paragraph 22 (a) of the list of issues

22.1 Yes, Government has an effective system through the collaboration between Districts and Land Rights Management Facility (LRMF) to track farm dwellers/labour tenant evictions. The Land Rights Management Facility (LRMF) was initiated as an innovative and concrete strategy to improve access to justice as a means to guarantee tenure security.

Reply to issues raised in paragraph 22 (b) of the list of issues

22.2 The LRMF provides dedicated state funded panels of specialist land rights legal practitioners and mediators in order to provide legal and mediation services to all farm dwellers and labour tenants facing eviction.

Reply to issues raised in paragraph 22 (c) of the list of issues

22.3 Government collaborates with municipalities regarding alternative accommodation, and in cases involving the courts, also in accordance with court orders.

Reply to issues raised in paragraph 22 (d) of the list of issues

22.4 The Extension of Security of Tenure Amendment Bill is in the final approval stages after being approved by the National Assembly and referred to National Council of Provinces. The Bill strengthens the rights of occupiers, provides for legal representation of occupiers, and further regulates the eviction of occupiers by enforcing alternative dispute resolution mechanisms, and establishes the Land Rights Management Board (LRMB) and Land Rights Management Committees (LRMC) that will identify, monitor and settle land rights disputes.

Reply to issues raised in paragraph 23 (a) of the list of issues

23.1 According to the Housing Act, 1997⁵⁴ every municipality must, as part of the municipality's process of Integrated Development Planning, take all reasonable and necessary steps within the framework of National and provincial housing legislation and policy to initiate, plan, coordinate, facilitate, promote and enable appropriate housing development in its area of jurisdiction.⁵⁵ An Integrated Development Plan (IDP) is a single, inclusive strategic plan for the development of a municipality that links, integrates and

⁵⁴ Act 107 of 1997.

⁵⁵ Section 9 (1) (f).

coordinates plans and takes into account proposals for the development of the municipality, aligns resources and capacity of the municipality with the implementation of the plan.

23.2 Since early 2007, housing planning is included in this process through the formulation of a Housing Chapter in the IDP processes.⁵⁶ The Urban Settlement Development grant (USDG) is used to complement municipal sources of income and provide basic services for metropolitan municipalities.

Reply to issues raised in paragraph 23 (b) of the list of issues

23.3 In 2005 government introduced the Finance Linked Individual Subsidy Programme (FLISP) to provide assistance to households who are unable to independently access mortgage finance to acquire residential property. These households earn too little to qualify for mortgage finance on the one hand and on the other their monthly income exceeds the maximum income limit applicable to Government's Housing Subsidy Scheme. To enable improved implementation of the Programme, Government in 2013 introduced a substantially revised FLSIP. The revisions included the appointment of the National Finance Corporation (NHFC) as an implementing agent to assist Provinces and municipalities. Essentially, enhancement of FLISP to address the ever growing housing needs of the target group as well as associated emerging challenges is ongoing.

Reply to issues raised in paragraph 23 (c) of the list of issues

23.4 The intention of the State is to educate beneficiaries about the illegality of such sales and the challenges that go with it. It is also to educate beneficiaries that Government is using housing as part of its poverty alleviation and asset creation strategy.

Reply to issues raised in paragraph 23 (d) of the list of issues

23.5 The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998⁵⁷ (PIE) was promulgated to provide for a fair and reasonable process to evict people who unlawfully occupy land and houses. It lays the ground for the eviction process or property repossession. PIE also provides that no one may have their home demolished or be evicted without a court order after considering all the relevant circumstances. PIE requires special consideration be given to the rights of the elderly; the rights of children; the rights of disabled persons; and households headed by women. Government does not keep statistical data on evictions.

Reply to issues raised in paragraph 23 (e) of the list of issues

23.6 Government has developed a new National Special Housing Needs Programme that provide capital grants to registered Not for Profit Organisation (NPOs) with proven institutional and financial capacity to acquire, developed, own, operate and maintain residential care facilities for the benefit of persons with special housing needs including homeless people. Such grants will be provided to emerging NPO's that will be assisted through a structured support from Government to enable them to own and operate special housing needs facilities. Similarly, Government has also worked with South African Local Government Association (SALGA) in developing new National Human Settlements Programme: Backyard Rental Housing Assistance.⁵⁸ For data on backyard dwellings please see **Annexure A, Table 22**.

