

**Reply by the Deputy Minister of Justice and Constitutional Development of the  
Republic of South Africa,  
the Hon JH Jeffery, MP  
to the in response to the African Commission on Human and Peoples' Rights,  
at the 58<sup>th</sup> Ordinary Session of the Commission,  
Banjul, The Gambia, 12 April 2016**

Madam Chairperson

Members

Ladies and gentlemen

Thank you for the opportunity to respond to the issues raised by the Commission. I will endeavour to the respond to as many of the issues and questions as possible. Where detailed information or statistics have been requested, we will provide the Commission with detailed written responses where required.

***PART A***

With regards to the ***Inter-departmental committee*** that has been established to ensure enhanced compliance with treaty and reporting obligations, when we became party to a number of United Nations and African Union human rights instruments, we were confronted with an immense backlog of reports and inadequate capacity to write such reports.

In early 2012, during the meeting of President Zuma and Chairperson of the South African Human Rights Commission a commitment was made by President Zuma that Government would address the issue of outstanding reports.

A National Framework for the Implementation of Treaty Obligations has also been adopted. We have an Inter-departmental Committee on Treaty Obligations comprising representatives of all Governments departments (open-ended Committee due to cross-cutting nature of human rights).

The Committee coordinates and facilitates the writing of country reports by line-function departments. The Committee, driven by a steering Committee, reports to three Clusters of Directors-General namely; Justice, Crime Prevention and Security; Social Protection, Community and Human Development; and International Cooperation, Trade and Security. Political oversight on compliance with treaty obligations is vested on Minister of Justice and Correctional Services, Minister of International Relations and Cooperation, and Minister in the Presidency responsible for Performance, Monitoring and Evaluation.

Regarding the question on ***consultation with relevant stakeholders in the process of finalizing this Report***, fruitful consultations were held and sufficient time was provided for engagement in this regard.

On the issue of the ***status of ratifications of international and regional human rights instruments***, the State Party will provide the Commission with a detailed template on the current status thereto compiled by the Treaty Section of the Department International Relations and Cooperation. In respect of the ***Declaration under Article 34(6) of the Protocol to the Charter on the establishment of the African Court on Human and Peoples' Rights***, the matter is still under consideration by the Directors-General cluster of the Government. The contentious issue relates to the relationship between our domestic courts and the African Court.

***The process*** relating to the development of a ***National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance*** emanates from the Durban Declaration and Programme of Action (DDPA) which was adopted at the 3<sup>rd</sup> World Conference against Racism that was hosted by South Africa and held in Durban in 2001.

The Department of Justice and Constitutional Development has spearheaded the development of a draft NAP.

Cabinet recently approved the Draft NAP for public comment (on 9 December 2015).

Following Cabinet approval, the Department launched the broader public consultation process on the Draft NAP during a national consultative dialogue event held in Cape Town on 29 February – 1 March 2016. The event was very successful and the Draft NAP enjoyed wide media coverage and the issues were covered broadly across various national newspapers, television, commercial as well as community radio stations and various social media apps.

This high-level engagement which was widely reported on in the media, targeted various key role-players including stakeholder representatives from the media, labour, sports, youth, civil society, academia, business as well as national human rights institutions and government departments. It also marked the commencement of the broader publication consultation process, with the purpose of promoting and raising awareness of the NAP, in order to build support and buy-in for its implementation.

Subsequently, the Department recently embarked on the process of conducting broader public consultations. Consultations have been conducted in collaboration with various key stakeholders across the country during March 2016 within municipalities and across sectors nationally, promoting and raising awareness of the NAP amongst communities and stakeholders, in order to obtain inputs and comments towards the finalization of the Draft NAP.

The broader public consultations will continue into and will culminate in the hosting of a national summit to endorse the final NAP for Cabinet approval prior to the final NAP being deposited to the United Nations.

With regards to the ***programmes have been undertaken by government to raise human rights awareness*** and provide constitutional education, the Department of Justice and Constitutional Development, has rolled out programmes to both improve knowledge and awareness of the Constitution, as well as programmes to enhance the realization of socio-economic rights.

Government has gone to great lengths and put in place a number of initiatives to ensure that the Constitution is accessible to all and that our people are made aware of their human rights.

Over the past 2 decades, the Department has printed and distributed the Constitution across the country. We have also translated the Constitution into all official languages, as well as in Braille. For example, 60 000 copies of the Constitution were printed and distributed to, amongst others, National Departments, Justice Regional Offices, Thusong Service Centres, the National Council of Provinces (Gauteng & Limpopo), various municipalities, universities and schools, Parliament, churches, the Black Lawyers Association, the Public Protectors Office, the South African Human Rights Commission and Community Advice Offices (CAOs).

Some 1000 Braille copies of the Constitution, printed with the assistance of the SA National Council of the Blind, were produced and distributed through Departmental and community events. It will also be distributed to amongst others, libraries, universities, municipalities, community libraries and to Institutions for the Blind.

In partnership with the Department of Basic Education, the Department also launched a booklet called the *Constitution Made Easy for Learners* that was distributed to over 500 000 Grade 12 learners throughout the country. Plans are now underway to ensure that Grade 10 and 11 learners also receive the booklet.

The Department also partnered with the Department of Arts and Culture in an initiative that saw all provincial library coordinators receiving copies of the Constitution in all official languages. These copies are intended to be available at all 1 866 public libraries in the country, where members of the community can access the Constitution.

Some of the recent highlights of 2015 include the first-ever National Colloquium on Constitutional Rights Education in which a number of stakeholders had the opportunity to share their programmes and strategies of promoting human rights education and constitutional awareness. We are successfully using radio

programmes to raise awareness and knowledge of the Constitution, particularly amongst vulnerable and marginalised groups.

Five public policy forum/stakeholder engagements between civil society and government took place in the first semester of the 2015/2016 financial year, with universities and civil society organisations undertaking research and conducting dialogues on critical socio- economic right issues.

South Africa has recently ratified the International Covenant on Economic, Social and Cultural Rights. In this regard, our ratification of the Covenant will deepen the enforcement of socio-economic rights in the country. The ratification of the Covenant further necessitates aligning domestic legislation, policies and programmes with the obligations contained the ICESCR. We have already commenced with the process of preparing our initial country report, due on 12 April 2017, in partnership with the South African Human Rights Commission and civil society organisations.

