



Home Office

Country Background Note South Africa

Version 2.0
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Preface

Purpose

This note provides a summary of and links to country of origin information (COI) for use by Home Office decision makers handling particular types of protection and human rights claims. It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) general background to the country concerned, including demography and geography; and (2) issues which may be relevant to protection claims. Unlike country policy and information notes, it does **not** contain an assessment of risk, availability of protection or reasonableness of internal relocation.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date in the country information section. Any event taking place or report/article published after this date is not included.

All information is publicly accessible or can be made publicly available and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

Contents

Country information	7
1. Geography and demography	7
1.1 Key facts.....	7
1.2 Map	9
1.3 Population distribution and density	9
1.4 Birth/death rate.....	9
1.5 Transport links.....	10
1.6 Religious demography.....	10
2. Economy.....	11
3. History	13
4. Media, telecommunications and internet coverage.....	13
5. Political system	14
6. Citizenship and nationality	15
7. Official documents	15
7.1 Registration of births and the issuing of birth certificates	15
7.2 Registration of marriages and the issuing of marriage certificates	16
7.3 Registration of deaths and the issuing of death certificates.....	16
7.4 National identity documents	16
7.5 Passports	17
7.6 Permanent residency for foreign nationals	17
7.7 Fraudulent documents.....	18
8. Corruption.....	18
9. Healthcare	18
9.1 Overview of the healthcare system	18
9.2 Organisation and personnel	19
9.3 Mental healthcare.....	21
9.4 South Africa and the Covid-10 virus pandemic.....	22
Key issues relating to protection claims	23
10. Children	23
10.1 Education	23
10.2 Child labour	24
10.3 Child marriage	25
10.4 Children’s social care and support organisations	25
10.5 Female genital mutilation (FGM) – the law, prevalence and practice	25

10.6	Violence and sexual abuse.....	26
11.	Law enforcement	26
11.1	Police.....	26
11.2	Effectiveness	27
11.3	Police operations against crime.....	28
11.4	Alleged human rights violations.....	29
11.5	Avenues of redress and oversight of the police.....	29
12.	Prison system	31
12.1	Prison conditions	31
12.2	Independent monitoring and improvements	33
12.3	Organisation of the prison system	33
12.4	Prison statistics	34
13.	Judicial system	34
13.1	Courts structure.....	34
13.2	Independence.....	35
13.3	Effectiveness	36
14.	Freedom of movement.....	36
15.	Political rights.....	36
16.	Sexual orientation, gender identity and expression	37
16.1	Legal rights.....	37
16.2	State treatment.....	37
16.3	Societal treatment and discrimination.....	38
17.	Women	39
17.1	Discrimination.....	39
17.2	Forced marriage	40
17.3	Sexual and gender-based violence	40
17.4	Sexual harassment.....	41
17.5	Societal treatment and discrimination.....	42
17.6	State protection	43
17.7	Support services provided by NGOs	44
18.	Migrants.....	45
18.1	Prevalence of discrimination and violence.....	45
18.2	State response to xenophobic violence	46
18.3	State treatment of refugees	47
19.	Race and ethnicity	48
19.1	Race relations	48

19.2 Race-related discrimination	49
Terms of reference	52
Bibliography	54
Sources consulted but not cited	59
Version control	60

Country information

Section 1 updated: 22 July 2020

1. Geography and demography

1.1 Key facts

Key geographical and demographic facts	
Full country name:	Republic of South Africa ¹
Area:	Total: 1,219,090 sq km land: 1,214,470 sq km water: 4,620 sq km ² (for comparison - the UK total area is 243,610 sq km) ³
Border countries:	South Africa has a total land border area of 5,244 km. It has borders with Botswana (1,969 km), Lesotho (1,106 km), Mozambique (496 km), Namibia (1,005 km), Eswatini (438 km), and Zimbabwe (230 km). It has a coastline of 2,798km ⁴ .
Flag:	 The flag of South Africa features a red horizontal band at the top, a green horizontal band at the bottom, and a blue horizontal band at the very bottom. A white horizontal band runs through the center, containing a green and blue Y-shape. A black triangle is positioned on the left side, with a yellow border. A small number '5' is located in the bottom right corner of the flag image. 5
Population:	56,463,617 (2020 estimate) ⁶ See also Population distribution, and density and birth/death rate
Capital cities:	Pretoria (administrative capital), Cape Town (legislative capital), Bloemfontein (judicial capital) ⁷ .
Provincial capital cities:	Bhisho (Eastern Cape), Bloemfontein (Free State), Johannesburg (Gauteng), Pietermaritzburg (KwaZulu-Natal), Polokwane (Limpopo),

¹ CIA, World Factbook, 'South Africa', 17 June 2020, [url](#).

² CIA, World Factbook, 'South Africa', 17 June 2020, [url](#).

³ CIA, World Factbook, 'United Kingdom', 17 June 2020, [url](#).

⁴ CIA, World Factbook, 'South Africa', 17 June 2020, [url](#).

⁵ CIA, World Factbook, 'South Africa', 17 June 2020, [url](#).

⁶ CIA, World Factbook, 'South Africa', 17 June 2020, [url](#).

⁷ CIA, World Factbook, 'South Africa', 17 June 2020, [url](#).

	Mbombela (Mpumalanga), Kimberley (Northern Cape), Mahikeng (North West), Cape Town (Western Cape) ⁸ .
Languages:	isiZulu (official) 24.7%, isiXhosa (official) 15.6%, Afrikaans (official) 12.1%, Sepedi (official) 9.8%, Setswana (official) 8.9%, English (official) 8.4%, Sesotho (official) 8%, Xitsonga (official) 4%, siSwati (official) 2.6%, Tshivenda (official) 2.5% isiNdebele (official) 1.6%, other (includes Khoi, Nama, and San languages) 1.9% (2017 est.) ⁹ .
Ethnic groups	Black African (80.9%), 'coloured' (8.8%), white (7.8%), Indian/Asian (2.5%) (2018 estimate). 'Coloured' is a term used in South Africa to describe persons of mixed-race ancestry ^{10 11} .
Religious groups	Christian (81%), no particular religion (15%), muslim (1.7%), hindu, jewish, buddhists, and adherents of traditional indigenous beliefs (less than 4%), Church of Scientology (100,000 members) ¹² .

[Back to Contents](#)

⁸ South African Government, 'Provinces', (n.d.), [url](#).

⁹ CIA, World Factbook, 'South Africa', 17 June 2020, [url](#).

¹⁰ For more information about the definition of 'coloured' historically and presently, see Encyclopaedia Britannica, 'Peoples of Africa' (Coloured), updated 16 November 2016, [url](#).

¹¹ CIA, World Factbook, 'South Africa', 17 June 2020, [url](#).

¹² USSD, '2019 Report on International Religious Freedom', South Africa, 10 June 2020, [url](#).

1.2 Map

1.2.1 Map of South Africa showing provinces and principal cities¹³



1.2.2 See also [road map of South Africa](#).

[Back to Contents](#)

1.3 Population distribution and density

1.3.1 South African's population is concentrated along the southern and southeastern coast, and inland around Pretoria. The eastern half of the country is more densely populated than the west¹⁴.

[Back to Contents](#)

1.4 Birth/death rate

1.4.1 There are 19.2 births per thousand of the population (2020 estimate), and there are 9.3 deaths per thousand of the population (2020 estimate)¹⁵.

[Back to Contents](#)

¹³ Orange Miles, 'Map of South Africa', (n.d), [url](#).

¹⁴ CIA, World Factbook, 'South Africa', 17 June 2020, [url](#).

¹⁵ CIA, World Factbook, 'South Africa', 17 June 2020, [url](#).

1.5 Transport links

1.5.1 The Encyclopaedia Britannica stated:

'The railway system, which serves all the major cities, most smaller towns, and many rural areas, is almost entirely owned and operated through the Transnet public corporation, although parts of Transnet are gradually being privatized...More than four-fifths of the network of more than 19,000 miles (31,000 km) of track is electrified, and the system has been computerized since 1980...

'The road network contains some 185,000 miles (300,000 km) of roads, ranging from rural unpaved stretches to multilane freeways; about two-fifths of the roads are paved. Most towns are connected by two-lane highways; multilane freeway systems extend around the four major urban areas, but, over long distances, only Johannesburg and Durban are connected by such a highway...

'Air services connect all major cities. South African Airways and many foreign carriers fly between South Africa and all neighbouring countries; international service extends worldwide. O.R. Tambo International Airport near Johannesburg is the main hub of the country's air transport both domestically and internationally, while the airports at Cape Town and Durban play increasingly important roles as international destinations.'¹⁶

1.5.2 The ports of South Africa play an important role in the South African economy, as approximately 96% of the country's exports are conveyed by sea. South Africa has eight commercial ports - Richards Bay and Durban (KwaZulu- Natal), East London, Port Elizabeth and the Port of Ngqura (Eastern Cape), Mossel Bay, Cape Town and Saldanha Bay (Western Cape)¹⁷.

[Back to Contents](#)

1.6 Religious demography

1.6.1 The United States State Department (USSD) 2019 Report on International Religious Freedom stated:

'According to a 2010 Pew Research Center report, 81 percent of the population is Christian. Approximately 15 percent of the population adheres to no particular religion or declined to indicate an affiliation; some of these individuals likely adhere to indigenous beliefs. Muslims constitute 1.7 percent of the population, of whom the great majority are Sunni. Shia religious leaders estimate that not more than 3 percent of the Muslim population is Shia. Hindus, Jews, Buddhists, and adherents of traditional indigenous beliefs together constitute less than 4 percent of the population. Many indigenous persons adhere to a belief system combining Christian and indigenous religious practices. The Church of Scientology estimates it has approximately 100,000 members.

'Approximately 15 percent of the population adheres to no particular religion or declined to indicate an affiliation; some of these individuals likely adhere

¹⁶ Encyclopaedia Britannica, 'South Africa – Transport and Communications', (n.d), [url](#).

¹⁷ Port and Corridor, 'Ports & Shipping', (n.d), [url](#).

to indigenous beliefs. Muslims constitute 1.7 percent of the population, of whom the great majority are Sunni. Shia religious leaders estimate that not more than 3 percent of the Muslim population is Shia. Hindus, Jews, Buddhists, and adherents of traditional indigenous beliefs together constitute less than 4 percent of the population. Many indigenous persons adhere to a belief system combining Christian and indigenous religious practices. The Church of Scientology estimates it has approximately 100,000 members.

‘The Pew Research Center estimates 84 percent of the Christian population is Protestant, 11 percent Roman Catholic, and 5 percent other denominations (2010 estimate). African independent churches constitute the largest group of Christian churches, including the Zion Christian Church (approximately 11 percent of the population), the Apostolic Church (approximately 10 percent), and a number of Pentecostal and charismatic groups. Other Christian groups include Methodists, Anglicans, Baptists, Lutherans, Presbyterians, Seventh-day Adventists, and members of the Greek Orthodox, Dutch Reformed, The Church of Jesus Christ of Latter-day Saints, Assemblies of God, and Congregational Churches.

‘Persons of Indian or other Asian heritage account for 2.5 percent of the total population. Approximately half of the ethnic Indian population is Hindu, and the majority resides in KwaZulu-Natal Province. The Muslim community includes Cape Malays of Malayan-Indonesian descent, individuals of Indian or Pakistani descent, and approximately 70,000 Somali nationals and refugees. The SAJBD estimates the Jewish community at 60,000 persons, the majority of whom live in Johannesburg and Cape Town.’¹⁸

[Back to Contents](#)

Section 2 updated: 22 July 2020

2. Economy

2.1.1 The CIA World Factbook stated:

‘South Africa is a middle-income emerging market with an abundant supply of natural resources; well-developed financial, legal, communications, energy, and transport sectors; and a stock exchange that is Africa’s largest and among the top 20 in the world.

‘Economic growth has decelerated in recent years, slowing to an estimated 0.7% in 2017...Official unemployment is roughly 27% of the workforce, and runs significantly higher among black youth. Even though the country’s modern infrastructure supports a relatively efficient distribution of goods to major urban centers throughout the region, unstable electricity supplies retard growth...