⁵⁶ The Programme will also provide assistance to all Municipalities which do not have sufficient financial and/or human resources for the undertaking of Housing Chapters of IDPs. The successful implementation of housing chapters in IDPs contributes to the overall spatial development and integration objectives of the municipality by facilitating the proper use of housing investment by the Government, and contributes towards the development of sustainable human settlements by providing for an IDP integration phase to ensure inter-sectoral agreement on integrated programmes.

⁵⁷ Act 19 of 1998.

⁵⁸ The intent of this new Programme is to deploy strategies that will lead to the improvement of the quality of the lives of the current informal backyard rental residents. The Programme aims at providing funds for the provision of basic municipal services to backyard residents as well as funding for the upgrading of bulk and connector services where required.

Reply to issues raised in paragraph 24 of the list of issues

24.1 Services have, since the late 1990s, been rolled out to areas, mostly urban areas, where services were easiest and most cost-effective to implement. Service delivery has, however, stagnated, in many informal areas due to problems experienced in rolling out these services to very densely populated, volatile areas in which it is often impossible or impractical to provide the required infrastructure. Providing electricity directly into informal structures also need to be done with great care to maintain safety. The fact that informal areas are, by their very nature, volatile and are often created on land that either belongs to other parties and/or are not zoned as residential areas. Obtaining the land from its rightful owners, rezoning it and planning service delivery options are challenging. In rural areas service delivery is hampered by low densities, and large distances between communities. For full statistical data, please see **Annexure A, Tables 24 and 25**.

Reply to issues raised in paragraph 25 of the list of issues

25.1 The 2017 mid-year estimates indicate:

- Infant mortality rate: 32.8/1000 live births;
- Under 5 mortality rate: 42.4/1000 live births;
- Life expectancy: 61.2 years for males; 66.7 years for females.

25.2 Steps taken to expand coverage of the national health insurance include the strengthening primary health care services through a number of initiatives (strengthening the community health worker programme; establishing district clinical specialist teams; strengthening the integrated school health programme; contracting medical practitioners); providing in the 2018/19 financial year additional funds for priority services including radiation oncology, high risk pregnancies. Government has adopted a **new community health worker policy** and has put in place a process to implement this policy. This will strengthen community based services, including prevention and health promotion and early referral to clinics. For access to health-care facilities, please see **Annexure A, Table 26**.

Reply to issues raised in paragraph 26 of the list of issues

26.1 Progress in relation to the National Mental Health Policy Framework includes the establishment of mental health care teams in 14 health districts; three provinces have employed senior managers for mental health services and Mental Health Review Boards have been appointed for all mental health facilities. Challenges in implementing the Policy Framework include suboptimal levels of mental health practitioners; inadequate number of beds for in-patients; limited community based mental health services.

26.2 The Health Ombudsman's Report into the Life Esidimeni tragedy recommended that an Alternative Dispute Resolution process be instituted. The Life Esidimeni Alternate Dispute Resolution (ADR) hearings, under the stewardship of retired Deputy Chief Justice Dikgang Moseneke, were held between October 2017 and February 2018 for a total of 45 days. A total of 60 witnesses were called, inclusive of 19 government officials, 31 family members of both deceased and surviving victims, 6 experts and 4 Not-for-Profit institutions. Justice Moseneke made a binding award on 19 March 2018.⁵⁹

⁵⁹ The government of the Republic of South Africa was ordered to, with respect to the 135 claimants who were part of the ADR hearings:

- Pay ZAR 20,000 (USD 1,622) to families of 67 deceased in respect of funeral expenses no later than 19 June 2018;
- Pay ZAR180,000 (USD 14,600) to 67 families of deceased as well as 68 survivors in respect of general damages for shock and psychological trauma no later than 19 June 2018;
- Pay ZAR1-million (USD 81,115) to 67 families of deceased as well as 68 survivors as appropriate relief and compensation for the government's unjustifiable and reckless breaches of the Constitution of the Republic of South Africa (Section 1 A and C and D of Section 7, Section 10, Section 12 (1) D, Section 12 (1) E, Section 27 (1) A, Section 27 (1) B, Section 195 (1) A, B, D, E, F and G), multiple contraventions of the National Health Act 61 of 2003 as well as the Mental Health Act 17 of 2002 no later than 19 June 2018;

Reply to issues raised in paragraph 27 of the list of issues

27.1 Government is in the process of reviewing its national policy on contraception. In addition, a new Adolescent and Youth Health Policy has been adopted and is currently being implemented. This policy has the following pillars: HIV/TB; mental health; sexual and reproductive health; substance abuse; nutrition; and youth involvement in policy design, implementation and monitoring. Various provincial departments (such as the Department of Education in KZN) provide sanitary pads to learners in poor communities.

27.2 With regard to termination of pregnancies, the Choice on Termination of Pregnancy Act, 1996⁶⁰ provides for terminations before 12 weeks as well as between 13 and 20 weeks. Access to terminations is seen as part of the broad range of contraceptive methods. A communication campaign to promote modern contraceptive use has been implemented. However, barriers to termination services and use of illegal abortion services exist. These include insufficient access to termination services as not all hospitals provide this service because of conscientious objection by health personal (we will be increasing provision of medical termination services) as well as attitude by some health professionals.

Reply to issues raised in paragraph 28 of the list of issues

28.1 The National Strategic Plan for HIV, TB and STIs, 2017–2022 provides a comprehensive review of the state of the HIV epidemic as well as plans to curb new infections and mitigate stigma and discrimination. Currently there are 7.1 million people living with HIV and 4.2 million on ARV treatment. The intention is to add another 2 million people on ARVs by December 2020 to reach the UNAIDS 90-90-90 targets. In terms of preventing mother to child transmission of HIV, transmission at 6 weeks postpartum has reduced from 8% in 2008 to 1.4% in 2017.

28.2 The Health Sector HIV Prevention Strategy 2016 has a prevention package which focuses on people who inject drugs (PWID). Injecting drug users often contract HIV through needle-sharing but are also at high risk of contracting HIV because of the link between sex work and injecting drug use and the prevalence of unsafe sex among drug users. The package focuses on comprehensive prevention of HIV, hepatitis and other STIs as well as the management of all these infections.

Reply to issues raised in paragraph 29 (a) of the list of issues

29.1 Whilst approximately 96% of children complete primary school, the drop-out rates do increase significantly towards the end of secondary school. Although factors such as financial constraints, gang involvement and family commitments play a role in triggering dropout, the major root cause of dropout is weak learning foundations. For this reason, interventions to improve the acquisition of foundational numeracy and literacy, especially reading acquisition, are crucial. The National School Nutrition Programme (NSNP) feeds more than 9 million children every school day. This is envisaged to reduce late-coming, improve concentration on learning while in school, and retain learners in school who might otherwise have stopped attending for hunger related reasons.

29.2 The No-fee Policy remains another important way in which an obstacle to attending and remaining in school is removed. The Learner Transport programme is another means to remove a key barrier to school attendance, namely distance from school. Government is now busy with an evaluation of the Learner Transport Programme. This will help us ensure that learners arrive safely at school, on time and ready to learn.

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- Within 30 days make available the services of qualified mental health care professionals who must access the counselling and support needs of each of the 135 claimants and up to three members of each claimant's family. Those who require support must be provided with such services immediately after the needs assessment, except if any of the claimants or their family in writing decline the counselling and support;
 - A remembrance monument be erected within 12 months;
 - A recovery plan must be developed within 6 months and implemented.

⁶⁰ Act 92 of 1996.

