

# AFRIQUE DU SUD. LES DROITS HUMAINS AJOURNÉS

## AMNESTY INTERNATIONAL : COMMUNICATION POUR LA 41<sup>e</sup> SESSION DU GROUPE DE TRAVAIL SUR L'EPU, NOVEMBRE 2022 (ANNEXES EN ANGLAIS)

### RÉSUMÉ

La présente communication a été préparée en vue de l'Examen périodique universel (EPU) de l'Afrique du Sud, qui se tiendra en novembre 2022. Amnesty International y évalue la mise en œuvre des recommandations faites à l'Afrique du Sud lors de son précédent EPU, notamment en ce qui concerne les violences liées au genre, la santé sexuelle et reproductive, l'éducation et la responsabilité des entreprises en matière de droits humains.

La communication analyse aussi le cadre national des droits humains au regard des nouvelles lois introduites au cours de la période examinée, du respect des procédures spéciales et de la dotation de la Commission sud-africaine des droits humains.

Amnesty International fait part de ses préoccupations concernant le niveau élevé de violences liées au genre, les obstacles à l'accès aux services de santé sexuelle et reproductive, le mauvais état des infrastructures scolaires et le manque de respect des obligations légales par les sociétés minières.

## LE PRÉCÉDENT EXAMEN ET SES SUITES

1. Lors de l'examen précédent, l'Afrique du Sud avait accepté (soutenu) 187 des 243 recommandations qui lui avaient été faites<sup>1</sup>.
2. L'Afrique du Sud avait accepté 28 recommandations portant sur la lutte contre les violences à l'égard des femmes. Comme cela lui avait été recommandé, un plan stratégique national a été adopté en 2020 afin de lutter contre les violences liées au genre, mais sa mise en œuvre reste lente et les violences contre les femmes se poursuivent en toute impunité<sup>2</sup>. En outre, le gouvernement n'a pas mis en place le Conseil national sur la violence liée au genre et le féminicide, qui doit être responsable de la coordination et de la mise en œuvre du plan stratégique national<sup>3</sup>.
3. Parmi les 15 recommandations relatives à la santé acceptées par l'Afrique du Sud, quatre étaient en faveur de la santé et des droits en matière sexuelle et reproductive, notamment pour améliorer l'accès aux services de santé concernés<sup>4</sup>. Si certaines mesures ont été prises pour assurer un meilleur accès et mettre fin à la discrimination, des obstacles continuent d'empêcher les femmes et les filles d'y recourir.
4. L'Afrique du Sud avait soutenu 16 recommandations visant à améliorer l'accès à l'éducation et à garantir la qualité de l'enseignement, dont celles en faveur de l'adoption de mesures concrètes pour réduire le nombre de personnes en situation de décrochage scolaire et améliorer la qualité des infrastructures scolaires<sup>5,6</sup>. Pourtant, 500 000 apprenants supplémentaires ont abandonné l'école en 2021, une situation exacerbée par la pandémie de COVID-19<sup>7</sup>, et 5 167 écoles utilisent encore des latrines à fosse<sup>8</sup>.
5. L'Afrique du Sud n'a pas accepté trois recommandations concernant la responsabilité des entreprises en matière de droits humains mais en a pris note. Celles-ci préconisaient de faire en sorte que les entreprises d'extraction minière rendent des comptes pour les atteintes aux droits humains et la dégradation de l'environnement résultant de leurs activités<sup>9</sup>. Les entreprises minières sont ainsi peu ou pas contrôlées par le gouvernement, affectant négativement les droits des communautés dans lesquelles elles opèrent.

## LE CADRE NATIONAL DE PROTECTION DES DROITS HUMAINS

6. En janvier 2022, le président Cyril Ramaphosa a acté trois nouvelles lois visant à renforcer la réponse législative aux violences liées au genre : la loi portant modification du droit pénal (infractions à caractère sexuel et aspects connexes), la loi portant modification des questions pénales et connexes, et la loi portant modification de la loi relative à la violence domestique<sup>10</sup>.
7. L'Afrique du Sud ne revient pas sur sa déclaration concernant le paragraphe 2(a) de l'article 13 et l'article 14 du Pacte international relatif aux droits économiques, sociaux et culturels, bien que la Cour constitutionnelle ait conclu que le droit à l'éducation de base prévu par la Constitution sud-africaine est « immédiatement applicable »<sup>11,12</sup>.
8. La Commission sud-africaine des droits humains continue de se heurter à des contraintes de ressources et de capacités tout en accomplissant son mandat constitutionnel, ce qui l'oblige à explorer d'autres possibilités de financement<sup>13</sup>.
9. L'Afrique du Sud n'a pas encore accepté la demande de visite du Groupe de travail sur les responsabilités des entreprises en matière de droits humains<sup>14</sup>.

## SITUATION EN MATIÈRE DE DROITS HUMAINS SUR LE TERRAIN

10. Le président Cyril Ramaphosa a pris ses fonctions en 2018 après la démission de l'ancien président Jacob Zuma, au terme de plusieurs années de manifestations de la population demandant la démission de ce dernier en raison d'allégations de corruption. Dans son premier discours sur l'état de la nation, le président Cyril Ramaphosa a promis d'entrer dans une nouvelle ère et de s'attaquer au manque de services, au chômage et à la violence liée au genre. Malgré ces promesses, il n'y a eu que peu d'améliorations tangibles dans la réalisation des droits humains des populations, voire, dans certains cas, une détérioration de la situation.

### Violences liées au genre

11. Les violences liées au genre sont omniprésentes en Afrique du Sud. Entre 2019 et 2020, la police a enregistré 171 070 infractions contre les personnes commises à l'égard des femmes<sup>15</sup>. Au cours de la même période, 2 695 femmes ont été tuées, soit une femme tuée toutes les trois heures. Cela représente presque cinq fois la moyenne mondiale<sup>16</sup>.
12. Entre octobre et décembre 2021, les services de police d'Afrique du Sud ont reçu un total de 14 188 signalements d'infractions sexuelles, dont 11 315 étaient des cas de viol. Parmi les infractions liées à la violence domestique au cours de la même période, 94 % des femmes ont signalé des cas de viol, 83 % des cas d'agression ordinaire et 86 % des cas d'agression sexuelle<sup>17</sup>.
13. En janvier 2022, le président Cyril Ramaphosa a promulgué trois nouvelles lois visant à renforcer la protection contre la violence liée au genre<sup>18</sup>. Cependant, malgré une législation progressiste en matière de violence liée au genre en Afrique du Sud, la mise en œuvre des politiques et de la législation présente des défaillances systémiques. De nombreuses femmes et filles ne peuvent ni accéder aux droits et protections prévus par la loi ni en bénéficier. Les témoignages des victimes indiquent que, bien souvent, la police ne s'acquitte pas des obligations qui lui incombent en vertu de la législation. Une victime, qui avait été violée trois fois en 2018 et 2019, a par exemple signalé la première et la deuxième fois, mais n'a pas déclaré la troisième en raison d'un manque de confiance vis-à-vis de la police qui, selon elle, avait bâclé ses affaires. La police n'avait pas mené d'enquête approfondie sur les affaires, même si les personnes soupçonnées lui étaient déjà connues<sup>19</sup>.
14. En septembre 2017, le Conseil de la recherche médicale a indiqué que seuls 8,6 % des affaires de viol traitées par la police en 2012 avaient abouti à une condamnation. Il a donné plusieurs explications à cela, notamment le manque de ressources, la formation insuffisante des policiers, ainsi que l'absence d'enquête et de recueil d'éléments de preuve. L'étude a montré que les décisions prises par la police pour arrêter les auteurs et par les procureurs pour engager des poursuites sont influencées par des croyances erronées sur ce qu'est un viol « grave ». Ce préjugé se retrouve lors des procès, que ce soit chez le juge ou l'avocat de la défense<sup>20</sup>.
15. Les victimes craignent souvent de signaler les agressions à la police, car il existe une culture bien ancrée de stéréotypes préjudiciables liés au genre et d'attitudes discriminatoires. Certaines de ces attitudes favorisent et perpétuent des idées reçues sur le viol<sup>21</sup>. De nombreuses victimes ont fait état d'une victimisation secondaire lorsqu'elles se sont présentées pour signaler un cas<sup>22</sup>.

### Santé et droits sexuels et reproductifs

16. Bien que l'avortement soit légal en Afrique du Sud en vertu de la loi relative au choix en matière d'interruption de grossesse (Choice on Termination of Pregnancy Act, CTOPA) entrée en vigueur en 1997, il subsiste des obstacles qui empêchent les femmes et les jeunes filles du pays à accéder à des services d'avortement sûrs.
17. Seuls 264 (7 %) des 3 880 établissements de santé du pays proposent des services d'interruption de grossesse<sup>23</sup>. Le refus de la pratique de l'avortement opposé par des professionnel-le-s de santé, en l'absence de réglementation de l'objection de conscience, contribue largement à la pénurie d'établissements de santé offrant ces services. En 2019, le ministère de la Santé a rédigé des instructions pour réglementer l'objection de conscience dans les Directives cliniques nationales pour la mise en œuvre de la loi sur le choix de l'interruption de grossesse<sup>24</sup>. Toutefois, celles-ci n'ont été publiées qu'en 2021 et ne sont toujours pas totalement diffusées ni appliquées.

18. Environ 83 % de la population sud-africaine est dépendante d'infrastructures publiques, avec un accès inégal aux services, aux équipements et aux ressources qui transcende le fossé qui existe entre le public et le privé<sup>25</sup>. Le système de santé public fournit des services aux groupes qui ont toujours été marginalisés et qui subissent des formes de discrimination croisées. L'accès aux services de santé sexuelle et reproductive, et notamment aux services d'avortement, suit ce même schéma d'inégalité concernant l'accès aux soins de santé et la fourniture de services.
19. Les obstacles à l'accès à l'avortement sont accentués par le fait que les services d'avortement ne sont pas disponibles au niveau des soins de santé primaires, notamment dans les zones rurales avec des établissements de santé qui sont éloignés, ce qui nécessite des frais de transport élevés.
20. Le fait que les femmes et les jeunes filles ne sachent pas que l'avortement soit légal constitue l'une des principales causes des avortements à risque<sup>26</sup>. Le manque d'information peut entraîner des retards inutiles dans l'accès des femmes et des jeunes filles à des services d'avortement légaux.
21. Une étude de 2018 a noté « la nécessité de promouvoir l'éducation des femmes à grande échelle par rapport à leurs droits en vertu de la loi relative au choix en matière d'interruption de grossesse » et de les informer sur comment et où accéder aux services<sup>27</sup>. Cependant, une enquête menée ultérieurement a montré que « les ministères de la Santé nationaux et provinciaux n'ont pas été en mesure d'indiquer où trouver les services [concernés]<sup>28</sup> ».

## Éducation

22. Le système éducatif public sud-africain reste caractérisé par des infrastructures délabrées et dangereuses, des classes surchargées et des résultats scolaires médiocres perpétuant les inégalités, en particulier parmi les personnes pauvres. En 2017, plus de 75 % des enfants de neuf ans ne savaient pas lire correctement ; sur 100 élèves entrant dans le système éducatif, moins de 60 % atteignent le lycée, et parmi eux, moins de 50 % réussissent leur « matric » (examen final d'études secondaires)<sup>29</sup>.
23. Selon les statistiques gouvernementales pour l'année 2021, 80,07 % des écoles n'avaient pas de laboratoire ; 69,59 % n'avaient pas de bibliothèque ; seuls 17,39 % des bibliothèques scolaires étaient approvisionnées ; 79,6 % n'avaient pas d'accès à Internet ; 35,12 % n'avaient pas d'installations sportives ; et 90 écoles étaient sans électricité<sup>30</sup>. Les données actuelles du gouvernement montrent que l'Afrique du Sud compte encore 5 167 écoles équipées de latrines à fosse simple<sup>31</sup>, contrairement à l'engagement initial du gouvernement d'éradiquer ce type de toilettes dans les écoles concernées d'ici mars 2022<sup>32</sup>. Cependant, les données fournies par le ministère de l'Éducation de base sur les latrines à fosse sont contradictoires et indiquent un mauvais système de suivi ou un manque de transparence<sup>33</sup>.
24. La fermeture des établissements scolaires pendant la pandémie, alors que les élèves les plus pauvres n'avaient pas accès aux cours à distance, a encore aggravé les inégalités en matière d'enseignement<sup>34</sup>. Parallèlement, les fonds initialement destinés à l'amélioration des infrastructures de quelque 2 000 établissements scolaires ont finalement été investis dans la lutte contre le COVID-19<sup>35</sup>. En 2020, les coupes budgétaires du ministère de l'Éducation de base et d'autres ministères nationaux ont été utilisées pour renflouer l'entité publique South African Airways<sup>36,37</sup>.
25. L'enquête nationale rapide sur la dynamique des revenus et le coronavirus (National Income Dynamics Coronavirus Rapid Mobile Survey) a révélé que 500 000 enfants supplémentaires avaient abandonné l'école pendant la pandémie par rapport aux taux observés avant la pandémie. Leur nombre total atteignait environ 750 000 en mai 2021, soit plus du triple de celui constaté avant la pandémie (230 000)<sup>38</sup>. Le gouvernement n'a pas encore annoncé comment il prévoyait de faire retourner ces enfants à l'école<sup>39</sup>.

## Responsabilité des entreprises en matière de droits humains : impunité et manque de surveillance des sociétés minières

26. Conformément à la loi sur le développement des ressources minérales et pétrolières, il existe des plans sociaux et du travail (Social and Labour Plans, SLPs), qui sont des mécanismes juridiquement contraignants par lesquels les sociétés minières sont tenues de remédier aux impacts socio-économiques de l'exploitation minière sur les

communautés vivant autour des mines<sup>40</sup>. Le ministère des Ressources minérales et de l'Énergie est chargé de la réglementation de l'industrie minière et de l'application des plans sociaux et du travail. Or il n'a pas contrôlé de façon adéquate leur mise en œuvre par les sociétés minières. Ce manque de surveillance a pour conséquence d'exacerber les impacts néfastes, ce qui entrave l'exercice des droits humains par les populations<sup>41</sup>.

