

SOUTH AFRICA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

South Africa is a multiparty parliamentary democracy in which constitutional power is shared among the executive, judiciary, and parliament branches. In May 2014 the country held a largely free and fair election in which the ruling African National Congress (ANC) won 62.2 percent of the vote and 249 of 400 seats in the National Assembly, which re-elected Jacob Zuma to a second term as the country's president. Civilian authorities maintained effective control over the security forces.

Principal human rights problems included police use of lethal and excessive force, including torture; prison overcrowding and abuse of prisoners, including beatings and rape by prison guards; and vigilante and mob violence.

Other human rights problems included arbitrary arrest; prolonged pretrial detention and lengthy delays in trials; forcible dispersal of demonstrators; abuse of refugees and asylum seekers; corruption; pervasive violence against women and children; sexual harassment and societal discrimination against women; abuse of children; societal discrimination against persons with disabilities and the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community; trafficking in persons; attacks on foreigners; and child labor.

Although the government investigated and prosecuted officials who committed abuses, whether in the security services or elsewhere in the government, there were numerous reports of impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings.

Police use of lethal and excessive force, including torture, resulted in numerous deaths and injuries, according to the Independent Police Investigative Directorate (IPID), Amnesty International, and other nongovernmental organizations (NGOs). Politically motivated killings by ANC members and members of opposition political parties also occurred. The country had a high crime rate, and criminals

were often well armed. The government recorded 17,085 murders in the 12-month period ending March 31. The National Prosecuting Authority (NPA) did not publish statistics on the number of murderers prosecuted, but watchdog groups estimated the conviction rate for all crimes reported was as low as 10 percent.

According to the 2014-15 IPID annual report, 640 persons died in police custody or due to police action during the 12-month period ending March 31. IPID, which completed investigating only 55 percent of the cases by year's end, recommended prosecution in 42 of the 640 cases.

During the year IPID received 5,879 complaints ranging from killings to assault, recommended prosecution in 983 cases, and arrested 983 police officers. Of the cases recommended for prosecution, the NPA prosecuted 52 resulting in one guilty verdict, dropped 162, and left 765 pending at year's end. IPID referred 1,004 disciplinary cases to the South African Police Service (SAPS); 127 cases referred resulted in disciplinary action.

A death resulting from police action was defined as a death that occurred while a police officer attempted to arrest, prevent an escape, or defend himself/herself or another. It also covered collisions involving one or more SAPS or municipal police vehicles as well as mass actions where police officers were present. IPID did not track deaths resulting from torture, which it classified as murders. Watchdog groups noted deaths in custody often resulted from physical abuse combined with a lack of medical treatment or neglect (see section 1.c.).

On October 19, a Chinese Central Television Broadcasting Company camera crew in Krugersdorp, near Johannesburg, filmed three SAPS officers allegedly shooting and killing a disarmed and injured robbery suspect who was lying prone on the ground. On November 2, IPID arrested the three officers and a fourth who assisted in a cover-up of the incident. The three, who were denied bail, were charged with murder and defeating the ends of justice. The fourth was released on bail and charged with defeating the ends of justice. The trial continued at year's end.

In the 2014 alleged police assault during questioning of Aphiwe Zweni, who subsequently died of her injuries, IPID charged four of the six police officers implicated in her death with murder. The accused appeared once in court for a bail hearing and were awaiting trial at year's end.

On August 21, the High Court in Pretoria convicted all eight police officers accused of killing taxi driver Mido Macia in 2013 of murder and sentenced each to 15 years in prison.

In June the Farlam Commission of Inquiry Report into the SAPS killing of striking miners in Marikana, North West Province, was released (see section 7.a.).

During the year government officials and observers considered 11 killings to be politically motivated. Many more individuals survived attempted killings. According to press reports and party officials, since 2011 at least 49 ANC members, at least 27 members combined from the Inkatha Freedom Party (IFP) and National Freedom Party, and one member of the Agang SA party were killed in politically linked violence.

On March 8, for example, unknown assailants shot and killed one IFP member and injured another as they left the opening ceremony of an IFP branch at Jacob's Hostel in Durban. No suspects were arrested, but the case remained under investigation at year's end.

On October 17, police arrested a member of the National Freedom Party who they believed was linked to one or more politically motivated murders in 2014 at the Kwa Mashu hostel in Durban. The investigation continued at year's end.

Incidents of vigilante violence and mob killings occurred, particularly in Gauteng, Eastern Cape, and KwaZulu-Natal Provinces (see section 6).

Xenophobic attacks on foreign African migrants resulted in deaths, injuries, and displacement (see section 6).

Killings and other violent crimes against white farmers and, on occasion, their families, continued in rural areas (see section 6).

Ritual ("muthi") killings, to obtain body parts believed to enhance traditional medicine, persisted (see section 6).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, but police officers reportedly tortured, beat, raped, and otherwise abused suspects. Amnesty International corroborated cases of torture, including the use of electric shock and suffocation. Police also assaulted detainees with batons, fists, and booted feet. To force confessions, police sometimes moved a nonviolent suspect under interrogation into the cell of violent criminals. Police allegedly ignored activities in the cell as the violent criminals intimidated, beat, or raped the suspect, after which police continued the interrogation. Police torture and physical abuse allegedly occurred during house searches, arrests, interrogations, and detentions and sometimes resulted in death (see section 1.a).

On May 26, police allegedly abducted M.E. Sithebe from his home in Soweto for suspected involvement in a woman's disappearance. They allegedly took him to the Moroka Police Station in Soweto, where they assaulted and tortured him. They released him the following day, and he immediately filed a complaint with the station commander, who refused to open a case file. The victim subsequently filed suit against the minister of police through a private attorney, and the case continued at year's end.

On April 17, IPID arrested two police detectives from the Springs Detective Unit and charged them with torture, murder, and other crimes in connection with the alleged torture in 2013 of two car thieves.

The court convicted Nditsheni Nefolovhodwe and Ndaedzo Vele of the 2013 killing of Major General Tirhani Maswanganyi, despite defense objections that they confessed under torture. The two awaited sentencing at year's end.

According to IPID's 2014-15 annual report--which, like other government reports, covers events during the April 1, 2014 to March 31 fiscal year--reported assaults by police decreased from 3,916 cases in 2013-14 to 3,711 cases in 2014-15. Suspects in several cases were interrogated and assaulted while being detained by police, without any record of their arrest. In its 2014-15 annual report, IPID reported 145 torture cases, up from 78 cases the previous year. Qualitative studies by monitoring organizations found victims in many communities did not report police abuse due to a "normalization" or public acceptance of police torture and brutality.

In 2014-15, IPID received 124 complaints of rape by police officers. Of the 124 cases, 42 were against on-duty SAPS members, and the remaining 82 were against off-duty SAPS members. IPID received 34 complaints of rape from persons in police custody, of which 14 were against SAPS members and 20 were against other civilians in police custody.

On June 28, a police officer at the Linden Police Station in Johannesburg allegedly raped a woman detained overnight for fraud. IPID arrested the police officer, and a judge denied him bail. The investigation continued at year's end.

In the 2014 case of a police officer convicted of raping two teenaged boys during a period of four years, sometimes in the police station bathroom, a court sentenced the officer to 20 years' imprisonment as part of a plea deal.

IPID's investigation into the alleged 2012 police beatings and killings of striking mineworkers in Marikana continued. The Farlam Commission of Inquiry released its report in June (see section 7.a.).

Incidents of police harassment of foreigners continued, particularly during coordinated police raids in areas where foreign nationals resided. On April 28, for example, the government launched a coordinated law enforcement campaign using the Department of Home Affairs (DHA), SAPS, and the South African National Defense Force in response to xenophobic attacks across the country. Campaign "Operation Fiela," or "sweep out the dirt" in Sesotho, used the military domestically for the first time since 2008 to restore calm to areas hit by xenophobic violence, but it also supported raids on areas with high concentrations of foreign nationals. The raids resulted in the arrest of thousands of individuals, both foreign and South African, on charges ranging from not residing legally in the country to running an illegal business and murder. The government claimed the raids targeted all lawbreakers, but immigrant rights groups, such as the Coordinating Body of Refugee and Migrant Communities, claimed Operation Fiela unfairly targeted foreign nationals and encouraged the perception that migrants were responsible for the country's social ills.

Refugee and migration advocacy organizations received reports police confiscated immigration and identity documents of foreign nationals, threatened them with arrest on spurious charges, and forced them to pay bribes to secure release. This was most prevalent among individuals whose legal documentation was not renewed in a timely fashion, according to refugee advocacy organizations, including the Office of the UN High Commissioner for Refugees (UNHCR).

There were also reports police required bribes to protect the businesses of foreigners threatened by xenophobic violence.

Prison and Detention Center Conditions

According to the Department of Correctional Services (DCS), many of the 243 operational prisons did not meet international standards, and prison conditions did not always meet the country's minimum legal requirements.

Physical Conditions: Vincent Smith, chairperson of parliament's Portfolio Committee on Justice and Correctional Services, routinely criticized the DCS for "inhumane conditions not compatible with the country's constitution." Smith specifically cited the high number of juvenile detainees in the system, the setting of bail for persons with no assets, remand detention, poor medical treatment, prison overcrowding, and abuse of inmates.

As part of a commitment by judges to visit prisons annually, Constitutional Court Judge Edwin Cameron and his law clerks (magistrates) visited Pollsmoor Prison on April 23 and reported shock at the conditions. Key findings included: overcrowding by more than 300 percent in the pretrial section of the prison, resulting in "filthy and cramped conditions"; systemic plumbing problems that forced some prisoners to bathe in sinks; skin disease--including rashes, boils, and lice--resulting from poor medical care; and insufficient beds, forcing some prisoners to sleep three to a bed or on the floor. On September 19, a leptospirosis outbreak at Pollsmoor killed two inmates and forced wardens to relocate temporarily 4,100 prisoners. Officials believed a rat infestation spread the bacteria to the prisoners' food.

The Judicial Inspectorate of Correctional Services (JICS) received 3,152 complaints of assaults on prisoners by correctional officers for the 2014-15 reporting period. In addition to monitoring by its own employees, JICS appointed an Independent Correctional Center Visitor (ICCV) for each correctional center to monitor prison conditions. Authorities recorded and verified monthly ICCV visits in official registers kept at all correctional centers. The visitors submitted monthly reports to the inspecting judge, listing the number and duration of visits, the number of inmates interviewed, and the number and nature of inmate complaints. From April 2014 through March, visitors documented 195 formal complaints of assaults on prisoners by correctional officers. There were reports of shortages of prison doctors, inadequate investigation and documentation of prisoner deaths, inadequate monitoring of the prison population, high suicide rates among

prisoners, and a lack of financial independence for JICS. Some detainees awaiting trial contracted HIV/AIDS through rape.

Media and NGOs also reported prisoners were tortured. From April 2014 through March, JICS forwarded 62 reports of torture directly to its legal services office for review.