29.3 One policy change which has contributed to better retention in the system is the progressed learner policy. This stipulates that learners are not permitted to repeat more than one year per school phase (each school phase is three grades).⁶¹

Reply to issues raised in paragraph 29 (b) of the list of issues

29.4 South African schools and teachers have been through a number of curriculum changes over the past two decades. These and ongoing adjustments to the curriculum represent one key mechanism for improving the quality of education. A recent evaluation of the current South African curriculum has been completed and an improvement plan has been adopted in order to respond to the evaluation findings. Some of the actions committed to through this improvement plan include changes to the continuous professional development system, the development of a school effectiveness support programme and the setting of professional standards. Many of these improvement plan activities are already in motion.

29.5 A tool for monitoring curriculum coverage in all provinces is also at an advanced stage of development. A number of initiatives are underway to improve the supply of well qualified teachers. Whilst the strong majority of teachers now possess the official qualifications necessary, the challenge is to ensure that highly motivated and competent young people are attracted into the profession and that new teachers receive better and more appropriate training.

29.6 Teacher education is a national competence that is funded and regulated through the Department of Higher Education and Training.⁶² Teachers can specialise as Foundation Phase teachers; Intermediate Phase teachers, Senior Phase/FET teachers. Teacher education qualifications that are higher education qualifications, recognised for employment in education, can only be offered by universities and private Higher Education Institutions. Both types of institutions must be accredited by the Council on Higher Education before they can offer teacher education qualifications. In addition, private HEIs must be registered with the Department of Higher Education and Training to offer the specific qualification. The Council on Higher Education is the main custodian of quality in higher education, including teacher education.

29.7 The Policy on Minimum Requirements for Teacher Education Qualifications is an important response to the issue of teacher education quality. The Policy sets minimum standards for all Initial Teacher Education qualifications offered by Higher Education Institutions. The Policy requires that all Initial Teacher Education programmes must be strongly focussed on developing teacher knowledge and practice and sets specific requirements in place for the teaching practice components of Initial Teacher Education programmes.⁶³ Improving teacher education quality through collaboration is supported by

⁶¹ The effect of this is that in 2016 and 2017 many learners who would have been held back from entering the secondary school leaving examination (the National Senior Certificate) had the opportunity to participate rather than dropping out of school. Indeed, a significant proportion of such learners in fact passed the NSC exams. It is also worth recognizing efforts to improve support to youths who do drop out of school. The introduction of the Second Chance Programme for young people, youth development and energised social cohesion programmes, curriculum differentiation for more effective inclusive education, and the introduction of the three stream curriculum model — occupational, technical and vocational streams — are innovations designed to improve curriculum choices and post-school opportunities and choices for young people country-wide.

⁶² There are currently only two (2) pathways to become a fully qualified teacher in South Africa: complete a Bachelor of Education degree (NQF exit level 7; 480 credits; 4-year full-time); and complete a general undergraduate degree or approved diploma, and thereafter complete a Post-Graduate Certificate in Education (NQF exit level 7; 120 credits; 1-year full-time).

⁶³ All universities are required to develop new programmes that comply with the policy by 2019. The Teacher Education Programme Evaluation Committee is an oversight body that is convened by the Department of Higher Education and Training and which has representation from the Department of Basic Education, the South African Council of Educators and the Education, Training and Development Practices Sector Education and Training Authority. All universities are required to submit newly developed programmes to the Teacher Education Programme Evaluation Committee to ensure compliance with the Policy on Minimum Requirements for Teacher Education Qualifications.

the Education Deans Forum through the sharing of knowledge and information, networking and fostering collaboration amongst higher education institutions and other stakeholders in the higher and basic education sectors. The Department of Basic Education and Department of Higher Education and Training attend the quarterly meetings of the Education Deans Forum. The Integrated Strategic Planning Framework for Teacher Education and Development directs the Department of Higher Education and Training to attend to issues of teacher education quality, including strengthening the practice teaching component of initial teacher education programmes.

29.8 A lot has been done in recent years to improve access to quality learning materials in our classrooms. The DBE workbook programme has been one of the most important government programmes with respect to learning materials. The programme is currently ensuring that all public school learners have access to a workbook in Literacy up to Grade 6, and in Numeracy up to Grade 9. The workbooks are available in all 11 official home languages.⁶⁴ In 2016, over 95% of Grades 1 to 9 learners across the country had access to mathematics and language workbooks, according to responses in the General Household Survey. The aforementioned evaluation of the curriculum also commended the DBE workbook programme. Teachers were in agreement that there are enough workbooks for all learners and these appear to be widely used during lessons.