27. Les plans sociaux et du travail n'ont guère contribué à transformer le mode de fonctionnement des entreprises minières et à faire en sorte qu'elles respectent leurs obligations en matière de droits humains. Cela est dû en grande partie à l'absence de contrôle de l'État sur leurs activités<sup>42</sup>.
28. La non-application par les entreprises minières de leurs plans sociaux et du travail est un facteur aggravant des nombreux défis auxquels sont confrontées les communautés, notamment les répercussions négatives sur l'environnement, la société et l'économie, l'inégalité des genres et la pollution des sources d'eau<sup>43</sup>.
29. Le ministère des Ressources minérales et de l'Énergie est doté de ressources insuffisantes et n'est pas en mesure d'assumer ses obligations législatives ; il dispose d'un mauvais système de gestion des dossiers et bloque l'accès à l'information ; il n'a pas donné suite aux directives de la Commission sud-africaine des droits humains concernant la consultation publique des plans sociaux et du travail ; il n'est pas en mesure de faire respecter par les sociétés minières les obligations de rapports des plans sociaux et du travail, ce qui donne aux communautés le sentiment d'être abandonnées et de ne pas pouvoir exercer leurs droits fondamentaux<sup>44</sup>.

## RECOMMANDATIONS À L'ÉTAT SOUMIS À L'EXAMEN

**Amnesty International appelle le gouvernement d'Afrique du Sud à prendre les mesures suivantes :**

### *Les violences liées au genre*

30. Élaborer des objectifs clairs et mesurables pour chaque indicateur du plan stratégique national sur la violence liée au genre dans les plans de performance annuels et veiller à ce que ces informations soient accessibles au public.
31. Donner la priorité à une formation initiale et continue appropriée et obligatoire pour tous les professionnel-le-s concernés, y compris les policiers, les enquêteurs, les détectives et les autres agents des forces de l'ordre qui travaillent avec les victimes de la violence liée au genre, afin que ces personnes puissent remplir leurs obligations légales.
32. Fournir des ressources appropriées aux policiers et aux commissariats, notamment en veillant à ce que chaque poste de police dispose d'une salle réservée aux victimes.
33. Assurer une surveillance et une évaluation régulières et indépendantes du traitement des affaires de viol par la police, y compris le suivi de la qualité et de la rapidité des enquêtes, et y associer des objectifs liés à la performance.
34. Promouvoir des changements dans les connaissances, les attitudes et les comportements des personnes de tous les genres en vue d'éradiquer les stéréotypes de genre et les idées reçues néfastes concernant la violence sexuelle, et promouvoir l'autonomie personnelle et corporelle et le consentement, par exemple par le biais de campagnes de sensibilisation bien documentées, soutenues par tous les membres de la société sud-africaine et à leur intention.
35. Fournir une formation appropriée, systématique et obligatoire aux professionnel-le-s concernés travaillant avec les victimes de violences sexuelles en matière de prévention et de détection des violences sexuelles, d'égalité des genres et de discrimination intersectionnelle, d'idées reçues et de stéréotypes liés au viol. Il s'agit de prévenir la victimisation secondaire et d'éradiquer les pratiques discriminatoires et le recours à des stéréotypes liés au genre à tous les stades de la procédure judiciaire.

### *Santé et droits sexuels et reproductifs*

36. Diffuser et mettre en œuvre des programmes de sensibilisation et dispenser une formation complète à l'ensemble des travailleurs-euses de la santé et du personnel affilié aux établissements de soins (y compris les agents de sécurité et les réceptionnistes) sur les directives cliniques nationales pour la mise en œuvre de la loi sur le choix de l'interruption de grossesse dans les neuf provinces. Il s'agira notamment de veiller à ce que le refus de fournir

des soins liés à l'interruption de grossesse soit réglementé de manière adéquate pour ne pas porter atteinte au droit des femmes enceintes à avoir accès à l'avortement.

37. Veiller à ce que les infrastructures et les services de santé sexuelle et reproductive, y compris l'avortement, soient disponibles et accessibles à toutes les personnes, en particulier dans les zones rurales.
38. Améliorer les connaissances des professionnel-le-s de santé et des adolescent-e-s en matière de santé et de droits sexuels et reproductifs, notamment par une éducation sexuelle complète impliquant à la fois les femmes et les filles, ainsi que les hommes et les garçons, et par la fourniture d'informations accessibles sur les lieux où l'on peut accéder aux services de santé sexuelle et reproductive, y compris ceux relatifs à l'avortement.

### *Éducation*

39. Retirer la déclaration relative au paragraphe 2(a) de l'article 13 et à l'article 14 du Pacte international relatif aux droits économiques, sociaux et culturels.
40. Fixer des objectifs et des délais concrets pour remédier aux problèmes des infrastructures scolaires qui nécessitent des travaux de modernisation et s'engager à les respecter d'ici 2023 au plus tard.
41. Veiller à ce que toutes les écoles aient accès à de l'eau propre en quantité suffisante ainsi qu'à des installations sanitaires adéquates et sûres, notamment en remplaçant toutes les latrines à fosse dangereuses et insalubres d'ici 2023.
42. Veiller à ce que, lorsque les objectifs ne sont pas atteints, des mesures correctives appropriées soient prises, notamment en tenant les ministres et les fonctionnaires responsables de tout manquement.

### *Responsabilité des entreprises en matière de droits humains : impunité et manque de surveillance des sociétés minières*

43. Élaborer et mettre en œuvre un plan d'action décrivant les mesures qui seront prises pour s'assurer que le ministère des Ressources minérales et de l'Énergie augmente sa capacité à contrôler la conformité des plans sociaux et du travail, avec un calendrier clair de mise en œuvre, et prendre toute mesure nécessaire pour garantir une application plus efficace des dispositions en la matière.
44. Exiger par la loi que tous les rapports des plans sociaux et du travail de l'entreprise destinés au ministère des Ressources minérales et de l'Énergie soient rendus publics et mis à disposition et accessibles aux employé-e-s, aux communautés affectées et aux autres parties prenantes, en langue anglaise et dans une autre langue locale pertinente ainsi que dans un format accessible aux personnes les plus marginalisées, et ce quel que soit leur niveau d'éducation.
45. Augmenter les ressources humaines et financières dont dispose le ministère des Ressources minérales et de l'Énergie pour contrôler et faire respecter les plans sociaux et du travail.
46. Revoir le cadre réglementaire des plans sociaux et du travail de façon concertée avec les communautés affectées, les sociétés minières et les autres parties prenantes concernées. Cette révision doit comprendre :
  - une répartition claire des tâches et des responsabilités entre le gouvernement local, le ministère des Ressources minérales et de l'Énergie et les sociétés minières ;
  - la prise en compte de la dimension de genre et l'inclusion des femmes dans les processus décisionnels ;
  - la création de mécanismes de responsabilité administrative, civile ou pénale pour les entreprises minières qui ne respectent pas leurs plans sociaux et du travail ;
  - des directives claires indiquant que les sociétés minières ne peuvent pas reporter les obligations non respectées au cours d'un cycle de rapport quinquennal particulier du plan social et du travail à la période quinquennale suivante.
47. Modifier la loi sur le développement des ressources minérales et pétrolières pour se conformer à la loi sur la protection temporaire des droits fonciers informels, qui consacre le droit au consentement complet et éclairé.

## ANNEX 1

### KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

#### Gender-Based Violence

Amnesty International, “Twitter Scorecard: Tracking Twitter’s Progress in Addressing Violence and Abuse Against Women Online in South Africa”, December 2021 (Index: AFR 53/4722/2021) [amnesty.org.za/research/south-africa-new-report-finds-twitter-continues-to-fall-short-on-protecting-women-online/](https://www.amnesty.org.za/research/south-africa-new-report-finds-twitter-continues-to-fall-short-on-protecting-women-online/)

Amnesty International, “South Africa: Crime stats paint a disturbing picture, showing that not enough is being done”, 19 November 2021, [amnesty.org.za/south-africa-crime-stats-paint-a-disturbing-picture-showing-that-not-enough-is-being-done/](https://www.amnesty.org.za/south-africa-crime-stats-paint-a-disturbing-picture-showing-that-not-enough-is-being-done/)

Amnesty International, “Southern Africa: Alarming rise in the number of girls experiencing sexual abuse and unwanted pregnancies during the pandemic calls on governments to take action to protect girls’ rights”, 8 December 2021, [amnesty.org.za/southern-africa-alarming-rise-in-the-number-of-girls-experiencing-sexual-abuse-and-unwanted-pregnancies-during-the-pandemic-calls-on-governments-to-take-action-to-protect-girls-rights/](https://www.amnesty.org.za/southern-africa-alarming-rise-in-the-number-of-girls-experiencing-sexual-abuse-and-unwanted-pregnancies-during-the-pandemic-calls-on-governments-to-take-action-to-protect-girls-rights/)

#### Sexual and Reproductive Health and Rights

Amnesty International, “South Africa: Barriers to safe and legal abortion in South Africa”, February 2017 (Index: AFR 53/5423/2017) [www.amnesty.org/en/documents/afr53/5423/2017/en/](https://www.amnesty.org/en/documents/afr53/5423/2017/en/)

#### Business and Human Rights: Lack of accountability and oversight of mining companies

Amnesty International, Centre for Applied Legal Studies, Sekhukhune Combined Mining-Affected Communities, “Unearthing the Truth: How the Mines Failed Communities in the Sekhukhune Region of South Africa”, February 2022, <https://www.amnesty.org.za/research/unearthing-the-truth-how-the-mines-failed-communities-in-the-sekhukhune-region-of-south-africa/>

Amnesty International, “Smoke and Mirrors: Lonmin’s failure to address housing conditions at Marikana”, August 2016 (Index: AFR 53/4552/2016) [www.amnesty.org/en/documents/afr53/4552/2016/en/](https://www.amnesty.org/en/documents/afr53/4552/2016/en/)

Amnesty International, “South Africa: Authorities must protect coastal community’s right to consent to future mining on their land”, 8 February 2019, [amnesty.org.za/research/south-africa-authorities-must-protect-coastal-communities-right-to-consent-to-future-mining-on-their-land/](https://www.amnesty.org.za/research/south-africa-authorities-must-protect-coastal-communities-right-to-consent-to-future-mining-on-their-land/)

#### Education

Amnesty International, *Broken and Unequal: The State of Education in South Africa*, February 2020 (Index: AFR 53/1705/2020) [amnesty.org.za/wp-content/uploads/2020/02/FINALBrokenAndUnequal\\_FULLREPORTredu\\_compressed.pdf](https://www.amnesty.org.za/wp-content/uploads/2020/02/FINALBrokenAndUnequal_FULLREPORTredu_compressed.pdf)

Amnesty International, *Education: Failing to Learn the Lessons?*, February 2021, (Index: AFR 53/3344/2021) [amnesty.org.za/research/education-failing-to-learn-the-lessons/](https://www.amnesty.org.za/research/education-failing-to-learn-the-lessons/)

Amnesty International, “South Africa: The Department of Basic Education Must Urgently Act to Replace All Pit Toilets and Fix Poor Education Infrastructure”, February 2022, [amnesty.org.za/south-africa-the-department-of-basic-education-must-urgently-act-to-replace-all-pit-toilets-and-fix-poor-education-infrastructure/](https://www.amnesty.org.za/south-africa-the-department-of-basic-education-must-urgently-act-to-replace-all-pit-toilets-and-fix-poor-education-infrastructure/)

Amnesty International, “South Africa: State’s Budget Cuts Leave No Room for Human Rights”, October 2020, [amnesty.org.za/south-africa-governments-budget-cuts-leave-no-room-for-human-rights/](https://www.amnesty.org.za/south-africa-governments-budget-cuts-leave-no-room-for-human-rights/)

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## ANNEX 2

### MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<b><i>Theme: A12 Acceptance of international norms</i></b>			
<p>139.18 Ratify the Optional Protocol to the Convention against Torture, to open up for international inspection its places of detention (Norway);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention A28 Cooperation with other international mechanisms and institutions A24 Cooperation with special procedures S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - persons deprived of their liberty</p>	No comment.
<p>139.14 Ratify the Optional Protocol to the Convention against Torture with a view to establishing a national preventive mechanism against torture (Chile);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention A44 Structure of the national human rights machinery S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - persons deprived of their liberty</p>	No comment.
<p>139.15 Ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism (Hungary);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention A44 Structure of the national human rights machinery S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - persons deprived of their liberty</p>	No comment.
<p>139.13 Intensify its efforts to ratify the Optional Protocol to the Convention against Torture, including by holding multi-stakeholder consultations on a possible national preventive mechanism model most suitable for South Africa (Rwanda);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention A61 Cooperation with civil society A44 Structure of the national human rights machinery S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general - persons deprived of their liberty</p>	No comment.

<p>139.17 Take all necessary measures to ensure that all reports of ill-treatment and torture in prisons and centres of detention are adequately investigated and ratify the Optional Protocol to the Convention against Torture (Estonia);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention D51 Administration of justice &amp; fair trial B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - persons deprived of their liberty</p>	No comment.
<p>139.7 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain) (Denmark) (Italy) (Lebanon) (Montenegro) (Senegal) (Burkina Faso) (Portugal) (Philippines) (Germany); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - persons deprived of their liberty</p>	No comment.
<p>139.8 Promptly ratify the Optional Protocol to the Convention against Torture (Guatemala);</p> <p>Source of position: A/HRC/36/16/Add.1</p>	Supported	<p>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - persons deprived of their liberty</p>	No comment.
<p>139.9 Ratify protocols as committed to, including the Optional Protocol to the Convention against Torture (Austria);</p> <p>Source of position: A/HRC/36/16/Add.1</p>	Supported	<p>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - general - persons deprived of their liberty</p>	No comment.
<p>139.10 Become a party to the Optional Protocol to the Convention against Torture (Albania) (Togo);</p> <p>Source of position: A/HRC/36/16/Add.1</p>	Supported	<p>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - persons deprived of their liberty</p>	No comment.
<p>139.11 Ratify the Optional Protocol to the Convention against Torture, signed in 2006 (Brazil); Source of position: A/HRC/36/16/Add.1</p>	Supported	<p>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - persons deprived of their liberty</p>	No comment.