‘South Africa’s economic policy has focused on controlling inflation while empowering a broader economic base; however, the country faces structural constraints that also limit economic growth, such as skills shortages, declining global competitiveness, and frequent work stoppages due to strike action. The government faces growing pressure from urban constituencies to

¹⁸ USSD, ‘2019 Report on International Religious Freedom’, South Africa, 10 June 2020, [url](#).

improve the delivery of basic services to low-income areas, to increase job growth, and to provide university level-education at affordable prices.’¹⁹

2.1.2 The Trading Economics website stated:

‘South Africa is the most developed country in Africa and was the largest [economy] until 2014, when it was overtaken by Nigeria. The largest sector of the economy is services which accounts for around 73 percent of GDP. Within services, the most important are finance, real estate and business services (21.6 percent); government services (17 percent); wholesale, retail and motor trade, catering and accommodation (15 percent); and transport, storage and communication (9.3 percent). Manufacturing accounts for 13.9 percent; mining and quarrying for around 8.3 percent and agriculture for only 2.6 percent.’²⁰

2.1.3 Key facts

Currency:	The Rand; one rand is divided into 100 cents. Coins are denominated into 5 cents, 10 cents, 20 cents, 50 cents, 1 rand, 2 rands and 5 rands. Banknotes are denominated into 10, 20, 50, 100, and 200 rands ²¹ .
Exchange rate:	1 GBP = 21.5 Rand ²² (correct as of 19 June 2020)
Inflation rate:	5.3% (consumer prices - 2017 estimate)
Gross Domestic Product (GDP) growth:	1.3% (2017 estimate) ²³
GDP per capita:	US\$13,600 (2017 estimate) ²⁴ . This figure shows GDP on a purchasing power parity basis.
Unemployment rate:	27.5% (2017 estimate) ²⁵

2.1.4 Additionally:

- South Africa ranked 113 out of 189 countries in the United Nations Development Programme (UNDP) Human Development Report 2019. The UNDP Human Development Index is a composite index measuring average achievement in 3 basic areas of human development - a long and healthy life, knowledge and a decent standard of living²⁶.
- The labour force is divided into the following sectors (all 2017 estimates): agriculture – 2.8%, industry – 29.7%, services – 67.5%²⁷.

¹⁹ CIA, World Factbook, ‘South Africa’, 17 June 2020, [url](#).

²⁰ Trading Economics, ‘South Africa GDP Growth Rate’, (n.d), [url](#).

²¹ South African Reserve Bank, ‘South African currency’, (n.d), [url](#).

²² XE currency converter, [url](#).

²³ CIA, World Factbook, ‘South Africa’, 17 June 2020, [url](#).

²⁴ CIA, World Factbook, ‘South Africa’, 17 June 2020, [url](#).

²⁵ CIA, World Factbook, ‘South Africa’, 17 June 2020, [url](#).

²⁶ UNDP, ‘Human Development Report 2019’, 2019, [url](#).

²⁷ CIA, World Factbook, ‘South Africa’, 17 June 2020, [url](#).

2.1.5 For more information, see:

- The [World Bank in South Africa](#)
- CIA World Factbook – [South Africa: The economy](#).

[Back to Contents](#)

Section 3 updated: 24 June 2020

3. History

3.1.1 For the key events that have occurred in South Africa, see the [BBC South Africa profile – Timeline](#)²⁸.

3.1.2 See also the South Africa history section of [Encyclopaedia Britannica](#) and [South African History Online](#).

[Back to Contents](#)

Section 4 updated: 29 July 2020

4. Media, telecommunications and internet coverage

4.1.1 Key facts:

International dialling code:	+27 ²⁹
Time in South Africa:	see World Clock
Internet domain:	za ³⁰
Main press ³¹ :	The Star - Johannesburg-based daily, city's oldest newspaper The Sowetan - Johannesburg-based tabloid Beeld - largest Afrikaans daily Mail & Guardian - weekly, operates Mail & Guardian online Business Day - daily Financial Mail - business weekly Sunday Times/The Times - oldest Sunday newspaper; publishes subscription-only daily
Television stations ³² :	South African Broadcasting Corporation (SABC) - state broadcaster, operates three national TV networks, two pay-TV channels

²⁸ BBC, 'South Africa profile - Timeline', 4 April 2018, [url](#).

²⁹ Country Code, 'South Africa', (n.d), [url](#).

³⁰ IT News Africa, '8 South African Domain Types you can choose from', 3 August 2018, [url](#).

³¹ BBC, 'South Africa profile – Media', 22 January 2019, [url](#).

³² BBC, 'South Africa profile – Media', 22 January 2019, [url](#).

	e.tv - free-to-air, commercial; also operates news network eNCA M-Net - pay-TV, pan-African audience
Radio stations³³:	SABC - state broadcaster with regional and national services in multiple languages, including: English-language SAfm; music station 5 FM; Afrikaans station Radio Sonder Grense; Zulu station Ukhozi FM; Sesotho station Lesedi FM Channel Africa - SABC's pan-African external radio YFM - popular Johannesburg commercial R&B, soul and hip-hop station 702 Talk Radio - Johannesburg commercial news and talk station

4.1.2 For information about internet coverage and use in South Africa, see [statista.com](https://www.statista.com)³⁴.

[Back to Contents](#)

Section 5 updated: 19 May 2020

5. Political system

5.1.1 The South African government website stated:

‘South Africa is a constitutional democracy with a three-tier system of government and an independent judiciary.

‘The national, provincial and local levels of government all have legislative and executive authority in their own spheres, and are defined in the Constitution as distinctive, interdependent and interrelated.

‘Operating at both national and provincial levels are advisory bodies drawn from South Africa’s traditional leaders.

‘It is a stated intention in the Constitution that the country be run on a system of cooperative governance.’³⁵

5.1.2 The Freedom House Freedom in the World 2020 report stated:

‘The National Assembly, the lower house of South Africa’s bicameral Parliament, elects the president to serve concurrently with its five-year term, and can vote to replace him or her at any time. Presidents can serve a maximum of two terms...

‘The most recent national election, held in May 2019, was declared free and fair by domestic and international observers. The ANC won 57.5 percent of the vote, and the National Assembly selected Ramaphosa to serve a full

³³ BBC, ‘South Africa profile – Media’, 22 January 2019, [url](#).

³⁴ Statista, ‘South Africa online usage penetration 2015-2025’, 2020, [url](#).

³⁵ South African Government, ‘Structure and functions of the South African Government’, (n.d), [url](#).

term as president later that month. Ramaphosa is eligible for reelection in 2024...

'The 400-seat National Assembly is elected by party-list proportional representation. The 90 members of the upper chamber, the National Council of Provinces, are selected by provincial legislatures. Parliamentary and provincial elections were concurrently held in May 2019. The ANC won 230 National Assembly seats with 57.5 percent of the vote. The opposition Democratic Alliance (DA) won 84 seats with 20.77 percent of the vote and maintained control over Western Cape Province. The Economic Freedom Fighters (EFF) won 44 seats, the Inkatha Freedom Party (IFP) won 14, Freedom Front Plus (FF+) won 10, and smaller parties won the remaining 18 seats.'³⁶

[Back to Contents](#)

Section 6 updated: 24 June 2020

6. Citizenship and nationality

6.1.1 The South African Citizenship Act 1995 (as amended by the South African Citizenship Amendment Act 2010) stated that individuals can become South African citizens through:

- birth (provided one or more parent was a South African national at the time of the birth)
- descent (provided one or more parent was a South African national at the time of the birth)
- naturalisation (provided the person concerned is a permanent resident)³⁷.

For more details, see [South African Citizenship Act 1995](#).

[Back to Contents](#)

Section 7 updated: 17 July 2020

7. Official documents

7.1 Registration of births and the issuing of birth certificates

7.1.1 Under the terms of the Birth and Deaths Registration Act 1992, all children born in South Africa must be registered within 30 days of their birth. A parent, guardian or any other person legally responsible for the child must complete a form, and submit it to the nearest office of the Department of Home Affairs. Once a child's birth has been registered, a birth certificate is issued free of charge, usually a day or so after the registration application has been submitted³⁸.

7.1.2 The United States State Department (USSD) 2019 Human Rights Report stated: 'The law provides for citizenship by birth (if at least one parent is a permanent resident or citizen), descent, and naturalization. Registration of

³⁶ Freedom House, 'Freedom in the World 2020', South Africa, 2020, [url](#).

³⁷ South African Citizenship Act 1995, [url](#).

³⁸ South African Government, 'Birth Certificates', (n.d), [url](#).

births was inconsistent, especially in remote rural areas and by parents who were unregistered foreign nationals. Children without birth registration had no access to government services such as education or health care, and their parents had no access to financial grants for their children.’³⁹

[Back to Contents](#)

7.2 Registration of marriages and the issuing of marriage certificates

7.2.1 The solemnisation and registration of civil marriages, customary marriages and civil unions are managed by the Department of Home Affairs. Civil marriages are governed by the Marriage Act. South Africa also recognizes customary marriages through the Recognition of Customary Marriages Act, which became effective in November 2000. Civil unions are recognised in terms of the Civil Union Act 2006⁴⁰. In 2006, same-sex marriages were legally recognised by the South African government⁴¹.

7.2.2 Only marriage officers authorised by law can perform marriages. Presently, civil marriages are solemnised at offices of the Department of Home Affairs and at churches. A marriage must be conducted in the presence of at least two witnesses in a church or another building used for religious services; in a public office or private house, with open doors; or in the case of serious illness or injuries, the marriage may take place in a hospital. Two witnesses and the marriage officer must sign the marriage register after the solemnisation of a marriage, and the marriage officer must issue the parties with a handwritten marriage certificate. The marriage officer is then required to submit the marriage register to the Department of Home Affairs. The marriage details will then be recorded in the National Population Register⁴².

[Back to Contents](#)

7.3 Registration of deaths and the issuing of death certificates

7.3.1 The Births and Deaths Registration Act requires that a person’s death be reported to the Department of Home Affairs, the South African Police Service South African missions, embassies or consulates (if the death occurred abroad), and funeral undertakers. A death report will be issued after a death has been registered. This report can be issued only by someone whom the Department of Home Affairs has authorised to do so (this includes traditional leaders, members of the South African Police Service and authorised undertakers). The Department of Home Affairs will issue a death certificate on receipt of the notification of death. A death certificate will be issued free of charge on the same day of registration of death⁴³.

[Back to Contents](#)

7.4 National identity documents

7.4.1 The South African government website stated that the South African ID document is a legal form of identity when dealing with public and private

³⁹ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

⁴⁰ South African Government, ‘Marriage Certificates’, (n.d), [url](#).

⁴¹ USSD, 2006 Human Rights Report, South Africa (section 5), 6 March 2007, [url](#).

⁴² South African Government, ‘Marriage Certificates’, (n.d), [url](#).

⁴³ South African Government, ‘Death Certificates’, (n.d), [url](#).

institutions. It needs to be produced to access housing, education and healthcare services; to apply for a driving licence or a job; when entering into business agreements and when registering for the Unemployment Insurance Fund [this fund provides short-term relief to workers when they become unemployed or are unable to work because of maternity, adoption leave, or illness]⁴⁴. They are also needed to register to vote in elections. Identity documents are issued to South African citizens or permanent residence permit holders who are 16 years or older⁴⁵.

[Back to Contents](#)

7.5 Passports

- 7.5.1 Section 26b of the South African Citizenship Act, 1995, states that it is a punishable offence for a South African citizen, 18 years and older, to leave or enter South Africa on a foreign passport⁴⁶.
- 7.5.2 South African passports and travel documents are issued in accordance with the terms of the South African Passports and Travel Documents Act, 1994, and related regulations. South African passports and travel documents are printed only in Pretoria, from where they are sent to the offices of application⁴⁷.
- 7.5.3 Applications made in South Africa can be submitted to any office of the Department of Home Affairs. Applications made outside the country can be submitted to the nearest South African embassy. Except for official and diplomatic passports, fees are applicable for all types of passport/travel document applications. Passports for persons over 16 years of age are valid for 10 years. Passports for persons under 16 years of age are valid for 5 years. Once the validity period of a passport expires, an application for a new passport has to be submitted⁴⁸.

[Back to Contents](#)

7.6 Permanent residency for foreign nationals

- 7.6.1 The South African government website stated:
'Applications for permanent residency in South Africa are considered in terms of Section 26 (Direct Residency Permits) and Section 27 (Residency-on-Other-Grounds Permits) of the Immigration Act 2002 (Act No 13 of 2002), and read with Regulation 33 of the Immigration Regulations. In terms of granting permanent residency permits, emphasis is placed on immigrants who are in a position to make a meaningful contribution to the economy of South Africa.'⁴⁹

Details of requirements and categories of permits are available on the [Department of Home Affairs](#) website.

⁴⁴ South African Revenue Service, 'Unemployment Insurance Fund', (n.d), [url](#).

⁴⁵ South African government, 'Identity documents', (n.d), [url](#).

⁴⁶ South African Department of Home Affairs, 'Passports & Travel Documents', (n.d), [url](#).

⁴⁷ South African Department of Home Affairs, 'Passports & Travel Documents', (n.d), [url](#).

⁴⁸ South African Department of Home Affairs, 'Passports & Travel Documents', (n.d), [url](#).

⁴⁹ South African Department of Home Affairs, 'Pemanent Residency - Immigration', (n.d), [url](#).

[Back to Contents](#)

7.7 Fraudulent documents

- 7.7.1 CPIT could not find information about the use of fraudulent documents in South Africa from sources consulted (see [Bibliography](#)).

[Back to Contents](#)

Section 8 updated: 22 July 2020

8. Corruption

- 8.1.1 The GAN Integrity (corruption country information) website stated:

‘South Africa suffers from widespread corruption, despite it performing better than regional averages across a number of key measurements. The country has simpler procedures, smoother interactions with tax officials and easier enforcement of commercial contracts than comparable regional countries...South Africa has a robust anti-corruption framework, but laws are inadequately enforced...

‘The Prevention and Combating of Corruption Act (PCCA) criminalizes corruption in public and private sectors and codifies specific offenses, making it easier for courts to use the Act. It specifically criminalizes attempted corruption, extortion, active and passive bribery, bribing a foreign official, abuse of office and money laundering, and it obliges public officials to report corrupt activities...