For example, prisoners at the Losperfontein Prison outside the town of Brits, North West Province, alleged they were tortured for several days after a prisoner escaped on July 12. The prisoners claimed wardens beat them with batons, doused them in water, shocked them with Tasers, and denied them medical attention. The wardens claimed violence between prisoners led to the injuries. Human rights groups filed a lawsuit against the DCS after seeing photos of the injuries.

On August 27, the Eastern Cape High Court in Port Elizabeth dismissed the 2014 class action lawsuit against wardens at St. Albans Prison in Port Elizabeth, Eastern Cape Province; the wardens were charged with torturing more than 100 inmates. The court rejected the grounds for class action, effectively reducing the case to a single complainant, a key witness, who the judge argued provided unreliable and conflicting testimony. The plaintiffs filed an appeal.

According to the 2014-15 DCS annual report, the country's correctional facilities held 159,563 prisoners in facilities designed to hold 119,134; the correctional system was 32 percent above capacity, up three percentage points from the previous year. Many prisoners had less than 13 square feet in which to eat, sleep, and spend 23 hours a day. To reduce overcrowding, the government transferred prisoners to facilities that were not at capacity. JICS reported the prisoner transfer program resulted in a reduction in the number of prisons considered "critically overcrowded" (prisoner population at more than 200 percent of capacity).

In some prisons, overcrowding and poor living conditions, including lack of ventilation, contributed to the spread of disease, particularly tuberculosis (TB). An NGO active in lobbying for prisoner rights called prisons a breeding ground for TB and a risk to public health because discharged prisoners infected their families. NGOs also considered prisons a major source of multidrug-resistant TB since prisoners did not, or could not, always comply with treatment procedures. The NGO also noted that doctors were sometimes only on site for consultations one day a week and dentists only one day every six weeks.

According to its 2014-15 annual report, DCS tested 99 percent of prisoners for HIV, dramatically improving testing over the previous year in which only 67 percent were tested. Prisons dispensed antiretroviral therapy, and 97 percent of HIV-positive prisoners received such therapy. In areas where prisons did not have medication, authorities took prisoners to local clinics to receive their medication. There were no HIV screening programs on intake or discharge of prisoners, but the DCS conducted HIV prevention programs in prisons, including condom distribution and awareness sessions. The DCS annual report noted HIV awareness sessions took place in prisons throughout the country. NGOs such as the Aurum Institute, Society for Family Health, and South Africa Partners provided correctional centers with HIV testing and antiretroviral therapy.

General health care in prisons remained problematic. A total of 57,175 inmates filed health-care complaints during the reporting year, compared with 52,647 in 2013-14. Prisons provided inmates with potable water, but supplies were occasionally inadequate, and plumbing problems occurred, according to JICS. There were reports of food shortages.

The 2014-15 JICS annual report noted 40,803 youth (defined as persons less than age 25) in prison, of whom 16,145 were in remand detention and 24,685 sentenced. Prisons sometimes held youth with adults, particularly in pretrial detention. Prisons generally held pretrial detainees with convicted prisoners, although in some large urban areas specific pretrial facilities were available.

According to the JICS report, there were 629 prison deaths during the 2014-15 reporting period (which tracks the April 1 to March 31 fiscal year), a decrease from the 634 deaths reported in the previous year. Of these, 583 were from natural causes, including HIV/AIDS; the remaining 46 deaths were the result of suicides, assaults, or accidents. The JICS report drew a correlation between deaths from natural causes and overcrowding, noting that less crowded conditions would likely result in a decrease of natural deaths. Inmate violence sometimes resulted in deaths.

The DCS requires medical doctors to complete and sign reports of inmate deaths to lessen the likelihood that a death caused by neglect is reported as “natural.” Nevertheless, the DCS failed to investigate many deaths due to an insufficient number of doctors.

Prisons provided all 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.

Prisoners with mental illness sometimes failed to receive psychiatric care.

Administration: NGOs accused the DCS of moving prisoners between facilities to prevent them from reporting abuse; the DCS countered the inmates were members of rival gangs and needed to be separated.

The DCS did not have an ombudsman to consider alternatives to incarceration for nonviolent offenders; status and circumstances of confinement of juvenile offenders; or improvement in pretrial detention, bail, and recordkeeping procedures to prevent prisoners from serving beyond maximum sentences for charged offenses. JICS, however, made recommendations on such topics in its reports.

Corruption among prison staff remained a problem (see section 4).

Independent Monitoring: The government permitted independent monitoring of prison conditions, including visits by human rights organizations, but organizations were required to apply for permission to gain access. Organizations could also request permission to visit prisons to conduct specific research. The government permitted International Committee of the Red Cross representatives to visit prisons on a case-by-case basis, but they visited only the Lindela Detention Facility during the year.

JICS was the primary monitoring group for prisons but was not autonomous because the DCS controlled its budget. JICS drafted an annual report to parliament summarizing prison conditions and abuses. During the year 309 ICCVs collectively handled 407,798 cases. NGOs claimed the failure of the DCS to follow up on ICCV recommendations hindered the program's effectiveness. They also claimed many ICCVs appeared to be "fully captured" by the DCS and lacked independence in their oversight or reporting of abuses.

The local, independent NGO Lawyers for Human Rights (LHR), criticized conditions at the Lindela Repatriation Center, the country's largest detention facility for irregular immigrants. According to the LHR, 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 of access to and poor quality of medical care, indefinite detention

without judicial review, detention of legally registered asylum seekers, and lack of procedural safeguards such as legal guidelines governing long-term detention.

In 2014 the South African Human Rights Commission (SAHRC) released a report on health care at Lindela. The investigation revealed a lack of tuberculosis testing capacity and failure to isolate infected persons; limited availability of condoms; unavailability of tetanus vaccines; overcrowding in rooms; and inadequate intervals between the evening meal and breakfast despite regulations governing mealtimes in the Immigration Act. Several refugee and migration advocacy groups noted, however, that conditions in Lindela were generally acceptable and that the government was generally responsive when NGOs identified problems. Minister of Home Affairs Malusi Gigaba, under pressure from parliament to account for reported human rights abuses at Lindela Repatriation Center, invited the SAHRC to establish an office at the center. By year's end, however, the SAHRC lacked adequate funds to open an office.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but security forces arbitrarily arrested numerous persons during the year.

Role of the Police and Security Apparatus

SAPS has primary responsibility for internal security. The police commissioner has operational authority over police. The president appoints the police commissioner, but the minister of police supervises the commissioner. The South African National Defense Force, under the civilian-led Department of Defense, is responsible for external security but also has domestic security responsibilities, such as patrolling the borders. Border Control Operational Coordinating Committees--composed of representatives of SAPS, DHA, the defense force, the South African Revenue Service, the Department of Health, the Department of Agriculture and Fisheries, the Department of Transportation, the Department of Trade and Industry, the State Security Agency, and the Department of Environmental Affairs--are charged with overall migration and border enforcement. A committee representative is present at all land, air, and sea ports of entry to facilitate an interagency approach to border enforcement and migration management. All departments have a representative at major border crossings, while regional representatives covered lesser border crossings. The SAPS Directorate for Priority Crime Investigation, also known as "the Hawks," coordinates efforts against organized crime, priority crimes, and official

corruption. Despite continued efforts to professionalize, SAPS remained understaffed, ill equipped, and poorly trained. Corruption was a problem (see section 4).

The government investigated and prosecuted security force members who committed abuses, although there were numerous reports of police impunity, including of high-ranking members (see section 4). IPID, an independent and external body, investigates all complaints and makes recommendations to the SAPS inspectorate division that handles disciplinary matters and to the NPA on which cases to prosecute. IPID examines all SAPS killings and evaluates whether they occurred in the line of duty or were otherwise justifiable. IPID also investigates cases of police abuse, although it was unable to fulfill its mandate due to funding shortages, inadequate cooperation by police, and lack of investigative capacity. 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, and in 2014-15 IPID recorded 60 cases in which SAPS or metropolitan police departments failed to report wrongdoing to IPID. During the year IPID took the additional step of investigating cases that resulted in civil lawsuits, even if police or the public had not reported those cases to IPID. Civil society groups reported they used IPID investigations as evidence in civil lawsuits. As a result SAPS often settled out-of-court civil lawsuits it previously would have challenged.

Security forces failed to prevent or adequately respond to societal violence, particularly in response to attacks on foreigners (see sections 2.d. and 6).

In January xenophobic violence in Soweto Township near Johannesburg resulted in the displacement of 1,400 foreign nationals from their homes for several weeks. Residents looted hundreds of shops operated by foreign nationals, resulting in the deaths of four foreigners and eight South Africans. In April widespread violence erupted in Durban, KwaZulu-Natal Province, and sporadically around Gauteng Province, including in Alexandria Township, outside Johannesburg. The violence in Durban displaced an estimated 9,000 individuals from their homes and forced the government to set up temporary shelters. As the violence spread from Durban

to Johannesburg, the government took the extraordinary step of deploying defense forces to buttress the SAPS response, eventually quelling the unrest.

In the midst of the violence, the case of Mozambican national Emmanuel Josias Sithole made international headlines. On April 18, adult men and one minor refused to pay for cellular airtime purchased at Sithole's shop and attacked him with a wrench and knives, reportedly because Sithole was a foreigner. The attack took place in front of a photographer/writer from a national newspaper, who captured the scene and took Sithole to a local hospital, where he died. Human Rights NGOs, academics, and media outlets classified Sithole's killing as a hate crime and criticized the government for denying it was motivated by bias. Authorities arrested three suspects, who subsequently were convicted of robbery and murder. The judge sentenced the two adults to 17 years and 10 years in prison respectively, and sentenced the minor to probation.

There were no arrests in connection with June violence in Mamelodi, a township east of Pretoria, in which protesters killed three foreigners, looted 76 shops, and burned several others, resulting in the displacement of more than 300 families.

Officers from SAPS and metropolitan police departments received training in ethics, human rights, corruption, sexual offenses, domestic violence, gender violence, and violence against LGBTI persons. Training, however, was inconsistent. Many officers went years between refresher courses. SAPS also provided officers with access to social workers, psychologists, and chaplains.

Arrest Procedures and Treatment of Detainees

The law requires that a judge or magistrate issue arrest warrants based on sufficient evidence. Police must promptly inform detainees of the reasons for their detention, their right to remain silent, and the consequences of waiving that right. Police must charge detainees within 48 hours of arrest, hold them in conditions respecting human dignity, allow them to consult with legal counsel of their choice at every stage of their detention or provide them with state-funded legal counsel when "substantial injustice would otherwise result," and permit them to communicate with relatives, medical practitioners, and religious counselors. The government often did not respect these rights. The 2014-15 JICS annual report reported 41,002 complaints of denied access to legal representation. Police must release detainees (with or without bail) unless the interests of justice require otherwise, although bail for pretrial detainees often exceeded what suspects could pay.