139.12 Continue to take measures to prevent torture and other forms of ill-treatment, including steps towards the ratification of the Optional Protocol to the Convention against Torture (Georgia); Source of position: A/HRC/36/16/Add.1	Supported	A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	No comment.
<b>Theme: A21 National Mechanisms for Reporting and Follow-up (NMRF)</b>			
139.33 Establish a standing interministerial committee to improve coordination in relation to human rights reporting and follow up on the implementation of recommendations (Ireland); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	A21 National Mechanisms for Reporting and Follow-up (NMRF) A23 Follow-up to treaty bodies A25 Follow-up to special procedures A27 Follow-up to Universal Periodic Review (UPR) A29 Cooperation with regional mechanisms S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Not Implemented
<b>Theme: A24 Cooperation with special procedures</b>			
<b>Recommendation</b>	<b>Position</b>	<b>Full list of themes</b>	<b>Assessment/comments on level of implementation</b>
139.31 Facilitate the visit of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (Congo); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	A24 Cooperation with special procedures B32 Racial discrimination S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not Implemented
139.30 Continue its active engagement with the United Nations human rights mechanisms (Azerbaijan); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	A24 Cooperation with special procedures S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment.
<b>Theme: A44 Structure of the national human rights machinery</b>			
139.38 Establish an effective and independent national mechanism for the prevention of torture according to the criteria of the Optional Protocol to the Convention against Torture (Switzerland); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	A44 Structure of the national human rights machinery D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - persons deprived of their liberty	No comment.

<b>Theme: A45 National Human Rights Institution (NHRI)</b>			
139.36 Continue strengthening the national human rights institutions of South Africa in accordance with its Constitution in order for them to be able to exercise their powers and execute their functions impartially and independently (Indonesia); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	A45 National Human Rights Institution (NHRI) A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	<b>Not implemented.</b>  The South African Human Rights Commission continues to battle resource and capacity constraints whilst fulfilling its Constitutional mandate.
139.37 Provide adequate financial resources to the South African Human Rights Commission to enable it to carry out its work (Uganda); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	A45 National Human Rights Institution (NHRI) A63 Budget and resources (for human rights implementation) S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	<b>Not implemented.</b>  The South African Human Rights Commission continues to battle resource and capacity constraints whilst fulfilling its Constitutional mandate.
<b>Theme: A47 Good governance</b>			
139.131 Build on its rule of law tradition to actively combat corruption and other obstacles to the economic, social, cultural, civil and political rights of its people (Norway); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	A47 Good governance D51 Administration of justice & fair trial E1 Economic, social & cultural rights - general measures of implementation, D1 S08 SDG 8 - economic growth, employment, decent work <b>Affected persons:</b> - general	<b>Not implemented.</b>  South Africa has continued to be plagued by corruption over the years. The Zondo Commission recently released parts one, two and three of its report, finding that corruption had taken place under former President Zuma's stewardship.  More recently, a Special Investigation Unit report found that corruption had taken place in the procurement of goods, works and services during the Covid-19 pandemic.
<b>Theme: A51 Human rights education – general</b>			
139.186 Continue providing human rights education, in particular through access to information and promoting existing mechanisms for protection and reparation (Ecuador); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	A51 Human rights education - general A54 Awareness raising and dissemination S04 SDG 4 - education <b>Affected persons:</b> - general	No comment.
<b>Theme: B31 Equality &amp; non-discrimination</b>			

<p>139.99 Strengthen the protection of lesbian, gay, bisexual, transgender and intersex persons against stigmatization, harassment and discrimination by promoting tolerance for sexual diversity and different gender identities and by clearly classifying acts of violence against these persons as hate crimes (Belgium).</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>B31 Equality &amp; non-discrimination A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	<p><b>Not implemented</b></p> <p>The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.</p>
<p>139.98 Develop policies, plans and information campaigns to eradicate at all levels stereotypes and discrimination against people based on their sexual orientation or gender identity, focusing particularly on public officials and those in charge of law enforcement (Chile).</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>B31 Equality &amp; non-discrimination A43 Human rights policies A54 Awareness raising and dissemination S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	No comment.
<p>139.78 Strengthen its policy to combat racism, racial discrimination, xenophobia, and related intolerance (Côte d'Ivoire).</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>B31 Equality &amp; non-discrimination A43 Human rights policies G8 Non-citizens S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens</p>	<p><b>Implemented</b></p> <p>The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019.</p>
<p>139.95 Include in its action plans the protection of persons with albinism (Honduras).</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>B31 Equality &amp; non-discrimination A46 National Plans of Action on Human Rights (or specific areas) S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p><b>Partially implemented</b></p> <p>The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances includes the need for protection of persons with albinism. The National Strategic Plan on Gender-Based Violence and Femicide makes no mention on the protection of persons with albinism.</p>
<p>139.93 Take measures to protect people with albinism and to develop educational campaigns to promote tolerance and respect for diversity (Israel); Source of position: A/HRC/36/16/Add.1</p>	Supported	<p>B31 Equality &amp; non-discrimination A54 Awareness raising and dissemination S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	No comment.
<p>139.97 Engage non-governmental organizations on the lesbian, gay, bisexual, transgender and intersex task team and update and implement the national lesbian, gay, bisexual, transgender, and intersex strategy (United States of America).</p> <p>Source of position:</p>	Supported	<p>B31 Equality &amp; non-discrimination A61 Cooperation with civil society A43 Human rights policies S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	No comment.

A/HRC/36/16/Add.1			
139.89 Enhance the prevention, investigation, and prosecution of violent crimes against individuals belonging to vulnerable groups (United Kingdom of Great Britain and Northern Ireland). Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B2 Right to self-determination D51 Administration of justice & fair trial B51 Right to an effective remedy B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - vulnerable persons/groups	<b>Not implemented</b>  The criminal justice system is failing people living in South Africa, particularly those belonging to vulnerable groups. Prosecution and conviction rates remain staggeringly low. The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.
139.63 Heed the recommendation of the Human Rights Committee to redouble efforts to prevent and eliminate all manifestations of racism and xenophobia, as well as to improve the policing action in its response to violence against non-citizens (Honduras). Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A23 Follow-up to treaty bodies D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented</b>  Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.50 Ensure that the Prevention and Combating of Hate Crimes and Hate Speech Bill is in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination and make every effort to expedite its enactment (Uruguay); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.
139.57 Take all necessary steps to address xenophobia through legislation, appropriate public awareness programmes and promotion of tolerance and cultural diversity, and adopt a national action plan to combat racism, racial discrimination, xenophobia, and related intolerance (Sweden); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework A45 National Human Rights Institution (NHRI) A46 National Plans of Action on Human Rights (or specific areas) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Partially implemented</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.52 Ensure proper implementation of the Prevention and Combating of Hate Crimes and Hate Speech Bill and the draft national action plan to combat racism, racial	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework A46 National Plans of Action on Human Rights (or specific areas) S10 SDG 10 - inequality	<b>Not implemented</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still

discrimination, xenophobia, and related intolerance, once adopted (Republic of Moldova). Source of position: A/HRC/36/16/Add.1		S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	pending, and the Bill is yet to be tabled in parliament.  While the National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019, implementation thereof is lacking.
139.43 Expedite implementation of the Prevention and Combating of Hate Crimes and Hate Speech Bill and of a national action plan to combat racism, racial discrimination, xenophobia, and related intolerance (Spain). Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework A46 National Plans of Action on Human Rights (or specific areas) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.  While the National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019, implementation thereof is lacking.
139.59 Engage civil society, activists, non-governmental organizations and the media to seek common ground on the draft hate crimes bill (United States of America). Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework A61 Cooperation with civil society S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - media - human rights defenders - non-citizens	<b>Implemented</b>  The Bill was open for public comment towards the end of 2021. Verbal submissions to parliament by stakeholders are pending.
139.53 Expedite the approval of the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance, by the relevant organ, and allocate proper resources for its implementation (Ethiopia); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework A63 Budget and resources (for human rights implementation) S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Partially implemented.</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. Due to the lack of implementation, it is unclear if sufficient resources have been allocated for its implementation.
139.51 Continue to combat hate crimes and hate speech and ensure that the provisions of the Prevention and Combating of Hate Crimes and Hate Speech Bill cannot be used to restrict the rights to freedom of expression and religion (Estonia); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework D42 Freedom of thought, conscience and religion D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	No comment.

139.44 Expedite the adoption of the Prevention and Combating of Hate Crimes and Hate Speech Bill (Madagascar); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented.</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.
139.45 Expedite the adoption of the Prevention and Combating of Hate Crime and Hate Speech Bill, ensuring a strong legal framework against such crimes (Norway); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented.</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.
139.46 Complete the process of adopting the Prevention and Combating of Hate Crimes and Hate Speech Bill (Cuba); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented.</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.
139.48 Continue efforts to combat racial discrimination and hate speech, accelerate the enactment of the law concerning hate crimes and hate speech, which has been presented for general comments (Tunisia); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented.</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.
139.49 Adopt the law of 2016 on prevention and combating of hate crimes and hate speech and work towards disseminating a culture of coexistence and enhancing the values of tolerance (United Arab Emirates); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented.</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.
139.75 Redouble its efforts to prevent and eliminate all signs of racism and xenophobia (Central African Republic); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	<b>Not implemented.</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often

		- minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.77 Take adequate measures to combat acts of racism and xenophobia against non-nationals (Congo); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - non-citizens	<b>Not implemented.</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.80 Take measures to prevent risks of violence against foreigners, migrants or asylum seekers (France); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A42 Institutions & policies - General G4 Migrants G5 Refugees & asylum seekers S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants - refugees & asylum seekers - non-citizens	<b>Not implemented</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.73 Continue efforts to combat all forms of racial discrimination, xenophobia and racism, in particular with respect to refugees, asylum seekers and migrants (Senegal); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A42 Institutions & policies - General G8 Non-citizens G4 Migrants G5 Refugees & asylum seekers S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - refugees & asylum seekers - non-citizens	<b>Not implemented</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.82 Prevent racial discrimination and other forms of expression with xenophobic overtones against foreigners (Kenya); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A42 Institutions & policies - General G8 Non-citizens S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants - non-citizens	<b>Not implemented</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.

<p>139.84 Continue its efforts aimed at combating racism and racial discrimination and xenophobia (Libya); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>B31 Equality &amp; non-discrimination B32 Racial discrimination A42 Institutions &amp; policies - General G8 Non-citizens S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens</p>	<p><b>Not implemented</b></p> <p>The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by attributed to by leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.</p>
<p>139.83 Strengthen measures to prevent and eradicate all manifestations of discrimination, xenophobia and violence against foreign nationals (Rwanda); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>B31 Equality &amp; non-discrimination B32 Racial discrimination A42 Institutions &amp; policies - General G8 Non-citizens S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - non-citizens</p>	<p><b>Not implemented</b></p> <p>The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.</p>
<p>139.42 Pursue initiatives within the framework of the Durban Declaration and Programme of Action (Ecuador); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>B31 Equality &amp; non-discrimination B32 Racial discrimination A42 Institutions &amp; policies - General S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p><b>Partially implemented</b></p> <p>The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.</p>
<p>139.85 Promote dialogue within the communities with a view to face the root causes of discrimination and violence (Guatemala); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>B31 Equality &amp; non-discrimination B32 Racial discrimination A42 Institutions &amp; policies - General S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens</p>	<p>No comment.</p>
<p>139.86 Exert additional efforts to combat discrimination and xenophobia (Iraq); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>B31 Equality &amp; non-discrimination B32 Racial discrimination A42 Institutions &amp; policies - General S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - non-citizens</p>	<p><b>Partially implemented</b></p> <p>The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these</p>

			platforms to curb this narrative.
139.58 Continue to promote the effective implementation of the Durban Declaration and Programme of Action by the international community, in order to combat racism (China); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	<b>Partially implemented</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019. However, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.54 Accelerate procedures for adopting the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Togo); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A46 National Plans of Action on Human Rights (or specific areas) S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Implemented</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019.
139.55 Consolidate the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Bolivarian Republic of Venezuela); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A46 National Plans of Action on Human Rights (or specific areas) S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Implemented</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019.
139.47 Expedite the legislative process related to the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Turkey); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A46 National Plans of Action on Human Rights (or specific areas) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Implemented</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019.
139.56 Continue efforts to finalize the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance (Namibia); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination A46 National Plans of Action on Human Rights (or specific areas) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Implemented</b>  The National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019.

<p>139.62 Conduct educational campaigns on access to judicial remedies for racial discrimination (Timor Leste); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>B31 Equality &amp; non-discrimination B32 Racial discrimination A54 Awareness raising and dissemination B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens</p>	<p>No comment.</p>
<p>139.61 Raise social awareness against any form of xenophobic and racist thinking and attitudes for the benefit of sustainable development and regional stability (Hungary); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>B31 Equality &amp; non-discrimination B32 Racial discrimination A54 Awareness raising and dissemination E1 Economic, social &amp; cultural rights - general measures of implementation S10 SDG 10 - inequality S12 SDG 12 - sustainable consumption and production S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens</p>	<p><b>Not implemented</b></p> <p>While the National Action Plan Against Racism, Racial Discrimination, Xenophobia and Related Intolerances was released on 25 March 2019, xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.</p>
<p>139.60 Strengthen measures to prevent violence against foreigners. These include comprehensive education and awareness programmes regarding xenophobia and the rights of migrants, including refugees and asylum seekers, as well as programmes that promote inclusion (Canada); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>B31 Equality &amp; non-discrimination B32 Racial discrimination A54 Awareness raising and dissemination G4 Migrants G5 Refugees &amp; asylum seekers S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants - refugees &amp; asylum seekers - non-citizens</p>	<p>No comment.</p>
<p>139.68 Prosecute perpetrators of crimes motivated by racial discrimination and xenophobia and encourage dialogue among communities in conflict (Central African Republic); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>B31 Equality &amp; non-discrimination B32 Racial discrimination D51 Administration of justice &amp; fair trial B52 Impunity A54 Awareness raising and dissemination S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens</p>	<p><b>Not implemented</b></p> <p>The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.</p>
<p>139.67 Not only work to bring perpetrators to justice, but also establish a dialogue among relevant stakeholders to address the root causes of xenophobia (Thailand); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>B31 Equality &amp; non-discrimination B32 Racial discrimination D51 Administration of justice &amp; fair trial B52 Impunity A61 Cooperation with civil society S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	<p><b>Not implemented</b></p> <p>Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fueled on social media with little to no recourse by these platforms to</p>

		- non-citizens	curb this narrative. While the South African Human Rights Commission held dialogues to establish the root causes of xenophobia in 2018, little has been done since in addressing these since.
139.69 Take appropriate action to punish people motivated by racial discrimination and xenophobia (Uganda); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination D51 Administration of justice & fair trial B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented</b>  Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.70 Ensure the investigation of all incidents of hate crimes and hate speech and prosecute the perpetrators (Israel); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination D51 Administration of justice & fair trial B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.
139.65 Redouble efforts to prevent and eradicate all manifestations of racism and xenophobia and improve the policing action in its response to violence against refugees, asylum seekers and migrants, among others (Guatemala); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination D51 Administration of justice & fair trial G4 Migrants G5 Refugees & asylum seekers S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	<b>Not implemented</b>  Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative. Police officers are also allegedly perpetrators of xenophobic attitudes and behaviours towards foreign nationals.
139.64 Improve police responses to violence against foreigners (Central African Republic); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - non-citizens	<b>Not implemented</b>  Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative. Police officers are also allegedly perpetrators of xenophobic attitudes and behaviours towards foreign nationals.
139.88 Continue to improve socioeconomic development strategies and plans in order to avoid xenophobia and other forms of intolerance towards foreigners in South Africa (Ukraine);	Supported	B31 Equality & non-discrimination B32 Racial discrimination E1 Economic, social & cultural rights - general measures of implementation A42 Institutions & policies - General S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions	No comment.