‘South Africa has ratified the United Nations Convention against Corruption, the African Union Convention on Preventing and Combating Corruption and the OECD Anti-Bribery Convention.’⁵⁰

- 8.1.2 Transparency International gave South Africa a Corruption Perception Index (CPI) 2019 score of 44/100. The CPI scores and ranks countries/territories based on how corrupt a country’s public sector is perceived to be by experts and business executives. A country with a score of 0/100 is an indication that this country has very high perceived levels of corruption. A country with a score of 100/100 is an indication that this country has very low perceived levels of corruption⁵¹.

See also [South Africa Police Service information](#) about the anti-corruption laws, the [USSD 2019 Human Rights Report](#), and the [Freedom in the World 2020](#) report.

[Back to Contents](#)

Section 9 updated: 23 July 2020

9. Healthcare

9.1 Overview of the healthcare system

- 9.1.1 The African Institute for Health and Leadership Development (AIHLD) report, Minimum Data Sets for Human Resources for Health and the Surgical Workforce in South Africa’s Health System, published in 2015, stated:

⁵⁰ GAN Integrity, ‘South Africa Corruption Report’, May 2018, [url](#).

⁵¹ Transparency International, ‘Corruption Perceptions Index 2019 – South Africa’, 2020, [url](#).

'The health system comprises the public sector (run by the government) and the private sector. The public health services are divided into primary, secondary and tertiary through health facilities that are located in and managed by the provincial departments of health. The provincial departments are thus the direct employers of the health workforce while the National Ministry of Health is responsible for policy development and coordination.

'South Africa's Constitution guarantees every citizen access to health services (section 27 of the Bill of Rights). However, everyone can access both public and private health services, with access to private health services depending on an individual's ability to pay. The private health sector provides health services through individual practitioners who run private surgeries or through private hospitals, which tend to be located in urban areas...The majority of patients access health services through the public sector District Health System, which is the preferred government mechanism for health provision within a primary health care approach. The private sector serves 16% of the population while the public sector serves 84%...The country's population distribution indicates that about 64.7% inhabit the provinces that are largely rural in nature. Some of these provinces contain large cities, though the bulk of the population lives in rural communities.'⁵²

9.1.2 The Bloomberg article, Universal Health Care, the South African Way, dated 22 January 2020, stated:

'The African National Congress party, which has led the country for more than 25 years and holds 58% of seats in Parliament, has committed to enacting universal health insurance, outlining the framework in a draft law published in August [2019]. Significant questions remain, including which drugs and services will be covered and how the whole thing will be financed. But with the country's biggest labor group behind it, the bill's fate is clear: South Africa will soon join the majority of the developed world in providing some form of nationalized health care...

'Of the nation's 60 million people, about 16% have private insurance, many of them white and comparatively wealthy. They're served by 70% of the nation's doctors and consume almost half the spending on medical care, according to the health department. That leaves the remaining 84% of the population to crowd into government hospitals and clinics beset by underfunding, broken equipment, and personnel shortages. The most recent government-mandated inspection report showed that just 5 of 696 public hospitals and clinics met at least 80% of the national standards for such measures as drug availability and infection control.'⁵³

[Back to Contents](#)

9.2 Organisation and personnel

9.2.1 An Africa Check 2018 article published on the Polity website stated:

⁵² AIHLD, 'Minimum Data Sets for Human Resources for Health...', page 3, September 2015, [url](#).

⁵³ Bloomberg, 'Universal Health Care, the South African Way', 22 January 2020, [url](#).

'To find the most recent estimates of doctor to patient ratios in the public sector, health department spokesperson Popo Maja suggested we look at the South African Health Review (SAHR).

'This annual peer-reviewed journal analyses health systems in South Africa. It is published by the Health Systems Trust (HST), an organisation that focuses on the country's health policy and development. The latest edition was published in May 2017.

'In data from government's personnel administration system (Persal), HST researchers found there were 14,036 general practitioners and 4,737 specialists on the state's payroll at the end of March 2016.

'One public doctor sees 2,457 people.

'To calculate the number of public health users, the organisation compared medical aid coverage in Statistics South Africa's 2015 General Household Survey with the agency's 2016 mid-year population estimates.

'The medical aid coverage rate of 17.5% was calculated against the 2016 population of 55.9 million to get 9.78 million people on medical aid.

'This meant the difference – an estimated 46.12 million people- relied on public health facilities.

'Although data from two different years was used, the share of the population covered by medical aid didn't change much, Candy Day, a technical specialist with HST, told Africa Check...

'Using this coverage data, the HST then estimated that South Africa had a ratio of 40.7 doctors – both general practitioners and specialists – per 100,000 people. This was one doctor for 2,457 people in the public healthcare sector, Day said.

'But Day added that the estimate had not considered "use across sectors (that some insured people use public sector services and vice versa) as that introduces even more assumptions and uncertainties".

'With data pointing to one state-employed doctor for every 2,457 people not covered by medical aid, we rate the claim of "one doctor to over 4,000 patients" in the public healthcare sector as incorrect.

'The Health Systems Trust did not estimate private sector ratios because there wasn't [sic] "reasonably accessible or available data", Day told Africa Check...

'The organisation's head of research, Charlton Murove, said that in December 2017 they had "approximately 13,000" general practitioners and 8,000 specialists on their books.

'To estimate the number of people on medical aid, the organisation rounded up the 8,878,081 beneficiaries recorded in the Council for Medical Schemes' 2016/17 annual report to nine million people. This yielded a ratio of 429 people per doctor...

'The most recent publicly available data can be found in the Competition Commission of South Africa's preliminary health market inquiry findings.

'Released in July 2018, it found an estimated yearly average of 1.75 doctors per 1,000 patients in the private sector between 2010 and 2014.

'Africa Check calculates this to be one doctor per 571 patients. We have asked the commission if they have more recent data and will update this report with their response.

'With data from two sources pointing to one doctor for either 429 or 571 patients in private healthcare, we rate the claim of "one doctor to less than 300 patients" in the private healthcare sector as incorrect...

'The Treatment Action Campaign claimed there was "one doctor to over 4 000 patients" in the public healthcare sector and "one doctor to less than 300 patients" in private care in South Africa...

'The most recent data estimates one government-employed doctor for every 2,457 people not covered by medical aid. In private care, one medical aid-registered doctor sees between 429 and 571 people.

'We therefore rate both claims as incorrect.'⁵⁴

9.2.2 The Foreign and Commonwealth Office travel advice for UK citizens travelling to South Africa observed: 'South Africa has a very high standard of private medical care, comparable with the UK. Private health care can be expensive...Public medical care varies across South Africa, and standards of treatment and hygiene may not be the same as you would expect in the UK.'⁵⁵

9.2.3 The United States State Department (USSD) Overseas Security Advisory Council (USSD OSAC) South Africa 2020 Crime & Safety Report stated: 'The private health care sector in South Africa ranks among the best in the world'. It also stated: 'Three private health corporations, NetCare, Mediclinic, and Life Hospitals, dominate the private health care system in South Africa. Each corporation runs approximately 60 hospitals throughout the country. Nearly every medium-sized city, including those near remote game parks, has at least one private hospital operated by one of these corporations.'⁵⁶

See also World Bank data [Hospital beds per 1,000 people – South Africa](#), World Health Organisation [South Africa Health Profile](#), and the United States Embassy in South Africa list of [Local Medical practitioners and Health Services](#).

[Back to Contents](#)

9.3 Mental healthcare

9.3.1 A South African College of Applied Psychology article, The shocking state of mental health in South Africa in 2019, dated 21 August 2019, stated:

'As many as one in six South Africans suffer from anxiety, depression or substance-use problems (and this does not include more serious conditions such as bipolar disorder or schizophrenia), according to statistics released by the South African Depression and Anxiety Group (SADAG)...

⁵⁴ Polity, 'Does one SA doctor treat 4,000 patients in public care...?', 7 August 2018, [url](#).

⁵⁵ UK FCO, 'Foreign travel advice – South Africa' (Health), updated 9 July 2020, [url](#).

⁵⁶ USSD, OSAC, 'South Africa 2020 Crime & Safety Report', 3 March 2020, [url](#).

‘Yet, despite the acute need for it, South Africa’s mental healthcare resources are wholly unequipped to handle the burden placed on them. SADAG claims that less than 16% of sufferers receive treatment for mental illnesses...

‘The primary burden of mental healthcare falls on community-based providers, says Chambers: “Clinics, support groups, even lay counsellors and community leaders are having to step in where institutionalised help is not available. Only 27% of South Africans reporting severe mental illness ever receive treatment. This means that nearly three-quarters of these sufferers are not accessing any form of mental health care at all.”⁵⁷

- 9.3.2 In 2019, a new mental hospital opened in Kimberley⁵⁸. A 2020 report stated that the hospital had four psychiatrists, 80 nurses, and 287 beds available⁵⁹.

See also the World Health Organisation [Mental Health Atlas 2017](#).

[Back to Contents](#)

9.4 South Africa and the Covid-10 virus pandemic

- 9.4.1 The Guardian report, South Africa warns of coronavirus ‘storm’ as outbreak accelerates across continent, dated 9 July 2020, stated:

‘South Africa’s health minister has warned of a “storm” arriving and pleaded with the country’s 58 million inhabitants to change their behaviour to slow the spread of Covid-19.

‘Zweli Mkhize said South Africa was still following an “optimistic” curve, with the peak of the outbreak likely to be lower than predicted, but warned that within weeks there could be a shortage of beds to treat Covid-19 patients, particularly in the country’s most populous and wealthy regions...

‘South Africa has registered 225,000 cases of Covid-19, of which 107,000 have recovered and 3,600 have died...

‘South Africa was widely praised for its early response to the pandemic, which included a strict lockdown and a major programme of community screening to find outbreaks of the virus. However the test and trace strategy has been hindered by a lack of crucial supplies and, although the lockdown is acknowledged to have bought time, the number of daily new cases has soared from about 1,000 in mid-May to 8,800 on 8 July.

‘Most new cases have been in Gauteng, the richest and most densely populated province, where widespread anxiety has been fuelled by poor communication about local strategies to fight the outbreak.’⁶⁰

- 9.4.2 See also [Covid-19 South Africa Dashboard](#), South African Government [COVID-19/Novel Coronavirus](#), and [Corona Tracker - South Africa](#).

[Back to Contents](#)

⁵⁷ South African College of Applied Psychology, ‘The shocking state of mental...’, 21 August 2019, [url](#).

⁵⁸ All4women, ‘New state-of-the-art psychiatric hospital opens in Kimberley’, 1 October 2019, [url](#).

⁵⁹ Spotlight, ‘Behind the scenes at Kimberley’s shiny, new, half-empty...’, 18 February 2020, [url](#).

⁶⁰ Guardian, ‘South Africa warns of coronavirus ‘storm’ as outbreak accelerates...’, 9 July 2020, [url](#).

Key issues relating to protection claims

Section 10 updated: 31 July 2020

10. Children

10.1 Education

10.1.1 The USSD 2019 Human Rights Report stated:

‘Public education is compulsory and universal until age 15 or grade nine. Public education is fee based and not fully subsidized by the government. Nevertheless, the law provides that schools may not refuse admission to children due to a lack of funds; therefore, disadvantaged children, who were mainly black, were eligible for financial assistance. Even when children qualified for fee exemptions, low-income parents had difficulty paying for uniforms and supplies. In violation of law, noncitizen children were sometimes denied access to education based on their inability to produce identification documents, such as birth certificates and immunization documents.’⁶¹

10.1.2 The Amnesty International (AI) report, Broken and Unequal – the State of Education in South Africa, stated:

‘The Department of Basic Education (DBE) was established in 2009 when the former Department of Education was split into two departments: the DBE and the Department of Higher Education and Training (DHET). The DBE is responsible for governing South Africa’s primary and secondary school system, which includes 13 years of formal schooling from Grade R (ages 5-6) to Grade 12 (ages 17- 19), while the DHET is responsible for post-school education and training. The rationale underpinning this change was the need to intensify and strengthen educational improvement initiatives at all levels, from the foundation phase to tertiary level.

‘The DBE is responsible for governing schools at a national level and creating basic standards that all schools should meet in order to provide adequate education for everyone. Nine Provincial Education Departments (PEDs) in conjunction with SGBs are responsible for providing education and managing schools.’⁶²

10.1.3 The AI report, Broken and Unequal – the State of Education in South Africa, also stated:

‘Education is delivered through both public schools – a combination of no fee and fee-charging schools - and private schools. The private sector is still relatively small, accounting for 4-5% of provision. Recently, however, new providers have entered the education arena – so-called low-cost or fee schools. These corporate providers are often backed by other commercial actors such as multinational corporations, equity funds, domestic corporations and private investors.

‘In addition, so-called “ultra-low fee schools” have been springing up. These institutions, which are also known as “fly-by-night schools”, given their

⁶¹ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

⁶² Amnesty International, ‘Broken and Unequal – the State of Education in South Africa’, 2020, [url](#).

transitory nature, are largely of dubious quality but are attractive for users given their very low charges. Whilst some are registered, many go under the radar and are unregulated.