Human rights groups, judges, and judicial scholars expressed concern about the Criminal Procedure Second Amendment Act that allows the pretrial detention of children and prohibits bail in certain cases. Some judges also expressed concern that police and the courts often construed the exercise of the right to remain silent as an admission of guilt.

Arbitrary Arrest: During the year there were numerous cases of arbitrary arrest, particularly of foreign workers, asylum seekers, and refugees (see sections 2.d. and 6).

Legal aid organizations reported police frequently arrested persons for minor crimes for which the law stipulates the use of a legal summons. Arrests for offenses such as common assault, failure to provide proof of identity, or petty theft sometimes resulted in the unlawful imprisonment of ordinary citizens with hardened criminals that created the opportunity for physical abuse (see section 1.c.).

Pretrial Detention: Lengthy pretrial detention was a problem. According to the DCS 2014-15 annual report, there were 43,298 remand (pretrial) detainees in the prison system. Police held approximately 1,733 detainees for more than two years, substantially fewer than the 1,889 from the previous year. According to the DCS 2013-14 report, detainees waited an average of 176 days before trial. Observers attributed the high rate of pretrial detention to arrests without substantial evidence, overburdened courts, poor case preparation, uneven access to public defenders, and unaffordable bails. Police often held detainees while prosecutors developed cases and waited for court dates. Legal scholars estimated prosecutors failed to convict 60 percent of those arrested. The law requires a review of remand detention once it exceeds two years.

Detention of Rejected Asylum Seekers or Stateless Persons: NGOs and media reported security forces arrested migrants and asylum seekers arbitrarily, even those with documentation, often because police were unfamiliar with asylum documentation. In some cases police threatened documented migrants and asylum seekers with indefinite detention and bureaucratic hurdles unless they paid bribes to obtain quick adjudication of their cases. Although the law prohibits the detention of unaccompanied migrant children for immigration violations, immigrant rights NGOs reported that the DHA and SAPS detained unaccompanied minors for immigration violations. During the year the LHR alone handled six detention-of-minor cases and expressed concern that some arresting officers appeared to list minors as adults intentionally in order to detain them. In some

cases minors claimed to be adults, preferring deportation to their home country to institutionalization. According to the LHR, children often were identified only if an ICCV visited the detention center and pressured the facility to release them.

In 2014 the South Gauteng High Court in Johannesburg ruled the long-term detention of migrants at the Lindela Repatriation Center was unlawful and unconstitutional. In a complaint filed by the SAHRC and other applicant organizations, the court found the DHA contravened Immigration Act 13 of 2002 by detaining persons for more than 30 days without charges or deportation--sometimes detaining individuals for more than 120 days, the maximum statutory limit at Lindela. The court ordered the DHA not to detain anyone for more than 30 days without a court-issued warrant and no more than 120 days with a warrant. Immigrant rights NGOs reported the DHA generally complied with the 120-day maximum detention requirement, but that compliance was poor with the requirement to obtain a warrant when detaining individuals for more than 30 days. NGOs also reported a concurrent increase in the length of time the government detained migrants at regular police stations before transferring them to Lindela and expressed concern that the DHA simply shifted the location of detention to avoid detection.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence. Nevertheless, the judiciary was understaffed and underfunded. There were numerous reports that legal documents used in trials were lost, particularly when the accused was a government official. Civil society alleged judicial corruption was a problem, although there were no proven cases of corruption during the year. According to the presidentially mandated Criminal Justice System Working Group composed of ministers and deputy ministers, two-thirds of the estimated two million criminal cases reported annually never resulted in a verdict.

Watchdog groups estimated the true conviction rate for crimes reported was as low as 10 percent. According to fiscal year statistics for 2014-15, prosecutors obtained only 1,043 life sentences for 739 individuals, including 780 life sentences for crimes against women and children, despite recording more than 17,000 murders and more than 53,000 sexual assaults during the year; both crimes carry a possible life sentence. Inadequate collection of evidence at crime scenes, insufficient investigation, ineffective police tactics, long trials, and ineffective court processes contributed to this low rate. The government operated 63 justice centers and 53

Thuthuzela Care Centers (TCCs) that provided legal assistance to victims of gender-based violence to expedite legal processes, reduce caseloads, and alleviate overcrowding in prisons, but serious delays continued (see section 6).

The government sometimes ignored orders from provincial high courts (see section 1.e., Civil Judicial Procedures and Remedies).

Trial Procedures

Criminal defendants enjoy a legal presumption of innocence. The constitutional bill of rights provides for due process and equal protection. The law requires police to inform detainees promptly and in detail of the charges against them, but this did not always occur, nor did police always accurately complete the charge sheets. The law requires the government to provide interpretation in all 11 official languages, but provision was dependent on the availability and cost of interpreters. Interpretation standards, even for national languages, were low and sometimes compromised the veracity of exchange between the defendant and the court. Judges sometimes transferred cases from rural to urban areas to access interpreters more easily. Limited access to qualified interpreters sometimes delayed trials. Judges and magistrates hear criminal cases and determine guilt or innocence. Instead of juries, the law requires that a panel of lay assessors and a magistrate hear cases involving murder, rape, robbery, indecent assault, and assault leading to serious bodily harm. The two assessors may overrule magistrates on questions of fact. Magistrates also may use assessors in an advisory capacity in adjudicating bail applications and sentences.

Detainees and defendants have the right to legal counsel provided and funded by the state when “substantial injustice would otherwise result,” but this right was limited due to a general lack of information regarding rights to legal representation and the government’s inability to adequately budget for such services. Defendants have the right to be present in court and may question witnesses in court and present their own witnesses and evidence. Every accused person has a right to a fair public trial, including the right to have adequate time and facilities to prepare a defense within a reasonable time after being charged. Defendants have access to government evidence before going to court and may not be compelled to make any confession or admission that prosecutors could use as evidence against them. There is no automatic right to appeal, but courts may give defendants permission to do so. For certain cases, such as when the accused is younger than age 16, permission is not required. Additionally, the law requires a judge to review automatically all prison sentences longer than three months.

Political Prisoners and Detainees

The IFP maintained the government has imprisoned 384 of its members since 1994 for political reasons, although international human rights organizations did not list these persons as political prisoners or detainees. In 2010 President Zuma announced he approved 154 and rejected 230 IFP applications for pardon. Following the president's announcement, the government considered and rejected an additional six cases. The presidency continued to consider the remaining pardon requests on a case-by-case basis. In September the Department of Justice announced it forwarded to the president additional recommendations for pardons for IFP members, but no additional pardons were granted by year's end.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations, although they may not appeal decisions to the African Court on Human and Peoples' Rights because the government has not made the obligatory declaration to accept the competence of the court. The government did not always comply with court decisions.

For example, from June 13-15 Sudanese President Omar al-Bashir freely attended the 25th Summit of the African Union in Johannesburg despite two pending International Criminal Court warrants for his arrest. The warrants are enforceable in the country under international and domestic law (South Africa passed an International Criminal Court Implementation Act in 2002). A local NGO, the Southern Africa Legal Center, filed a lawsuit to force the government to arrest Bashir. The North Gauteng High Court in Pretoria ruled in the legal center's favor and issued an injunction to prevent Bashir from leaving the country. Despite the injunction the government allowed Bashir to depart. The government presented arguments to the court about why it did not follow the injunction, but the court did not find them compelling and recommended criminal charges be instituted against senior officials complicit in Bashir's departure from the country. The government requested permission to appeal the ruling, but the court denied it permission. At year's end no charges were filed despite the court's recommendation, and the government filed an appeal at the Supreme Court of Appeal.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but magistrates issued search warrants despite inadequate evidence. NGOs reported police abused citizens during sweeps and home searches, particularly during Operation Fiela (see section 1.c.).

The Promotion of Access to Information Act allows any person to access information from the government or any other individual for the exercise or protection of any right. Authorities could also use the act to obtain personal information in connection with criminal investigations. Opposition parties and human rights NGOs objected that its broadly defined provision enables the government to access an individual's personal information.

The 2013 General Intelligence Laws Amendment Bill authorizes the interception of electronic communications known as "foreign signals intelligence" without a warrant. In October a Toronto University Citizen Lab study found two FinFisher command and control servers (commercially available government spyware platforms) on the country's government-owned telephone network, Telkom. FinFisher servers can capture "screenshots, key logger data, audio from Skype calls, passwords, and more," but the extent to which the government implemented FinFisher was unclear. Neither Telkom nor government agencies commented on the Citizen Lab study.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. Nevertheless, several apartheid-era laws and the Law on Antiterrorism permit authorities to restrict reporting on the security forces, prisons, and mental institutions.

Press and Media Freedoms: The independent media were active and expressed a wide variety of views without restriction, although state-sponsored media were the most prevalent. Journalists were generally able to criticize the government openly and without fear of reprisal, but the government sometimes tried to control or monitor the media by forcing the deletion of photos or audio recordings, despite the illegality of such requests. Police or security officials sometimes assaulted members of the media who refused to delete photos of police misconduct. In its *2015 Freedom of the Press Report*, Freedom House noted an expansion in the use of the apartheid-era National Key Points Act to prevent investigative journalists

from reporting on strategic sites or institutions, particularly when probing corruption.

On July 19, during xenophobic public violence in Soweto, South African Press Association reporter Mpho Raborife took cell phone photographs of three marked police vehicles parked at a foreign-owned shop and plainclothes police officers loading packs of soda into a white van. After she drove away, the officers stopped her and threatened to take her to the police station for taking pictures of a crime scene. Raborife showed the officers her press card, explaining that the scene was a neutral venue, and not marked by crime scene tape. On the way to the police station, officers told her to delete the photos and they would let her go; they stood over her shoulder while she deleted each photo. The South African National Editors Forum filed a formal complaint with the police commissioner.

According to the South African Advertising Research Foundation, print media reached 48.6 percent of the adult population. Despite the number and diversity of publications, the concentration of media ownership in a few large media groups drew criticism from the government and some political parties, who complained print media did not always adequately cover their points of view.

Most citizens received news through radio broadcasts from the South African Broadcasting Corporation (SABC) and community radio stations. The SABC, a state-owned enterprise, was the largest and most influential source of news for the majority of the population. It broadcast television and radio programs in the country's 11 official languages and reached an estimated 70 percent of television viewers and 78 percent of radio listeners. Media watchdogs increasingly criticized the SABC, however, for violating its stated "editorial independence" in favor of progovernment reporting (see section 3).

Nonprofit community radio stations played an important role in informing the mostly rural public, although they often had difficulty producing adequate content and maintaining quality staff. Community activists complained some community radio stations self-censored their programming because they were dependent on government advertising for revenue. Government broadcast regulators regularly withdrew community radio licenses for noncompliance with the terms of issuance.