Source of position: A/HRC/36/16/Add.1		Affected persons: - migrants - non-citizens	
139.76 Fight all forms of xenophobia and reject discrimination against migrants (Chad); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination G4 Migrants A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants - non-citizens	<b>Not implemented.</b>  Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fueled on social media with little to no recourse by these platforms to curb this narrative.
139.87 Step up measures aimed at addressing the systematic attacks on immigrants (Mozambique); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination G4 Migrants D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants	<b>Not implemented.</b>  Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.79 Take all additional measures to prevent and eradicate all manifestations of any form of racism and xenophobia against non-citizens, including refugees, asylum seekers and migrants (Greece); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination G4 Migrants G5 Refugees & asylum seekers G8 Non-citizens A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - refugees & asylum seekers - non-citizens	<b>Not implemented</b>  Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.74 Continue its efforts to combat discrimination, xenophobia and racism against non-citizens (Bangladesh); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination G8 Non-citizens A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - non-citizens	<b>Not implemented</b>  Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.66 Continue its efforts to prevent and eradicate all manifestations of racism and xenophobia and to improve policing responses to violence against non-nationals (State of Palestine); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination B32 Racial discrimination G8 Non-citizens D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups -	<b>Not implemented</b>  Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.

		non-citizens	
139.91 Protect persons with albinism from violence, abduction, discrimination and stigmatization (Portugal); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination D51 Administration of justice & fair trial B51 Right to an effective remedy B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	No comment.
139.94 Thoroughly investigate and prosecute reported incidents of abductions and killings of persons with albinism (Sierra Leone); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination D51 Administration of justice & fair trial B51 Right to an effective remedy B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	No comment.
139.96 Strengthen the protection of people with albinism from violence, abduction, discrimination, stigmatization and related intolerance (Mauritania); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination D51 Administration of justice & fair trial B51 Right to an effective remedy S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	No comment.
139.71 Work to hold perpetrators of xenophobic violence to account (Australia); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination D51 Administration of justice & fair trial B52 Impunity G8 Non-citizens S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - non-citizens	<b>Not implemented</b>  Xenophobic violence has continued with impunity over the reporting period. Spates of violence are often triggered by comments attributed to leaders and politicians perpetuating xenophobic narratives and blaming foreign nationals for societal ills. These are also fuelled on social media with little to no recourse by these platforms to curb this narrative.
139.92 Protect people with albinism (Congo); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination D51 Administration of justice & fair trial B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	No comment.
139.100 Take urgent measures for the investigation and effective punishment of perpetrators of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (Argentina);	Supported	B31 Equality & non-discrimination D51 Administration of justice & fair trial B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender	<b>Not implemented</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in

Source of position: A/HRC/36/16/Add.1		and intersex persons (LGBTI)	parliament.
139.101 Take steps to ensure the prevention, investigation and prosecution of cases of violence against persons based on sexual orientation and gender identity (Israel); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination D51 Administration of justice & fair trial B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	<b>Not implemented</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.
139.102 Strengthen its system for monitoring, reporting and analysing crimes of violence and discrimination against individuals based on grounds of sexual orientation or gender identity (Netherlands); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination D51 Administration of justice & fair trial B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	<b>Not implemented</b>  The Prevention and Combating of Hate Crimes and Hate Speech Bill was revived towards the end of 2021 and opened for public comment. Verbal submissions are still pending, and the Bill is yet to be tabled in parliament.
139.81 Take all required measures to halt the exploitation of migrants, asylum seekers and refugees and facilitate their integration into society (Turkey); Source of position: A/HRC/36/16/Add.1	Supported	B31 Equality & non-discrimination G4 Migrants G5 Refugees & asylum seekers S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants - refugees & asylum seekers	No comment.
<b>Theme: B41 Right to development</b>			
139.136 Continue to consolidate the national development plan on the eradication of poverty (Bolivarian Republic of Venezuela); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	B41 Right to development E1 Economic, social & cultural rights - general measures of implementation E25 Human rights & poverty S01 SDG 1 - poverty S08 SDG 8 - economic growth, employment, decent work <b>Affected persons:</b> - general	No comment.
139.134 Continue strengthening social programmes in the context of nation-building and social cohesion (Bolivarian Republic of Venezuela); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	B41 Right to development E1 Economic, social & cultural rights - general measures of implementation S08 SDG 8 - economic growth, employment, decent work <b>Affected persons:</b> - general	No comment.
139.135 Continue its efforts to implement the country's national development plan (Pakistan); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	B41 Right to development E1 Economic, social & cultural rights - general measures of implementation S08 SDG 8 - economic growth, employment, decent work	No comment.

		<b>Affected persons:</b> - general	
139.149 Continue its efforts to achieve development, the eradication of poverty and the elimination of racial discrimination (Yemen); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	B41 Right to development E25 Human rights & poverty B32 Racial discrimination S01 SDG 1 - poverty S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - persons living in poverty	No comment.
<b>Theme: D26 Conditions of detention</b>			
139.113 Improve conditions in detention centres and avoid overcrowding, as well as the detention of migrants (Mexico); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	D26 Conditions of detention G4 Migrants S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - migrants - persons deprived of their liberty	No comment.
<b>Theme: D27 Prohibition of slavery, trafficking</b>			
139.126 Continue the efforts aimed at combating trafficking in persons, particularly women and children, in the framework of enforcing national legislation and the international conventions that South Africa has ratified (United Arab Emirates); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	D27 Prohibition of slavery, trafficking A12 Acceptance of international norms A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - women - children	No comment.
139.128 Continue its efforts to combat trafficking of persons through the effective implementation of the Prevention and Combating of Trafficking in Persons Act (Maldives); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	D27 Prohibition of slavery, trafficking A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - women - children	No comment.
139.129 Consider formulating a national plan of action on trafficking, with a particular focus on data on trafficking in children (Bangladesh); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	D27 Prohibition of slavery, trafficking A46 National Plans of Action on Human Rights (or specific areas) F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - children	No comment.

139.125 Closely cooperate with relevant governmental and non-governmental foreign agencies to tackle trafficking in persons and ensure that appropriate protection is rendered to various groups of victims, including victims who are foreign nationals (Thailand); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	D27 Prohibition of slavery, trafficking A61 Cooperation with civil society A28 Cooperation with other international mechanisms and institutions B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - women - children - non-citizens	No comment.
139.124 Continue the ongoing efforts to combat human trafficking and strengthen measures to protect victims of trafficking (Sri Lanka); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	D27 Prohibition of slavery, trafficking B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - women - children	No comment.
139.127 Continue measures to combat trafficking in human beings (Azerbaijan); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	D27 Prohibition of slavery, trafficking S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - women - children	No comment.
<b>Theme: D31 Liberty and security – general</b>			
139.107 Continue to combat violence and crime in large cities (Angola); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	D31 Liberty and security - general D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment
<b>Theme: D43 Freedom of opinion and expression</b>			
139.118 Continue its efforts to ensure the right to access to information and freedom of expression by adopting regulations that would be in accordance with both the South African Constitution and the international treaties and commitments of South Africa (Poland); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	D43 Freedom of opinion and expression A41 Constitutional and legislative framework A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment.
139.121 Safeguard journalists and writers, especially those working for State-owned media houses or public broadcasters, so they can work freely and without fear of reprisal for expressing critical opinions or covering subjects that the Government may find sensitive (Sweden);	Supported	D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - media	No comment.

<p><b>Source of position:</b> A/HRC/36/16/Add.1</p>			
<p><b>Theme: D51 Administration of justice &amp; fair trial</b></p>			
<p>139.116 Ensure that bills relating to traditional courts and traditional leaders currently under discussion are in conformity with the international commitments of South Africa (France); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>D51 Administration of justice &amp; fair trial A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general</p>	No comment.
<p>139.115 Step up its efforts to improve legal aid for destitute people in order to guarantee access to justice and a fair trial for all (Burundi); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>D51 Administration of justice &amp; fair trial B51 Right to an effective remedy E25 Human rights &amp; poverty S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - persons living in poverty</p>	No comment.
<p>139.111 Redouble efforts to reduce the use of excessive force by the police through a comprehensive effort to educate policemen on proper procedures and prosecute those law enforcement officials who persist (Iceland); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>D51 Administration of justice &amp; fair trial D25 Prohibition of torture and cruel, inhuman or degrading treatment A53 Professional training in human rights B52 Impunity S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - law enforcement / police officials</p>	<p><b>Not implemented</b></p> <p>Security forces continued to use excessive force against peaceful protesters and hundreds of people died as a result of police action.</p> <p>The Independent Police Investigative Directorate (IPID), an official oversight body of the police, received 6,122 new complaints by the end of the 2021 financial year on 28 February. Of these, 4,228 were assault cases, 353 were cases of death as a result of police action, 256 were cases of torture, and 80 were rapes by a police officer.</p> <p>IPID received 74 complaints during the July unrest in parts of the Gauteng and KZN provinces. Of these, the majority – 26 – were cases of deaths resulting from police action, while there were 25 complaints of assault, and four deaths in police custody. Two cases involving torture were filed.</p>
<p>139.114 Ensure that the Independent Police Investigative Directorate investigates all allegations of torture (Germany); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>D51 Administration of justice &amp; fair trial D25 Prohibition of torture and cruel, inhuman or degrading treatment B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - law enforcement / police officials</p>	No comment.

<p>139.112 Take effective measures to prevent the excessive use of force and to protect the human rights of persons in detention facilities (Holy See); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>D51 Administration of justice &amp; fair trial D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention A42 Institutions &amp; policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty</p>	<p><b>Not implemented</b></p> <p>Security forces continued to use excessive force against peaceful protesters and hundreds of people died as a result of police action.</p> <p>The Independent Police Investigative Directorate (IPID), an official oversight body of the police, received 6,122 new complaints by the end of the 2021 financial year on 28 February. Of these, 4,228 were assault cases, 353 were cases of death as a result of police action, 256 were cases of torture, and 80 were rapes by a police officer.</p> <p>IPID received 74 complaints during the July unrest in parts of the Gauteng and KZN provinces. Of these, the majority – 26 – were cases of deaths resulting from police action, while there were 25 complaints of assault, and four deaths in police custody. Two cases involving torture were filed.</p>
<p>139.108 Strengthen its efforts against the excessive use of force by police forces (Cabo Verde); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>D51 Administration of justice &amp; fair trial D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - law enforcement / police officials</p>	<p><b>Not implemented</b></p> <p>Security forces continued to use excessive force against peaceful protesters and hundreds of people died as a result of police action.</p> <p>The Independent Police Investigative Directorate (IPID), an official oversight body of the police, received 6,122 new complaints by the end of the 2021 financial year on 28 February. Of these, 4,228 were assault cases, 353 were cases of death as a result of police action, 256 were cases of torture, and 80 were rapes by a police officer.</p> <p>IPID received 74 complaints during the July unrest in parts of the Gauteng and KZN provinces. Of these, the majority – 26 – were cases of deaths resulting from police action, while there were 25 complaints of assault, and four deaths in police custody. Two cases involving torture were filed.</p>
<p>139.117 Continue to pay further attention to improving the rule of law (Russian Federation); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>D51 Administration of justice &amp; fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	<p>No comment.</p>
<p><b><i>Theme: E1 Economic, social &amp; cultural rights - general measures of implementation</i></b></p>			

<p>139.158 Take all the necessary measures to optimize land distribution, while implementing a land reform, providing adequate support and training to beneficiaries, in close consultation with all stakeholders (Haiti);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>E1 Economic, social &amp; cultural rights - general measures of implementation A42 Institutions &amp; policies - General A54 Awareness raising and dissemination A61 Cooperation with civil society S10 SDG 10 - inequality</p> <p><b>Affected persons:</b> - general - persons living in rural areas</p>	No comment.
<p>139.151 Continue to promote rural development policies for the protection of the rights of peasants and other persons working in rural areas (Plurinational State of Bolivia);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>E1 Economic, social &amp; cultural rights - general measures of implementation B41 Right to development S08 SDG 8 - economic growth, employment, decent work</p> <p><b>Affected persons:</b> - persons living in rural areas</p>	No comment.
<p>139.132 Continue its efforts to implement measures aimed at the economic transformation of the country (Pakistan);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>E1 Economic, social &amp; cultural rights - general measures of implementation E21 Right to an adequate standard of living - general E25 Human rights &amp; poverty B41 Right to development S08 SDG 8 - economic growth, employment, decent work</p> <p><b>Affected persons:</b> - general</p>	No comment.
<p>139.130 Continue to promote sustainable economic and social development, eradicate poverty and improve people's living standards (China); Source of position: A/HRC/36/16/Add.1</p>	Supported	<p>E1 Economic, social &amp; cultural rights - general measures of implementation E21 Right to an adequate standard of living - general E25 Human rights &amp; poverty S08 SDG 8 - economic growth, employment, decent work</p> <p><b>Affected persons:</b> - general - persons living in poverty</p>	No comment.
<p>139.137 Redouble its efforts to address challenges in terms of economic rights, namely, to reduce unemployment and alleviate poverty (Indonesia); Source of position: A/HRC/36/16/Add.1</p>	Supported	<p>E1 Economic, social &amp; cultural rights - general measures of implementation E31 Right to work E25 Human rights &amp; poverty S01 SDG 1 - poverty S08 SDG 8 - economic growth, employment, decent work</p> <p><b>Affected persons:</b> - general - persons living in poverty</p>	No comment.

