



PALAIS DES NATIONS – 1211, GENEVA 10, SWITZERLAND

17 July 2023

Madam,

I have the honour to refer to the fourth cycle review of South Africa by the Universal Periodic Review (UPR) Working Group at its 41st session in November 2022. The constructive engagement between your Government, my Office, and the UPR mechanism is warmly welcome. As the final outcome report on the review of South Africa was recently adopted by the Human Rights Council at its 52nd session, I have also taken note of the efforts of your Government to implement specific recommendations since the previous review.

A matrix of thematically clustered recommendations, starting with those supported by your Government, is available at OHCHR's website (<https://www.ohchr.org/en/hr-bodies/upr/za-index>), and should be considered as part of this letter. The matrix indicates the recommending State and links each recommendation to relevant Sustainable Development Goals (SDGs).

In annex, I have also attached my Office's observations in light of the outcome of the fourth cycle of the UPR. In line with previous practice, I will be sending similar observations to all Member States once their fourth cycle UPR outcome is adopted by the Human Rights Council, with a view to follow-up action in close cooperation with national entities and other stakeholders.

I take this opportunity to draw your attention to the support available through the Voluntary Fund for UPR Implementation, which may be activated at the request and with the consent of a concerned State, along with tools such as the "[UPR practical guidance](#)" and the "[UN good practices](#)" repository on how the UPR process supports sustainable development, with a view to facilitating efforts to implement UPR recommendations in line with the SDGs.

Please accept, Madam, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to be 'V. Türk', written in a cursive style.

Volker Türk

Her Excellency
Ms. Naledi Pandor
Minister for International Relations and Cooperation
of South Africa



Observations in light of the outcome of the fourth cycle of the Universal Periodic Review

The National Strategic Plan on Gender-Based Violence and Femicide is welcome as a step forward to comprehensively address domestic violence, stressing the need for its concrete implementation. The potential offered by the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance is also well noted, with the hope that it will lay a foundation for meaningful action, particularly regarding migrants, refugees, and asylum-seekers.

Concerns remain regarding the high number of remand detainees and overcrowding in detention places. Further efforts are also required to expedite legislative measures for setting up a national preventive mechanism on torture in full compliance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; as well as to ensure equal rights for LGBTIQ+ persons, and to eliminate discrimination and violence against women and girls, including harmful traditional practices and stereotypes.

The realization of economic, social and cultural rights has been hindered by external shocks – including the COVID-19 pandemic, the impacts of climate change such as severe flooding, and conflict-induced global food insecurity and cost-of-living crises – and continues to be impeded by the ongoing national energy crisis. Access to health services, employment, water, and food continues to be a challenge, and responses are urged in line with international human rights standards, as also enshrined in the Constitution, and targeting those most left behind. The Government is encouraged to focus in the coming years on expanded social security, land reform, and a national minimum wage; addressing corruption would ensure that any progress on these issues is not undermined.

South Africa is encouraged to develop an implementation plan in follow up to the UPR outcome, in close consultation and cooperation with all stakeholders, in particular the parliament, the judiciary, the national human rights institution, local and regional governments, and civil society organizations. The matrix may be of use in the development of such an implementation plan. The Government is encouraged to explicitly link each UPR recommendation to corresponding recommendations of other international or regional human rights mechanisms and to the relevant SDG and its targets. This will, in turn, facilitate the creation of synergies between UPR implementation and SDG related actions and reporting within the context of the Voluntary National Review (VNR).

The Government is also encouraged to continue efforts to establish a national mechanism for reporting and follow-up, with the aim of ensuring a coordinated and effective approach to reporting to international human rights mechanisms, and to implementing the recommendations, in line with the guidance provided by OHCHR



following regional consultations and the High Commissioner's report to the Human Rights Council ([A/HRC/50/64](#)).

Further, an important measure that can positively contribute to follow-up action is voluntary mid-term UPR reporting. All Member States are encouraged to submit a voluntary mid-term UPR report some two years after the adoption of the UPR outcome. In this regard, the Government of South Africa is encouraged to consider submitting a mid-term report on follow-up to the fourth cycle UPR recommendations by 2025, detailing both implementation efforts as well as challenges to implementation, including the possible need for technical or capacity-building assistance.

OHCHR
17 July 2023