‘Another trend is the establishment of Public Private Partnerships which are being piloted in the Western Cape and Kwa Zulu Natal whereby private actors will play a key role in the governance and management of public schools.’⁶³

[Back to Contents](#)

10.2 Child labour

10.2.1 The USSD 2019 Human Rights Report stated:

‘The law prohibits employment of children younger than 15. The law allows children younger than 15 to work in the performing arts, but only if their employers receive permission from the Department of Labor and agree to follow specific guidelines. The law also prohibits children between the ages of 15 and 18 from work that threatens a child’s wellbeing, education, physical or mental health, or spiritual, moral, or social development. Children may not work more than eight hours a day or before 6 a.m. or after 6 p.m. A child not enrolled in school may not work more than 40 hours in any week, and a child attending school may not work more than 20 hours in any week.

‘The law prohibits children from performing hazardous duties, including lifting heavy weights, meat or seafood processing, underground mining, deep-sea fishing, commercial diving, electrical work, working with hazardous chemicals or explosives, in manufacturing, rock and stone crushing, and work in gambling and alcohol-serving establishments. Employers may not require a child to work in a confined space or to perform piecework and task work. Penalties for violating child labor laws were sufficient to deter widespread violations.

‘The government enforced child labor laws in the formal sector of the economy that strong and well-organized unions monitored, but enforcement in the informal and agricultural sectors was inconsistent. The Department of Labor deployed specialized child labor experts in integrated teams of child labor intersectoral support groups to each province and labor center.

‘In 2017 Department of Labor inspectors opened 22 cases of child labor against a broker who recruited seasonal workers from poverty-stricken villages in North West Province on behalf of farmers in Wesselsbron, Free State Province. Prosecution of the broker was pending at year’s end. Cases of the worst forms of child labor were rare and difficult to detect, and neither the Department of Labor nor NGOs confirmed any cases during the year. The Department of Labor investigated a number of complaints but was unable to develop enough evidence to file charges. According to the department, the government made significant progress in eradicating the worst forms of child labor by raising awareness, instituting strict legal measures, and increasing penalties for suspected labor violators.’⁶⁴

⁶³ Amnesty International, ‘Broken and Unequal – the State of Education in South Africa’, 2020, [url](#).

⁶⁴ USSD, 2019 Human Rights Report, South Africa (section 7), 11 March 2020, [url](#).

10.3 Child marriage

10.3.1 The Organisation for Economic Cooperation and Development (OECD) Social Institutions and Gender Index (SIGI) 2019 stated:

‘The legal age of marriage for both women and men is 18 (Children’s Act, Act 38 of 2005). The Children’s Act (Act 38 of 2005) prohibits child marriage. There is no standalone law that relates to child marriage, however all marriages in South Africa must be registered in terms of one of the three marriage laws. The Marriages Act (Section 35) and the Civil Union Act (Section 14) both provide legal sanctions and fines for solemnizing marriages in contravention of the requirements of the Act, including up to 12 months in prison.

‘For marriages where both or one of the parties is younger than 18, both parties must consent to the marriage, and thereafter, a Commissioner of Child Welfare must grant permission...If the Commissioner does not grant permission, further intervention may be sought from a judge of the high court. The Minister of Home Affairs may also be required to condone the marriage if the girl is younger than 15 (Marriages Act, Act 25 of 1961).’⁶⁵

[Back to Contents](#)

10.4 Children’s social care and support organisations

10.4.1 A number of children’s NGOs are active in South Africa providing social care and support services for vulnerable children, such as [Save the Children](#), [SOS Children’s Villages](#), [Childline – South Africa](#), and the [Homestead Projects for Street Children](#)^{66 67 68 69}.

[Back to Contents](#)

10.5 Female genital mutilation (FGM) – the law, prevalence and practice

10.5.1 Although FGM is reportedly not prevalent in South Africa, the government of South Africa has criminalised FGM in the Protection of Equality of Unfair Discrimination Act (Equality Act). South Africa has also employed other initiatives to help eliminate FGM, including national research, sensitization workshops, and education. South Africa is also a signatory to international laws that regulate and prohibit FGM⁷⁰.

10.5.2 The USSD 2019 Human Rights Report stated: ‘The law prohibits FGM/C of girls and women, but girls in isolated zones in ethnic Venda communities in Limpopo Province were subjected to the practice. The government continued initiatives to eradicate the practice, including national research and sensitization workshops in areas where FGM/C was prevalent.’⁷¹

⁶⁵ OECD, SIGI 2019, South Africa, 2019, [url](#).

⁶⁶ Save the Children, South Africa, (n.d), [url](#).

⁶⁷ SOS Children’s Villages, South Africa, (n.d.), [url](#).

⁶⁸ Childline South Africa, (n.d), [url](#).

⁶⁹ The Homestead Projects for Street Children, homepage, (n.d), [url](#).

⁷⁰ Michigan State University College of Law, ‘The Effective Criminalization...’, 4 December 2017, [url](#).

⁷¹ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

- 10.5.3 The Organisation for Economic Cooperation and Development (OECD) Social Institutions and Gender Index (SIGI) 2019 stated:
'The Children's Act (Act 38 of 2005) prohibits female genital mutilation (FGM) of children, but there is no law regarding FGM and adult females. The Children's Act (Section 305) provides that any person (whether parent, medical practitioner or otherwise) responsible for committing FGM is guilty of an offence, and may be subject to a fine or imprisonment of up to ten years, or both, for a first time offence. Repeat offenders may be sentenced to up to twenty years imprisonment or a fine or both.'⁷²
- 10.5.4 The OECD SIGI 2019 also stated: 'FGM is not widely practiced, however there are reports of the practice among the Tsonga, VhaVenda and Sotho populations, and among refugee populations in South Africa.'⁷³

[Back to Contents](#)

10.6 Violence and sexual abuse

10.6.1 The USSD 2019 Human Rights Report stated:

'The law criminalizes child abuse. The penalties for conviction of child abuse include fines and up to 20 years' imprisonment. Violence against children, including domestic violence and sexual abuse, remained widespread.

'There were numerous abuses similar to the following example. In September the Gauteng High Court convicted a man of raping a seven-year-old girl in a restaurant bathroom. He was convicted on two counts of rape and sentenced to life imprisonment.

'There were reports of abuse of students by teachers and other school staff, including reports of assault and rape. The law requires schools to disclose sexual abuse to authorities, but administrators sometimes concealed sexual violence or delayed taking disciplinary action...

'Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, and offering or procurement of children for prostitution and child pornography. Conviction includes fines and 10 years' imprisonment. The Film and Publications Board maintained a website and a toll-free hotline for the public to report incidents of child pornography.'⁷⁴

See also [UNICEF – South Africa](#).

[Back to Contents](#)

Section 11 updated: 24 July 2020

11. Law enforcement

11.1 Police

11.1.1 The United States State Department (USSD) 2019 Human Rights Report stated:

'The [South African Police Service](#) (SAPS) has primary responsibility for internal security. The police commissioner has operational authority over

⁷² OECD, SIGI 2019, South Africa, 2019, [url](#).

⁷³ OECD, SIGI 2019, South Africa, 2019, [url](#).

⁷⁴ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

police. The president appoints the police commissioner, but the minister of police supervises the commissioner. The South African National Defense Force (SANDF), under the civilian-led Department of Defense, is responsible for external security but also has domestic security responsibilities, such as patrolling the borders. Civilian authorities maintained effective control over the security forces.’⁷⁵

11.1.2 The South African Police Service (SAPS) Annual Report 2018/19 stated that as of 31 March 2019, South Africa had 1,149 police stations, a total of 150,855 police officers, and a police/population ration of 1:383⁷⁶.

11.1.3 The African Policing Civilian Oversight Forum (APCOF) website noted the following:

‘The police service in South African is a national body that operates on a local, provincial and national level. The President, as head of the national executive, must appoint a National Commissioner of Police to control and manage the police service in accordance with national policy and under the direction of the Minister of Police. The National Commissioner of Police is then responsible for appointing a Provincial Commissioner of Police in each province to monitor policing in the province. Municipal Police Services (MPS) are affiliated with the South African Police Service (SAPS) but are responsible for policing traffic and for enforcing by-laws in a specific municipality.

‘In terms of Section 205 of the Constitution, the objects of the SAPS are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law.

‘Further, in terms of the South African Police Services Act, the functions of the SAPS are as follows:

- ensure the safety and security of all persons and property in the national territory;
- uphold and safeguard the fundamental rights of every person as guaranteed by Chapter 3 of the Constitution;
- ensure co-operation between the Service and the communities it serves in the combating of crime; and
- reflect respect for victims of crime and an understanding of their needs.’⁷⁷

[Back to Contents](#)

11.2 Effectiveness

11.2.1 The United States State Department Overseas Security Advisory Council (USSD OSAC) South Africa 2020 Crime & Safety Report stated:

‘SAPS has made a strong effort to decrease its response time in recent years. While active crimes will take precedence over crimes that have

⁷⁵ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

⁷⁶ SAPS, ‘South African Police Service Annual Report 2018/19’, 2019, [url](#).

⁷⁷ APCOF, ‘South African Police Service’, (n.d), [url](#).

happened in the past, SAPS tries to respond to incidents within a reasonable time. SAPS patrol vehicles will typically be the first responding unit and can open a case docket and take statements at the scene, or can advise the complainant to report the crime at the nearest police station. There are effective detective programs at all SAPS stations, and a detective is on duty 24/7. Once the detective receives a case and they are ready to continue the investigation, they will generally contact the complainant.’⁷⁸

[Back to Contents](#)

11.3 Police operations against crime

11.3.1 The South African Police Service [SAPS] Annual Report 2018/19 stated:

‘Increased drug confiscations were recorded, in 2018/2019, with the exception of heroin, compared to 2017/2018. A total of 238 679,605 kg cannabis, 1 389 204 Mandrax tablets, 603,655 kg crystal meth (Tik-Tik), 784,176 kg cocaine and 213,801 kg heroin was seized, in 2018/2019... In the fight to have a drug-free society, the South African Narcotics Enforcement Bureau (SANEB) Unit successfully dismantled 58 clandestine drug laboratories and arrested 404 suspects...

‘A total number of 15 957 crowd-related incidents were responded to and successfully stabilised by POP [Public Order Police] Units, in 2018/2019, including 11 431 peaceful incidents and 4 526 unrest-related incidents. The number of peaceful incidents increased, with 578 incidents, while unrest-related incidents increased, with 986 incidents, compared to 2017/2018...

‘A total number of 2 780 wanted persons and 2 895 circulated stolen/robbed vehicles resulted in hits at ports of entry. These hits were responded to, which in turn, resulted in the arrest of 604 wanted persons for whom a warrant of arrest had been issued, as well as the recovery of 30 vehicles. To enhance the national security and territorial integrity at ports of entry, 3 783 planned crime prevention and combating actions were undertaken, comprising 140 roadblocks, 48 877 vehicle patrols, 2 253 VCPs, 54 107 foot patrols and 1 177 vessel patrol inspections...

‘The detection rate for serious crime increased, by 0,40% to 36,37%, in 2018/2019. Contact-related crimes increased, by 1,75% to 49,81%, property-related crimes, by 0,77% to 15,51% and other serious crimes, by 0,01% to 36,16%. Contact crimes decreased, by 0,54% to 50,58...

‘The conviction rate for serious crime increased, by 0,39% to 89,79%. Contact-related crimes increased, by 1,87% to 87,86%, property-related crimes, by 0,80% to 90,09%, contact crimes, by 0,44% to 81,95% and other serious crimes, by 0,04% to 96,79%.’⁷⁹

[Back to Contents](#)

⁷⁸ USSD OSAC, ‘South Africa 2020 Crime & Safety Report’, 3 March 2020, [url](#).

⁷⁹ SAPS, ‘South African Police Service Annual Report 2018/19’, 2019, [url](#).

11.4 Alleged human rights violations

11.4.1 The Freedom House Freedom in the World 2020 report, published in 2020, commenting on events in 2019, stated:

‘Despite constitutional prohibitions, police torture and excessive force during arrest, interrogation, and detention are commonly reported. The Independent Police Investigative Directorate (IPID) legally required to investigate allegations of police offenses or misconduct. In its annual report for the 2018–19 fiscal year, the IPID reported 607 deaths either in police custody or as a result of police action, 124 rapes by police officers, 270 incidents of torture, and 3,835 assaults. Overall, there was a 3 percent increase in total reported incidents over the previous fiscal year.’⁸⁰

11.4.2 The USSD 2018 Human Rights Report stated: ‘Although the constitution and law prohibit such practices, there were reports police torture and physical abuse occurred during house searches, arrests, interrogations, and detentions and sometimes resulted in death. The NGO Sonke Gender Justice reported that almost one-third of sex workers interviewed responded they had been raped or sexually assaulted by police.’⁸¹

See also [United Nations Committee Against Torture Concluding Observations on the Second Periodic Report of South Africa](#), 7 June 2019.