139.133 Continue to make efforts for the enjoyment of the rights to work, health, education and food (Russian Federation); Source of position: A/HRC/36/16/Add.1	Supported	E1 Economic, social & cultural rights - general measures of implementation S08 SDG 8 - economic growth, employment, decent work Affected persons: - general	No comment.
<b>Theme: E21 Right to an adequate standard of living – general</b>			
139.138 Strengthen its policy and programmatic measures aimed at addressing the big challenges of inequality, poverty and unemployment (Zimbabwe); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E21 Right to an adequate standard of living - general E25 Human rights & poverty E31 Right to work S01 SDG 1 - poverty S08 SDG 8 - economic growth, employment, decent work <b>Affected persons:</b> - general	No comment.
139.159 Continue taking measures aimed at eliminating historical injustices and inequalities in all sectors, especially in the health and education sectors, in order to improve the living standards of all its people (Namibia); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E21 Right to an adequate standard of living - general E41 Right to health - General E51 Right to education - General B31 Equality & non-discrimination S03 SDG 3 - health S04 SDG 4 - education S10 SDG 10 - inequality <b>Affected persons:</b> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups	No comment.
<b>Theme: E23 Right to adequate housing</b>			
139.154 Build on the progress made to provide adequate housing through such programmes as the integrated human settlements grant and the urban settlements development grant (Malaysia); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E23 Right to adequate housing A42 Institutions & policies - General S08 SDG 8 - economic growth, employment, decent work <b>Affected persons:</b> - general	No comment.
<b>Theme: E24 Right to social security</b>			
139.141 Continue to ensure effective access to social protection for vulnerable groups (Madagascar); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E24 Right to social security S10 SDG 10 - inequality <b>Affected persons:</b> - vulnerable persons/groups	No comment.
<b>Theme: E25 Human rights &amp; poverty</b>			

139.148 Continue its efforts to eradicate poverty and social inequality (South Sudan); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E25 Human rights & poverty B31 Equality & non-discrimination S01 SDG 1 - poverty S10 SDG 10 - inequality <b>Affected persons:</b> - vulnerable persons/groups - persons living in poverty	No comment.
139.143 Strengthen its policy to fight poverty in rural areas (Côte d'Ivoire); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E25 Human rights & poverty E21 Right to an adequate standard of living - general A43 Human rights policies S01 SDG 1 - poverty S10 SDG 10 - inequality <b>Affected persons:</b> - persons living in poverty - persons living in rural areas	No comment.
139.145 Continue its endeavours on development and poverty alleviation throughout the community, notably for vulnerable groups, such as women and children (Islamic Republic of Iran); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E25 Human rights & poverty E21 Right to an adequate standard of living - general B41 Right to development S01 SDG 1 - poverty S08 SDG 8 - economic growth, employment, decent work <b>Affected persons:</b> - women - children - persons living in poverty	No comment.
139.146 Take further steps to improve the conditions of vulnerable categories of its population, in particular children in poverty, who face food insecurity and mistreatments, and disabled people, who are still victims of stigmatization and discrimination (Poland); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E25 Human rights & poverty E21 Right to an adequate standard of living - general F31 Children: definition; general principles; protection F4 Persons with disabilities S01 SDG 1 - poverty S02 SDG 2 - hunger and food security S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - children - persons with disabilities - vulnerable persons/groups	No comment.
139.142 Continue to implement actions aimed at reducing poverty and inequality (Cuba); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E25 Human rights & poverty E21 Right to an adequate standard of living - general S01 SDG 1 - poverty S08 SDG 8 - economic growth, employment, decent work S10 SDG 10 - inequality <b>Affected persons:</b> - persons living in poverty	No comment.
139.144 Continue its poverty reduction policy, particularly for vulnerable groups in isolated and rural areas (Djibouti); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E25 Human rights & poverty E21 Right to an adequate standard of living - general S01 SDG 1 - poverty S10 SDG 10 - inequality <b>Affected persons:</b> - vulnerable persons/groups - persons living in poverty - persons living in rural areas	No comment.

139.147 Continue its efforts to eradicate poverty and inequality (Lebanon); Source of position: A/HRC/36/16/Add.1	Supported	E25 Human rights & poverty S01 SDG 1 - poverty B31 Equality & non-discrimination S10 SDG 10 - inequality Affected persons: - vulnerable persons/groups - persons living in poverty	No comment.
139.150 Continue its efforts aimed at eliminating poverty and reducing inequality (Azerbaijan); Source of position: A/HRC/36/16/Add.1	Supported	E25 Human rights & poverty S01 SDG 1 - poverty S08 SDG 8 - economic growth, employment, decent work S10 SDG 10 - inequality Affected persons: - general - persons living in poverty	No comment.
<b>Theme: E26 Human Rights &amp; drinking water and sanitation</b>			
139.157 Continue efforts to enable all households, schools and health centres to have access to safe drinking water and sanitation (Uruguay); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E26 Human Rights & drinking water and sanitation E41 Right to health - General E51 Right to education - General S03 SDG 3 - health S04 SDG 4 - education S06 SDG 6 - water and sanitation <b>Affected persons:</b> - general	<b>Partially implemented</b>  While the Department of Basic Education is working towards replacing pit toilets with improved ventilated pit toilets, 5,167 schools still make use of pit toilets. Almost 20 million people still do not have access to safe, sufficient, reliable water. 14 million people do not have access to basic sanitation.
139.156 Continue to enhance the realization of the human rights to water and sanitation, giving special attention to ensuring that all homes, health centres and educational establishments have safe drinking water and improved sanitation facilities (Spain); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E26 Human Rights & drinking water and sanitation E41 Right to health - General E51 Right to education - General S06 SDG 6 - water and sanitation <b>Affected persons:</b> - general	<b>Partially implemented</b>  While the Department of Basic Education is working towards replacing pit toilets with improved ventilated pit toilets, 5,167 schools still make use of pit toilets. Almost 20 million people still do not have access to safe, sufficient, reliable water. 14 million people do not have access to basic sanitation.
139.155 Continue efforts to ensure that households, schools and health facilities have access to safe water and sanitation (Djibouti); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E26 Human Rights & drinking water and sanitation E41 Right to health - General S03 SDG 3 - health S04 SDG 4 - education S06 SDG 6 - water and sanitation <b>Affected persons:</b> - general	<b>Partially implemented</b>  While the Department of Basic Education is working towards replacing pit toilets with improved ventilated pit toilets, 5,167 schools still make use of pit toilets. Almost 20 million people still do not have access to safe, sufficient, reliable water. 14 million people do not have access to basic sanitation.
<b>Theme: E31 Right to work</b>			
139.140 Continue programmes to foster economic growth and reduce unemployment (Russian Federation); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E31 Right to work B41 Right to development S08 SDG 8 - economic growth, employment, decent work <b>Affected persons:</b> - general	No comment.

139.139 Redouble efforts to improve access by young people and vulnerable groups to decent work (Angola); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E31 Right to work E32 Right to just and favourable conditions of work S08 SDG 8 - economic growth, employment, decent work <b>Affected persons:</b> - youth	No comment.
<b>Theme: E41 Right to health – General</b>			
139.165 Consolidate and fully implement programmes for preventing and eliminating tuberculosis and engage in international cooperation in this regard (Democratic People's Republic of Korea); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E41 Right to health - General A3 Inter-State cooperation & development assistance S03 SDG 3 - health <b>Affected persons:</b> - general	No comment.
139.163 Take effective measures to eliminate the disparity in health-care provision between rural and urban areas and to improve the quality of health services across the country, including through the adoption of effective legislation and amendments on the national health (Maldives); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E41 Right to health - General A41 Constitutional and legislative framework S03 SDG 3 - health <b>Affected persons:</b> - persons living in rural areas	<b>Not implemented</b>  Rural-urban disparities in access to quality healthcare are still prevalent. The public sector which caters to approximately 71% of the population is underfunded, and many South Africans cannot afford to pay excessive private healthcare prices, which caters to approximately 27% of the population. The National Health Insurance (NHI) process has been delayed due to Covid-19 and consultative hearings are currently underway.
139.167 Continue its efforts in the fight against HIV by adopting a comprehensive national policy to deal with the epidemic and diseases that are sexually transmitted and tuberculosis (Libya); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E41 Right to health - General A43 Human rights policies S03 SDG 3 - health <b>Affected persons:</b> - general - persons living with HIV/AIDS	No comment.
139.170 Strengthen national policies in the area of public health coverage, particularly in the fight against HIV/AIDS in rural areas (Angola); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E41 Right to health - General A43 Human rights policies S03 SDG 3 - health <b>Affected persons:</b> - persons living with HIV/AIDS - persons living in rural areas	No comment.
139.166 Continue its measures to eliminate discrimination and increase its efforts to tackle HIV infection by ensuring equal access to treatment and support (Japan); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E41 Right to health - General B31 Equality & non-discrimination S03 SDG 3 - health <b>Affected persons:</b> - persons living with HIV/AIDS	No comment.

139.173 Improve knowledge among health-care workers and adolescents about sexual and reproductive health and rights, including through comprehensive sexuality education that involves men and boys (Iceland); Source of position: A/HRC/36/16/Add.1	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services A53 Professional training in human rights S03 SDG 3 - health Affected persons: - general - women - medical staff - youth	<b>Not implemented</b>  We continue to see healthcare workers turning women and girls away who are seeking termination of pregnancy, contraceptives, and other sexual and reproductive health services. Guidelines regulating conscientious objections have been developed, but not yet disseminated and implemented. Teenage pregnancies increased in recent years. In 2020, 33,899 births occurred to mothers ages 17 years and younger, of which 499 were aged between 10-13 years, and more than 600 were 9 and 10 years of age.
139.164 Continue to address the issue of maternal mortality (Portugal); Source of position: A/HRC/36/16/Add.1	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services S03 SDG 3 - health Affected persons: - women	No comment.
139.174 Prevent unwanted pregnancies as provided under the Choice on Termination of Pregnancy Act (Iceland); Source of position: A/HRC/36/16/Add.1	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services S03 SDG 3 - health Affected persons: - women	<b>Partially implemented</b>  Abortion related deaths and injuries are estimated to have reduced by over 90% since the Choice on Termination of Pregnancy Act (CTOPA) came into force. However, only 7% of public healthcare facilities provide this service. Barriers still exist for women and girls to access safe abortions, including the failure to regulate conscientious objections; inequalities in access to services for women and girls from poor and marginalised communities; lack of access to information on sexual and reproductive rights, including how and where to access legal abortion services; and stigma and discrimination within communities and by healthcare workers.
139.160 Continue its efforts to improve the health care system (Sudan); Source of position: A/HRC/36/16/Add.1	Supported	E41 Right to health - General S03 SDG 3 - health Affected persons: - general	<b>Not implemented</b>  Rural-urban disparities in access to quality healthcare are still prevalent. The public sector caters to approximately 71% of the population is underfunded, and many South Africans cannot afford to pay excessive private healthcare prices, which caters to approximately 27% of the population. The National Health Insurance (NHI) process has been delayed due to Covid-19 and consultative hearings are currently underway.
139.161 Continue efforts to ensure access to quality health care to all South Africans in line with efforts to achieve universal health-care coverage by 2030 (Malaysia); Source of position: A/HRC/36/16/Add.1	Supported	E41 Right to health - General S03 SDG 3 - health Affected persons: - general	<b>Not implemented</b>  Rural-urban disparities in access to quality healthcare are still prevalent. The public sector caters to approximately 71% of the population is underfunded, and many South Africans cannot afford to pay excessive private healthcare prices, which caters to approximately 27% of the population. The National Health Insurance (NHI) process has been delayed due to Covid-19 and consultative hearings are currently

			underway.
139.168 Increase its efforts in addressing the HIV epidemic (Turkey); Source of position: A/HRC/36/16/Add.1	Supported	E41 Right to health - General S03 SDG 3 - health Affected persons: - persons living with HIV/AIDS	No comment.
139.169 Continue programmes to fight HIV/AIDS (Algeria); Source of position: A/HRC/36/16/Add.1	Supported	E41 Right to health - General S03 SDG 3 - health Affected persons: - persons living with HIV/AIDS	No comment.
139.171 Continue implementing measures to prevent HIV/AIDS transmission (Islamic Republic of Iran); Source of position: A/HRC/36/16/Add.1	Supported	E41 Right to health - General S03 SDG 3 - health Affected persons: - persons living with HIV/AIDS	No comment.
139.162 Strengthen efforts to diminish the gap in health care between rural and urban areas (Holy See); Source of position: A/HRC/36/16/Add.1	Supported	E41 Right to health - General S03 SDG 3 - health S10 SDG 10 - inequality Affected persons: - persons living in rural areas	<b>Not implemented.</b> Rural-urban disparities in access to quality healthcare are still prevalent. The public sector caters to approximately 71% of the population is underfunded, and many South Africans cannot afford to pay excessive private healthcare prices, which caters to approximately 27% of the population. The National Health Insurance (NHI) process has been delayed due to Covid-19 and consultative hearings are currently underway.
<b><i>Theme: E43 Access to sexual and reproductive health and services</i></b>			
139.172 Ensure comprehensive sexuality education in the school curriculum, including on consent, contraception and gender-based violence (Denmark); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E43 Access to sexual and reproductive health and services E51 Right to education - General F13 Violence against women D28 Gender-based violence S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women - children - girls	No comment.
<b><i>Theme: E51 Right to education – General</i></b>			