Censorship or Content Restrictions: Government and political officials often criticized the media for lack of professionalism and reacted sharply to media criticism, frequently accusing black journalists of disloyalty and white journalists

of racism. Some journalists believed the government's sensitivity to criticism resulted in increased media self-censorship.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. The law authorizes state monitoring of telecommunication systems, however, including the internet and e-mail, for national security reasons. The law requires all service providers to register on secure databases the identities, physical addresses, and telephone numbers of customers. Approximately 49 percent of the population used the internet during the year.

An investigative report by the *Mail & Guardian* newspaper in coordination with the Media and Democracy Project reported state intelligence agencies had the ability to access citizens' private communications, including chats, e-mails, text messages, and voice conversations. The report interviewed 10 former intelligence officials and found evidence of unauthorized access to private communications. Some officials insisted legal and technical safeguards prevented unauthorized collection, but other officials gave examples of having personally accessed information, particularly bulk telephone records, without a court warrant. The report cited telecom companies who say they must proactively provide audio or e-mail records to government after reviewing a court order; the government does not have the ability to tap into their system at will. The report concluded, however, the potential for illegal access of private communications existed due to insufficient safeguards. Government spokespersons noted no successful case against the government for illegal data collection and challenged anyone who believed the government monitored their communications to file a complaint in court (although citizens would have no way of knowing their communications were monitored unless the government informed them).

Academic Freedom and Cultural Events

The Film and Publications Board reviews written and graphic materials published in, or imported into, the country. The board has the power to edit or ban books, magazines, movies, and videos, and it regularly exercised that power, mostly regarding pornographic material. Journalists, media houses, and industry associations criticized government efforts to extend the board's authority to newspapers and broadcast media.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, but police violently dispersed hundreds of demonstrations during the year, which resulted in numerous deaths and injuries. According to a 2014-15 SAPS report, there were 12,451 peaceful protests and an additional 2,289 demonstrations that turned violent. Protest action was most common in Gauteng, North West, Western Cape, and KwaZulu-Natal Provinces. Police used batons, rubber bullets, and water cannons to control demonstrators and quell violence; resulting in hundreds of injuries.

On October 23, students organized the largest student protest since the end of apartheid over double-digit tuition fee increases. The legal protest at the Union Buildings in Pretoria, the seat of the executive branch of government, was largely peaceful and extensively covered by national media. After a few protesters broke down several temporary barricades late in the afternoon, however, police cleared the area using rubber bullets, stun grenades, and tear gas. Human rights groups criticized police for using excessive force instead of dealing with the small group of individuals who tore down barricades, some of whom organizers claimed were adults seeking to undermine the student movement.

The Farlam Commission of Inquiry into the 2012 violent clashes between striking miners and police released its findings during the year (see section 7.a.).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not always respect these rights. 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, and susceptibility to corruption and abuse.

Internally Displaced Persons

Rioters regularly targeted foreign-owned shops for looting. Although precise statistics were unavailable, monitoring groups reported these attacks displaced thousands of foreigners during the year (see sections 1.d. and 6). NGOs estimated January attacks in Soweto displaced at least 1,200 persons, while April attacks in Durban displaced nearly 9,000.

Protection of Refugees

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. The country hosted approximately 112,000 recognized refugees and nearly 464,000 asylum seekers; half of the asylum seekers were Zimbabweans. Government services strained to keep up with the caseload, and NGOs criticized the government's implementation of the system as inadequate.

In 2009 the DHA moved refugee processing from various provincial headquarters to the borders but created no new facilities. Refugee rights NGOs argued that many refugees did not cross a land border and that returning them to a land border posed undue hardship. Renewing refugee and asylum documents--some of which are valid only for six months--requires travel to the office where a refugee was originally registered, despite repeated government commitments to allow renewal processing at any DHA office.

On March 25, refugee rights organizations won a lawsuit in the Supreme Court of Appeal, forcing the government to reopen the refugee reception center in Port Elizabeth. The groups argued that the DHA did not properly consult stakeholders when closing down the office or provide alternate capacity to make up for the loss in processing capacity. The DHA appealed the decision to the Constitutional Court, which on August 5 declined to hear the appeal, effectively cementing the Supreme Court of Appeal's decision. The Constitutional Court gave the DHA until November 5 to reopen the Port Elizabeth office to new applicants, a deadline it did not meet. At year's end the DHA had yet to implement the court order, and the Port Elizabeth center--like the center in Cape Town--remained open only to renew documents of migrants whose files were there.

Only the centers in Pretoria, Durban, and Musina (Limpopo Province) accepted new applicants. The government did not expand remaining reception centers, resulting in large backlogs and long queues. Remaining reception offices--particularly the one at Marabastad, in Pretoria--did not have sufficient facilities to cope with the increase in applicants resulting from the closure of other offices. NGOs reported asylum seekers sometimes waited in line for days to access the offices.

Refoulement: There were no specific reports of the government forcibly returning refugees to countries in which their lives would be in danger. Refugee rights NGOs, however, expressed concern that Operation Fiela--a government campaign to combat crime by targeting neighborhoods with historically high immigrant populations--may have led to the quick arrest and deportation of individuals without adequate asylum screening. The operation rounded up and repatriated more than 15,000 irregular immigrants from April 28 to year's end. Additionally, Burundian nationals displaced during April violence in Durban complained the DHA initially refused to renew their asylum documents despite continued instability in Burundi, leaving them open to deportation if discovered by police. The DHA disputed the claim, noting it renewed Burundian documents after the violence there started. Observers also reported the government refused entry to asylum seekers who could not show positive identification or who passed through a "safe country of transit."

Refugee Abuse: Refugee advocacy organizations charged police and immigration officials abused refugees and asylum seekers. In August 2014 the Khayelitsha Commission of Inquiry reported that SAPS discriminated against foreign nationals, including refugees, in Khayelitsha, Western Cape Province, and that SAPS officers targeted such individuals and their businesses for extortion.

Xenophobic violence occurred against foreign nationals running small, informal grocery stores known as "spaza" shops in townships and informal settlements; refugees registered and owned many spaza shops.

Two major outbreaks of violence occurred during the year: the first in January, in Soweto Township, near Johannesburg; and the second in April, in Durban, KwaZulu-Natal Province. The violence displaced or otherwise affected approximately 1,400 individuals in Soweto and nearly 9,000 in Durban. The attacks were triggered by an alleged killing of a minor by a Somali shopkeeper during an attempted robbery of the shop. The community reacted by attacking foreigners. The attacks in Durban followed comments by the Zulu king, a

powerful social figure to Zulus, calling irregular immigrants “lice” and urging them to return to their countries. The scale of the displacements in Durban necessitated the establishment of temporary shelters (resembling refugee camps) to house the displaced; at their peak, the shelters housed nearly 5,000 persons. Working with regional officials and the International Organization for Migration, the government repatriated nearly 2,000 persons to their home countries.

A think tank estimated that more than 350 foreigners had been killed by mob violence since 2008, although a refugee rights NGO estimated the number at more than 900. Citizens who blamed immigrants for job and housing losses and increasing crime generally perpetrated such attacks. Attacks on migrant traders resulted in deaths, injuries, arson, and destruction of property (see sections 1.d. and 6). Security forces quickly evacuated migrants from their shops to reduce deaths and injuries, but property destruction and theft continued to be major problems.

On April 10, during antforeigner riots in Durban, an angry mob locked two Ethiopian shopkeepers inside the shipping container they used as a shop and set it on fire. The owner of the property managed to free the shopkeepers with a crowbar, but one of the two later died of third-degree burns at the hospital.

In September 2014 the Supreme Court of Appeal ruled that the more than 700 foreign-owned shops closed by police in 2012 in Polokwane, Limpopo Province, were illegally targeted because migrants, including refugees and asylum seekers, operated them. The court upheld the right of asylum seekers and refugees to operate businesses with a valid license and to apply for business licenses. The court reiterated the need for the government to meet international obligations, and ordered the government to pay plaintiffs’ court costs.

Although the DHA had anticorruption programs in place and punished officials or contracted security officers found to be accepting bribes, NGOs and asylum applicants reported that immigration authorities sought bribes from those seeking permits to remain in the country, particularly in cases where applicants’ documentation had expired.

In July the African Center for Migration Studies and the LHR conducted a joint survey of nearly 1,000 asylum seekers as they left refugee reception offices in Pretoria, Durban, Cape Town, and Musina (near the border with Zimbabwe). The survey found 13 percent of asylum seekers had bribed an official when crossing a border, been refused access to an asylum officer due to refusal to pay a bribe, or paid a bribe to an asylum officer. Twenty percent of respondents experienced

corruption when queuing for access to an asylum office such as being asked for money by an asylum officer to resolve an issue. For all of the above categories, corruption experienced at the reception office in Pretoria was double that of other offices. The report also found 56 percent of those surveyed had been in the system for more than 180 days. The report concluded that insufficient resources, poor management, and policy gaps were responsible for the high levels of corruption in the system. The government, which agreed to study the report's findings and take action to curb corruption, arrested five officials.

Access to Basic Services: Although the law provides for access to basic services--including education for refugee children, police, and courts--NGOs such as Human Rights Watch found health-care facilities and law enforcement personnel discriminated against asylum seekers, migrants, and refugees. The government cooperated with UNHCR and the International Organization for Migration to address discrimination against and exclusion of migrants and refugees from the health-care and education systems. The issue was most acute at facilities with scarce financial and human resources. Access to critical health care was generally available, but access for chronic illnesses and preventive care operated on a queue system. Refugees and migrants received services after citizens, which often resulted in delayed services. Migrants could generally access schooling for their children, but schools often refused to accept asylum documents as proof of residency until presented with the possibility of a lawsuit.

Temporary Protection: The government offered temporary protection to some individuals who may not qualify as refugees. The government allowed persons who applied for asylum, to stay in the country while their claims were adjudicated and their appeals (if filed) finalized.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens with the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: In the May 2014 national election, the ruling ANC won 62.2 percent of the vote and 249 of 400 seats in the National Assembly, the dominant lower chamber of parliament. Election observers, including the African Union and the Southern African Development Community, characterized the election as

generally free and fair. The government, however, for the first time restricted diplomatic election observers to chiefs of mission only, effectively prohibiting diplomatic missions from observing elections. Following the general election, parliament re-elected Jacob Zuma as the country's president. The Democratic Alliance (DA), the leading opposition party, won 89 parliamentary seats, the Economic Freedom Fighters (EFF) won 25, and the IFP won 10. The remaining 27 seats in parliament were allocated to nine other political parties based on a proportional vote-count formula. In the National Council of Provinces, the upper house of parliament, the ANC held 33 seats, the DA 13, and the EFF six. The remaining two seats were allocated to two other parties.

Although violence occurred, the Independent Electoral Commission called the election the most peaceful on record. The election coincided, however, with a record number of protests over poor government services and local grievances. The government preemptively deployed a record 20,000 police and army personnel to potential trouble spots to maintain order. There were reports of electoral irregularities, including attempted vote rigging, but the electoral commission responded quickly to incidents, and political parties had an opportunity to challenge results in wards where incidents occurred.