[Back to Contents](#)

11.5 Avenues of redress and oversight of the police

11.5.1 The African Policing Civilian Oversight Forum (APCOF) website noted the following:

‘Extensive provision for oversight mechanisms of the police exist in South Africa, on both an internal and external level. In addition to a set of internal mechanisms and procedures within the SAPS to discipline its members, the Constitution provides for the establishment of the Civilian Secretariat of Police and for an independent police complaints body to investigate allegations of misconduct and abuse by its members. Specifically, the [Civilian Secretariat of Police](#) (CSP) is mandated to conduct civilian oversight of the police, while the [Interdependent \[sic\] Police Investigative Directorate](#) (IPID) is mandated to investigate complaints involving the police as well as any deaths that occur as a result of police action or while a person is in police custody. While the CSP and IPID are technically independent bodies, the effectiveness of each office has come into question due to inadequate funding and resources.

‘In addition to the CSP and IPID, various other mechanisms exist to conduct oversight of the police, including the South African Human Rights Commission, which is mandated to investigate allegations of human rights violations, as well as the Public Protector, which is mandated to investigate allegations involving corruption by state agencies. Further, there are a various number of non-governmental organisations working on issues

⁸⁰ Freedom House, ‘Freedom in the World 2020’, South Africa, 2020, [url](#).

⁸¹ USSD, 2019 Human Rights Report, South Africa (section 1c), 11 March 2020, [url](#).

relating to the police, which play an integral role in conducting external oversight of its members.’⁸²

11.5.2 The USSD 2018 Human Rights Report stated:

‘Civilian authorities maintained effective control over the security forces, and the government had effective mechanisms to investigate and punish abuse. The government investigated and prosecuted security force members who committed abuses, although there were numerous reports of police impunity, including of high-ranking members. IPID investigates complaints and makes recommendations to SAPS and to the National Prosecution Authority (NPA) on which cases to prosecute. IPID examines all SAPS killings and evaluates whether they occurred in the line of duty and if they were justifiable. IPID also investigates cases of police abuse, although it was unable to fulfill its mandate due to inadequate cooperation by police, lack of investigative capacity, and other factors. When it did complete investigations, the NPA often declined to prosecute cases involving criminal actions by police and rarely obtained convictions. In cases in which IPID recommended disciplinary action, SAPS often failed to follow IPID disciplinary recommendations.

‘The law provides IPID with additional enforcement powers and requires SAPS and metropolitan police departments to report any suspected legal violations by their own officers to IPID. The law criminalizes the failure to report wrongdoing; from April 2017 to April 2018 IPID recorded 69 cases in which SAPS or metropolitan police departments failed to report wrongdoing to IPID.’⁸³

11.5.3 The Al-Jazeera article, S Africa court issues orders to end police abuse during lockdown, dated 17 May 2020, stated: ‘Human rights groups and experts have welcomed a series of orders issued by a South African court that compel authorities to prevent police and army brutality during the enforcement of a lockdown meant to curb the spread of coronavirus.’⁸⁴

For more information about IPID’s functions and investigations see [IPID](#), and for more information about the police, see [South African Police Service Annual Report 2018/19](#).

[Back to Contents](#)

⁸² APCOF, ‘South African Police Service’, (n.d), [url](#).

⁸³ USSD, 2018 Human Rights Report (section 1d), South Africa, 13 March 2019, [url](#).

⁸⁴ Al-Jazeera, ‘S Africa court issues orders to end police abuse during lockdown’, 17 May 2020, [url](#).

12. Prison system

12.1 Prison conditions

12.1.1 The Prison Insider website stated:

‘High overcrowding rates undermine living conditions. Some cells house two or three times the number of inmates they are designed to hold. Detainees do not have access to proper medical attention. Only a small percentage of prisoners have access to education, work, sports or to the library.

‘Violence and ill-treatment are common during arrest and while in prison. Gang culture is very present in South Africa and therefore reflects behind bars. Sexual abuse is a common phenomenon and it is linked to overcrowding rates and understaffing.’⁸⁵

12.1.2 The Prison Insider website also stated:

‘Most inmates are held in collective cells. The cells often hold two or three times the number of inmates for which they were designed. It was reported, in 2015, that over 60 people shared a collective cell with only 24 beds in Pollsmoor Prison.

‘Single cells are also available, but they frequently house two or three inmates. They tend to be reserved for:

- inmates considered to be at risk in collective cells: gay, bisexual and transgender
- former police officers or Department of Correctional Services officials
- students or inmates very involved in sports
- aggressive inmates.

‘Toilets are often not separated from the rest of the cell. They are placed at the entrance of the cell and some cells do not include toilets. Toilets and bathrooms are often close to sleeping and eating areas.

‘Living conditions for remand inmates are frequently worse than those for sentenced ones. Remand prisoners, in Pollsmoor Prison, have to share mattresses or sleep on the floor.

‘The social climate in the cells varies considerably. Each cell has a power structure and is led by inmate cell monitors, often referred to as “cell cleaners” – who may rule the cell by winning genuine respect and cooperation from fellow inmates, or alternatively, by generating fear, potentially in cahoots with, or as part of, gangsterism.’⁸⁶

12.1.3 The USSD 2019 Human Rights Report stated:

‘Prison conditions were harsh due to overcrowding, poor sanitation, inadequate medical care, disease (particularly tuberculosis), inmate-on-inmate rape, and physical abuse, including torture.

⁸⁵ Prison Insider, ‘South Africa’, (n.d), [url](#).

⁸⁶ Prison Insider, ‘South Africa’, (n.d), [url](#).

'Physical Conditions: According to civil society groups, gross overcrowding of prisons was a problem. In September the Department of Correction Services (DCS) deputy commissioner told a parliamentary committee the country had approximately 43,000 more inmates than beds in correctional facilities. According to DCS staff, 77 of the country's 243 facilities exceeded capacity by more than 150 percent. The Department of Correctional Services Annual Report 2017/18 noted many prisoners had less than 13 square feet each in which to eat, sleep, and spend 23 hours a day. The report noted prisons held 121 individuals younger than 18...

'From April 1, 2017, through March 31, 2018, the [Judicial Inspectorate of Correctional Services](#) (JICS) received 231 complaints of assaults on prisoners by correctional officers. Media and NGOs continued to report instances in which prisoners were seriously abused.

'There were reports of shortages of prison doctors, inadequate investigation and documentation of prisoner deaths, inadequate monitoring of the prison population, and high suicide rates among prisoners. The DCS required doctors to complete and sign reports of inmate deaths to lessen the likelihood a death caused by neglect would be reported as a result of natural causes. Nevertheless, the DCS failed to investigate many deaths due to an insufficient number of doctors.'⁸⁷

12.1.4 The USSD 2019 Human Rights Report stated:

'According to JICS, there were 569 prison deaths from April 1, 2017, through March 31, 2018, a 55 percent decrease from the prior 12 months. Natural causes accounted for 487 deaths, a 5 percent decline from the prior 12 months. The JICS report drew a correlation between overcrowding and deaths, noting less crowded conditions would likely result in a decrease of deaths from natural causes. Inmate violence sometimes resulted in deaths...

'General health care in prisons was inadequate. In 2018 a total of 7,574 inmates filed health-care complaints. Prisons provided inmates with potable water, but supplies and food were occasionally inadequate, and sanitation was poor, according to JICS. Prisons provided detainees in cells with felt mattresses and blankets. Most cells had toilets and basins but often lacked chairs, adequate light, and ventilation. Food, sanitation, and medical care in detention centers were similar to those in prisons.

'NGOs reported some mentally ill inmates who had committed no crime or other infraction were incarcerated instead of being put in a mental health facility. They also were often denied medical services. According to the Commission for Gender Equality, some mentally ill female prisoners were straitjacketed and kept in solitary confinement.

'In 2017 Lawyers for Human Rights and Doctors without Borders filed a complaint with the health ombudsman regarding conditions at the Lindela Repatriation Center, the country's largest immigrant detention facility. The complaint stated detainees were subject to physical and verbal abuse, corruption and demands for bribes, insufficient food, lack of reading and writing materials, lack of access to recreational facilities or telephones, lack

⁸⁷ USSD, 2019 Human Rights Report, South Africa (section 1c), 11 March 2020, [url](#).

of access to and poor quality of medical care, indefinite detention without judicial review, and lack of procedural safeguards such as legal guidelines governing long-term detention. The health ombudsman had not responded to the complaint by year's end.

'Administration: Authorities did not always conduct proper investigations of credible allegations of mistreatment. In 2018 JICS recommended the DCS establish an ombudsman to address juvenile confinement and improve procedures to make confinement unnecessary, but the DCS had not implemented the change by year's end.'⁸⁸

[Back to Contents](#)

12.2 Independent monitoring and improvements

12.2.1 The USSD 2019 Human Rights Report stated:

'Independent Monitoring: The government usually permitted independent monitoring of prison conditions, including visits by the International Committee of the Red Cross.

'Improvements: According to the Department of Justice, the government reduced overcrowding during the year by converting prison sentences to community correctional supervision, paroling prisoners, and distributing inmates among correctional centers.'⁸⁹

[Back to Contents](#)

12.3 Organisation of the prison system

12.3.1 The Prison Insider website stated:

'The [Ministry of Justice](#) is responsible through the Department of Correctional Services (DCS) for the correctional centres and the incarceration of remand detainees held in its facilities.

'Two correctional centres are run by a public-private partnership (PPP): Kutama Sinthumule Correctional Centre is run by the American private corrections' company GEO Group, Mangaung Correctional Centre is run by the British security company G4S...

'Prison facilities are classified according to four types of security levels:

- super-maximum
- maximum
- medium
- minimum

'Inmates are separated according to their escape probability risk and the time they serve in prison. People serving longer than twenty years are held in the maximum facility for five years before being considered for

⁸⁸ USSD, 2019 Human Rights Report, South Africa (section 1c), 11 March 2020, [url](#).

⁸⁹ USSD, 2019 Human Rights Report, South Africa (section 1c), 11 March 2020, [url](#).

reclassification. Other inmates can be considered for reclassification after a 6-months period.’⁹⁰

12.3.2 The Prison Insider website also stated:

‘South Africa’s prison population has been increasing since 2016, after six years of decline. The prison population rate –286 prisoners per 100,000 inhabitants– remains high but has considerably decreased since 2004, when it stood at 403 prisoners per 100,000 inhabitants...

‘South Africa has two super-maximum security prisons: C-Max, in Pretoria, and Ebongweni, in Kokstad. The second one is considered to be the biggest super-max prison in the world, with 1,440 places.

‘The prison system also includes two privately-run prisons: the Kutama Sinthumule Correctional Centre is run by the American private corrections’ company GEO Group, and the Mangaung Correctional Centre is run by the British security company G4S. Allegations of torture, including electrocuting inmates, have been made against G4S prison workers in the past.’⁹¹

[Back to Contents](#)

12.4 Prison statistics

12.4.1 The World Prison Brief section on South Africa stated that the prison population total (including pre-trial detainees/remand prisoners) as of December 2019, was 163,015. The prison population rate was 275 per 100,000 of the total population as of December 2019. Female prisoners made up 2.6% of the total prison population (31 March 2019). The total number of prison/detention facilities was 235 as of 2019. The official prison population capacity was 118,572 on 31 March 2019 and the occupancy level of the prison system was 137.4% (based on official capacity)⁹².

[Back to Contents](#)

Section 13 updated: 23 July 2020

13. Judicial system

13.1 Courts structure

13.1.1 Section 166 of the South African constitution deals with the [judicial system](#) and established the following courts:

- [The Constitutional Court](#);
- [The Supreme Court of Appeal](#);
- The High Courts, including any high court of appeal that may be established by an Act of Parliament to hear appeals from High Courts;
- The Magistrates' Courts; and

⁹⁰ Prison Insider, ‘South Africa’, The system organisation, (n.d), [url](#).

⁹¹ Prison Insider, ‘South Africa’, Daily Life, (n.d), [url](#).

⁹² World Prison Brief, ‘World Prison Brief Data - South Africa’, (n.d), [url](#).

- Any other court established or recognised in terms of an Act of Parliament, including any court of a status similar to either the High Courts or the Magistrates' Courts⁹³.

13.1.2 The Constitutional Court is the highest court on constitutional matters. The Supreme Court of Appeal only deals with cases sent to it from the High Court. These courts only consider cases of a serious nature that would not be dealt with by the lower courts. Magistrates' courts are the lower courts which deal with less serious criminal and civil cases. They are divided into regional courts and district courts. Criminal Courts are divided into two groups - regional magistrates' courts, which only deal with criminal cases; and ordinary magistrates' courts (also called district courts), which deal with criminal and civil cases⁹⁴.

[Back to Contents](#)

13.2 Independence

13.2.1 The USSD 2019 Human Rights Report stated: 'The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.'⁹⁵

13.2.2 The Freedom House Freedom in the World 2020 report, commenting on events in 2019, stated:

'The constitution guarantees judicial independence, and courts operate with substantial autonomy in practice...The Judicial Services Commission recommends to the president the appointment of Constitutional Court judges based on both merit and efforts to racially diversify the judiciary...

