

Torture

Signed: 29 January 1993.

Rights of the Child

Signed: 29 January 1993; ratified: 16 June 1995.

South Africa's initial report (CRC/C/51/Add.2) has been submitted and is pending for consideration at the Committee's January 2000 session; the second periodic report is due 15 July 2002.

REPORTS TO TREATY BODIES**Committee on the Elimination of Discrimination against Women**

South Africa's initial report (CEDAW/C/ZAF/1, February 1998) was considered by the Committee at its June 1998 session. The report prepared by the government quotes a statement by a Judge of the Constitutional Court who said: "It is a sad fact that one of the few profoundly non-racial institutions of South Africa is patriarchy." The report also includes general information on land and people and the political structure, as well as examples from relevant case law. Commentary is provided related to, *inter alia*: the Women's Charter for Effective Equality (1994); provisions in the 1996 Constitution on equality and non-discrimination; legislative and administrative procedures to support the development and advancement of women; the Commission on Gender Equality, established in 1997, the Human Rights Commission, the Public Service Commission and the Commission for Restitution of Land Rights; the National Women's Empowerment's Policy and the National Women's Justice Programme; participation in political and public life, the public service; sex roles and stereotyping, custom, tradition and religion, portrayal of women in the media; exploitation of women and the Sexual Offences Act 1957; three bodies established in the Parliament — the Ad Hoc Joint Committee on Improvement of Quality of Life and Status of Women, the Women's Empowerment Unit, and the Parliamentary Women's Group; nationality, citizenship, immigration, refugees; education and access to education, the Gender Equity Task Team of the Department of Education; employment, equal rights and protection at work, the Labour Relations Act 1995, The Basic Conditions of Employment Act 1993, occupational health and safety; health and health care, major health problems, reproductive health; social security and economic benefits, the work of the Lund Committee on Child and Family Support; the situation of rural women, the Land Reform Programme, access to finance and credit, development programmes; equality before the law in civil matters; equality in marriage and family law; and domestic and sexual violence, the Prevention of Family Violence Act 1993, the national Campaign on Preventing Violence against Women.

The Committee's concluding observations and comments (CEDAW/C/1998/II/L.1/Add.3) welcomed, *inter alia*: efforts made by the government to redress the effects left on women by apartheid and to achieve gender equality;

the establishment of national machinery, as well as other bodies, for achieving the goal of gender equality; the government's active partnership with NGOs and the existence of a vibrant women's movement; and, while noting that health workers are not forced to participate in the provision of legal abortions, the provision prohibiting their obstruction of access to services for termination of pregnancy.

Factors hindering the implementation of the Convention were noted as including, for women, the legacy of apartheid, which includes widespread discrimination and underdevelopment, and the continuing existence of conflicts between the Constitution and religious and customary laws.

The principal subjects of concern identified by the Committee included, *inter alia*: the absence of a definition of gender discrimination in the Constitution; that de facto implementation of laws and policies in support of women has yet to be achieved in many areas; the continuing recognition of customary and religious laws and their adverse effects on the inheritance and land rights of women and women's rights in family relations; inadequate resources for the national machinery and the Commission on Gender Equality; the high rate of violence against women, including the high incidence of rape, particularly of young girls; noting the persistent overall high rates of crime and violence in the country, the danger that efforts to address violence against women may become submerged in the larger struggle against violence in society; that women are under-represented in the judiciary, women have problems of access to high judicial office and, in the appointment process, there is an emphasis on factors which generally favour male candidates.

The Committee expressed concern over: the chronic high rate of women's unemployment; the level of protection given — including through insurance or social security schemes — to self-employed women and women domestic/household workers; the move towards regulated flexibility in employment legislation; the uneven distribution of health care services in the country; insufficient data disaggregated by sex with regard to birth rates and disease; and the failure to give attention to the practice of female genital mutilation. The Committee also noted the need for specific measures aimed at vulnerable groups of women, especially rural women, to enable them to overcome the constraints of poverty, low levels of education and literacy, high unemployment and high fertility rates; and the need for rural women's participation in land reform programmes.

The Committee recommended that the government, *inter alia*:

- ♦ adopt a definition of discrimination in the Constitution and other legislation which reflects the definition contained in article 1 of the Convention and can be easily applied by courts in cases of discrimination based on sex;