<p>139.179 Improve the quality of basic education through programmes to ensure that teachers have adequate content knowledge and appropriate training, as well as by prioritizing the most disadvantaged schools in infrastructure and other improvement programmes (Canada);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>E51 Right to education - General A43 Human rights policies A53 Professional training in human rights S04 SDG 4 - education</p> <p><b>Affected persons:</b> - general - children</p>	<p><b>Partially Implemented</b></p> <p>Whilst some improvements to school infrastructure have been made, 5,167 schools still use pit latrines, which contravenes health and safety legislation. Many schools do not have access to adequate water and sanitation. The government diverted funding which had been promised for the improvement of infrastructure in around 2,000 schools to Covid-19-related projects.</p>
<p>139.176 Increase its activities towards the full realization of the right to education and continue increasing investment in this field (Islamic Republic of Iran);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>E51 Right to education - General A63 Budget and resources (for human rights implementation) S04 SDG 4 - education</p> <p><b>Affected persons:</b> - general - children</p>	No comment.
<p>139.180 Further increase investment so as to improve education in rural areas (China);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>E51 Right to education - General A63 Budget and resources (for human rights implementation) S04 SDG 4 - education</p> <p><b>Affected persons:</b> - children - persons living in rural areas</p>	<p><b>Not Implemented</b></p> <p>The government diverted funding which had been promised for the improvement of infrastructure in around 2,000 schools to Covid-19-related projects</p>
<p>139.181 Continue to adequately resource its provincial schools building programme so that more children, particularly those from poor rural communities, can have access to schools that are safe and adequately equipped (Singapore);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>E51 Right to education - General A63 Budget and resources (for human rights implementation) S04 SDG 4 - education</p> <p><b>Affected persons:</b> - general - children - persons living in rural areas</p>	No Comment
<p>139.177 Continue to broaden the scope for access to and quality of public education, as well as ensuring equal opportunities and leaving no one behind, from primary through secondary to tertiary level (Botswana);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>E51 Right to education - General E52 primary education E53 secondary education E55 higher education S04 SDG 4 - education</p> <p><b>Affected persons:</b> - general - children</p>	No comment.
<p>139.185 Prioritize the retention of girls in schools and accord to them the opportunity and the environment to progress at a par with their male colleagues (Botswana);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>E51 Right to education - General F1 Women S04 SDG 4 - education S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b> - girls</p>	<p><b>Not implemented</b></p> <p>According to the Department of Basic Education, one in three pregnant learners between the ages of 10 and 19 do not return to school.</p>

139.175 Make further efforts to achieve equal and universal access to education (Democratic People's Republic of Korea); Source of position: A/HRC/36/16/Add.1	Supported	E51 Right to education - General S04 SDG 4 - education Affected persons: - general - children	No Comment
139.182 Continue its efforts to improve the quality of education, including the quality and availability of school facilities, educational materials, teaching staff and curricula, prioritizing the most disadvantaged schools (State of Palestine); Source of position: A/HRC/36/16/Add.1	Supported	E51 Right to education - General S04 SDG 4 - education Affected persons: - general - children	<b>Partially Implemented</b>  Whilst some improvements to school infrastructure have been made, 5,167 schools still use pit latrines, which contravenes health and safety legislation. Many schools do not have access to adequate water and sanitation. The government diverted funding which had been promised for the improvement of infrastructure in around 2,000 schools to Covid-19-related projects.
139.183 Take concrete measures to ensure the right to education for all, focusing on decreasing the level of dropouts and on improving the quality of education (Republic of Moldova); Source of position: A/HRC/36/16/Add.1	Supported	E51 Right to education - General S04 SDG 4 - education Affected persons: - general - children	<b>Not Implemented</b>  The school dropout rate tripled from 230,000 to 750,000 by May 2021, during the Covid-19 pandemic.
<b>Theme: E53 secondary education</b>			
139.184 Provide appropriate solutions to the significant decline in the rate of school attendance in secondary education, especially among girls (Mauritania); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	E53 secondary education F1 Women S04 SDG 4 - education S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - children - girls	<b>Not implemented</b>  According to the Department of Basic Education, one in three pregnant learners between the ages of 10 and 19 do not return to school.
<b>Theme: F12 Discrimination against women</b>			
139.192 Take urgent measures to repeal laws that discriminate against women in matters such as marriage and family relations (Argentina); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	F12 Discrimination against women D8 Rights related to marriage & family A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	No Comment.
139.190 Consolidate its ongoing programmes to promote women's empowerment and gender equality (Zimbabwe); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	F12 Discrimination against women F11 Advancement of women S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	No Comment.

<p>139.191 Strengthen its efforts to promote gender equality (Timor-Leste); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>F12 Discrimination against women F11 Advancement of women S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women</p>	No Comment.
<p>139.198 Implement a national strategy to modify or eradicate, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women, harmful practices and stereotypes that discriminate against women (Uruguay); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>F12 Discrimination against women F13 Violence against women A12 Acceptance of international norms A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - women</p>	<p><b>Partially Implemented</b></p> <p>A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. The plan includes a strategy to target harmful social norms that drive gender-based violence. However, the implementation of the plan remains slow and violence against women remains rampant.</p>
<p>139.228 Develop specific measures to educate society and enforce existing legislation addressing the practice of ukuthwala and other customary practices leading to forced and child marriages (Hungary); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>F12 Discrimination against women F13 Violence against women A41 Constitutional and legislative framework F31 Children: definition; general principles; protection S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - children - girls</p>	No Comment
<p>139.227 Take all necessary measures to end sexual and gender-based violence, especially by developing adequate gender-sensitive training programmes for law enforcement agencies, the national prosecuting authority and judicial officers and by adopting specific legislation addressing the practice of ukuthwala (child marriage) (Germany); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>F12 Discrimination against women F13 Violence against women D28 Gender-based violence A53 Professional training in human rights F31 Children: definition; general principles; protection A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - women - girls - law enforcement / police officials</p>	<p><b>Partially Implemented</b></p> <p>A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, the plan is not being sufficiently implemented and we still see rising cases of gender-based violence reported. The plan includes the provision of training programmes for police officials, magistrates, prosecutors and health care providers. However, women are still not receiving victim friendly services when reporting cases at police stations. Women have reported not being taken to a private room for their statement, not being referred to a medical facility when medical attention is needed, and not having their rights explained to them, as required by law.</p> <p>Ukuthwala: No Comment</p>
<p>139.195 Step up its fight against gender-based discrimination and violence, uproot its social acceptability and increase efforts for the protection of its victims and redress for violations of their rights, as well as efforts on accountability of perpetrators (Czechia); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>F12 Discrimination against women F13 Violence against women D28 Gender-based violence B51 Right to an effective remedy B52 Impunity S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - women</p>	<p><b>Partially Implemented</b></p> <p>A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow and violence against women remains rampant.</p> <p>One in every three men in South Africa hold the belief that women should not have the same constitutional rights as men; 7.7% of men think it is alright to hit a woman if she argues with him, and 6% of men think it is alright to hit a woman if she goes out without telling him.</p>

			A 2017 study found that only 8.6% of rape cases opened by police resulted in convictions. Harmful notions regarding what constitutes “serious” rape influences the decisions of police officers to arrest perpetrators and prosecutors to proceed with cases. There is little accountability for perpetrators of gender-based violence because of these systemic failings.
139.196 Prevent and combat all forms of discrimination and eliminate violence against women, including domestic violence (Philippines); Source of position: A/HRC/36/16/Add.1	Supported	F12 Discrimination against women F13 Violence against women D28 Gender-based violence D29 Domestic violence S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	<b>Not Implemented</b>  Violence against women remains high. The latest available crime statistics covering July-September 2021 showed an increase in contact crimes against women. These included a 7,7% increase in murder, a 7,6% increase in attempted murder, and a 3,5% increase in assault with the intent to do grievous bodily harm.
139.189 Continue its efforts to combat all forms of discrimination against women, to fight violence against them and to enhance their presence in higher decision-making positions (Tunisia); Source of position: A/HRC/36/16/Add.1	Supported	F12 Discrimination against women F13 Violence against women F11 Advancement of women F14 Participation of women in political and public life S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	No Comment
<b>Theme: F13 Violence against women</b>			
139.205 Strengthen measures to address the serious and ongoing issue of violence against women, while taking on board the recommendations of the Special Rapporteur on violence against women, its causes and consequences (Japan); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	F13 Violence against women A24 Cooperation with special procedures S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - women	<b>Partially Implemented</b>  A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow and violence against women remains rampant.
139.214 Develop comprehensive policies and programmes on gender-based violence, including training of security forces, prosecutors and judges in order to properly deal with those cases (Israel); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	F13 Violence against women A42 Institutions & policies - General A53 Professional training in human rights S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - women - judges, lawyers and prosecutors - law enforcement / police officials	<b>Partially Implemented</b>  A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. The plan includes the provision of training programmes for police officials, magistrates, prosecutors and health care providers. However, women are still not receiving victim friendly services when reporting cases at police stations. Women have reported not being taken to a private room for their statement, not being referred to a medical facility when medical attention is needed, and not having their rights explained to them, as required by law. Violence against women remains rampant.

<p>139.208 Adopt a comprehensive national plan to address comprehensively the problem of gender-based violence, whether physical, psychological or sexual, providing to all relevant public services sufficient resources to implement these policies, considering the specific circumstances of women and girls who suffer from the most serious vulnerability (Chile);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) A3 Inter-State cooperation &amp; development assistance S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - women - girls</p>	<p><b>Implemented</b></p> <p>A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow and violence against women remains rampant.</p>
<p>139.197 Reduce violence against women through awareness and mobilization campaigns to change social norms, significantly strengthen legal accountability in cases of violence against women and improve national strategic planning to mobilize resources and improve coordination in combating violence against women (Canada);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Supported	<p>F13 Violence against women B51 Right to an effective remedy D51 Administration of justice &amp; fair trial A54 Awareness raising and dissemination A43 Human rights policies A63 Budget and resources (for human rights implementation) S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - women</p>	<p><b>Not Implemented</b></p> <p>Violence against women continues to increase. A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow. In 2022, President Cyril Ramaphosa signed three bills into law that offer more protection against gender-based violence. Despite these developments, implementation of legislation is lacking and remains a serious concern.</p>
<p>139.213 Adopt additional measures to combat all kinds of gender-based violence and to enforce the existing legislation on the matter by, inter alia, promoting awareness campaigns and providing appropriate care to women and girls victims of violence (Brazil);</p> <p>Source of position: A/HRC/36/16/Add.1</p>	Supported	<p>F13 Violence against women D28 Gender-based violence A41 Constitutional and legislative framework A54 Awareness raising and dissemination B51 Right to an effective remedy S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - women - girls</p>	<p><b>Partially Implemented</b></p> <p>A National Strategic Plan on Gender-Based Violence and Femicide was published in 2020. In 2022, President Cyril Ramaphosa signed three bills into law that offer more protection against gender-based violence. Despite these developments, violence against women continues to increase. Women are still not receiving victim friendly services when reporting cases at police stations and have reported not being taken to a private room for their statement, not being referred to a medical facility when medical attention is needed, and not having their rights explained to them, as required by law. Violence against women remains high.</p>
<p>139.209 Set in place a comprehensive, national coordinated strategy to address gender-based violence in order to ensure the implementation of the legal framework and to tackle the high prevalence of sexual and gender-based violence, including against children (Finland);</p> <p>Source of position: A/HRC/36/16/Add.1</p>	Supported	<p>F13 Violence against women D28 Gender-based violence A42 Institutions &amp; policies - General A46 National Plans of Action on Human Rights (or specific areas) A41 Constitutional and legislative framework F31 Children: definition; general principles; protection S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - women - children</p>	<p><b>Implemented</b></p> <p>A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow and violence against women remains rampant.</p>

<p>139.204 Conduct a thorough investigation of the root causes of gender-based violence and base future policy interventions on its results (Norway); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>F13 Violence against women D28 Gender-based violence A43 Human rights policies S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p><b>Partially Implemented</b></p> <p>The National Strategic Plan on Gender-Based Violence contains analysis on the root causes of gender-based violence and proposes a strategy for future interventions. However, with no coordinating council in place, the implementation of this plan remains slow and violence against women continues to rise.</p>
<p>139.210 Develop a comprehensive, multisectoral national strategic plan on gender-based violence (Netherlands); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>F13 Violence against women D28 Gender-based violence A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p><b>Implemented</b></p> <p>A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow and violence against women remains rampant.</p>
<p>139.211 Revive efforts to develop a national action plan on combating gender-based violence (Georgia); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>F13 Violence against women D28 Gender-based violence A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p><b>Implemented</b></p> <p>A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow and violence against women remains rampant.</p>
<p>139.212 Revive efforts to develop a national strategic plan on gender-based violence and ensure appropriate resources for its implementation (Slovenia); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>F13 Violence against women D28 Gender-based violence A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p><b>Implemented</b></p> <p>A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow and violence against women remains rampant.</p>
<p>139.215 Undertake continued and enhanced efforts to protect and provide redress to women suffering from violence and to continue raising awareness, through training and other means, in the judicial system, including to the police, of the necessity to act against all cases of sexual and gender-based violence, including on the grounds of real or perceived sexual orientation, gender identity or expression (Sweden); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>F13 Violence against women D28 Gender-based violence B51 Right to an effective remedy A53 Professional training in human rights S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - judges, lawyers and prosecutors - law enforcement / police officials</p>	<p><b>Not Implemented</b></p> <p>A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. The plan includes the provision of training programmes for police officials, magistrates, prosecutors and health care providers. However, women are still not receiving victim friendly services when reporting cases at police stations. Women have reported not being taken to a private room for their statement, not being referred to a medical facility when medical attention is needed, and not having their rights explained to them, as required by law.</p>