There was a question regarding ***colonialism and foreign domination concerns in relation to the definition of terrorist activities*** under the Protection of Constitutional Democracy against Terrorist and Related Activities. To clarify, the Act excludes an armed struggle against colonialism and foreign domination from the definition of terrorism as it refers, in the preamble, to the fact that international law, and in particular international humanitarian law recognizes acts committed in accordance with such international law during a struggle waged by peoples, including any action during an armed struggle, in the exercise or furtherance of their legitimate right to national liberation, self-determination and independence against colonialism, or occupation or aggression or domination by alien or foreign forces, **as being excluded** from terrorist activities.

A further question pertained to what criterion was used in appointing the ***Advisory Body of the National Planning Commission (NPC)*** appointed by the President in May 2010.

The National Planning Commission is an advisory body appointed by President Jacob Zuma to take a broad, cross-cutting, independent and critical view of South

Africa, to help define the development status we seek to achieve as a nation by 2030 and to map out a path to achieve those objectives.

The first Commission developed the landmark National Development Plan after extensive consultation with South Africans. The commission consisted of 25 part-time commissioners appointed because of their expertise, experience and ability to contribute to a dynamic development plan for the country.

In September 2015 the President appointed a new National Planning Commission, for a five-year term, to take this work forward. The commissioners are drawn from nominations made by the public throughout South Africa and are largely from outside government.

Commissioners were required to have skills including the following: infrastructure development, urban and regional planning, energy, agriculture and food security, education and training, health, public policy and governance, community engagement, economics, finance, budgeting and banking, ICT, telecommunications and broadcasting, business and industry, water and sanitation, science and technology, social cohesion and nation building, futures research and scenario planning, climate change and youth development.

They were required to hold a minimum of a bachelor's degree or an equivalent from a reputable tertiary institution or have extensive demonstrable experience in a given sector, have no previous criminal record, be of sound mind, not declared insolvent over the past five years and not be under debt counselling. They must be South African citizens.

Questions were asked regarding the duty to guarantee the ***independence of the Judiciary***, whether there are factors undermining security of tenure for Judges in South Africa.

The ANC government under President Zuma has passed various pieces of legislation, including a constitutional amendment, to further enhance and entrench

the ***independence of the judiciary*** and the role of the Chief Justice as head of the judiciary.

With regards to ***security of tenure for judges***: In our dispensation judges are judges for life. Our judges' dispensation is one of the best in the world. Being judges for life, when they vacate office they continue to receive a judge's salary for life, including annual increases, and, on death, their spouses/partners continue to receive two thirds of the deceased judges' salaries for the rest of their lives.

Judges' remuneration is a direct charge against the National Revenue Fund and they are not required to make any contributions to any pension or retirement fund. In the case of Constitutional Court Judges, this discharge occurs on reaching the age of 70 years, or on completion of their twelve year term of office, whichever occurs first.

Any other judge must be discharged from office on reaching the age of 70 years, but may, if he or she has attained the age of 65 years and has completed 15 years' active service, be discharged from active service on attaining that age.

The Act makes provision for judges to be allowed (on their request), in certain circumstances, to be discharged from active service by the President even before completion of 15 years' active service or attaining the age of 70 years.

As a general rule, any judge who is discharged from active service on reaching the age of 70 and who has completed 15 years' active service, shall receive at least 80% of the salary applicable to the highest office held by him or her during his or her term of active service. A judge with 20 years' active service will receive the full salary applicable to the highest office held during the term of active service.

Although fewer years of active service will affect the amount of a discharged judge's salary, no such judge may receive a salary that amounts to less than 40% of the salary applicable to the highest office held by him or her during active service. The Act also makes provision for a tax free gratuity to be paid to a judge, either on being discharged from active service, or on completion of 15 or 20 years' active service, depending on the preference of the judge.

Provision is made for the performance of (additional) service, in certain circumstances, by a judge who has been discharged from active. However, if a judge is called on to perform such service, he or she is, for the duration of the period of such service, entitled to twice the amount of the monthly salary accruing to that judge. If a judge who has been discharged from active service dies, his or her spouse/partner is entitled to two thirds of the amount of the salary which was payable to that judge.

Any judge may resign from the office of a judge. Should the President accept the resignation from the office of a judge, of a judge who has attained the age of 65 years and has performed 15 years' active service, that person will be entitled to a salary and gratuity as if he or she had been discharged from active service, but, unlike judges who had been discharged from active service, his or her salary will remain fixed and will not be adjusted when judges' salaries are increased.

Other than resignation from the office of a judge, the only means by which a judge would cease to hold the office of a judge, would be if he or she is removed from office in terms of section 177 of the Constitution. As such person would then no longer be a judge, the provisions of the Act would cease to be applicable to him or her and no benefits would accrue to him or her under the Act.

With regards ***to the abolition of the death penalty***, the right to life is the most fundamental of all human rights – all other human rights flow from it. Without the right to life, no other rights can be enjoyed. Capital punishment is inconsistent our fundamental human rights and the dignity and worth of each and every human being. The Constitutional Court has handed down a landmark judgment (two Botswana nationals Emmanuel Tsebe and Jerry Phale) that South Africa will not extradite foreign nationals suspected of crimes that may lead to them facing the death penalty in those countries that seek to prosecute them. We do extradite persons to countries practicing the death penalty if an undertaking is given by the Executive that if the death penalty is imposed, it will not be carried out.

With regards to the ***Optional Protocol on the Convention Against Torture*** Government's position is that there must be agreement on the structure and location of the National Preventative Mechanism (NPM) before consideration of ratification of the Optional Protocol to the Convention Against Torture (OPCAT).

There are discussions between the Department of Justice and Constitutional Development and South African Human Rights Commission regarding the structure and location of the NPM, including funding. At this stage there is no time frame, the South African Human Rights Commission is still working on a business plan.

The question was raised as to whether there are measures ***to provide reparations for victims of torture*** irrespective of whether a successful criminal prosecution or other judicial remedy can or has been brought.

The answer is no, however, in this context, the term "reparation" means, by necessary implication, that an unlawful act had been committed by a person for whose action the State is vicariously liable. Although a "successful criminal prosecution" is indeed not a requirement for establishing such liability (in a civil matter, it could be proved on a balance of probabilities that the delict had been committed), it is difficult to imagine a regime in terms of which the State could be held liable, i.e. pay out compensation from the public purse, in respect of an unlawful action which has not been factually and/or legally determined.