'Prosecutorial independence in South Africa was undermined in recent years, with the NPA experiencing a string of politically motivated appointments and ousters. However, President Ramaphosa appointed a new NPA head in 2018, who has worked to reform the institution.'⁹⁶

13.2.3 The Bertelsmann Stiftung Transformation Index (BTI) 2020 South Africa Country Report stated:

'The South African judiciary, with the Constitutional Court at its apex, remains independent and has on a number of occasions ruled against the government. The Constitutional Court has not shirked in its duty to overturn legislation that has been found to be inconsistent with the constitution, government appointments that do not comply with due requirements, and on occasion has reprimanded parliament for failing in its oversight responsibility. Unfortunately, the weakened capacity of the National Prosecuting Authority (NPA), resulting from poor appointments by the Zuma administration and a general failure by the public to distinguish between it and the judiciary, has had an impact on public perception of the latter.'⁹⁷

See [Legal Aid South Africa](#) for information about access to legal aid.

⁹³ The South African Judiciary, 'The South African Judicial System', (n.d), [url](#).

⁹⁴ The South African Judiciary, 'The South African Judicial System', (n.d), [url](#).

⁹⁵ USSD, 2019 Human Rights Report, South Africa (section 1e), 11 March 2020, [url](#).

⁹⁶ Freedom House, 'Freedom in the World 2020', South Africa, 2020, [url](#).

⁹⁷ BTI, South Africa Country Report, 2020, [url](#).

[Back to Contents](#)

13.3 Effectiveness

- 13.3.1 The Freedom House Freedom in the World 2020 report, commenting on events in 2019, stated: ‘Shortages of judicial staff and financial resources undermine defendants’ procedural rights, including the right to a timely trial and state-funded legal counsel. Many detainees wait months for their trials to begin, and some are held beyond the legal maximum of two years.’⁹⁸

See also [South African Judiciary Annual Reports](#) and [SA's courts record high conviction rate](#).

[Back to Contents](#)

Section 14 updated: 22 May 2020

14. Freedom of movement

- 14.1.1 The USSD 2019 Human Rights Report stated: ‘The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.’⁹⁹

- 14.1.2 The Organisation for Economic Cooperation and Development (OECD) Social Institutions and Gender Index (SIGI) 2019 stated:

‘Since 1994 all South Africans have had access to the right to freedom of movement, the right to leave the republic, the right to remain in and reside in the republic, and the right to a passport (The Constitution of South Africa, Act 108 of 1996, Chapter 2 (21)). All South African citizens over 16 are able to apply for an identity card (South African Identification Act, Act 68 of 1997, Section 14), and all South Africans of any age are entitled to a passport (The Constitution of the Republic of South Africa, Section 21 (4)).’¹⁰⁰

- 14.1.3 The Freedom House Freedom in the World 2020 report stated: ‘While there are no official restrictions on housing, employment, or freedom of movement for most South Africans, travel and some other personal freedoms are inhibited by the country’s high crime rate. For many foreigners, the threat of xenophobic violence impedes freedom of movement as well. The legacy of apartheid continues to segregate the population and restrict nonwhite opportunity for employment and education.’¹⁰¹

[Back to Contents](#)

Section 15 updated: 22 May 2020

15. Political rights

- 15.1.1 The USSD 2019 Human Rights Report also stated:

‘The constitution and law provide for freedom of assembly and association, and the government generally respected these rights. Nevertheless, NGOs reported many municipalities continued to require protest organizers to

⁹⁸ Freedom House, ‘Freedom in the World 2020’, South Africa, 2020, [url](#).

⁹⁹ USSD, 2019 Human Rights Report, South Africa (section 2d), 11 March 2020, [url](#).

¹⁰⁰ OECD, SIGI 2019, South Africa, 2019, [url](#).

¹⁰¹ Freedom House, ‘Freedom in the World 2020’, South Africa, 2020, [url](#).

provide advance written notice before staging gatherings or demonstrations...

'In prior years protest organizers could be legally required to notify local authorities before staging gatherings or demonstrations. In November 2018 the Constitutional Court ruled unanimously against this requirement.'¹⁰²

- 15.1.2 The USSD 2019 Human Rights Report further stated: 'The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.'¹⁰³

- 15.1.3 The Freedom House Freedom in the World 2020 report stated:

'The ANC, which is part of a tripartite governing alliance with the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP), has won every national election since 1994. Nevertheless, the political environment is generally free from formal constraints, and opposition parties have gained ground in recent elections...

'The constitution prohibits discrimination and provides full political rights for all adult citizens. Women are well represented in government, holding 47 percent of National Assembly and 2 of 9 provincial premierships. South Africa has one of the world's most liberal legal environments for LGBT+ people. However, discrimination and the threat of violence can discourage LGBT+ people from political participation in practice.'¹⁰⁴

[Back to Contents](#)

Section 16 updated: 20 May 2020

16. Sexual orientation, gender identity and expression

16.1 Legal rights

- 16.1.1 Same-sex sexual activity between men was prohibited until 1994, when the age of sexual consent was set at 19 for all same-sex sexual activity, regardless of gender. In May 1996, South Africa became the first country in the world to provide constitutional protection to LGBT people, by making discrimination on race, gender, sexual orientation and other grounds, illegal. In 2006, same-sex marriage became legalised¹⁰⁵.

[Back to Contents](#)

16.2 State treatment

- 16.2.1 The Amnesty International Report 2017/18 stated:

'On 6 September [2017], the Western Cape High Court ruled that the refusal by the Department of Home Affairs to allow transgender people who had transitioned after they got married to change the gender markers on their official documents infringed couples' rights to equality and human dignity. The Department of Home Affairs previously required transgender couples to

¹⁰² USSD, 2019 Human Rights Report, South Africa (section 2b), 11 March 2020, [url](#).

¹⁰³ USSD, 2019 Human Rights Report, South Africa (section 3), 11 March 2020, [url](#).

¹⁰⁴ Freedom House, 'Freedom in the World 2020', South Africa, 2020, [url](#).

¹⁰⁵ Pink News, 'What is happening to LGBT+ rights in South Africa?', 9 February 2018, [url](#).

get divorced before their gender markers could be changed on their official documents.’¹⁰⁶

16.2.2 The USSD 2019 Human Rights Report stated:

‘The constitution prohibits discrimination based on sexual orientation. The law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, nationality laws, and access to government services such as health care. In March the High Court of Gauteng ruled that the Dutch Methodist Church’s ban on solemnizing same-sex marriages was unconstitutional.

‘Despite government policies prohibiting discrimination, there were reports of official mistreatment or discrimination based on sexual orientation or gender identity. For example, there were reports of security force members raping LGBTI individuals during arrest. A 2018 University of Cape Town report underscored violence and discrimination, particularly against lesbians and transgender. The report documented cases of “secondary victimization” of lesbians, including cases in which police harassed, ridiculed, and assaulted victims of sexual violence and gender-based violence who reported abuse. LGBTI individuals were particularly vulnerable to violent crime due to anti-LGBTI attitudes within the community and among police. Anti-LGBTI attitudes of junior members of SAPS affected how they handled complaints by LGBTI individuals.’¹⁰⁷

[Back to Contents](#)

16.3 Societal treatment and discrimination

16.3.1 The Amnesty International Report 2017/18 stated:

‘LGBTI people continued to face harassment, discrimination and violence.

‘On 4 April [2017], the burned body of Matiietso Alleta Smous, a lesbian woman, was discovered in Kroonstad, Free State province. An eyewitness said she was raped, stabbed in the chest, and then burned to death. Three suspects were arrested on 5 April and released later that month due to insufficient evidence against them. An investigation into the murder was ongoing at the end of the year.

‘On 15 May [2017], the body of Lerato Moloi, a lesbian woman, was found in a field in Soweto, Gauteng province. The postmortem examination showed that she had been raped and stabbed in the neck. Two suspects were arrested in May. The National Prosecuting Authority referred the case to the Johannesburg High Court.

‘On 11 August [2017], the Potchefstroom High Court sentenced David Shomolekae to life imprisonment for strangling Lesley Makousa, a 16-year-old gay student, to death in August 2016. David Shomolekae was found guilty of murder, robbery and housebreaking.’¹⁰⁸

¹⁰⁶ Amnesty International Report 2017/18, ‘South Africa’, 2018, [url](#).

¹⁰⁷ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

¹⁰⁸ Amnesty International Report 2017/18, ‘South Africa’, 2018, [url](#).

- 16.3.2 The Freedom House Freedom in the World 2020 report stated: ‘There are frequent reports of physical attacks against LGBT+ people, including instances of so-called corrective rape, in which men rape lesbians, claiming that the action can change the victim’s sexual orientation.’ ¹⁰⁹
- 16.3.3 See also [Still no arrests in actor’s homophobic hate crime mob attack](#), and [Gay teacher brutally beaten and threatened with a knife by student’s parent in traumatising attack](#), for details of attacks on gay men in South Africa.

[Back to Contents](#)

Section 17 updated: 24 July 2020

17. Women

17.1 Discrimination

- 17.1.1 The Organisation for Economic Cooperation and Development (OECD) Social Institutions and Gender Index (SIGI) 2019, based on a range of sources, stated: ‘The Constitution prohibits discrimination on the grounds of sex, gender, and marital status, and equality under the law (Section 9). Women’s testimony thus holds equal weight as men’s in civil and criminal proceedings, and other legal matters.’ ¹¹⁰
- 17.1.2 The OECD SIGI 2019 also stated: ‘Women have the same rights as men to confer nationality onto their children at birth... There is little evidence of discrimination against women in terms of accessing nationality or changing nationality, and discrimination the grounds of gender or marital status are prohibited in terms of the Constitution (Chapter 2, Section 9) and the Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000). Neither the CEDAW Committee Report nor CEDAW shadow reports make reference to evidence of discriminatory practices.’ ¹¹¹
- 17.1.3 The USSD 2019 Human Rights Report stated:
- ‘Discrimination against women remained a serious problem despite legal equality in family, labor, property, inheritance, nationality, divorce, and child custody matters. Women experienced economic discrimination in wages, extension of credit, and ownership of land.
- ‘Traditional patrilineal authorities, such as a chief or a council of elders, administered many rural areas. Some traditional authorities refused to grant land tenure to women, a precondition for access to housing subsidies. Women could challenge traditional land tenure decisions in courts, but access to legal counsel was costly.
- ‘According to the Employment Equity Amendment Act, any difference in the terms or conditions of employment among employees of the same employer performing the same, substantially similar, or equal value work constitutes discrimination. The act expressly prohibits unequal pay for work of equal value and discriminatory practices, including separate pension funds for different groups in a company.’ ¹¹²

¹⁰⁹ Freedom House, ‘Freedom in the World 2020’, South Africa, 2020, [url](#).

¹¹⁰ OECD, SIGI 2019, South Africa, 2019, [url](#).

¹¹¹ OECD, SIGI 2019, South Africa, 2019, [url](#).

¹¹² USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

17.2 Forced marriage

17.2.1 An article, dated 1 December 2016, published on the Go Legal (South African) website stated:

‘The act of a man abducting a girl or young woman for the purposes of conducting a forced marriage was yesterday declared to be a criminal offence and has been incorporated into the Trafficking in Persons Act...

‘The practice of “Ukuthwala” as it is known in the Eastern Cape and Kwazulu Natal occurs mostly in rural parts of South Africa. Tolerance of forced marriage has long been a source of reinforcement for oppressive patriarchal social customs which disempower females, deprive them of their freedoms and rob them of their dignity. Girls as young as twelve may be forced into marriage, often with the consent or support of their parents who are tempted by the prospect of lobolo.

‘Ukuthwala is often associated with numerous other offences ranging from kidnapping, rape, sexist exploitation and human trafficking, to a general denial of woman’s rights and the rights to equality. It is in clear violation of the South African Constitution which puts gender equality and the best interests of the child as a top priority...

‘Perpetrators, parents and community members who aid, support or participate in forced marriage rituals could now face criminal prosecution under the Trafficking in Persons Act and can no longer hide behind antiquated customs. The decision to prioritise inalienable human rights above oppressive cultural liberties indicates an important realisation that culture must evolve to reflect and support the spirit of the times that we live in.’¹¹³

17.2.2 The OECD SIGI 2019 stated: ‘Forced marriages are legally prohibited. The legal definitions do not explicitly define forced marriage, however under the Recognition of Customary Marriages Act (Act 120 of 1998, Section 3(1)(a)(ii)), and the Civil Union Act (Section 8 (6)), the consent of both partners is required for a marriage to be entered into.’¹¹⁴

17.2.3 The USSD 2019 Human Rights Report stated: ‘By law parental or judicial consent to marry is required for individuals younger than 18. Nevertheless, ukuthwala, the practice of abducting girls as young as 14 and forcing them into marriage, occurred in remote villages in Western Cape, Eastern Cape, and KwaZulu-Natal Provinces. The law prohibits nonconsensual ukuthwala and classifies it as a trafficking offense.’¹¹⁵

See also [Girls Not Brides – South Africa](#).

17.3 Sexual and gender-based violence

17.3.1 The USSD 2019 Human Rights Report stated:

¹¹³ Go Legal, ‘Forced marriage through Ukuthwala is now a criminal offence’, 1 December 2016, [url](#).

¹¹⁴ OECD, SIGI 2019, South Africa, 2019, [url](#).