<p>139.216 Carry out a national outreach campaign for the elimination of sexual and gender-based violence which includes information on the rights of victims (Mexico); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>F13 Violence against women D28 Gender-based violence B51 Right to an effective remedy S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p><b>Partially Implemented</b></p> <p>The South African government conducted media campaigns as part of the implementation of the National Strategic Plan on Gender-Based Violence and Femicide. However, harmful social and cultural norms and beliefs about GBV and rape remain prevalent and feed into women's experiences of the justice system. A 2017 study found that only 8.6% of rape cases opened by police resulted in convictions. Harmful notions regarding what constitutes "serious" rape influences the decisions of police officers to arrest perpetrators and prosecutors to proceed with cases. There is little accountability for perpetrators of gender-based violence because of these systemic failings.</p>
<p>139.217 Increase efforts to guarantee women's access to justice, protection and other remedies and put in place stronger mechanisms to protect women and girls from gender-based violence and provide redress to victims (Austria); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>F13 Violence against women D28 Gender-based violence B51 Right to an effective remedy S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p><b>Not Implemented</b></p> <p>Whilst the Department of Justice and Constitutional Development report a conviction rate of 75,2% for sexual offences, this figure is only accounts for cases that are prosecuted. When considering the number of cases referred for prosecution, accepted, and sent to trial, the conviction rate sits at 8,6% due to high levels of attrition.</p> <p>Women are often fearful of reporting assaults to police as there is an entrenched culture of harmful gender stereotypes and discriminatory attitudes.</p>
<p>139.219 Reinforce its efforts to ensure the thorough investigation and prosecution of crimes of gender based and domestic violence and guarantee access to justice for victims (Mongolia); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>F13 Violence against women D28 Gender-based violence D29 Domestic violence B51 Right to an effective remedy S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - women</p>	<p><b>Not Implemented</b></p> <p>Whilst the Department of Justice and Constitutional Development report a conviction rate of 75,2% for sexual offences, this figure is only accounts for cases that are prosecuted. When considering the number of cases referred for prosecution, accepted, and sent to trial, the conviction rate sits at 8,6% due to high levels of attrition.</p> <p>Women are often fearful of reporting assaults to police as there is an entrenched culture of harmful gender stereotypes and discriminatory attitudes.</p>
<p>139.199 Strengthen efforts to prevent and combat all forms of discrimination and violence against women, also by adopting and implementing effective measures on the issue, and ensure that women victims of violence receive appropriate help and that perpetrators are brought to justice (Italy); Source of position: A/HRC/36/16/Add.1</p>	<p>Supported</p>	<p>F13 Violence against women D28 Gender-based violence F12 Discrimination against women D51 Administration of justice &amp; fair trial B51 Right to an effective remedy B52 Impunity S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	<p><b>Not Implemented</b></p> <p>Whilst the Department of Justice and Constitutional Development report a conviction rate of 75,2% for sexual offences, this figure is only accounts for cases that are prosecuted. When considering the number of cases referred for prosecution, accepted, and sent to trial, the conviction rate sits at 8,6% due to high levels of attrition.</p> <p>Women are often fearful of reporting assaults to police as there is an entrenched culture of harmful gender stereotypes and discriminatory attitudes.</p>

139.201 Take all necessary measures to safeguard the full enjoyment of human rights by women and girls, including by combating sexual and gender-based violence (Estonia); Source of position: A/HRC/36/16/Add.1	Supported	F13 Violence against women D28 Gender-based violence S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	<b>Partially Implemented</b>  A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow and violence against women remains rampant.
139.202 Continue to combat gender-based violence (Djibouti); Source of position: A/HRC/36/16/Add.1	Supported	F13 Violence against women D28 Gender-based violence S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	<b>Partially Implemented</b>  A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow and violence against women remains rampant.
139.206 Ensure implementation of the Domestic Violence Act, especially on violence against women (Namibia); Source of position: A/HRC/36/16/Add.1	Supported	F13 Violence against women D29 Domestic violence A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	No Comment
139.218 Deploy the necessary efforts to improve the functioning of the courts dealing with sexual crimes in the country, while intensifying public awareness raising campaigns aimed at reducing the underutilization of these courts (Haiti); Source of position: A/HRC/36/16/Add.1	Supported	F13 Violence against women D51 Administration of justice & fair trial A54 Awareness raising and dissemination S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - women	No Comment

139.203 Strengthen efforts undertaken to combat violence against women (France); Source of position: A/HRC/36/16/Add.1	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	<b>Partially Implemented</b>  A National Strategic Plan on Gender-Based Violence and Femicide was adopted in 2020. However, with no coordinating council in place, the implementation of the plan remains slow and violence against women remains rampant.
<b><i>Theme: F31 Children: definition; general principles; protection</i></b>			
139.235 Ensure registration of all children at birth as well as delayed registration of children who have not been registered at birth (Czechia); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	F31 Children: definition; general principles; protection D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - children	No comment.
139.236 Further engage in facilitating administrative procedures for birth registration, especially for disadvantaged children coming from rural and poor areas (Serbia); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	F31 Children: definition; general principles; protection D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - children - persons living in rural areas	No comment.
139.222 Implement the Convention on the Rights of the Child through the harmonization of its national laws to ensure that the minimum age for marriage is established at 18 years for both girls and boys and remove barriers to birth registration (Kenya); Source of position: A/HRC/36/16/Add.1	Supported	F31 Children: definition; general principles; protection F12 Discrimination against women A12 Acceptance of international norms A41 Constitutional and legislative framework D6 Rights related to name, identity, nationality S05 SDG 5 - gender equality and women's empowerment Affected persons: - children - girls	No comment.
139.221 Harmonize legislation in order to ensure that the minimum age of marriage is increased to 18 years for boys and girls, without exception (Haiti); Source of position: A/HRC/36/16/Add.1	Supported	F31 Children: definition; general principles; protection F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - children - girls	No comment.
139.231 Amend the Children's Act with the aim of prohibiting virginity tests on children, irrespective of their age (Zambia); Source of position: A/HRC/36/16/Add.1	Supported	F31 Children: definition; general principles; protection F13 Violence against women A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - girls	No comment.

139.229 Continue efforts to combat sexual violence against children (Algeria); Source of position: A/HRC/36/16/Add.1	Supported	F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	No comment.
139.230 Steps up its efforts to prevent harmful practices carried out on children (Timor-Leste); Source of position: A/HRC/36/16/Add.1	Supported	F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	No comment.
<b>Theme: F33 Children: protection against exploitation</b>			
139.232 Make additional efforts to combat child labour and guarantee children the enjoyment of the rights that are guaranteed to them in accordance with international standards (Iraq); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	F33 Children: protection against exploitation S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - children	No comment.
<b>Theme: F45 Persons with disabilities: independence, inclusion</b>			
139.187 Adopt measures to ensure the inclusive education of persons with disabilities (Israel); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	F45 Persons with disabilities: independence, inclusion E51 Right to education - General S04 SDG 4 - education <b>Affected persons:</b> - persons with disabilities	No comment.
139.188 Prioritize implementing the right to an inclusive basic education for all children with disabilities (Australia); Source of position: A/HRC/36/16/Add.1	Supported	F45 Persons with disabilities: independence, inclusion E51 Right to education - General S04 SDG 4 - education Affected persons: - persons with disabilities	No comment.
<b>Theme: G3 Indigenous peoples</b>			
139.103 Consider giving priority attention to indigenous peoples, in particular with reference to language, education and land redistribution (Peru); <b>Source of position:</b> A/HRC/36/16/Add.1	Supported	G3 Indigenous peoples E51 Right to education - General E7 Cultural rights E21 Right to an adequate standard of living - general S04 SDG 4 - education <b>Affected persons:</b> - Indigenous peoples	No comment.
<b>Theme: A12 Acceptance of international norms</b>			

139.26 Ratify the Kampala amendments to the Rome Statute of the International Criminal Court on the crime of aggression (Liechtenstein); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms B11 International humanitarian law S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment.
139.16 Ratify, before the next cycle of the universal periodic review, the Optional Protocol to the Convention against Torture and adopt measures to improve access to justice, redress and rehabilitation for victims of torture (Czechia); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention D51 Administration of justice & fair trial B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - persons deprived of their liberty	No comment.
139.25 Strengthen domestic efforts to tackle modern slavery of children and rural workers, including through ratification of the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (United Kingdom of Great Britain and Northern Ireland); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms D27 Prohibition of slavery, trafficking F31 Children: definition; general principles; protection E32 Right to just and favourable conditions of work S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - children - persons living in rural areas	No comment.
139.4 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Portugal) (Germany) (Sierra Leone); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms D32 Enforced disappearances S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - disappeared persons	No comment.
139.5 Ratify without delay the International Convention for the Protection of All Persons from Enforced Disappearance (Japan); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms D32 Enforced disappearances S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - disappeared persons	No comment.
139.6 Become a party to the International Convention for the Protection of All Persons from Enforced Disappearance (Albania) (Central African Republic) (Iraq); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms D32 Enforced disappearances S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - disappeared persons	No comment.

139.22 Accede to and implement the 1954 and 1961 statelessness conventions (Kenya); Source of position: A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions Affected persons: - stateless persons	No comment.
139.23 Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Australia); Source of position: A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions Affected persons: - stateless persons	No comment.
139.19 Ratify the Optional Protocol to the International Covenant on Economic Social and Cultural Rights (Spain) (Philippines) (Portugal); Source of position: A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms E1 Economic, social & cultural rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	No comment.
139.20 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Spain) (Portugal) (Montenegro); Source of position: A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	No comment.
139.24 Promptly ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO) (Guatemala); Source of position: A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	No comment.
139.1 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Burkina Faso) (Niger) (Uganda) (Philippines) (Sierra Leone); Source of position: A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	No comment.
139.2 Promptly ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families (Guatemala); Source of position: A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	No comment.

139.3 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sri Lanka) (Sudan); Source of position: A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	No comment.
139.21 Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Belgium) (Germany); Source of position: A/HRC/36/16/Add.1	Noted	A12 Acceptance of international norms G7 Stateless persons D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions Affected persons: - stateless persons	No comment.
<b>Theme: A14 Derogation</b>			
139.28 Reconsider the decision to withdraw from the Rome Statute of the International Criminal Court (Greece); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A14 Derogation B11 International humanitarian law B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment.
139.29 Uphold its commitment to and obligations under the Rome Statute of the International Criminal Court (Czechia); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A14 Derogation B11 International humanitarian law B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment.
139.27 Reconsider the announcement of its possible withdrawal from the Rome Statute (Peru); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A14 Derogation B11 International humanitarian law B52 Impunity S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment.
<b>Theme: A24 Cooperation with special procedures</b>			
139.32 Accept the request for a visit by the Special Rapporteur on the human right to safe drinking water and sanitation (Uruguay); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A24 Cooperation with special procedures E26 Human Rights & drinking water and sanitation S06 SDG 6 - water and sanitation S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment.
<b>Theme: A42 Institutions &amp; policies – General</b>			

139.34 Adopt an open, merit-based selection process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A42 Institutions & policies - General A22 Cooperation with treaty bodies S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment.
139.41 Commit to procurement and e-governance reforms, including the full implementation of the Open Government Partnership national action plan and a permanent dialogue mechanism with civil society (United States of America); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A42 Institutions & policies - General A46 National Plans of Action on Human Rights (or specific areas) A61 Cooperation with civil society S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment.
139.40 Continue to adequately fund the medium-term strategic framework and to refine its consolidated planning, monitoring and evaluation mechanisms to support the Framework's effective implementation (Singapore); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A42 Institutions & policies - General A63 Budget and resources (for human rights implementation) A62 Statistics and indicators S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No comment.
139.220 Allocate sufficient resources to implement its youth policy to ensure meaningful use of youth delegates participating in international forums, and inclusion of youth in rural areas and strengthen political impartiality and independence of youth representation (Denmark); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A42 Institutions & policies - General A63 Budget and resources (for human rights implementation) D7 Right to participation in public affairs and right to vote S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - persons living in rural areas - youth	No comment.
<b>Theme: A44 Structure of the national human rights machinery</b>			
139.35 Ensure sufficient resources to the so-called chapter 9 institutions, which, as independent oversight bodies, serve a crucial purpose in upholding the rule of law and good governance (Finland); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A44 Structure of the national human rights machinery D51 Administration of justice & fair trial A47 Good governance A63 Budget and resources (for human rights implementation) S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	<b>Not implemented</b>  The South African Human Rights Commission continues to battle resource and capacity constraints whilst fulfilling its Constitutional mandate.

139.39 Develop an independent child rights monitoring mechanism and allocate adequate financial resources to ensure effective implementation of the relevant international obligations (Mongolia); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	A44 Structure of the national human rights machinery F31 Children: definition; general principles; protection A63 Budget and resources (for human rights implementation) S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - children	No comment.
<b>Theme: B31 Equality &amp; non-discrimination</b>			
139.90 Consider expanding the policy of affirmative action to the coloured population (Peru); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	B31 Equality & non-discrimination A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	No comment.
139.72 Take proper legal measures, including compensations on the attacks on foreign nationals resulting in loss of life and damage to property in parts of the country (Ethiopia); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	B31 Equality & non-discrimination D51 Administration of justice & fair trial B51 Right to an effective remedy G8 Non-citizens S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - non-citizens	<b>Not implemented</b>  Attacks on foreign nationals continue with impunity. Xenophobic rhetoric by politicians and on social media is increasing, with leaders not held accountable to these and their repercussions.
<b>Theme: B6 Business &amp; Human Rights</b>			
139.106 Define and enforce regulations to ensure that companies comply with international and national standards relating to human rights, labour, the environment and others (Togo); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	B6 Business & Human Rights B31 Equality & non-discrimination B71 Human rights and the environment S12 SDG 12 - sustainable consumption and production S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	<b>Not implemented</b>  While policies and regulations exist to regulate the mining industry, including requiring mining companies to submit and adhere to obligations set out in their Social and Labour Plans - mechanisms in which to remedy the harm caused by the extractive industry and contribute towards development - the State continues to fail in its oversight and monitoring role, thus allowing companies to continue to exceed their harm versus benefit without any recourse.
139.105 Continue to develop and implement a framework that holds companies, particularly those in the extractive sector, accountable for the human rights violations and the environmental degradation caused by their operations (Philippines); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	B6 Business & Human Rights B51 Right to an effective remedy B71 Human rights and the environment S12 SDG 12 - sustainable consumption and production S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	<b>Not implemented</b>  While policies and regulations exist to regulate the mining industry, including requiring mining companies to submit and adhere to obligations set out in their Social and Labour Plans - mechanisms in which to remedy the harm caused by the extractive industry and contribute towards development - the State continues to fail in its oversight and monitoring role, thus allowing companies to continue to exceed their harm versus benefit without any recourse.