Currently in South Africa the State's liability to compensate victims has been determined and considered in civil litigation based on claims by victims of crime in terms of the law of delict.

The law of delict entitles an injured party to obtain compensation through the mechanisms of the civil law. There may be concurrent liability in delictual and criminal law, thus the institution of criminal proceedings against an accused person does not prevent civil proceedings being instituted against him or her to claim compensation at the same time.

The Commission inquired as to *which law prohibits the admission of evidence obtained through torture and what are the sanctions provided for punishing those responsible?*

Section 35(5) (right to a fair trial) of the Constitution provides that evidence obtained in a manner that violates any right in the Bill of Rights must be excluded if the admission of that evidence would render the trial unfair or otherwise be detrimental to the administration of justice.

Section 12(1)(d) of the Constitution entrenches the right “not to be tortured in any way”, which is also a non-derogable right, meaning that it cannot be limited, even in a state of emergency. Any person who tortures another in order to obtain evidence would be committing the offence of torture and would, on conviction, be liable to imprisonment, including imprisonment for life. (See section 4 of the Prevention and Combating of Torture of Persons Act, 2013.)

With regards to the appointment of the ***Inspecting Judge of Correctional Services***: Section 85 of the Correctional Services Act establishes the JICS as “an independent office under the control of the Inspecting Judge.” Section 86 states that it is the President who appoints such Inspecting Judge.

The Inspecting Judge has been appointed. There has been 8 Inspecting Judges since the establishment of the office in 1998.

Judge J. Trengrove: 1998-1999;

Judge J. Fagan: 1999-2006

Judge N.C. Erasmus: 2006-2007

Judge J. Yekiso: 2007-2008

Judge D. Van Zyl: 2008-2011

Judge V. Tshabalala: 2011-2015

Judge Skweyiya: 1 May 2015 to 1 September 2015 (deceased)

Judge JV van der Merwe: 01 April 2016 to date

Regarding the measures and resources that are available to ensure that prisoners have easy and effective access to the Inspecting Judge , the Chief Executive Officer in the office of the inspecting judge in consultation with the inspecting judge and community organizations appoints an ICCV in each correctional centres and the Visitors Committee. The Independent Correctional Services Visitors (ICCVs) are nominated from community based organisations and are required to attend an internal training programme for five days before they are allocated to the Correctional Centres.

The ICCVs are given access to any part of the correctional centre and any document or record requested, to deal with complaints of inmates through

- regular visits,
- interviewing inmates in private, and
- discussing of the complaints with the Head of the Correctional Centre or any relevant official with a view to resolving the issues internally.

All the unresolved complaints are escalated to the Visitors Committee (VC) or to the Inspecting Judge. The VC meets at least quarterly.

The public members that have access to the internet may register their complaints electronically in the website of the Inspecting Judge.

Should the Head of the Correctional Centre refuse any request from an ICCV relating to the functions and duties of such a Visitor, the dispute is referred to the Inspecting Judge.

Other entities that visit detention centres are:

- The Judiciary (Magistrates and Judges): are allowed access to any part of a correctional centre and any documentary record, and may interview any inmate and bring any matter to the attention of the National Commissioner, the Minister, the National Council or the Inspecting Judge.
- Members of the parliamentary Portfolio Committee on Correctional Services and the relevant committee of the National Council of Provinces and members

of the National Council may visit any correctional centre at any time. They are allowed access to any part of a correctional centre and any documentary record.

- A Sheriff or Deputy Sheriff is allowed access to any inmate when this is necessary in the performance of official duties.
- The National Commissioner may permit any person other than the above-mentioned to visit an inmate, a correctional centre or any specific section of a correctional centre for any special or general purpose.
- Members of the Human Right Commission
- Public Protector

The Department allows NGO including community-based service providers access to its institutions for the rendering of programmes and services to offenders aimed at fostering rehabilitation. Other areas in which NGOs may be utilized through formal agreements are:

- research,
- provision of programmes to remand detainees,
- development of training material for officials and
- training of officials in selected areas to improve service delivery to inmates

Regarding the question pertaining to the quality and quantity of meals given to prisoners per day, 3 meals are provided; however when there is shortage of personnel in centres during weekends and public holidays, supper is served together with lunch.

The meals consist of

- Bread Brown with Yellow Margarine, Peanut Butter or Syrup or Jam
- Egg;
- Maize Meal or Mealie Rice or Samp (depending on the staple food)
- Fruit drink powder or Soup powder
- Fruit (Fresh),

- Rice or Potatoes or sweet potatoes
- Milk powder or Fresh Milk
- Liver or Egg
- Vegetables (dependent on the season)
- Chicken or Fish or Dried Beans or Beef or mutton or pork

There are provisions for therapeutic diets prescribed by the health professionals (doctors, nurses and dieticians), cultural diets recommended by the heads of centres after interviewing the inmate and his family and the religious diets as recommended by religious leaders.

Regarding the rehabilitation programmes that are available to offenders, the following rehabilitation services and programmes are rendered:

- Social work programmes: individual and group programmes
- Psychological services: individual and group programmes
- Educational programmes: Adult Basic Education and provision of administrative support for those continuing with tertiary studies (assist with registration and facilitation for writing exams)
- Correctional programmes: Standardized structured group programmes
- Spiritual care services: Church Service, Group Sessions and Pastoral Interviews

These programmes are rendered by DCS officials and NGOs.

The critical challenge is the lack of motivation on the part of some inmates to attend educational programmes because they believe that they have little or no influence on the parole decisions.

In terms of psychological services, this is a scarce professional service therefore it is not available in all the centres. Psychologists tend to be available in more urbanized centres and this is in line with the demographic distribution of the psychologists in the country.

Prisoners are not entitled to conjugal visits.

**Regarding the guidelines for the management TB, HIV, and Sexually transmitted Diseases in Correctional Centres;** the following measures are taken:

- Orientation of health care professionals on the guidelines;
- The National Department of Health contracted partners through Global fund to strengthen the department's capacity to provide the required services;
- Through the Global Fund, the Department received
  - 12 GeneXpert machines to improve TB diagnosis, reduce sputum results turnaround time from 48hours to 2hours in order to initiate TB treatment soon after detection;
  - printers for communicating TB results by the National Health Laboratory to the DCS.
- Screening for TB done on admission, every six months, at contact with health professionals and on release;
- HIV testing is done at intervals stated above;
- HIV pregnant females are referred for prevention of mother to child HIV transmission;
- Provision of palliative care (care for terminally and seriously ill);
- Consideration for release on medical grounds.