¹¹⁵ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

'In most cases of rape and domestic violence, attackers were acquaintances or family members of the victim that, together with societal attitudes, contributed to a reluctance to press charges. There were numerous reported abuses similar to the following example. In August a postal worker attacked, raped, and killed a 19 year-old woman in a post office after it was closed. The postal worker had previously been convicted of armed robbery and had been accused of raping another woman. He was convicted of rape and murder and sentenced to three consecutive terms of life in prison...

'Domestic violence was pervasive and included physical, sexual, emotional, and verbal abuse, as well as harassment and stalking.'¹¹⁶

17.3.2 The Africa Check (NGO) website noted in April 2020:

'High rates of gender-based violence are a huge concern for South Africa...

'The police recorded 179,683 contact crimes against women in the 2018/19 financial year, in the country's most recent crime statistics. Of these, 82,728 were cases of common assault and 54,142 were assault with the intent to cause grievous bodily harm.

'In that year, 2,771 women were murdered, with a further 3,445 attempted murders. The police do not provide data on motives for these murders.

'There were 36,597 recorded cases of sexual offences against women. This is a broad crime category that includes rape, attempted rape, sexual assault and contact sexual offences.'¹¹⁷

17.3.3 The Amnesty International 2019 Report on South Africa noted:

'Gender-based violence continued to soar in the country, including the killing of University of Cape Town student Uyinene Mrwetyana in late August. Mrwetyana was allegedly killed by a 42-year-old male post office worker at the Clareinch branch in Cape Town. The suspect lured her into the post office building after working hours under the pretence of helping her to collect a parcel. The man was arrested after he confessed to the murder and faced charges of rape, murder and defeating the ends of justice. He was convicted and sentenced to life for murder, two life sentences on both counts of rape, and five years for defeating the ends of justice on 15 November...

'A number of killings and disappearances of women in various parts of the country were reported in the media after Mrwetyana's killing, demonstrating the scale of the problem in the country.'¹¹⁸

[Back to Contents](#)

17.4 Sexual harassment

17.4.1 The USSD 2019 Human Rights Report stated:

'Although prohibited by law, sexual harassment remained a widespread problem. Sexual harassment is a criminal offense for which conviction includes fines and sentences of up to five years' imprisonment.

¹¹⁶ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

¹¹⁷ Africa Check, 'South African police record 2,300 gender-based violence...', 9 April 2020, [url](#).

¹¹⁸ Amnesty International, 'South Africa 2019', 2020, [url](#).

‘Enforcement against workplace harassment is initially left to employers to address as part of internal disciplinary procedures. The Department of Labor issued guidelines to employers on how to handle workplace complaints that allow for remuneration of a victim’s lost compensation plus interest, additional damages, legal fees, and dismissal of the perpetrator in some circumstances.

‘NGOs reported widespread sexual harassment of women in the major political parties. There were numerous reported abuses similar to the following example. Based upon allegations of sexual harassment and rape, in February the ANC suspended the party’s official spokesperson, Pule Mabe, and one of its acting spokespersons (and head of the presidency within the party) Zizi Kodwa. Only two of the seven major parties have policies against sexual harassment.’¹¹⁹

[Back to Contents](#)

17.5 Societal treatment and discrimination

17.5.1 The Organisation for Economic Cooperation and Development (OECD) Social Institutions and Gender Index (SIGI) 2019 stated:

‘Sexual harassment is prohibited under several pieces of legislation in South Africa, including the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) (Act 4 of 2000) and the Protection from Harassment Act (Act 17 of 2011). Harassment is prohibited in all public and private spaces, and is defined as a form of unfair discrimination (Department of Labour Code of Good Practice for Handling Sexual Harassment in the Workplace, 2005).

‘The Protection from Harassment Act also extends protection to online spaces, and prohibits cyber harassment. When a victim of harassment applies for a protection order and granted, and where a breach occurs, offenders may be fined or subject to imprisonment for not longer than five years. Where private data is revealed via cyber harassment, offenders may be fined or subject to imprisonment for no longer than two years (The Protection from Harassment Act, Act 17 of 2011, Section 18). The Protection from Harassment Act also provides for fines to be issued to telecommunications service providers who have not provided the necessary information to the courts to investigate crimes of harassment (The Protection from Harassment Act, Act 17 of 2011, Section 18).

‘Although The South African Integrated Programme of Action Addressing Violence Against Women and Children notes sexual harassment as a challenge, it does not include strategies to address it. In March 2017 the South Africa Labour Appeals Court ruled that employers can be held liable for sexual harassment where they do not prevent harassment in the workplace or respond to complaints sufficiently (Polity, 2017).’¹²⁰

[Back to Contents](#)

¹¹⁹ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

¹²⁰ OECD, SIGI 2019, South Africa, 2019, [url](#).

17.6 State protection

17.6.1 The USSD 2019 Human Rights Report stated:

'The law criminalizes domestic violence and rape of men or women, including spousal rape, but the government did not effectively enforce the law. The minimum sentence for conviction of rape is 10 years' imprisonment. Under certain circumstances, such as second or third offenses, multiple rapes, gang rapes, or the rape of a minor or a person with disabilities, conviction requires a minimum sentence of life imprisonment, unless substantial and compelling circumstances exist to justify a lesser sentence. Perpetrators with previous rape convictions and perpetrators aware of being HIV positive at the time of the rape also face a minimum sentence of life imprisonment, unless substantial and compelling circumstances exist to justify a lesser sentence...

'According to the National Prosecuting Authority 2018-2019 Annual Report, the conviction rate for sexual offense crimes was 74.4 percent based on a sample of 4,716 cases that were "finalized" or investigated first as rape cases before being passed to the NPA and tried...Prosecutors chose not to prosecute many cases due to insufficient evidence. Inadequate police training, insufficient forensic lab capacity, a shortage of rape kits, and overburdened courts contributed to low prosecution and conviction rates.

'The Department of Justice operated 74 dedicated sexual offenses courts throughout the country...

'The NPA operated 55 rape management centers, or Thuthuzela Care Centers (TCCs). All TCCs were located at hospitals. Reports of sexual offenses received by TCCs increased 1.7 percent to 34,558 (64 percent of which were rape cases). The TCCs reported a conviction rate of 73.5 percent of rape cases tried...

'The government prosecuted domestic violence cases under laws governing rape, indecent assault, damage to property, and violating a protection order. The law requires police to protect victims from domestic violence, but police commanders did not always hold officers accountable. Conviction of violating a protection order is punishable by a prison sentence of up to five years, and up to 20 years' imprisonment if additional criminal charges apply. Penalties for conviction of domestic violence include fines and sentences of between two and five-years' imprisonment.

'The government financed shelters for abused women, but NGOs reported a shortage of such facilities, particularly in rural areas, and that women were sometimes turned away from shelters.'¹²¹

17.6.2 The Amnesty International Report 2017/18 stated:

'Over 39,000 cases of rape were reported to the police between April 2016 and March 2017, although such cases were believed to be grossly under-reported. In September [2017], the Medical Research Council stated that only 8.6% of rape cases opened by the police in 2012 had resulted in

¹²¹ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

convictions, citing a lack of resources and training for police officers, as well as failures to investigate the crimes and gather forensic evidence.’¹²²

17.6.3 The Freedom House Freedom in the World 2020 report stated:

‘Despite a robust legal framework criminalizing domestic violence and rape, both are grave problems. The South Africa Police Service (SAPS) reported 4,649 rapes during the 2018–19 reporting period...

‘Femicide is also a severe problem in South Africa, with nearly 3,000 women being murdered during the government’s 2018–2019 statistical reporting period; many were raped or sexually assaulted before their deaths. Several high-profile acts of violence against women occurred in 2019, including the August rape and murder of university student Uyinene Mrwetyana in Cape Town; these sparked nationwide protests in September. That same month, President Ramaphosa pledged to review legislation on sexual offenses, publish a national sexual offenders list, and launch a public education program on gender-based violence; this effort is scheduled to conclude in March 2020.’¹²³

17.6.4 The Amnesty International 2019 Report on South Africa noted:

‘The national Commission for Gender Equality (CGE), an independent constitutional institution, expressed concern in September at the impunity for perpetrators of Gender Based Violence (GBV) and femicide, citing a “general lack of decisive action by the state” and “long delays in prosecuting GBV cases”. The CGE called for the prioritization of such crimes within South Africa’s criminal justice system, and greater support for survivors of rape and GBV. However, civil society groups reported understaffing of Thuthuzela Care Centres, which are designated sites of medical, forensic, legal and counselling support for rape survivors, due to the failure of the government to fund the centres after the loss of international financial assistance. Members of Parliament reported shortages or stock-outs of rape kits at multiple police stations.’¹²⁴

[Back to Contents](#)

17.7 Support services provided by NGOs

17.7.1 A number of women’s NGOs are active in South Africa providing care and support services to vulnerable women, such as [Nonceba Shelter for Women](#) and [Women4Women](#)^{125 126 127}.

[Back to Contents](#)

Section 18 updated: 23 July 2020

¹²² Amnesty International ‘Report 2017/18’, South Africa, 2018, [url](#).

¹²³ Freedom House, ‘Freedom in the World 2020’, South Africa, 2020, [url](#).

¹²⁴ Amnesty International, ‘South Africa 2019’, 2020, [url](#).

¹²⁵ Nonceba Shelter for Women, homepage, (n.d), [url](#).

¹²⁶ Women4women, homepage, (n.d), [url](#).

¹²⁷ Daily Vox, ‘8 Organisations Fighting Gender-Based Violence’, 3 May 2018, [url](#).

18. Migrants

18.1 Prevalence of discrimination and violence

18.1.1 The BBC News report, South Africa: How common are xenophobic attacks?, dated 2 October 2019, stated:

‘The South African government does not collect data on attacks or threats against foreign nationals.

‘However, the African Centre for Migration & Society (ACMS) has monitored these attacks across South Africa since 1994. Its [Xenowatch tracker](#) collates media reports as well as information from activists, victims and observers.

‘Violent attacks peaked in 2008 and again in 2015.

‘Data for 2019 (to late September) already shows that the number of attacks is approaching the level of 2015...

‘In 2015, there were outbreaks of violence against non-South Africans, mostly in the cities of Durban and Johannesburg, which led to the deployment of the army to deter further unrest.’¹²⁸

18.1.2 The same article noted:

‘About 70% of foreigners in South Africa come from neighbouring Zimbabwe, Mozambique and Lesotho.

‘The remaining 30% is made up of people from Malawi, UK, Namibia, eSwatini, previously known as Swaziland, India and other countries.

‘There are an estimated 3.6 million migrants in the country, a spokesperson for South Africa's national statistics body told the BBC, out of an overall population of well over 50 million...

‘Gauteng province, which includes South Africa's largest city Johannesburg and the capital Pretoria, has the highest rate of violence against foreign nationals, followed by the Western Cape, according to the ACMS. KwaZulu-Natal, where Durban is situated, is third.

‘Attacks have mainly taken place in large cities, but they have also been reported in smaller towns and rural areas.

‘The violence is often triggered by local disputes, with migrants being accused of taking jobs away from South Africans.’¹²⁹

For details of violent attacks against black African foreigners that were reported in 2017 and 2018, see [Immigration and Refugee Board of Canada response to an information request](#), dated 30 April 2018.

18.1.3 The USSD 2019 Human Rights Report stated:

‘Refugee advocacy organizations stated police and immigration officials physically abused refugees and asylum seekers. Xenophobic violence was a continuing problem across the country, especially in Gauteng Province. In August and September, a spate of looting and violence in Johannesburg and Pretoria targeted foreign nationals, principally Nigerians and refugees from

¹²⁸ BBC News, ‘South Africa: How common are xenophobic attacks?’, 2 October 2019, [url](#).

¹²⁹ BBC News, ‘South Africa: How common are xenophobic attacks?’, 2 October 2019, [url](#).

Somalia, Ethiopia, and the Democratic Republic of the Congo. Those targeted often owned or managed small, informal grocery stores in economically marginalized areas that lacked government services. Police stated four individuals died and at least 27 suspects were arrested and charged with offenses ranging from disorderly conduct to illegal possession of firearms and homicide. By year's end no trial dates had been set.

'On social media immigrants were often blamed for increased crime and the loss of jobs and housing. The NGO Xenowatch reported 569 incidents of xenophobic violence occurred from January to August. According to researchers from the African Center for Migration and Society, perpetrators of crimes against foreign nationals were rarely prosecuted.'¹³⁰

18.1.4 The Amnesty International 2019 Report on South Africa stated:

'Deadly systematic xenophobic violence continued against refugees, asylum seekers and migrants, partly driven by years of impunity for past attacks and failures in the criminal justice system that have left this vulnerable group exposed and unprotected. The violence in August and September was one of the longest since 2008 and resulted in the killing of 12 people, both locals and foreigners, and looting of shops mainly belonging to foreign nationals, as well as burning and destruction of their properties.

'The violence was sparked by locals blaming foreign nationals for illegal drug dealing and stealing their economic opportunities such as jobs and business opportunities.