Political Parties and Political Participation: Opposition parties accused the SABC, the state-owned public broadcaster, of favoring the ruling party in its news coverage and advertising policies. Prior to the 2014 election, smaller political parties criticized the SABC for not covering their events. SABC regulations, however, dictate coverage should be proportional to the percentage of vote won in the previous election, and independent observers did not find the SABC violated this regulation.

Opposition parties claimed the ANC and DA used state resources for political purposes in the provinces under their control. Prior to the 2014 election, the ANC reportedly handed out government food parcels to potential voters at political rallies, tied social grants to voting for the ANC, and created temporary government jobs for the election period for ANC voters. Through a cadre deployment system, the ruling party controls and appoints party members to thousands of civil service positions in government ministries, and provincial and municipal governments. During the year the ANC requested political contributions from all civil servants.

Opposition parties accused ANC members of interference in or interruption of opposition party meetings, assaults and threats of assault, and punishing opposition party members by denying them jobs, contracts, services, and development

opportunities. Intimidation allegedly included aggressive taunting chants and dances (toyi-toying) outside opposition party meetings to disrupt proceedings. This sometimes devolved into threats against persons entering and exiting meetings, mock charges, and, in rare cases, assault or murder. In some cases local ruling party leaders denied opposition parties permission to rent public facilities for political meetings. In one case members of the ANC Women's League disrupted a public debate between municipal mayoral candidates in Port Elizabeth, forcing the cancellation of the debate.

During the February 12 State of the Nation Address in parliament, the ruling ANC initiated measures to limit disruptions by opposition parties--including jamming cell phone signals and using executive branch police to remove unruly members of parliament (MPs). (The EFF routinely disrupted parliament's proceedings in an effort to force the president to answer questions about lavish upgrades to his personal residence.) Many observers considered the measures unconstitutional. On July 30, after an ensuing public backlash, the ANC and the DA, the largest opposition party, joined forces to pass compromise parliamentary rule changes. The EFF and other small opposition parties planned to challenge the constitutionality of the compromise rules in court.

When journalists and MPs discovered their cell phone signals were being jammed--preventing them from communicating with family, tweeting, or live blogging during the proceedings--they staged a 30-minute protest, delaying the proceedings until the government turned off the signal jamming equipment. EFF members subsequently raised points of order to force the president to address spending on his private residence. The speaker called parliamentary security services, which stormed into parliament without uniforms or identification and physically removed EFF members, exchanging punches with some. When DA members questioned whether the security services were executive branch police officers, the ruling party did not provide an immediate answer, and the DA walked out, leaving only the ANC and several minor opposition party members to hear the president's speech.

Public condemnation and opposition threats to sue the ANC over the use of signal jammers and executive branch police in the chamber during the president's speech resulted in the amendment of parliamentary rules on July 30. The amended rules automatically suspend MPs who are removed from the chamber and prohibit executive branch police from entering the parliamentary chamber, barring an external threat--such as a bomb or active shooter. Security services controlled directly by parliament may still remove MPs whom the presiding officer has

ordered to leave the chamber, if the MPs fail to leave. Parliament also established a multiparty disciplinary committee (controlled by the ANC) to oversee the rules. The ANC speaker repeatedly removed EFF members from the National Assembly by force, and the disciplinary committee suspended EFF members involved. The EFF claimed the rules violated constitutional protections of free speech and launched two court challenges that continued at year's end.

There were reports government officials publicly threatened to boycott private businesses that criticized government policy.

Participation of Women and Minorities: There were an estimated 89 minority (nonblack) members in the 400-seat National Assembly. There were 16 minority members among the 54 permanent members of the National Council of Provinces and 12 minority members in the 72-member cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of official corruption, and the government continued efforts to curb corruption, but officials sometimes engaged in corrupt practices with impunity. The World Bank's most recent Worldwide Governance Indicators reflected that corruption remained a problem.

Corruption: During the year the Office of the Public Protector, a constitutionally mandated body designed to investigate government abuse and mismanagement, investigated thousands of cases, some of which involved high-level officials. The public and NGOs considered the Office of the Public Protector independent and effective, despite limited funding. According to the NPA's 2014-15 Annual Report, 23 persons were convicted of corruption in cases where the value of assets seized exceeded five million rand (\$384,000), and 130 government officials were convicted of corruption.

The government secured one high-profile public-sector corruption conviction during the year. On October 14, a court convicted Northern Cape ANC chairperson (and former provincial premier) John Block of corruption, racketeering, and money laundering. The state accused Block--along with Trifecta Holdings chief executive Christo Scholtz and Northern Cape Minister of Social Development Alvin Botes--in a multimillion-rand fraud, corruption, and money-laundering scheme. Scholtz paid kickbacks to Block and Botes between 2006 and 2010 in return for it influencing provincial departments to rent office space at

inflated rates in Trifecta's favor. The ANC forced Block, whose sentencing was scheduled for January 2016, to resign his post as provincial chairperson.

On May 28, the police minister presented parliament's ad hoc committee with his report on the upgrades to the president's Nkandla residence; in 2014 the public protector concluded the Zuma family should repay a portion of the 249 million rand (\$19.2 million) in nonsecurity upgrades to the president's private home. On August 18, the ANC majority in the National Assembly voted to accept the committee report exonerating the president, despite a rare filibuster attempt by the opposition. Opposition parties and the public protector subsequently filed challenges with the Constitutional Court, which agreed to hear the case in February 2016.

On July 7, the Gauteng North High Court cancelled dates for hearings on corruption charges against Richard Mdluli, the head of the SAPS Crime Intelligence Division. In 2012 the president suspended Mdluli for allegedly using state funds to pay for his private automobile and registering his relatives, girlfriends, and their families as covert intelligence operatives in order to pay them.

Corruption remained a problem within prisons. According to the 2014-15 JICS report, there were 706 complaints of corruption during the annual reporting period. At least 10 agencies, including the SAPS Special Investigation Unit, Public Service Commission, Office of the Public Prosecutor, and Office of the Auditor General, were involved in anticorruption activities.

Financial Disclosure: Public officials, including members of national and provincial legislatures, all cabinet members, deputy ministers, provincial premiers, and members of provincial executive councils, are subject to financial disclosure laws, but some failed to comply, and departments filed the majority of their reports late. The declaration regime clearly identifies which assets, liabilities, and interests public officials must declare. Government officials are required to declare publicly their interests when they enter office, and there are administrative and criminal sanctions for noncompliance, but no defined unit is mandated to monitor and verify disclosures of government officials. The government made declarations by government officials public, but not those of their spouses or children.

The awarding of tenders was a problem at all levels of government. In March 2014 the auditor general's annual report revealed government departments awarded contracts worth 438 million rand (\$33.7 million) to companies in which

senior employees of the department had personal financial interests. Moreover, government departments awarded contracts worth 141 million rand (\$10.8 million) to companies in which family members of senior department officials had interests. In 75 percent of these cases, the conflict of interest was not disclosed. The 2014-15 auditor general's report released on November 25 found approximately 25.7 billion rand (\$1.9 billion) in irregular expenditure, although not all was necessarily fraudulent. The report also found an absence of follow-up or punishment for officials who failed to comply with public financial management act regulations, resulting in a culture of impunity in government.

Public Access to Information: The law provides for access to government information, although the government did not always comply with the law. The government operated a publicly accessible website for interested persons to obtain all laws, speeches, parliamentary proceedings, and other official information. If a government department refuses to respond to a specific information request, the requester is entitled to launch a formal appeal. If this also fails, the requester may appeal to the High Court, a lengthy and expensive process. The Open Democracy Advice Center reported the government was late in responding to many requests for information or failed to answer entirely. On September 28, Minister in the Presidency Buti Manamela told the SAHRC only 52 percent of government ministries had a structure in place to comply with the Promotion of Access to Information Act.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: Although created by the government, the SAHRC operated independently and was responsible for promoting the observance of fundamental human rights at all levels of government and throughout the general population. The SAHRC also has the authority to conduct investigations, issue subpoenas, and take testimony under oath. The government reacted positively to SAHRC reports and was responsive to its views. Despite a large backlog of cases and lack of funding, the SAHRC was considered moderately effective.

No parliamentary committees dealt exclusively with human rights, although some parliamentary committees looked into human rights problems for their constituencies.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination on the grounds of race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and gender identity, age, language, HIV-positive status, or infection by other communicable disease. The government did not effectively enforce these prohibitions, and entrenched attitudes and practices often resulted in gender-based violence and employment inequities.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal but remained a serious and pervasive problem. The minimum sentence for rape is 10 years in prison for the first offense. 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 results in a minimum sentence of life imprisonment (25 years), 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.

No action was taken against the man who raped a nine-year-old girl in January 2014, set her on fire, and left her for dead; prosecutors withdrew the charges when the girl died because they predicated the case on her testimony. Although prosecutors said they would recharge the suspect once additional forensic evidence was processed, no charges were filed by year's end.

In its 2014-15 report, SAPS did not provide a gender breakdown of crimes committed against women. SAPS recorded a decrease in reported sexual crimes (perpetrated against men and women), with 53,617 cases reported compared with 56,680 cases in the previous year.

In a 2011 study conducted in Gauteng Province by the Medical Research Council of South Africa and Gender Links, 37.4 percent of men admitted to having

committed one or more rapes, and 25 percent of women admitted being a victim of sexual violence in their lifetime.

In most cases attackers were acquaintances or family members of the victim, which contributed to a reluctance to press charges, as did a poor security climate and societal attitudes. According to the 2014-15 NPA annual report, the conviction rate for sexual offense crimes was 69 percent, although watchdog groups estimated the rate was 4 percent because it did not include the many credible cases that never made it to trial. Prosecutors chose not to prosecute many cases due to insufficient evidence. Poor police training, insufficient forensic lab capacity, a lack of trauma counseling for victim witnesses, and overburdened courts contributed to the low conviction rate. The NPA did not track the length of time required for cases to reach trial, but, according to media reports, it could take between six months and three years for a rape case to reach trial, depending on the complexity of the case and the plea of the accused.

The Department of Justice operated 36 dedicated sexual-offense courts throughout the country. Sexual-offense courts included facilities such as private waiting rooms, court preparation rooms, and closed-circuit television rooms for victims, all in an attempt to provide additional privacy and prevent secondary victimization. Although judges in rape cases generally followed statutory sentencing guidelines, women's advocacy groups criticized judges for using criteria such as the victim's behavior or relationship to the rapist as a basis for imposing lighter sentences.

The NPA operated 53 rape centers, or TCCs (see section 1.e.). All TCCs were located at hospitals, either within the hospital or in a mobile unit on hospital grounds. Of rape cases brought to TCCs, 47 percent went to trial and were terminated--either by conviction or by acquittal--within nine months from the date a victim reported the case.