With regards to the measures being put in place to ensure that **private security actors** conduct their activities in conformity with the law and in particular internal human rights instruments applicable in South Africa, the Minister of Police is politically responsible for the Regulation of the Private Security Industry Regulation Act, 2001.

Private Security Officers do not have any more powers than private citizens in respect of arrest. They do not, in other words, have any "policing powers".

The abovementioned Act regulates the industry and the Private Security Industry Regulatory Authority deals with the registration and code of conduct determined in respect of the private security industry. PSIRA has powers to act in respect of breaches of this code of conduct.

In respect of the percentage of female police officials, the numbers are as follows:

- 2006 April – 14.55%
- 2007 April – 15.59%
- 2008 April- 16.60%
- 2009 April- 17.13%
- 2010 April-18.13%
- 2011 April – 18.87%
- 2012 April – 19.38%
- 2013 April – 19.56%

**Regarding the nature, power and functions of the IPID**, section 206(6) of the Constitution provides that, on receipt of a complaint lodged by a provincial executive, an independent police complaints body established by national legislation must investigate any alleged misconduct of, or offence committed by, a member of the police service in the province. Section 24 of the Independent Police Investigative Directorate Act, 2013 (Act 1 of 2011) provides for the investigative powers which are bestowed upon by a police officer or a police official.

The statistics will be provided to the Commission on the number of cases reported and dealt with. Regarding the accessibility of IPID by the public, the Directorate has 9 provincial offices as well as district offices.

Regarding the human rights training for police and corrections officials, the respective institutions have human rights training integrated into their basic training and those that officials writing at tertiary level, human rights is a pre-requisite for their tertiary qualification. The Civilian Secretariat is mandated to conduct police cell visits.

Regarding the question whether Government intends to adopt legislation criminalizing defamation in the near future, we are intending to **repeal the common law crime of defamation**. The proposed repeal is contained in a Judicial Matters Amendment Bill that we are finalizing and hoping to introduce into Parliament in June

2016. Clause 44(1) of the Bill seeks to repeal the common law relating to the crime of defamation. Clause 44(2) provides for a transitional provision relating to criminal proceedings in respect of the crime of defamation that have not been finalised on the date of commencement of subsection (1). Clause 44(3) is a restatement that the repeal of the common law relating to the crime of defamation does not affect civil liability in terms of the common law based on defamation.

The Bill will be subjected to a consultation process.

The ratio for the repeal of the common law relating to the crime of defamation is that there are well established civil remedies based on delict, in addition to the offence of *crimen iniuria*.

**Regarding the status of the Protection of State Information Bill**, the Bill was referred back to Parliament (the National Assembly), where after it was referred back to the President for assent. The Bill is still with the President for consideration.

The appointment of the Regulator is currently underway. This is a process which is being undertaken by Parliament, in accordance with the legislation. Parliament's Portfolio Committee on Justice and Correctional Services last year called for nominations from individuals, organisations, institutions and civil society for 5 suitable persons to be appointed as members of the Information Regulator for a period of five years.

In terms of the Protection of Personal Information Act members of the Regulator must be South African citizens who are appropriately qualified, fit and proper persons. At least one person must be appointed on account of their experience as a practicing advocate or attorney or a professor of law at a university and the remainder of persons must be appointed on account of any other qualifications, expertise and experience relating to the objects of the Regulator.

The appointment of the members of the Regulator will then facilitate the commencement of the remainder of the Act.

***In respect of the Human Rights Defenders*** issue and specifically the question pertaining to national legislation, ***the Regulation of Gatherings Act*** of 1993 and the possibility to institute civil claim against organisers of gatherings where damage has occurred), section 11 of the Regulation of Gatherings Act is applicable. When regard is taken to subsection (2) thereof it is clear that what is referred to in the question, might be a reference to the proviso in subsection (2).

It is clear that it shall be a defence in a civil action or resulting from damage caused during a gathering if a person or organisation proves that he or it took all reasonable steps within his or its power to prevent the act or omission in question: Provided that proof that he or it forbade an act of the kind in question shall not by itself be regarded as sufficient proof that he or it took all reasonable steps to prevent the act in question.

It should be realised that the right to gather is not unlimited, not in any democracy and the rights of other citizens must be respected in exercising the right to gather or demonstrate. The Act was adopted after an international panel under the guidance of Judge Goldstone made a comparative legal study of measures relating to protest.

It should be mentioned that we are only aware of one instance since 1993 where a civil claim had been instated based on section 11, which led to a Constitutional challenge in *South African Transport and Allied Workers Union v Garvas*. In this case the Constitutional Court found the wording of section 11 constitutional if the “and” between the different grounds of defence (in section 11) is read as “or”. The gathering to which the case related was the culmination of a protracted strike action in the course of which some 50 people allegedly lost their lives. In the particular instance widespread damage was caused to members of the public who were going about their normal business and whose property, shops and businesses were damaged.

The Court mentioned that: *“Two questions lie at the heart of this matter. The first is what section 11(2) means. In other words, does it create a real defence that meets the constitutional requirement of rationality? Assuming that the defence is rational,*

*the second question is whether the defence nevertheless limits the rights contained in section 17 of the Constitution and, if so, whether that limitation is justifiable.”.*

The Constitutional Court found that the above interpretation is the correct one in other words to interpret the “and” as “or” and therefore the said questions were responded to in the positive, in other words, the wording is constitutional.

The United Nations General Assembly Resolution on the Protection of Human Rights Defenders was supported by South Africa and the Africa Group. South Africa remains committed to the protection of human rights defenders all over the world.

**Steps are underway by Government on the proposed amendments to the Non-Profit Organisations Act, 1997 (Act 71 of 1997),** to strengthen its regulatory framework and improve the working relationship between Government and the NGO sector. We do not have a list of all NGOs or CBOs in South Africa, because there are no registration requirements.

Regarding the issue of the **Refugees, Asylum seekers, IDP's and migrants in Africa**, the Republic of South Africa is a signatory to various international human rights conventions, including, *the 1951 United Nations Convention Related to the Status of Refugees and the 1969 OAU Convention Governing Specific Aspects of Refugees' Problems in Africa*. These legal instruments enjoin the country to formally recognize and provide protection to people classified as refugees.