'Businesses belonging to Nigerians and other foreign nationals were targeted in two cities, Johannesburg and Pretoria, with stock and possessions worth millions burnt to ashes. The violence escalated dramatically during the first week of September following confrontations between locals and foreigners, marked by horrific attacks and killings.'¹³¹

[Back to Contents](#)

18.2 State response to xenophobic violence

18.2.1 The USSD 2019 Human Rights Report stated:

'The government sometimes responded quickly and decisively to xenophobic incidents, sending police and soldiers into affected communities to quell violence and restore order, but responses were sporadic and often slow and inadequate. Civil society organizations criticized the government for failing to address the causes of violence, for not facilitating opportunities for conflict resolution in affected communities, for failing to protect the property or livelihoods of foreign nationals, and for failing to deter such attacks by vigorous investigation and prosecution of perpetrators.'¹³²

18.2.2 The Human Rights Watch (HRW) report, South Africa Launches Plan to Combat Xenophobia and Racism, dated 25 March 2019, stated:

'Today, South Africa launched its National Action Plan to combat xenophobia, racism, and discrimination, marking an important step towards

¹³⁰ USSD, 2019 Human Rights Report, South Africa (section 2f), 11 March 2020, [url](#).

¹³¹ Amnesty International, 'South Africa 2019', 2020, [url](#).

¹³² USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

addressing the widespread human rights abuses arising from xenophobic and gender-based violence and discrimination that continue to plague South Africa.

‘The five-year plan, developed in a consultative process between the government and civil society, aims to raise public awareness about anti-racism and equality measures, improve access to justice and better protection for victims, and increase anti-discrimination efforts to help achieve greater equality and justice.

‘But the Action Plan fails to address a key challenge fueling the problem: South Africa’s lack of accountability for xenophobic crimes. Virtually no one has been convicted for past outbreaks of xenophobic violence, including the Durban violence of April 2015 that displaced thousands of foreign nationals, and the 2008 attacks on foreigners, which resulted in the deaths of more than 60 people across the country.

‘To effectively combat xenophobia, the government and police need to publicly acknowledge attacks on foreign nationals and their property as xenophobic and take decisive action. This should include ensuring proper police investigations of xenophobic crimes and holding those responsible to account.’¹³³

18.2.3 The Human Rights Watch 2020 World Report noted:

‘On March 25 [2019], the government launched a National Action Plan to combat xenophobia, racism, and discrimination, marking an important step toward addressing the widespread human rights abuses arising from xenophobic and gender-based violence and discrimination that continue to plague South Africa.

‘The five-year plan, developed in consultation with civil society, aims to raise public awareness about anti-racism and equality measures, improve access to justice and better protection for victims, and increase anti-discrimination efforts to help achieve greater equality and justice.

‘But the Action Plan fails to address a key challenge fuelling the problem: the lack of accountability for xenophobic crimes.’¹³⁴

[Back to Contents](#)

18.3 State treatment of refugees

18.3.1 The USSD 2019 Human Rights Report stated:

‘The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. Nevertheless, refugee advocacy groups criticized the government’s processes for determining asylum and refugee status, citing large case backlogs, low approval rates, inadequate use of country-of-origin information, limited locations at which to request status, and corruption and abuse. Despite DHA anticorruption programs that punished officials found to be accepting bribes,

¹³³ HRW, ‘South Africa Launches Plan to Combat Xenophobia and Racism’, 25 March 2019, [url](#).

¹³⁴ Human Rights Watch, ‘World Report 2020’, South Africa, 14 January 2020, [url](#).

NGOs and asylum applicants reported immigration officials sought bribes from refugees seeking permits to remain in the country.

‘Access to Asylum: The law provides for the granting of asylum and refugee status, and the government has an established system for providing protection to refugees. According to local migrants’ rights organizations, the DHA rejected most refugee applications. According to civil society groups, the system lacked procedural safeguards for seeking protection and review for unaccompanied minors, trafficked victims, and victims of domestic violence. Government services strained to keep up with the caseload, and NGOs criticized the government’s implementation of the system as inadequate.

‘The DHA operated only four processing centers for asylum applications but refused to transfer cases among facilities. The DHA thus required asylum seekers to return to the office at which they were originally registered to renew asylum documents, which NGOs argued posed an undue hardship on those seeking asylum. NGOs reported asylum seekers sometimes waited in line for days to access the reception centers.

‘Employment: According to NGOs, refugees and asylum seekers were regularly denied employment due to their immigration status.

‘Access to Basic Services: Although the law provides for asylum seekers, migrants, and refugees to have access to basic services, including educational, police, and judicial services, NGOs stated health-care facilities and law enforcement personnel discriminated against them. Some refugees reported they could not access schooling for their children. They reported schools often refused to accept asylum documents as proof of residency. NGOs reported banks regularly denied services to refugees and asylum seekers because they lacked government-issued identification documents.’

135

[Back to Contents](#)

Section 19 updated: 29 July 2020

19. Race and ethnicity

19.1 Race relations

19.1.1 The World Elections article, Race, Ethnicity and Language in South Africa, dated 18 December 2018, stated:

‘Race is still deeply ingrained in the South African psyche and culture. Like in the United States, South Africa’s major cities remain largely racially segregated, with “black neighbourhoods” and “white neighbourhoods”. Interracial interaction, relationships and intermingling are far more common today than under apartheid, but many races still stick together and cultural activities are still tinted by race.

‘Apartheid’s racial categories, albeit recast on different names and referred to as “population groups”, are still officially used in statistical publications and census data..

¹³⁵ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

'Apartheid and its associated policies created a strict racial hierarchy whose effects are felt to this day. At the top of the social ladder was the white minority, which had formed the ruling class – politically, economically, socially and so forth – since European colonizers first arrived at the Cape. The large black majority was at the very bottom, forcibly segregated into underdeveloped rural 'reserves' or shunned to the outskirts of major cities in shantytowns, and denied any rights. The smaller Coloured and Indian groups faced systematic discrimination from the apartheid government as well, but they generally found themselves in an ever so slightly more favourable social position compared to the blacks...

'Since 1994, while the strict racial hierarchy is no more, its legacy is still clearly visible. In part, this is due to the policies of post-apartheid governments, which have generally been moderate and pragmatic in their dealings with the former white elite...Many critics have commented that the black majority has gained only incomplete control of the new South Africa; they hold political power but economic power still rests in white hands. However, various reports from several sources have shown that blacks have joined the ranks of the middle-class and business-owning elite. Furthermore, even if the black majority remains the poorest of South Africa's four racial groups, most blacks have seen a marked improvement in their living standards – without speaking of basic human rights.'¹³⁶

[Back to Contents](#)

19.2 Race-related discrimination

19.2.1 Based on a variety of sources, the Immigration and Refugee Board of Canada (IRBC) noted in September 2018:

'Sources indicate that white South Africans do not face any specific challenges or threats in society, "for example, in terms of access to employment, education, health or housing". In correspondence with the Research Directorate, the Vice-Chancellor of Witwatersrand University in Johannesburg, who is also a political science professor, explained that

'In terms of accessing public health care and public education, white South Africans face the same issues that black South Africans do. However, black South Africans are burdened more because of their access to resources. For example, black South Africans do not have the same resources as white South Africans to buy private health care...correspondence with the Research Directorate, a representative from AfriForum, a non-governmental "Afrikaner interest organisation and civil rights watchdog" that aims to "protec[t] the rights of minorities" (AfriForum n.d.), stated that there is "[n]o legislation...that specifically discriminates against white South Africans" in terms of health care (AfriForum 7 Sept. 2018).'¹³⁷

19.2.2 For further detail about the treatment of white South Africans, see the [IRBC response](#), dated 21 September 2018.

19.2.3 The Times Live (South Africa) report, Racism complaints by blacks are on the rise, with Gauteng the worst, dated 10 December 2018, stated:

¹³⁶ World Elections, 'Race, Ethnicity and Language in South Africa', 18 December 2018, [url](#).

¹³⁷ IRBC, 'South Africa: Situation of white South Africans, including...', 21 September 2018, [url](#).

‘Most of the complaints received by the SA Human Rights Commission (SAHRC) over the past year were race-related...

‘Speaking about equality-related rights violations, the commission's Alexandra Fitzgerald said the majority of complaints were related to allegations of racial discrimination against black South Africans.

‘Gauteng, according to the commission, had the most equality-related complaints, with 38% of recorded cases coming from the province - followed by the Western Cape at 15% and KwaZulu-Natal with 14%...

‘One of the cases was against estate agent Vicky Momberg, who was caught on camera hurling the k-word at black police officers and 10111 operators after she was the victim of a smash-and-grab robbery. She used the k-word more than 48 times. The clip went viral and Momberg was arrested.’¹³⁸

19.2.4 The Guardian report, *Why are South African cities still so segregated 25 years after apartheid?*, by Justice Malala, dated 21 October 2019, stated:

‘Johannesburg – like Cape Town, Durban, Port Elizabeth and other cities in South Africa – is visibly and traumatically segregated. These remain cities divided.

‘The rich of Johannesburg still live in the sumptuous northern suburbs, where the food at some restaurants is Michelin-star quality and house prices are eye-watering. These areas remain largely white, although that is changing at a glacial pace. The workers are in Soweto and Alexandra and other poor, crime-plagued black enclaves. It has always been this way with Johannesburg, and it remains pretty much as divided 25 years after apartheid collapsed and 29 years after Nelson Mandela walked out of prison... There is a reason for this glacial pace of change... The World Bank said in May 2018 that South Africa remains the most economically unequal country in the world. Poverty levels are highest among black people. Whites make up the majority of the elite or top 5% of the population. Hence the stubbornness of spatial segregation...

‘It doesn't mean that there is no change. In 2016 the government statistician published a series of maps that illustrate Johannesburg is the most integrated city out of its six major metros. Encouraging as that picture is, it is also problematic. The Johannesburg central business district has a high percentage of black African residents – but the past 20 years have been characterised by “white flight” into the northern suburbs.’¹³⁹

19.2.5 The USSD 2019 Human Rights Report also stated:

‘Incidents of racism continued. There were numerous reports of racially motivated abuses similar to the following examples. In June the Council on Medical Schemes launched an investigation into alleged discrimination against black and Indian medical professionals in the private health-care sector who stated that medical insurance companies denied payment of their medical-services claims on racial grounds. During the year the SABC [South African Broadcasting Corporation] revealed allegations that the FNB bank

¹³⁸ Times Live, ‘Racism complaints by blacks are on the rise...’, 10 December 2018, [url](#).

¹³⁹ The Guardian, ‘Why are South African cities still so segregated...’, 21 October 2019, [url](#).

charged black homebuyers up to 40 percent more for mortgages than they charged whites.

‘Some advocacy groups asserted white farmers were racially targeted for burglaries, home invasions, and killings, while many observers attributed the incidents to the country’s high and growing crime rate...According to SAPS National Crime Statistics 2018/2019, farm killings represented only 0.2 percent of all killings in the country (47 of 21,022).’ ¹⁴⁰

19.2.6 The Freedom House Freedom in the World 2020 report stated:

‘The constitution prohibits discrimination based on a range of categories, including race, sexual orientation, and culture. State bodies such as the South African Human Rights Commission (SAHRC) and the Office of the Public Protector are empowered to investigate and prosecute discrimination cases. Affirmative-action legislation has benefited previously disadvantaged racial groups in public and private employment as well as in education but racial imbalances in the workforce persist. White people, constituting a small minority, still own a majority of the country’s business assets. The indigenous, nomadic Khoikhoi and Khomani San peoples suffer from social and legal discrimination.’ ¹⁴¹

See also [South African Human Rights Commission Annual Trends Analysis Report 2016/17](#).

[Back to Contents](#)

¹⁴⁰ USSD, 2019 Human Rights Report, South Africa (section 6), 11 March 2020, [url](#).

¹⁴¹ Freedom House, ‘Freedom in the World 2020’, South Africa, 2020, [url](#).

Terms of reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned. For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Geography and demography
 - Key facts
 - Map
 - Population distribution, density and birth/death rate
 - Transport links
 - Languages
 - Ethnic groups
 - Religious demography
- Economy
- History
- Media, telecommunications, and internet coverage
- Political system, recent elections, and political freedom
- Citizenship and nationality
- Official documents
 - Registration of births, marriages and deaths
 - Birth certificates
 - Marriage certificates
 - Death certificates
 - National identity cards
 - Passports
 - Fraudulent documents
 - Permanent residence
- Corruption
- Healthcare
 - Overview
 - Organisation and personnel
 - Mental healthcare
- Key issues relating to protection claims

- Children
 - Education
 - Child labour
 - Child marriage
 - Violent and sexual abuse
 - FGM
 - Education
 - Support and care NGO services
- Criminal justice system
 - Police
 - Judiciary
 - The prison system and prison conditions
- Freedom of movement
- Sexual orientation, gender identity and expression
 - Legal rights
 - State treatment
 - Societal discrimination and treatment
- Women
 - Legal rights
 - Discrimination
 - Forced marriage
 - Sexual harassment
 - Sexual and gender-based violence (SGBV)
 - State protection for victims of SGBV
 - NGO support services
- Treatment of immigrants
- Treatment of refugees
- Race relations and racial inequalities

[Back to Contents](#)

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[Back to Contents](#)

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[Back to Contents](#)

Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **4 August 2020**

Changes from last version of this note

Updated information included.

[Back to Contents](#)