Domestic violence was pervasive and included physical, sexual, emotional, and verbal abuse, as well as harassment and stalking. The government prosecuted domestic violence cases under laws governing rape, indecent assault, damage to property, and violating a protection order. The law facilitates protection orders against abusive individuals, requires police to take victims to a place of safety, and allows police to seize firearms at the scene and to arrest abusers without a warrant. 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, or up to 20

years if additional criminal charges apply. Penalties for domestic violence include fines and sentences of between two and five years' imprisonment.

On August 31, an air force colonel in KwaZulu-Natal Province threw two hand grenades at his wife following a domestic argument. One exploded and killed her. Police arrested the colonel and charged him with illegal possession of explosives and murder. A judge denied him bail, and the trial continued at year's end.

NGOs estimated 25 percent of women were in abusive relationships, but few reported it. The 2015 Southern African Development Community Gender Protocol Gender Barometer (a survey compiled by Gender Links) found 77 percent of women in Limpopo Province, 51 percent of women in Gauteng Province, 39 percent of women in Western Cape Province, and 37 percent of women in KwaZulu-Natal Province reported they experienced some form of gender-based violence. TCC counselors also alleged that doctors, police officers, and judges often treated abused women poorly.

The government financed shelters and rape-support centers for abused women, but more were needed, particularly in rural areas. The government conducted rape and domestic violence awareness campaigns. In honor of Women's Month, the government hosted numerous events focused on empowering women in business, government, health, sports, and the arts. The discussions generated controversy, however, because the government focused on men's role in protecting women, while civil society advocated a more inclusive focus on gender-based violence. Many civil society organizations were also dissatisfied with the Ministry of Women's general focus on women's economic empowerment while neglecting the issue of gender-based violence. During the internationally observed 16 Days of Activism Against Gender Violence, between November 25 and December 10, the government hosted a number of roundtable discussions.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but girls in isolated zones in ethnic Venda communities in the Northeast were subjected to the practice. The government continued initiatives to eradicate the practice, including national research and sensitization workshops where FGM/C was prevalent.

Sexual Harassment: Although the law prohibits sexual harassment, it remained a widespread problem. The government left enforcement primarily to employers, with criminal prosecution a rare secondary step at the initiative of the complainant. The Department of Labor issued guidelines to employers on how to handle

workplace complaints that allow for remuneration of the victim's lost compensation plus interest, additional damages, legal fees, and dismissal of the perpetrator in some circumstances. Tougher punishments are imposed for assault that carry a range of penalties depending on the severity of the act but require the complainant to press charges.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children; manage their reproductive health; and to have the information and means to do so free from discrimination, coercion, and violence. Contraception was widely available and free at government clinics, although only 60 percent of sexually active women had access to contraceptives, according to the Gender Links 2015 Barometer. Emergency health care was available for the treatment of complications arising from abortion.

According to the Department of Health, the antenatal care coverage rate was 98.5 percent. According to the country's 2010 Millennium Development Goal Report posted by the UN Development Program, the maternal mortality ratio was 269 per 100,000 live births. The government and numerous international organizations continued efforts to reduce the maternal mortality rate through a variety of pilot projects. During the year the government partnered with a foreign government to form "MomConnect," an SMS (short message service) based messaging service to provide health information to pregnant women; the service enrolled approximately 500,000 mothers by year's end. Primary challenges were low awareness among mothers of available antenatal care, the high HIV/AIDS rate, poor administrative and financial management, poor quality of care, and lack of accountability in the health-care system.

Discrimination: 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 (see section 7.d.), 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 may challenge traditional land tenure decisions in national courts, but access to legal counsel was costly.

The Employment Equity Amendment Act aims to promote equality in the workplace. According to the 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 unequal pay and separate pension funds for different groups in a company (see section 7.d.). In June the government adopted a Code of Good Practice to provide employers and employees with practical guidance on the equal pay principle of the act.

Women, particularly black women, typically had lower incomes and less job security than did men. Many women were engaged in poorly paid domestic labor and microenterprises that did not provide job security or benefits. The Department of Trade and Industry provided incentive grants to promote the development of small and medium-size businesses and microenterprises for women, young persons, and persons with disabilities. The department also operated the Isivande Women's Fund to improve women's access to formal finance.

According to the 2014-15 Employment Equity Report produced by the labor department's Commission for Employment Equity, women held 20.9 percent of top management and 32.1 percent of senior management positions--rates significantly lower than the government target of 44.4 percent of management positions filled by women.

Female farm workers often experienced discrimination, and their access to housing frequently depended on their relationship to male farm workers. Female farm workers on maternity leave who could not obtain timely compensation through the Unemployment Insurance Fund often returned to work shortly after giving birth, according to NGOs working with farm workers.

The minister of women in the Presidency, the Commission for Gender Equality, the Commission for Employment Equity, and a number of other government bodies monitored and promoted women's rights, as did numerous NGOs and labor unions.

Children

Birth Registration: The law provides for citizenship by birth (if at least one parent is a permanent resident or citizen), descent, and naturalization. Nevertheless, registration of births was inconsistent, especially in remote rural areas or among parents who were unregistered foreign nationals. Some human rights NGOs claimed government inefficiency inhibited birth registration. Authorities blamed

late birth registration for irregularities in the population register. In the 2014-15 reporting period, parents registered only 62 percent of births in the prescribed 30-day window, according to the DHA. Children without birth registration had no access to free government services such as education or health care, and their parents had no access to financial grants for their children.

Education: Public education is compulsory until age 15 or grade nine. Public education was fee-based and not fully subsidized by the government. The law provides that schools may not refuse admission to children due to a lack of funds, and disadvantaged children, who were mainly black, were eligible for assistance. Nevertheless, even when children qualified for fee exemptions, low-income parents had difficulty paying for uniforms and supplies. According to the 2012 national census, girls faced more difficulties accessing services than boys; children with disabilities were at an even greater disadvantage.

Child Abuse: Violence against children, including domestic violence and sexual abuse, remained widespread. According to the 2012-13 SAPS report, 49,550 children were victims of violent crime; SAPS did not release a breakdown of child victims of crime in its 2014-15 annual report. The country had a low conviction rate for rape and child abuse.

Some teachers and other school staff harassed, abused, and assaulted students in schools, according to reports. The law requires schools to disclose sexual abuse to authorities, but administrators sometimes concealed sexual violence or delayed disciplinary action. The level of sexual violence in schools also increased the risk of contracting HIV/AIDS or other sexually transmitted diseases, as well as unwanted pregnancies.

On June 24, police arrested a teacher at the Plettenberg Bay Primary School in Western Cape Province on suspicion that he raped a grade two pupil on school property. The trial continued at year's end.

Although the law prohibits corporal punishment in schools, there were reports that teachers used physical violence to discipline students. There were also multiple reports of students physically assaulting teachers.

Student-on-student violence, including racially motivated violence, was a problem.

Early and Forced Marriage: Parental or judicial consent to marry is required for individuals younger than 18. Nevertheless, the traditional practice of “ukuthwala,”

the arranged marriage of girls as young as age 12 to adult men, occurred in remote villages in Western Cape, Eastern Cape, and KwaZulu-Natal Provinces. In July the president promulgated the Prevention and Combating of Trafficking in Persons Bill that prohibits nonconsensual ukuthwala and classifies it as a trafficking offense. In February 2014 the country recorded its first conviction for an ukuthwala violation under the trafficking provisions of the Children's Act; a man who forcibly married a victim received a 22-year prison sentence. On March 23, the court upheld the conviction on appeal.

Female Genital Mutilation/Cutting: See information for girls under age 18 in women's section above.

Other Harmful Traditional Practices: Ritual circumcision of young males, often by medically unqualified practitioners, was still a prevalent initiation tradition in several provinces, particularly in Eastern Cape Province. Circumcisions took place at initiation schools, remote camps where traditional leaders led a multiweek rite-of-passage ceremony. Circumcision, which sometimes resulted in death, was considered a precondition for adult status and permits marriage, inheritance, and other societal privileges.

The government regulates initiation schools, but unlicensed schools operated throughout the country for financial gain. In the worst cases, initiation schools enticed or kidnapped boys and girls to undertake rites of passage and held them for ransom until their parents paid for their release. The Council of Traditional Leaders conducted a dialogue with medical providers to identify options for the integration of medical circumcision into traditional practices. In some communities the dialogue led to the successful use of medical providers to perform circumcisions, but in other communities, the dialogue failed to resolve differences. Regardless of agreement on medical provider participation, illegal and unlicensed initiation schools remained a major problem.

As an outcome of the dialogues, the government also supported a program to conduct medical circumcisions and deployed field hospitals to the remote areas where most circumcision rituals occurred. Discussing circumcision was taboo in many communities, where it was considered a matter for chiefs to decide. Some traditional leaders criticized government interference in initiation and circumcision practices, while others declared moratoriums on circumcision. Many traditional leaders vocally criticized initiation schools and encouraged the government to punish offenders strictly. The government conducted outreach, education, and

training programs to engage youth and traditional leaders on circumcision best practices.

Botched circumcisions leading to hospitalizations and penile amputations were reported in Eastern Cape, Limpopo, and Mpumalanga Provinces during the June initiation period. Approximately 31 deaths resulted from circumcision errors during the year, compared with 40 such deaths in 2014. The media also reported 141 hospitalizations during the year. The NPA announced 10 criminal prosecutions for initiations, but acknowledged it did not have statistics on successful convictions. Many cases were withdrawn for lack of evidence.

On April 3, the head of an initiation school abducted 22 boys ages 10 to 18 in Orange Farm, near Johannesburg. The head of the school held them for nearly a week before one of the older boys escaped and called for help. Six of the boys were treated for various injuries. Prosecutors charged the head of the initiation school with 22 counts of child abduction. Authorities suspected the school planned to demand a ransom to release the children.

Sexual Exploitation of Children: Penalties for the sexual exploitation of a child include fines and imprisonment of up to 20 years. The law defines statutory rape as sexual intercourse between anyone under age 18 and an adult more than two years older. The statutory sentence for rape of a child is life in prison, although the law grants judicial discretion to issue sentences that are more lenient.

In June the president signed into law changes to decriminalize consensual sexual conduct between children ages 12 to 16. This fulfilled a 2013 Constitutional Court order that gave the government 18 months to remove the portion of the Sexual Offenses and Related Matters Act that criminalized such conduct.

The law prohibits child pornography and provides for penalties including fines and imprisonment of up to 10 years. The Film and Publications Board maintained a website and a toll-free hotline for the public to report incidents of child pornography.

During the year SAPS arrested 41 suspects on child pornography charges. On September 1, police arrested one of the suspects, Clinton Culder, after raiding his home in Fish Hoek, near Cape Town, where they found thousands of pornographic images on three devices. The trial of Culder, who police suspected of being a key distributor of pornography, continued at year's end. According to SAPS, as many

as 75 citizens could be implicated as part of a global operation to combat child pornography.