These have been translated into national legislation – notably the Refugees Act, 130 of 1998 - on the protection of the human rights of all asylum seekers and refugees. South Africa acceded to the above conventions without reservation and there is a non-encampment policy of refugees.

Refugees are entitled to all the Bill of Rights as provided for in the Constitution, including freedom of movement, except the right to vote.

With regards to *refugees, IDPs and migrant workers* we will submit the detailed statistics at a later stage. With regards to attacks on foreign nationals in Durban, I

want to refer to our Opening Statement in reference to the report released by the Provincial Government of Kwazulu-Natal.

The Department of Home Affairs participates in outcome 14 of the Government Programme of Action, which is led by Department of Arts and Culture in which various Departments provide input to planning and activities and implement the plans in promoting respect for dignity, non-violence and social inclusion of all migrants.

The Department of Home Affairs participates in the UN Protection Working Group in which all the relevant government departments, NGO's are represented. The UN Protection Working Group make joints plans and implement those plans in response to issues affecting asylum seekers, refugees and other migrants in South Africa and in promotion of respect for diversity, non-violence and social inclusion of all migrants. Interventions of the PWG include technical support and capacity building for social cohesion and emergency response.

The UN Protection Working Group was formed in direct response to the 2008 xenophobic violence. It emerged to bring about a more coordinated response to the increased protection needs of refugees, asylum seekers, migrants and members of host communities in South Africa. The PWG comprises of 60 participants representing the various organizations whose operations or mandate relate to protection including government (the SA Human Rights Commission, the Department of Home Affairs/DHA, the Department of International Relations and Cooperation/DIRCO, Department of Justice), UN agencies (UNHCR, IOM, UN OCHA, UNICEF) and civil society (Consortium for Refugee and Migrant Affairs/CORMSA and Lawyers for Human Rights, Amnesty International, Oxfam, and the Methodist Church of South Africa). The projects undertaken by the PWG, has resulted from comprehensive needs analysis conducted by the PWG, and has been grouped into four main protection-related sectors: (1) Protection of Refugees and Asylum Seekers, (2) Protection of Migrants, (3) Human Rights and Justice, and (4) Child Protection.

Further to the work of the UN-SA PWG, following the outbreak of violence in Kwa-Zulu Natal and Gauteng in April 2015, the UN formed a Task Team to spearhead a response plan to respond to the attacks with a coordinated response. The UN-SA PWG Response plan was developed based on a rapid needs assessment undertaken by its members and covered the immediate, medium and long-term interventions. The immediate intervention included donations of non-food items and some 200 family tents in KZN and Gauteng. In addition to the Protection response and monitoring by members of the UN-SA PWG and partners, UNHCR deployed a Senior Field Officer in Durban for a period of six months to support the response. The mid-term interventions included the contribution of package of rent, food and psychosocial counseling to aid the reintegration of refugees and asylum seekers affected by the violence. The Department of Home Affairs deployed its Durban based Refugee Reception Office and Inspectorate to assist issue documentation to those in need of documentation.

***Regarding the ratification of the Kampala Convention,*** the State Party will revert to the Commission on the status hereto.

***On the issue of land reform,*** land restitution remains a top priority in our pursuit for redress and transformation. The 50/50 policy proposals pursued by Government will provide relative rights for people living and working on farms. Twenty-seven (27) proposals have been received from commercial farmers, four (4) have been implemented in two provinces, namely the Eastern Cape and the Free State. The Regulations of Land Holding Bill has been introduced in Parliament which will place a ceiling on land ownership at a maximum of 12 000 hectares. Foreign nationals will be eligible for long term lease. Land claims have been reopened to all those who missed the 1999 deadline. The number of new claims for lodgement is at 120 000.

***Regarding the rights of indigenous populations/communities,*** the Constitution as the supreme law of the land provides a framework in which issues affecting the rights and freedoms of all South Africans could be addressed and thus ensure that all South Africans irrespective of colour, race or creed do indeed become members

of the new post-apartheid society and to ensure that all communities do play an active role in the activities and development of the new society founded on human dignity, the achievement of equality and the advancement of human rights and freedoms. The Constitution places significant value on the principles of “unity” and “diversity”. It contains specific features that recognise the right of communities (or indigenous peoples) to engage in cultural, linguistic and religious forms of expression. In order to promote the achievement of equality, Government has taken some bold steps in putting forward measures and policies such as Employment Equity and Black Economic Empowerment, the Restitution of Land Rights Act, 1994, the Transformation of Certain Rural Areas Act, 1998, Provision of Land and Assistance Act, 1993, and the Traditional and Khoi-San Leadership Bill, currently considered by Parliament, to advance the interests of disadvantaged persons or group of persons, including the Khoi-San people.

Therefore, the Constitution provides an extensive framework for the protection, enforcement and advancement of the interests of all South Africans, including the Khoi -San.

Based on the above, there is no need for any part of the South African population (including the Khoi-San) to be accorded any special status. The classification as “indigenous “or “first nation” does not seem to be relevant for South Africa as a country. Furthermore, the recognition of “first indigenous” or “first nation status” would create divisions in our unified diverse society. Government has always insisted that South Africa will not create a hierarchy of persons amongst communities as occurred during the colonial and apartheid regimes.

Traditional leadership and the Khoi-San structures participate in debates and discussions organized by the Department of Science and Technology which is a lead Department on Indigenous Knowledge Systems (IKS). The Department meets and consults traditional leaders on all matters related to IKS and consultations are done through the National Khoi-San Council which is a non-statutory body representing the five Khoi-San communities including traditional health practitioners and healers.

The Department of Health administers the Traditional Health Practitioners Act, 2007 (Act 22 of 2007). The objects of the Act are to establish the interim Interim Health Practitioners Council of South Africa and to provide for a regulatory framework Traditional Health to ensure the efficacy, safety and quality of traditional health care services, to provide for the management and control of the registration, training and conduct of practitioners, students and specified categories in the traditional health practitioners profession.

***Regarding the mining issues***, improving social and economic conditions of mining towns remains one of our top priorities. Therefore, the Department of Mineral Resources implements projects outlined in the Special Presidential Package on distressed mining towns in collaboration with other departments.

The task team includes the Departments of Human Settlements, Performance Monitoring and Evaluation, Cooperative Governance, Traditional Affairs, and others. The immediate focus is on the 14 mining areas, which will involve implementation of the Mining Towns Programme. Furthermore, Government aims to increase its capacity to enforce compliance with relevant policies and legislation, including the Mining Charter.