<p>139.104 Increase the efficiency and the systematic implementation of the law on the development of mining resources, in the field of employment, housing, social development and protection of the environment (Cabo Verde); Source of position: A/HRC/36/16/Add.1</p>	Noted	<p>B6 Business &amp; Human Rights E31 Right to work E23 Right to adequate housing E1 Economic, social &amp; cultural rights - general measures of implementation B71 Human rights and the environment S12 SDG 12 - sustainable consumption and production S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	<p><b>Not implemented</b></p> <p>While policies and regulations exist to regulate the mining industry, including requiring mining companies to submit and adhere to obligations set out in their Social and Labour Plans - mechanisms in which to remedy the harm caused by the extractive industry and contribute towards development - the State continues to fail in its oversight and monitoring role, thus allowing companies to continue to exceed their harm versus benefit without any recourse.</p>
<b>Theme: D43 Freedom of opinion and expression</b>			
<p>139.119 Review the current text of the Protection of State Information Bill in order to remove any limitations on freedom of expression, including the unwarranted persecution of whistleblowers (Sweden); Source of position: A/HRC/36/16/Add.1</p>	Noted	<p>D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	No comment.
<p>139.120 Continue to revise the Protection of State Information Bill so that it fully respects international human rights law, in particular the right to freedom of opinion and expression (Switzerland); Source of position: A/HRC/36/16/Add.1</p>	Noted	<p>D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	No comment.
<b>Theme: D46 Right to private life, privacy</b>			
<p>139.123 Take the necessary steps to ensure that all the operations of intelligence agencies are monitored by an independent oversight mechanism (Liechtenstein); Source of position: A/HRC/36/16/Add.1</p>	Noted	<p>D46 Right to private life, privacy A44 Structure of the national human rights machinery S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	No comment.
<p>139.122 Ensure that all communications surveillance requires a test of necessity and proportionality (Liechtenstein); Source of position: A/HRC/36/16/Add.1</p>	Noted	<p>D46 Right to private life, privacy S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	No comment.
<b>Theme: D51 Administration of justice &amp; fair trial</b>			

<p>139.110 Take further action regarding oversight of and training for security forces in human rights, including to address violence related to hatred against foreigners, and make sure security forces carrying out law enforcement duties comply with United Nations standards (Austria);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Noted	<p>D51 Administration of justice &amp; fair trial B31 Equality &amp; non-discrimination D25 Prohibition of torture and cruel, inhuman or degrading treatment D21 Right to life A53 Professional training in human rights G8 Non-citizens S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - non-citizens - law enforcement / police officials</p>	<p><b>Partially implemented.</b></p> <p>While some training of police officials is taking place, security forces continued to use excessive force against peaceful protesters and hundreds of people died as a result of police action.</p> <p>The Independent Police Investigative Directorate (IPID), an official oversight body of the police, received 6,122 new complaints by the end of the 2021 financial year on 28 February. Of these, 4,228 were assault cases, 353 were cases of death as a result of police action, 256 were cases of torture, and 80 were rapes by a police officer.</p> <p>IPID received 74 complaints during the July unrest in parts of the Gauteng and KZN provinces. Of these, the majority – 26 – were cases of deaths resulting from police action, while there were 25 complaints of assault, and four deaths in police custody. Two cases involving torture were filed.</p>
<p>139.109 Revise laws and policies regarding public order policing and the use of force, including lethal force by law enforcement officials (Greece); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	Noted	<p>D51 Administration of justice &amp; fair trial D25 Prohibition of torture and cruel, inhuman or degrading treatment D21 Right to life A41 Constitutional and legislative framework A42 Institutions &amp; policies - General S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general - law enforcement / police officials</p>	<p><b>Not implemented</b></p> <p>Security forces continued to use excessive force against peaceful protesters and hundreds of people died as a result of police action.</p> <p>The Independent Police Investigative Directorate (IPID), an official oversight body of the police, received 6,122 new complaints by the end of the 2021 financial year on 28 February. Of these, 4,228 were assault cases, 353 were cases of death as a result of police action, 256 were cases of torture, and 80 were rapes by a police officer.</p> <p>IPID received 74 complaints during the July unrest in parts of the Gauteng and KZN provinces. Of these, the majority – 26 – were cases of deaths resulting from police action, while there were 25 complaints of assault, and four deaths in police custody. Two cases involving torture were filed.</p> <p>The use of rubber bullets to disperse students during a peaceful University of Witwatersrand protest in Johannesburg in March 2021 killed one bystander, Mthokozisi Ntumba.</p>
<b>Theme: E24 Right to social security</b>			
<p>139.153 Expedite the necessary consultative and legislative processes for the establishment of mandatory retirement benefits for all working persons who retire due to old age or disability (Mauritius);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	Noted	<p>E24 Right to social security A41 Constitutional and legislative framework F4 Persons with disabilities S08 SDG 8 - economic growth, employment, decent work</p> <p><b>Affected persons:</b> - persons with disabilities - older persons</p>	No comment.

139.152 Explore the possibility of a universal basic income in place of the existing social protection system, in consultation with all the stakeholders (Haiti); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	E24 Right to social security A61 Cooperation with civil society S01 SDG 1 - poverty <b>Affected persons:</b> - general	No comment.
<b>Theme: E51 Right to education - General</b>			
139.178 Ensure unconditional access to primary, secondary and tertiary education for all groups of society, irrespective of their socioeconomic situation, ethnic background or gender (Germany); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	E51 Right to education - General E52 primary education E53 secondary education E55 higher education S04 SDG 4 - education <b>Affected persons:</b> - general - women - children - minorities/ racial, ethnic, linguistic, religious or descent-based groups	No Comment
<b>Theme: F12 Discrimination against women</b>			
139.193 Expedite the enactment of the proposed Women Empowerment and Gender Equality Bill (Maldives); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	No comment.
139.194 Adopt as soon as possible the Women's Empowerment and Gender Equality Bill (Spain); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	No comment.
<b>Theme: F13 Violence against women</b>			
139.207 Render operational and grant adequate resources to the National Council against Gender Based Violence and develop a multisectoral national strategic plan on this issue (Spain); <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	F13 Violence against women A42 Institutions & policies - General A46 National Plans of Action on Human Rights (or specific areas) A63 Budget and resources (for human rights implementation) S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - women	<b>Not Implemented</b>  A National Strategic Plan on Gender-Based Violence was adopted in 2020. Despite promises to establish a National Council on Gender-Based Violence and Femicide, the structure has still not been established. A draft bill for the establishment of the council was published in October 2021. The council is crucial for the implementation of the National Strategic Plan on Gender-Based Violence.

<p>139.200 Work to eradicate harmful cultural or traditional practices against women and girls by conducting educational campaigns, encouraging reporting of cases and public ally denouncing such practices; by urgently providing an adequate budget for the implementation of key measures of the Domestic Violence Act; and by strengthening the systematic and comprehensive collection of disaggregated data related to the incidence of all forms of violence against women, including femicide and intimate partner violence, and by using this data to inform its policy responses and monitoring (Ireland);</p> <p><b>Source of position:</b> A/HRC/36/16/Add.1</p>	<p>Noted</p>	<p>F13 Violence against women F12 Discrimination against women A54 Awareness raising and dissemination D29 Domestic violence A41 Constitutional and legislative framework A63 Budget and resources (for human rights implementation) A62 Statistics and indicators A43 Human rights policies S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - women - girls</p>	<p>No Comment</p>
<p><b><i>Theme: F31 Children: definition; general principles; protection</i></b></p>			
<p>139.233 Adopt legislation to prohibit all forms of corporal punishment in the private sphere (Israel); <b>Source of position:</b> A/HRC/36/16/Add.1</p>	<p>Noted</p>	<p>F31 Children: definition; general principles; protection A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - children</p>	<p>No comment.</p>
<p>139.234 Expedite the adoption of legislation to prohibit all forms of corporal punishment in the home, including “reasonable chastisement”, and ensure that those who perpetrate corporal punishment are held accountable (Liechtenstein); Source of position: A/HRC/36/16/Add.1</p>	<p>Noted</p>	<p>F31 Children: definition; general principles; protection D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework B52 Impunity S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - children</p>	<p>No comment.</p>
<p>139.237 Review and amend all legislation and regulations relevant to birth registration and nationality to ensure their full conformity with the Convention on the Rights of the Child (Albania); Source of position: A/HRC/36/16/Add.1</p>	<p>Noted</p>	<p>F31 Children: definition; general principles; protection D6 Rights related to name, identity, nationality A41 Constitutional and legislative framework A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - children</p>	<p>No comment.</p>
<p>139.238 Review and amend all legislation and regulations relevant to birth registration and nationality to ensure their full conformity with the Convention</p>	<p>Noted</p>	<p>F31 Children: definition; general principles; protection D6 Rights related to name, identity, nationality A41 Constitutional and legislative framework</p>	<p>No comment.</p>

on the Rights of the Child (Liechtenstein); Source of position: A/HRC/36/16/Add.1		A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	
139.239 Review its relevant legislation and regulations on birth registration to ensure their full conformity with the Convention on the Rights of the Child (Portugal); Source of position: A/HRC/36/16/Add.1	Noted	F31 Children: definition; general principles; protection D6 Rights related to name, identity, nationality A41 Constitutional and legislative framework A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	No comment.
139.240 Ensure birth registration of all children born on South African territory, regardless of the immigration status or nationality of the parents (Mexico); Source of position: A/HRC/36/16/Add.1	Noted	F31 Children: definition; general principles; protection D6 Rights related to name, identity, nationality G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - children - migrants	No comment.
139.241 Amend legislation and regulations in order to ensure universal birth registration for children born in its territory (Turkey); Source of position: A/HRC/36/16/Add.1	Noted	F31 Children: definition; general principles; protection D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	No comment.
139.225 Ensure in national legislation that the minimum age for marriage is 18 years for both girls and boys and take all necessary measures to prevent and eliminate child sex tourism and exploitation of child labour (Slovenia); Source of position: A/HRC/36/16/Add.1	Noted	F31 Children: definition; general principles; protection F12 Discrimination against women A41 Constitutional and legislative framework F33 Children: protection against exploitation S05 SDG 5 - gender equality and women's empowerment Affected persons: - children - girls	No comment.
139.223 Increase the age of marriage to 18 years for both boys and girls and harmonize legislation to this effect (Sierra Leone); Source of position: A/HRC/36/16/Add.1	Noted	F31 Children: definition; general principles; protection F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - girls	No comment.

139.224 Harmonize the South African legislation to ensure that the minimum age for marriage is established at 18 years for both boys and girls (Zambia); Source of position: A/HRC/36/16/Add.1	Noted	F31 Children: definition; general principles; protection F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - girls	No comment.
139.226 Revise the Children's Act in order to set the minimum age for marriage to 18 years for both boys and girls (Belgium); Source of position: A/HRC/36/16/Add.1	Noted	F31 Children: definition; general principles; protection F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - girls	No comment.
139.242 Continue ensuring that unaccompanied migrant children entering South Africa are kept in child and youth care centres and treated as children in need of care and protection (Holy See); Source of position: A/HRC/36/16/Add.1	Noted	F31 Children: definition; general principles; protection F32 Children: family environment and alternative care G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - children - migrants	No comment.
<b>Theme: G7 Stateless persons</b>			
139.243 Refrain from depriving citizenship through the blocking of identity documents and establish a dedicated procedure to identify stateless persons (Hungary). <b>Source of position:</b> A/HRC/36/16/Add.1	Noted	G7 Stateless persons D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - stateless persons	No comment.

<sup>1</sup> Examen périodique universel - informations, *Responses to Recommendations: South Africa*, troisième cycle, 27<sup>e</sup> session, décembre 2017 [https://upr-info.org/sites/default/files/documents/2018-01/response\\_to\\_recommendations\\_south\\_africa\\_2017.pdf](https://upr-info.org/sites/default/files/documents/2018-01/response_to_recommendations_south_africa_2017.pdf)

<sup>2</sup> A/HRC/36/16/Add.1, recommandations : 139.198 [Uruguay], 139.208 [Chili]. 139.209 [Finlande], 139.210 [Pays-Bas], 139.211 [Géorgie], 139.212 [Slovénie]

<sup>3</sup> A/HRC/36/16/Add.1, recommandation 139.207 [Espagne]

<sup>4</sup> A/HRC/36/16/Add.1, recommandations 139.173 [Islande], 139.164 [Portugal], 139.174 [Islande], 139.172 [Danemark]

<sup>5</sup> A/HRC/36/16/Add.1, recommandation 139.182 [État de Palestine].

<sup>6</sup> A/HRC/36/16/Add.1, recommandation 139.183 [République de Moldova]

<sup>7</sup> Spaul, N., Daniels, R. C et al, NIDS-CRAM Wave 5 Synthesis Report, 2021, <https://cramsurvey.org/wp-content/uploads/2021/07/1.-Spaul-N.-Daniels-R.-C-et-al.-2021-NIDS-CRAM-Wave-5-Synthesis-Report.pdf>

<sup>8</sup> Department of Basic Education, *Annual Report 2020/2021*, 2021, [gov.za/sites/default/files/gcis\\_document/202110/dbe-annual-report-202021.pdf](http://gov.za/sites/default/files/gcis_document/202110/dbe-annual-report-202021.pdf)

<sup>9</sup> A/HRC/36/16/Add.1, recommandations 139.106 [Togo], 139.105 [Philippines], 139.104 [Cap-Vert]

<sup>10</sup> Gouvernement d'Afrique du Sud, "President Cyril Ramaphosa assents to laws that strengthen fight against Gender-Based Violence", 28 janvier 2022, [gov.za/speeches/president-cyril-ramaphosa-assents-laws-strengthen-fight-against-gender-based-violence-28](http://gov.za/speeches/president-cyril-ramaphosa-assents-laws-strengthen-fight-against-gender-based-violence-28)

<sup>11</sup> Haut-Commissariat des Nations unies aux droits de l'homme, Status of Ratification Interactive Dashboard, [indicators.ohchr.org/](http://indicators.ohchr.org/)

<sup>12</sup> Conseil économique et social des Nations unies, *Observations finales concernant le rapport initial sur l'Afrique du Sud*, novembre 2018, (Index : E/C.12/ZAF/CO/1), [digitallibrary.un.org/record/1654223?n=en](http://digitallibrary.un.org/record/1654223?n=en)

- <sup>13</sup> Commission sud-africaine des droits humains, *Annual Performance Plan for 2019/2020*, janvier 2019, <https://www.sahrc.org.za/home/21/files/SAHRC%20Annual%20Performance%20Plan%202019-20.pdf>
- <sup>14</sup> Haut-Commissariat des Nations unies aux droits de l'homme, visites de pays des titulaires de mandats au titre des procédures spéciales du Conseil des droits de l'homme depuis 1998, [spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=ZAF&Lang=fr](http://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=ZAF&Lang=fr) (consulté le 16 février 2022)
- <sup>15</sup> South African Police Services, "Crime Statistics 2019/2020", 2020, [saps.gov.za/services/older\\_crimestats.php](https://saps.gov.za/services/older_crimestats.php)
- <sup>16</sup> Africa Check, "Five Facts: Femicide in South Africa", 2019, [africacheck.org/fact-checks/reports/five-facts-femicide-south-africa](https://africacheck.org/fact-checks/reports/five-facts-femicide-south-africa)
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