On September 17, the Durban high school drama teacher arrested in 2014 for possession, production, and procurement of child pornography pled guilty to 230 child pornography charges; a judge sentenced him to three years in prison as part of a plea agreement. The teacher allegedly groomed at least two of his pupils, giving them gifts and money in exchange for illicit pictures, videos, and sexual favors.

A study conducted by the government entity Statistics South Africa from 2002 to 2009 found approximately 95,000 children (0.5 percent of all children) lived in child-headed households, mostly due to the impact of the HIV/AIDS epidemic. These children sometimes turned to prostitution to support themselves and their siblings. Traffickers in the sex trade exploited other children. Traffickers often recruited children from poor rural areas and moved them to urban centers such as Johannesburg, Cape Town, Durban, and Bloemfontein. NGOs provided shelter, medical, and legal assistance for children in prostitution and a hotline for victims of child abuse.

International Child Abductions: The country is a party to the 1980 Hague Convention on Civil Aspects of International Child Abduction. For information, see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/en/country/south-africa.html.

Anti-Semitism

The South African Jewish Board of Deputies estimated the Jewish community at 75,000 to 80,000 persons. There were reports of verbal abuse, hate speech, harassment, and attacks on Jewish persons or property.

On March 21, three Jewish teenagers ages 17 to 18 wearing kippot were leaving a movie theater in Johannesburg when confronted by three individuals who assaulted two of the three boys and made anti-Semitic comments. Police opened a criminal case of common assault and were attempting to use surveillance footage from the movie theater to identify the perpetrators. The case continued at year's end.

Home Affairs Minister Malusi Gigaba reiterated the government's zero tolerance of anti-Semitism in response to concerns raised by the South African Jewish Board of Deputies regarding a proposal to end the country's dual citizenship policy that some media sources alleged specifically targeted Jewish citizens. In a September interview discussing the proposal to ban dual citizenship, Deputy Minister for Cooperative Governance and Traditional Affairs Obed Bapela said the government did not support Israel's "apartheid policy," but he denied the dual citizenship proposal specifically targeted Israel.

On February 10, Mqondisi Duma, secretary of the Students Representative Council at the Durban University of Technology, called for the expulsion of Jewish students from the university, especially those who did not support Palestine. Reports suggest Duma went on to say, "Israel is an apartheid, genocidal and terrorist state" and any student funded by Israel must immediately deregister. The university vice chancellor Ahmed Bawa publicly called the suggestion "totally unacceptable."

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination in employment, access to health care, and education based on physical, sensory, intellectual, and mental disability. Department of Transportation policies on providing services to persons with disabilities were consistent with the constitution's prohibition on discrimination. Nevertheless, government and private-sector discrimination existed. The law mandates access to buildings for persons with disabilities, but such regulations were rarely enforced, and public awareness of them remained minimal.

In 2012, the most recent year for which data were available, there were more than 111,000 students with disabilities in mainstream schools, and the country had 444 specialized schools for students with disabilities. A report published during the year by the SAHRC and Human Rights Watch estimated, however, that more than 500,000 children with disabilities were not in school. The report found numerous barriers to education for students with disabilities, primarily a policy of channeling students into specialized schools at the expense of inclusive education. Specialized schools frequently charged additional fees, making them financially inaccessible,

were located long distances from students' homes, and lacked the capacity to accommodate demand. Children often were housed in dormitories overseen by an insufficient number of adults, many of whom had little or no training in caring for children with disabilities. When parents attempted to force mainstream schools to accept their children with disabilities, an option under the law, schools sometimes rejected students with disabilities outright because of disability or stated there was no space in the school.

The Department of Basic Education allocated part of its budget for assistive devices, material resources, and assistive technology, but it noted resources were inadequate, and teachers reported insufficient skills in special needs education. Many blind and deaf children in mainstream schools received only basic care rather than education.

The law prohibits harassment of persons with disabilities and, in conjunction with the Employment Equity Act, provides guidelines on the recruitment and selection of persons with disabilities, reasonable accommodation for persons with disabilities, and guidelines on proper handling of employees' medical information. Enforcement of this law was limited. The law also requires employers with more than 50 workers to create an affirmative action plan with provisions to achieve employment equity for persons with disabilities (see section 7.d.). Nevertheless, persons with disabilities constituted only an estimated 1.2 percent of the workforce. The government did not meet its goal of filling 2 percent of government positions with persons with disabilities by year's end.

Persons with disabilities were sometimes subject to abuse and attacks, and prisoners with mental disabilities often received no psychiatric care.

In August, four men--including a traditional healer--abducted and killed Thandazile Mpunza, a 20-year-old with a learning disability. They dismembered Mpunza, allegedly used her body parts in a traditional ceremony, and buried her remains in a shallow grave. Police arrested the men and charged them with murder. The two primary suspects were convicted and sentenced to life in prison for the murder; one suspect was acquitted, and one was convicted and awaiting sentencing at year's end.

There were 15 persons with disabilities in the upper and lower houses of parliament and 218 elected officials with disabilities at the provincial and municipal levels, according to the umbrella advocacy group Disabled People South

Africa. The law does not allow persons identified by the courts as mentally disabled to vote.

The Department of Social Development has primary responsibility for disability policy. All provincial and local governments also have offices charged with protecting the rights of persons with disabilities, and there are representatives advocating for persons with disabilities at the Commission for Gender Equality and the SAHRC. NGOs also advocated for the rights of persons with disabilities.

A 2014 study by the South African Federation for Mental Health found that of the 20 percent of citizens with mental disabilities, 75 percent did not receive needed care. There were approximately 80 mental health treatment facilities in the country, and more than half were run by NGOs, well short of the facilities needed.

National/Racial/Ethnic Minorities

The law requires employers with 50 or more employees to provide for previously disadvantaged groups, legally defined as “Africans or blacks,” “Coloureds,” and “Asians” and collectively constituting more than 90 percent of the population, to be represented adequately at all levels of the workforce. Nevertheless, blacks remained underrepresented, particularly at the professional and managerial levels (see section 7.d.). According to the 2014-15 Employment Equity Report, whites occupied 70 percent of top management positions, 59.3 percent of senior management positions, and 41.9 percent of professionally qualified positions while comprising only 10.3 percent of the economically active population. Blacks held 13.6 percent of top management positions (down from 19.8 percent in 2013-14), 20.5 percent of senior management positions (down from 23 percent in 2013-14), and 36.7 percent of all professional positions (down from 38 percent in 2013-14). Black women remained by far the most disadvantaged group in number and quality of management jobs.

Xenophobic attacks on foreign African migrants and ethnic minorities occurred and sometimes resulted in death, injury, and displacement. Incidents of xenophobic violence generally were concentrated in areas characterized by poverty and lack of services. Citizens blamed immigrants for increased crime and the loss of jobs and housing generally perpetrated. According to researchers from the African Center for Migration and Society, perpetrators of crimes against foreigners enjoyed relative impunity.

Local community or political leaders who sought to gain notoriety in their communities allegedly instigated some attacks. The government sometimes responded quickly and decisively to xenophobic incidents, sending police and soldiers into affected communities to quell violence and restore order, but more often the response was slow and insufficient. Since 2013 the government reduced significantly the number of assaults and deaths by evacuating individuals from communities affected by xenophobic violence. 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 foreigners, and for failing to deter such attacks by vigorous investigation and prosecution of perpetrators.

Attacks on commercial farms and small agricultural holdings continued in rural areas. According to NGOs Afriforum and the Transvaal Agricultural Union of South Africa that track farm attacks, during the year 157 attacks resulted in 44 deaths. The deaths included both white farmers and black farm workers. The attacks, widely referred to as “farm killings,” targeted farm owners, residents, and employees. There were reports that employers abused and killed farm laborers and that employers received preferential treatment from authorities.

In a widely reported case, on June 2, men armed with assault rifles shot and killed Peter Johnson and injured his brother, Ian, while they stood in the driveway of their farm near Durban, KwaZulu-Natal. Ian managed to barricade himself in his home with his wife and call police. Police arrested two suspects in the attack and were searching for two others at year’s end.

Indigenous People

The NGO Working Group of Indigenous Minorities in Southern Africa estimated there were 7,500 indigenous San and Khoi in the country, some of whom worked as farmers or farm laborers. By law the San and Khoi have the same political and economic rights as other citizens, although the government did not always effectively protect those rights or deliver basic services to indigenous communities. Indigenous groups complained of exclusion from land restitution, housing, and affirmative action programs. They also demanded formal recognition as “first peoples” in the constitution. Their lack of recognition as “first peoples” excluded their leadership from government-recognized structures for traditional leaders. Their formal participation in government and the economy was limited due to fewer opportunities, lack of land or resources, minimal access to education, and relative isolation (see section 7.d.).

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The post-apartheid constitution outlaws discrimination based on sexual orientation, but according to a 2013 Pew Research Center study, 61 percent of respondents said society should not accept homosexuality. This prevailing cultural attitude influenced service delivery by individual government employees at the local level. NGOs reported the prevailing culture also negatively influenced hiring practices by local firms, particularly for transgender and intersex individuals.

There were reports of official mistreatment or discrimination based on sexual orientation or gender identity despite clear government policies prohibiting discrimination. A 2011 Human Rights Watch report highlighted violence and discrimination, particularly faced by lesbians and transgender persons. The report documented cases of “secondary victimization” of lesbians, including cases in which police harassed, ridiculed, and assaulted victims of sexual- and gender-based violence who reported abuse. According to the Khayelitsha Commission of Inquiry Report released in 2014, LGBTI individuals were particularly vulnerable to violent crime due to anti-LGBTI attitudes within the community and among police. Anti-LGBTI attitudes among junior members of SAPS affected how SAPS handled complaints by LGBTI individuals, and management did not always address the problem.

In 2014 the government launched a National Intervention Strategy that included rapid-response teams from civil society and various government departments to provide that law enforcement officers dealt with crimes against the LGBTI community promptly and professionally. In August the government reported these rapid-response teams analyzed more than 200 hate crimes cases labeled as “stalled” by civil society. The NPA closed approximately 80 of the cases due to lack of evidence or unavailability of witnesses, but it advanced and finalized 23 cases with convictions, some resulting in life sentences. The NPA and SAPS continued to investigate the remaining cases. The task team has also made progress in educating local government officials and the public about equal rights for the LGBTI community.

On March 21, three men raped an openly bisexual woman and mother of three at gunpoint as she walked home in the rural town of Jane Furse, three hours north of Pretoria, Limpopo Province. The men allegedly called her a lesbian and said they would show her that her lifestyle was wrong. She reported the attack to police and

submitted the case to the Justice Department's rapid-response team for the LGBTI sector. The investigation continued at year's end.

A judge convicted David Oncke in the 2014 rape and killing of David Olyn, in Ceres, Western Cape Province. Oncke awaited sentencing at year's end.