The need to protect the environment remains a key priority; therefore Government aims to continue to implement the environmental regulations, working with other organs of state to mitigate environmental degradation.

Simultaneously, Government aims to pursue the rehabilitation and closure of derelict and ownerless mines in line with the policy and legislative framework. In respect of the critical issue of acid mine drainage (AMD), the Council for Geoscience (CGS) has started an assessment project by investigating the impact on catchment areas, with the Olifants and Komati-Crocodile River catchment areas being investigated. A technical report was compiled, which indicated that the hazard was mainly posed by coal mining, but is also due to ferrochrome and ferrometal (vanadium) mining operations in Mpumalanga. A report on the field investigation of the Olifants River catchment area has been finalised. This report will henceforth contribute towards addressing issues relating to acid mine drainage.

The strengthening of the minerals and upstream petroleum legislative framework will continue and appropriate processes will be followed to address concerns raised about some aspects of the Mineral and Petroleum Resources Development Amendment Bill. This process will also enable the Department to explore the option of separating the oil and gas part of the Bill from the part dealing with traditional minerals. In addition, we will enhance the regulatory environment to create an operational framework for the State Owned Mining Company.

The Department of Environmental Affairs has also issued a “Guideline for Consultation with Communities and Interested and Affected Parties” as required in terms of sections 10(1)(b),16(4)(b), 22(4)(b), 27(5)(b) and 39 of the Mineral and Petroleum Resources Development, 2002 (Act 28 of 2002).

## **PART B: MAPUTO PROTOCOL**

Regarding the issue of ***the need for an implementing law*** in the sense of an Act to implement the Maputo Protocol (*reference is made to paragraph 34, part B of the English version of the Report*) so that it becomes part and parcel of the law of the land in accordance with the South African Constitution, South Africa is a signatory to many international instruments pertaining to the promotion of gender equality, the empowerment of women and the eradication of gender based violence. All these instruments are addressed in the Constitution of the Republic of South Africa, 1996 and its expansive Bill of Rights that are justiciable, and in the extensive legislative framework and policies.

In interpreting the Bill of Rights section 39 of the Constitution provides that

“39. (1) When interpreting the Bill of Rights, a court, tribunal or forum -

- (a) must promote the values that underlie an open and democratic society based on human dignity, equality and freedom;
- (b) must consider international law; and
- (c) may consider foreign law”.

Therefore automatically, all the articles in the Protocol will be used by the courts to interpret the law with regard to gender equality and women empowerment.

Regarding the issue of the establishment of similar units such as the SOCA Unit in the National Prosecuting Authority to fight the scourge of violence against women, Government has also re-established the Family Violence, Child Protection Units in the South African Police Service, Sexual offences courts, Thuthuzela Care Centres as well as the Gender-Based Violence Help Line.

Regarding the **sexual offences courts** reference was already made to the establishment of 43 sexual offences courts-aim is to deliver the victim-centred services. In the quest to reduce secondary victimization, Thuthuzela Care Centres(TCCs) were established. Currently 55 TCC sites providing dedicated services to victims of sexual violence, of which 50 can be regarded as fully operational compared to the 38 sites in 2012. Dedicated prosecutors appointed to deal with these cases. Conviction rate relating to sexual offences has also increased in the first quarter of 2015/16, the NPA had indicated a 71,1% conviction rate.

The State is not considering the inclusion of so-called corrective rape in the Criminal Law Amendment Act. Rape is already a serious crime and is subject to a minimum sentence. Corrective Rape will become a hate crime when the Hate Crimes Bill is passed.

**Regarding Ukuthwala**, the following can be mentioned:

17) Nation Building and Social Cohesion

South Africa has initiated programmes on Nation Building and Social Cohesion and has established national institutions to raise awareness on the promotion of human rights. Nation Building and Social Cohesion is about the degree of social integration and inclusion in communities and society at large, and the extent to which mutual solidarity finds expression among individuals and communities. In terms of this definition, a community or society is cohesive to the extent that the inequalities, exclusions and disparities based on ethnicity, gender, class, nationality, age,

disability or any other distinctions which engender divisions distrust and conflict are reduced and/or eliminated in a planned and sustained manner. This, includes public education on communities ensuring that their children are protected from Ukuthwala and other gender discriminatory practices and go to school.

ii) Ukuthwala

Section 28 of the Constitution of the Republic of South Africa states:

- (2) A child's best interests are of paramount importance in every matter concerning the child.
- (3) In this section "child" means a person under the age of 18 years.

This means that a child's best interests are of paramount importance in every matter concerning the child," therefore custom, cultural or religious rights cannot trump the rights of children. South Africa regards ukuthwala as a criminal and harmful practice that steals childhood and impacts negatively on their health, development and gender equality. It is considered a criminal offence liable to conviction when found guilty.

In terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (Sexual Offences Act), having sex with a child without her consent following her kidnapping and abduction (Ukuthwala) constitutes rape in violation of the Sexual Offences Act (section 15).

Section 17 of the Sexual Offences Act prohibits the sexual exploitation of children by their parents and others. Parents, relatives or others who collude in, or aid and abet, the Ukuthwala of a girl child commit the crime of the sexual exploitation of children. These parents and relatives also face being charged with Trafficking in Persons, under section 71 of the Sexual Offences Act.

The Prevention and Combating of Trafficking in Persons Act 7 of 2013 (Trafficking Act) prohibits the recruitment, sale, supply, procurement, transportation, transfer, harbouring, disposal or receipt of persons by means of the use of threat, force, intimidation or other forms of coercion; or by abusing vulnerability, for the purpose of exploitation. Parents, relatives and others who hand over a child into a forced

marriage for financial or any other type of gain can be prosecuted under section 4 read with section 1 of the Trafficking Act.

### **Limpopo Province Court decision on child marriage**

The Mokerong Regional Magistrates Court sentenced a 60 year old man who married a 13 year old girl to 5 years imprisonment. The state is appealing the sentence and has indicated that it will review the laws governing child marriages for more protection.

### **Ukuthwala is considered as a discriminatory practice**

The definition of discrimination in the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA) was taken as it is from the CEDAW definition of discrimination. Chapter 2 of the Act deals with the prevention, prohibition and elimination of unfair discrimination, hate speech and harassment on any of the prohibited grounds, as set out in the definition of 'prohibited grounds' (which is not a closed list, but all of the 17 prohibited grounds are contained in the Constitution).