Reply to issues raised in paragraph 29 (c) of the list of issues

29.9 Despite the improvements in access to schools, there are challenges with respect to the levels of learning, especially in primary school literacy and numeracy.⁶⁵ One critical aspect of addressing academic achievement is to have systems in place to measure it. A new National Integrated Assessment Framework (NIAF) has been developed, having considered historical lessons and criticisms levelled at the Annual National Assessment (ANA) to improve its design, efficiency and take-up by teachers.

29.10 Research and evidence shows that the root causes of dropping out of school towards the end of secondary schooling, are weak learning foundations in the early Grades. Measures have been taken to capacitate Foundation Phase subject advisors to train and support teachers in schools. Some of the platforms through which this is to be achieved are the Early Grade Reading Assessment (EGRA). Through partnerships with the private sector, this campaign aims to nurture a daily reading culture in public schools and in homes.

Reply to issues raised in paragraph 29 (d) of the list of issues

29.11 A number of factors hindering the implementation of the accelerated school infrastructure delivery initiative were beyond the direct control of Government. These factors included poor performance by contractors, community protests affecting progress, and the processes of school mergers and rationalisations. However, the main way in which Government plans to address underspending on this programme is through more frequent and new monitoring including the deployment of ASIDI Provincial Co-ordinators to do site inspections on selected projects.

Reply to issues raised in paragraph 29 (e) of the list of issues

29.12 The policy on contributions aside from school fees is clear. Any parent, including those granted any type of exemption, can make voluntary contributions to the school fund. Contributions can be in the form of money, in kind or in the form of any service a parent may render to a school. However, no-fee schools cannot make such contributions compulsory. In order to combat cases where parents are expected to make compulsory contributions Government endeavours to provide clear communication to parents about

⁶⁴ Following the national language policy, the Mathematics workbooks are available in all 11 languages up to Grade 3, and in English and Afrikaans up to Grade 9. The DBE workbooks are designed to provide learners with the opportunity to practice the required language and numeracy skills that are required of them by the Curriculum and Assessment Policy Statements (CAPS).

⁶⁵ The levels of learning are too low, and are highly unequal. But in 2011, there was some encouragement from the Trends in International Mathematics and Science Study (TIMSS), which pointed to large improvements in South Africa's maths and science achievement at the grade 9 level.

their rights and the policies regarding contributions and to monitor the system to identify such occurrences. During the 2017/18 financial year, more than 9.8 million learners in 23 796 public schools benefitted from the “no fee” school policy. This represents 86% of public schools classified as “no fee” schools, benefitting 78.6% of our learners in those schools.

Reply to issues raised in paragraph 29 (f) of the list of issues

29.13 Various efforts within the realm of inclusive education aim to remove barriers to retention amongst the most vulnerable groups of children. These efforts include expanding the use of South African Sign Language, training special needs educators, and improving access to full service special needs schools. As a result the number of full service special needs schools has almost doubled since 2002 when there were only 295 full service schools. Since its approval in December 2014, the Policy on Screening, Identification, Assessment and Support (SIAS) has been implemented.

Reply to issues raised in paragraph 29 (g) of the list of issues

29.14 Since 2012, Government’s Departments of Basic Education and Health have jointly been implementing the Integrated School Health Programme with the purpose of providing a comprehensive and integrated package of services to learners in primary and secondary schools. Through a partnership with Unilever, a WASH programme is being initiated whereby Unilever will donate toothbrushes and toothpastes and soap. The programme outcome is to contribute towards improvements in the health and education outcomes of Grade R-1 learners in quintile 1-3 schools through building knowledge, skills and self-efficacy on hand washing with soap, oral hygiene and good sanitation practices. Through the ASIDI programme outstanding schools that lack appropriate water and sanitation facilities are being resourced. A conditional grant dedicated to HIV and AIDS Life Skills Education is used towards a number of initiatives that have a focus on improving outcomes for girls.⁶⁶

Reply to issues raised in paragraph 30 of the list of issues

30.1 Section 6 of the Constitution recognises the diminished use and status of indigenous languages of the people of South Africa and enjoins the state to take practical and positive measures to elevate the status and advance the use of those languages. Further to this, national and provincial government are required to regulate and monitor the use of official languages through legislative and other measures.