- Section 8 provides that the following constitute unfair discrimination:
- Section 8 (a) gender-based violence,
- Section 8(b) female genital mutilation, and
- Section 8(d) any practice including traditional, customary, or religious practice which impairs the dignity of women and undermines equality between women and men, including the undermining of the dignity and wellbeing of the girl child.

The South African Law Reform Commission (SALRC) has been commissioned to research on the extent of the challenge and to develop or reform laws that will specifically address Ukuthwala.

Regarding the question on the intention to ***harmonise its laws to provide for the age of marriage to be 18 without any exception in line with the Maputo Protocol***, South Africa will consider the harmonisation of the age of marriage.

Furthermore there is no evidence that Female Genital Mutilation is practiced in South Africa. The SALRC has produced a report with the Bill under Project 138: The Practice of Ukuthwala, October 2015 and it is consulting the public.

On the issue of ***strategies is geared towards getting systematic data on the prevalence of these harmful cultural practices for quick and sustainable solutions***, Chapter 9 of the Constitution of the Republic of South Africa, 1996 establishes six institutions supporting constitutional democracy, which are independent, subject only to the Constitution and the law, and they must be impartial and exercise their powers and perform their functions without fear, favour or prejudice. These institutions have the responsibility to promote the Bill of Rights and to educate the public about the respect of human rights and the negative impact of gender based violence and other cultural and religious practices. The relevant institutions in this regard are the Commission for Gender Equality, the South African Human Rights Commission; and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.

***In terms of the question relating to statistics of victims of trafficking***, government is in the process of establishing an integrated information management system as part of the envisaged National Policy Framework as contemplated in the TIP Act.

Regarding ***women parliamentary representation in the Western Cape***, South Africa has a vibrant multiparty political system, with 13 parties represented in the National Assembly of Parliament. All political parties have their manifestos and government cannot enforce the 50/50 principle on other political parties. However, the Independent Electoral Commission (IEC), a permanent body established in terms of section 190 of the Constitution of the Republic of South Africa, has the responsibility to promote and safeguard democracy in South Africa.

The IEC has the responsibility to ensure that political parties and Civil Society Organisations the nation achieves gender parity in political decision making. It has the mandate to enforce the laws it administers, including through Court processes and it has the responsibility to educate the public and political parties on constitutional compliance. Gender equality is a constitutional imperative that should be complied with.

The most important national legal framework in this regard includes:

- The Electoral Act 73 of 1998: Schedule 2; article 6: Role of Women  
Every registered party and every candidate must:
  - (a) Respect the rights of women to communicate freely with parties and candidates;
  - (b) Facilitate the full and equal participation of women in political parties activities;
  - (c) Ensure that free access of women to all public political meetings, marches, demonstrations, rallies and other public political events; and
  - (d) Take all reasonable steps to ensure that women are free to engage in any political activities.
  
- The Local Government: Municipal Structures Act 117 of 1998, Schedule 1: Electoral System for Metro and Local Councils, Part 3 Proportional Representation Elections, article 11 Party list, which provides that:  
11(3) Every party must seek to ensure that fifty percent of the candidates on the list are women, and that women and men candidates are evenly distributed through the list (Zebra Quota System)

***On Gender Budgeting***, South Africa did not only set the policy framework for the empowerment of women, it also established institutional mechanisms and implemented programmes to ensure that gender is mainstreamed at all levels of government. The legal framework includes:

- Preferential Procurement Policy Framework Act,
- the Broad-Based Black Economic Empowerment Act,
- The Employment Equity Act,

The Employment Equity Act specifically provides for the equal representation of women, the 50/50 representation, and the eradication of all barriers to equal participation and advancement in the workplace. It also codified the internationally recognized principle of 'Equal Pay for Work of Equal Value'. South Africa has also developed the Code of Good Practice on Equal Pay for Work of Equal Value.

We are currently reviewing the National Policy Framework on Women's Empowerment and Gender Equality (2000) in order to ensure all levels of government mainstream gender in policies, planning, budgets, and others.

***On measures put in place to compel companies in the private sector to effectively implement the already existing policy of 50/50 representation of women in decision making positions,*** the Employment Equity Act enforces compliance with the Act through the CCMA or labour court. Schedule 1 of the Employment Equity Act as amended provides penalties for non-compliance, the penalties range from R1 500 000 or 2% of the company's profits to R2 700 000 or 10% of the company's profit fines.

Regarding the issue of pregnancy being the ***the leading cause of high school drop-outs among girls of school going age in South Africa and taking into consideration that such girls are highly prone to sexual transmitted diseases such as HIV/AIDS and the apparent upward surge of incidences of pregnancy among school going girls,*** there are multiple drivers of South Africa's high levels of teenage pregnancies, poverty, inequalities, sexual abuse, poor information, stigma and limited access to health services create conditions which limit young girls' abilities to prevent and address unintended pregnancy.

In February 2015 Government adopted the National Adolescent Sexual and Reproductive Health and Rights Framework Strategy developed which seeks to provide an integrated action guide on adolescent sexual and reproductive health and rights. The implementation of this strategy will be monitored through an Inter-Ministerial Committee (IMC) that will be set up especially for this process, and the IMC is expected to report directly to Cabinet annually on the progress made in implementation.

The Strategy is based on five key priority areas: (i) increased coordination, collaboration. Information and knowledge sharing amongst stakeholders; (ii) developing innovative approaches to comprehensive sexual and reproductive health and rights information, education and counselling for adolescents; (iii) strengthening adolescent sexual and reproductive health and rights service delivery and support on

various health concerns; (iv) creating effective community supportive networks for adolescents; and (v) formulating evidence based revisions of legislation, policies, strategies and guidelines on adolescence sexual and reproductive health and rights.

The intended outcomes of the Strategy is to equip adolescents of both sexes with a sense of inner-belief, self- and mutual respect and build their skills and capacity to make, and take, better decisions on sexual and reproductive health matters concerning them. The strategy aims to also increase their access to these services and information and to enable them to feel free to do so. In addition, the Strategy aims to address family and community role in this regard by building supportive networks for adolescents and enabling active involvement of family and community leaders in initiatives that address adolescent sexual and reproductive health and rights challenges. The Strategy seeks to attain its intended outcomes through increased collaboration amongst stakeholders including greater collaboration between government and civil society.

***On the questions on measures that the State Party has taken within the framework to combat discrimination and stigmatization relating to HIV and AIDS,*** the South African National AIDS Council (SANAC) has announced concrete measures to tackle persistent forms of stigma and discrimination that continue to affect large numbers of people infected with HIV and/or TB. These measures include a legal advice and litigation service offered through the nationwide network of Justice Centres run by Legal Aid South Africa.

The SANAC Chair, Deputy President Cyril Ramaphosa, launched the campaign on Tuesday 9 June 2015 at the release of nationwide research commissioned by SANAC to establish a Stigma Index. The Index provides details of the nature, extent and depth of stigma affecting people with HIV and TB.

The Stigma Index survey gathered information from 10 473 people living with HIV (PLHIV) and was undertaken by the Human Sciences Research Council on behalf of SANAC. Key partners in the survey were the National Association of People Living

with AIDS (NAPWA), the Positive Women's Network, and the Treatment Action Campaign (TAC).

The Department of Basic Education has developed a Draft Integrated Strategy on HIV and AIDS. This integrated strategy was developed in accordance with the National Strategic Plan on HIV and AIDS (NSP) and with new thinking globally on rolling back HIV and AIDS. The strategy relies on the framework of the National Strategic Plan on the NSP with prevention, treatment, care and support and research/monitoring arms together with efforts to mainstream and strengthen a systemic response to HIV and AIDS. It will also define interventions beyond the Life Skills Programme to respond more comprehensively to the epidemic, including amongst others sex education for learners.

***The Home Community-Based Care (HCBC) programme*** is the centrepiece of government's interventions to build a protective and caring environment for vulnerable children. Most services to orphans and vulnerable children are rendered through the HCBC programme and include early identification of vulnerable children and their families, referrals, training of community caregivers and psychosocial support and material assistance, to name a few.

This approach is geared towards keeping children within their families and communities.

It is aimed at providing comprehensive care and support which is complemented by proactive action at community level. This includes linking families with poverty alleviation projects and other services in the community, such as food security initiatives and ECD services.

Government provides funding and support to organizations that offer a range of services to individuals and families infected and affected by HIV and AIDS. These organizations provide Home-based/Community-based care services to ensure that the basic needs of people living with HIV and AIDS (PLWHAs) are met.

The services provided include:

1. Care, counselling and support to people living with HIV/AIDS.
2. Provision and distribution of condoms.

3. Addressing the needs of child-headed households.
4. Linking families and caregivers with programmes that address poverty
5. Providing food parcels and food supplements.
6. Establishing support groups and promoting information sharing.
7. Providing trauma and therapeutic counselling.
8. Encouraging PLWAs to maintain memory books, family stories and personal articles, as well as to draw up wills
9. Providing information to improve access to social, educational, housing, material and healthcare services.
10. Encouraging young people, women and men to become involved in the fight against HIV/AIDS.
11. Identifying and treating Sexually Transmitted Infections (STIs).
12. Voluntary confidential counselling and testing (VCT) for HIV.
13. Comprehensive mother to child prevention (MTCT), including short course antiretroviral therapy and breast milk substitutes.
14. Identifying and managing opportunistic infections, including TB.
15. Providing effective anti-retroviral drugs (ARVs)
16. Providing palliative care including home based care (HBC) programmes.

In our endeavour to build competent communities, 2 144 community caregivers were trained on issues such as succession planning, child care forums, the Children's Act, psychosocial support, child protection, supportive supervision, and monitoring and evaluation. A total of 797 HCBC organisations were trained on the HIV and AIDS management programme and 92 officials from KwaZulu-Natal, Gauteng and Limpopo were trained on HIV and AIDS management.

The rationale is for all officials to understand the prevention, impact and management of HIV, AIDS and TB in their lives and work situations. An additional 24 officials from six provinces, excluding Free State, Mpumalanga and Western Cape were also trained on TB management.

One of the key developments for the Department was the implementation and expansion of an integrated monitoring and evaluation system for home and community based care at all levels of governance and service delivery in the country. The system has been enhanced to enable data capturing up to beneficiary level. A total of 400 CBOs and 144 officials in Free State, Gauteng, Limpopo, Mpumalanga, Eastern Cape and North West were trained on the enhanced M&E system (CBIMS). The Department has entered into partnership with the Global Fund through the Department of Health for the strengthening of HIV and AIDS monitoring and evaluation capacity. To date, one national coordinator and 50 data capturers have been appointed and are placed in eight provinces, excluding Western Cape. Through the HCBC programme 1 586 332 beneficiaries received Psychosocial Support Services (PSS).

***Regarding the the unemployment rate among women of 15-24 years of age,*** South Africa's National Development Plan (NDP) 2030 which is incidentally aligned to the timeframes of the 2030 Agenda aims to accelerate growth, create decent work and promote investment in a competitive economy inclusive of women and young women. This also requires that women and young women are given skills for the trade.

The President has issued a policy directive for the Minister in the Presidency Responsible for Women to monitor the implementation of the 9 Point Plan to ensure that it mainstreams women and young women in the country's economic growth strategy. The nine point plan is also aligned to the Report on the Status of Women in the South African Economy.

The Report on the Status of Women in the South African Economy focuses on the status of women in the five critical areas: Education - access and attendance, outcomes and performance; Labour market; Access to land property and credit; changes in poverty and inequality and unpaid work and contribution to the Gross Domestic Product (GDP)

The "nine-point plan" outlined a range of initiatives which aim to stimulate economic growth and create jobs, as well as deal with certain issues that stand in the way of this goal. It consists of:

1. Revitalisation of agriculture, as well as the agro-processing value-chain
2. Increasing mining beneficiation (a process that separates the gauge mineral from its ore to produce a higher quality product.)
3. More effective implementation of a higher impact Industrial Policy Action Plan (IPAP); an initiative aimed at improving industry across the board in terms of output, learning and partnerships
4. Unlocking the potential of small, medium and micro enterprise (SMMEs), co-operatives, and township and rural enterprises
5. Resolving the country's energy shortfall which costs the country billions of rand every month.
6. Stabilising the labour market which has been hit by strikes, particularly in the mining sector.
7. Increasing the level of private sector investment
8. Growing and developing the country's ocean economy
9. Diversifying the economy through investing in science, technology and innovation; water and sanitation; transport infrastructure broadband and considering the role of state-owned companies.

Thank you.