30.2 The Pan South African Language Board (PANSALB) was established to promote and create conditions for the development and use of official languages, the Khoe and San languages and sign language; promote and ensure respect for all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu, and Urdu and; Arabic, Hebrew, Sanskrit, and other languages used for religious purposes in South Africa. The development and resuscitation of Khoi-San languages is therefore the constitutional mandate of PanSALB. A number of following measures were taken.⁶⁷

⁶⁶ The objectives of this grant include the provision of a safe, rights-based environment in schools that is free of discrimination, stigma and any form of sexual harassment/abuse, the training of teachers to implement SRH and TB programmes for learners to be able to protect themselves from HIV and TB, and their associated key drivers including alcohol and drug use, leading to unsafe sex, learner pregnancy and HIV infection, the appointment of Learner Support Agents (LSAs) to support vulnerable learners, with a specific focus on keeping girls in school, and advocacy and social mobilisation events with a focus on key risk behaviours such as alcohol and drug use, learner pregnancy, intergenerational and transactional sex amongst girls and to advocate for the integrated school health programmes including HIV testing.

⁶⁷ The Khoe & San National Language Body (NLB) hosted a!Xun Language Group partnership meeting for use and development of !Xunthali language on 24 May 2016. A Strategic partnership meeting was held with Prince Katjara on development and use of the Khwedam language and on 26 May 2016 a strategic partnership meeting was also conducted with the SABC for use of Khoe and San languages

30.3 PANSALB also focuses on promotional activities to create awareness of different languages in order to promote and further language development, language use, and language rights. The Northern Cape PLC hosted the Sesotho language and cultural celebration and Khoi San Languages Workshop to promote the use of the Sesotho and Khoi San Language in the Province.

on SABC TV and Radio Stations. A successful hosting of the Khoe and San Languages Dialogue and Workshop took place in Springbok from 26 to 29 September 2016. The Khoe & San NLB General Meeting was hosted on 29 September 2016 tabling matters for discussion on the use, development and promotion of Khoe and San languages nationally. The Khoe & San official Launching of KhoeKhoegowab Dictionary Glossary to support the development and use of Khwe and San languages took place on 30 September 2016. In terms of initiatives by PanSALB and other government related language structures to place the previously marginalised indigenous languages in public and private institutions formal and informally, the Northern Cape (NC) collaborated with the South African Human Rights Commission (SAHRC) to conduct public hearings on discrimination against Khoe and San languages. The province partnered with the NC HOD's Forum to promote the use of languages in the province. The inculcation of human rights culture includes linguistic human rights within a multilingual symbiosis of all South African languages. In order to establish a strategic partnership with other constitutional bodies dealing with linguistic human rights, PanSALB has joined the Forum for Institutions Supporting Democracy (FISD) both nationally and in all the nine provinces. The provinces have signed MOUs to strengthen the partnership and also to have clear terms of reference in the partnership. The FISD in the provinces hold meetings quarterly for reporting and planning as well as co-hosting outreach campaigns to raise public awareness in order to influence and promote multilingualism in all organs of society through effective protection and promotion of linguistic human rights. In terms of initiatives by PanSALB and other government related language structures to place the previously marginalised indigenous languages in public and private institutions formal and informally, the Northern Cape (NC) collaborated with the South African Human Rights Commission (SAHRC) to conduct public hearings on discrimination against Khoe and San languages. The province partnered with the NC HOD's Forum to promote the use of languages in the province. The Northern Cape attended the SAHRC Public Hearings in Kimberley and made a presentation on Khoe and San languages violations and discriminatory practices provincially.