The court convicted Stoffel Pule Botlhokwe of the 2014 rape and murder of lesbian Disebo "Gift" Owen in Ventersdorp, Northwest Province. On May 27, a judge sentenced Botlhokwe to two life terms.

HIV and AIDS Social Stigma

The social stigma associated with HIV/AIDS remained a problem, especially in rural communities. Civil society organizations such as the Treatment Action Campaign and government campaigns continued to address the problem.

In May the South African National AIDS Council--a joint body composed of government, academic, and civil society representatives--released a landmark People Living with HIV Stigma Index. The council surveyed more than 10,000 HIV-positive individuals, age 15 and over, from two districts in each province on their experiences with social stigma. Overall, 36 percent of respondents reported experiencing external stigma; most were girls and women, ages 15 to 24, poor, infected with HIV for two to five years, living in a small town, and married or with a partner but temporarily not living in the same house. A large majority of respondents said they had never been excluded from social gatherings, but those who were excluded listed their HIV status as a key factor. Most participants said they had not been physically assaulted or harassed, discriminated against, or abused physically or emotionally by a partner in the prior 12 months. Of those who experienced abuse, approximately one-third attributed it to their HIV-positive status.

Forty-three percent of respondents of all socioeconomic groups reported internal stigma, or negative feelings toward themselves. Internal stigma had a profound impact on social participation, with 32 percent of respondents deciding not to have children because of their status, 15 percent deciding not to marry, 12 percent choosing not to attend social gatherings, and 10 percent isolating themselves from family and friends. Those most likely to experience internal stigma were between ages 15 to 24, in their first year of HIV-positive status, and lacking formal education.

Of those surveyed who disclosed their status to family or friends, most found family or friends to be supportive. Most respondents disclosed their status--89 percent to their partners and 68 percent to their children. Approximately 28 percent suggested their status might have been disclosed without their consent, 24 percent were unsure whether their status might have been disclosed, and 30 percent were unsure if their medical records were kept confidential.

Other Societal Violence or Discrimination

There were reports that persons accused of witchcraft were attacked, driven from their villages, and in some cases killed, particularly in Limpopo, Mpumalanga, KwaZulu-Natal, and Eastern Cape Provinces. Victims were often elderly women. Traditional leaders generally cooperated with authorities and reported threats against persons suspected of witchcraft.

On May 19, in Musina, Limpopo Province, police arrested 17 persons, including four minors, for malicious damage to property and public violence. The group twice attempted to burn down the house of a local pastor (succeeding on the second attempt) after he was recorded on video saying he practiced witchcraft. Charis TV, a video distribution company affiliated with the Christian Charis Missionary Church, screened the video at a number of local churches whose members were implicated in the violence. The trial continued at year's end with four minors released into the custody of their parents, five adults released on bail, and the rest of the group denied bail.

Ritual ("muthi") killings, to obtain body parts believed by some to enhance traditional medicine, persisted. Police estimated organ harvesting for traditional medicine resulted in 50 deaths per year.

On August 16, in Zabasa Village, near Mthatha, Eastern Cape Province, a man slit the throat of 10-year-old Msindisi Mzolisa in front of Mzolisa's three friends. The friends alerted villagers and police, who tracked down the killer. The suspect told residents his traditional healer in Cape Town told him to bring the heads of four children to make him rich. He admitted to planning four killings in a one-week period.

The trial continued in the 2014 murder case of Desiree Murugan. The NPA moved the case to a higher court, and testimony from the 18-year-old who pled guilty in the original trial (and was serving a life sentence at year's end) began on November 12. He testified that the group lured Murugan to the stadium,

decapitated her, and returned the head to a traditional healer. The trial of his two accomplices, both minors, along with the traditional healer and his assistant continued at year's end.

Incidents of vigilante violence and mob killings occurred, particularly in Gauteng, Mpumalanga, Eastern Cape, and KwaZulu-Natal Provinces.

In March, five young men accused of raping a woman and murdering her husband were captured by angry community members in the Sondela informal settlement, three hours north of Pretoria. The community members tied the victims together with chains, placed car tires around their necks, and set them on fire in a practice known as "necklacing." The five died of their injuries. An onlooker captured the entire incident on cell phone video that came to the attention of police only when it was posted on You Tube in April. Police were still investigating the incident at year's end.

A judge sentenced Angy Peter and three codefendants to 10 years in prison for the 2012 premeditated murder of Rowan Du Preez, who allegedly stole their television. The judge released them on bail until their appeal hearing, which had yet to be held at year's end.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows all workers, with the exception of members of the National Intelligence Agency and the Secret Service, to form and join unions of their choice without previous authorization or excessive requirements. According to the 2014 Fourth Quarter Labor Force Survey conducted by Statistics South Africa, 3.8 million workers, or 29.5 percent of the formal sector, belonged to a union. The law allows unions to conduct their activities without interference and provides for the right to strike, but it prohibits workers in essential services from striking, and employers are prohibited from locking out essential service providers. The government characterizes essential services as: (a) a service, the interruption of which endangers the life, personal safety, or health of the whole or part of the population; (b) the parliamentary service; or (c) members of SAPS. Government and labor unions have been unable to agree on a more detailed list of essential services.

The law allows workers to strike over matters of mutual interest, such as wages, benefits, organizational rights disputes, socioeconomic interests of workers, and similar measures. Workers may not strike over disputes where other legal recourse exists, such as through arbitration. Labor rights NGOs operated freely.

The law protects collective bargaining and prohibits employers from discriminating against employees or applicants for past, present, or potential union membership or participation in lawful union activities. The law provides for automatic reinstatement of workers dismissed unfairly for conducting union activities. The law provides a code of good practices for dismissals that includes procedures for determining the “substantive fairness” and “procedural fairness” of dismissal. The law includes all groups of workers, including legally resident foreign workers.

Labor courts and labor appeals courts effectively enforced the right of association and the right to collective bargaining.

The government respected freedom of association and the right to collective bargaining. Worker organizations were independent of the government and political parties, although the Congress of South African Trade Unions (COSATU), the country’s labor federation, is a member of the ANC-led ruling alliance along with the South African Communist Party. Two other labor federations in July accused the minister of labor of political interference favoring COSATU-affiliated unions. Labor Registrar Johan Crouse took the Department of Labor to court in July, accusing the minister of removing him from his position unfairly. On October 5, the court found that the minister failed to act in a “fair and objective manner” when she took the decision to remove Crouse, and that the ministry’s decision was “unreasonable, irrational and procedurally unfair.” The court ordered labor department to reinstate Crouse to his position.

The minister of labor has the authority to extend agreements by majority employers and labor representatives in sector-specific bargaining councils to the entire sector, even if companies or employees in the sector were not represented at negotiations. Companies not party to bargaining disputed this provision in court. Employers often filed for and received labor department exemptions from collective bargaining agreements.

Workers frequently exercised their right to strike, and strikes were sometimes violent and disruptive. Although the law prohibits essential service providers from striking, they participated in strikes throughout the year. Despite a court order to

return to duty, for example, firefighters in Johannesburg participated in a go-slow (intentionally working slowly and with less effort) over unpaid overtime.

If not resolved through collective bargaining, independent mediation, or conciliation, disputes between workers in essential services and their employers were referred to arbitration or the labor courts.

Trade unions generally followed the legal process of declaring a dispute (notifying employers) before initiating a strike. Sectors affected during the year were the agriculture, energy, communication, transportation, and mining sectors.

In June the president released the Marikana Commission of Inquiry report on events that led to the deaths of 44 persons, 34 of them by SAPS, during a 2012 platinum-sector strike. The report criticized the SAPS decision to disperse miners by force without a proper tactical plan. The commission urged immediate implementation of the 2012 National Planning Commission recommendations to demilitarize and professionalize SAPS; further investigation by the director of public prosecutions to ascertain criminal liability of police in the shootings; and the convening of a governmental commission of inquiry to determine the fitness to hold office of National Police Commissioner Rah Phiyega.

The commission determined Phiyega approved the 2012 police operation and deliberately sought to mislead the public into thinking police officers acted purely in self-defense. On September 23, the president announced the appointment of a board of inquiry to investigate Phiyega's fitness to hold office, and on October 14, the president suspended Phiyega pending the conclusion of the inquiry. The NPA also tasked prosecutors with investigating the criminal liability of police officers involved in the incident.

During the year there were no credible cases of antiunion discrimination or employer interference in union functions.

Rivalry and intolerance between unions were common. On February 5, nine workers at a Sibanye gold mine were injured during an altercation between members of the Association of Mineworkers and Construction Union and the National Union of Mineworkers.

Violence and intimidation during strikes also were common. Members of the National Union of Metalworkers of South Africa intimidated nonstriking workers

and destroyed company property during a wildcat strike in March at Eskom, a power utility company.

Minority unions often encouraged their members to join strikes led by majority unions for their own safety since strikebreakers sometimes encountered violence. For example, on December 2, the city of Johannesburg hired temporary workers to clean up piles of garbage around the city after trash collectors conducted an illegal strike. Picketing workers confronted the temporary employees, and an alleged striker shot and injured four temporary employees. Police arrested the striker, who awaited trial at year's end.

b. Prohibition of Forced or Compulsory Labor

Although the law prohibits all forms of forced or compulsory labor, the government did not consistently or effectively enforce the law. Forced labor occurred, including domestic servitude. There were reports of isolated cases of forced labor involving children and women, primarily in domestic and agricultural labor. Migrant women and girls were subjected to domestic servitude and forced labor in the services sector. Boys, particularly migrant boys, were forced to work in street vending, food services, begging, criminal activities, and agriculture. Migrant workers were subject to forced labor in agriculture, especially in cattle herding, in textile production, and aboard fishing vessels.

The law prohibits forced labor and provides for penalties ranging from fines to three years in prison for perpetrators convicted of forced labor. The penalty was insufficient to deter violations, in part because inspectors typically levied fines and required payment of back wages in lieu of meeting evidentiary standards of criminal prosecution. In July the Prevention and Combatting of Trafficking in Persons Act of 2013 went into effect and increases maximum fines for forced labor to 100,000 rand (\$7,700) and the maximum criminal sentence to life in prison.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of children under age 15, and prohibits anyone from requiring or permitting a child under age 15 to work. The law allows children under age 15 to work in the performing arts, however, if their employers receive permission from the Department of Labor and agree to follow specific guidelines.

The law also prohibits children between ages 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, and with hazardous chemicals or explosives, manufacturing, rock and stone crushing, and work in casinos or other gambling and alcohol-serving establishments. Employers may not require a child to work in a confined space or to perform piecework and task work. Violation of child labor law is punishable by a maximum prison sentence of six years and a fine of 15,000 rand (\$1,100).

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. Although child labor continued, enforcement improved: The Department of Labor deployed specialized child labor experts in integrated teams of child labor intersectoral support groups to each province and labor center.

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 labor department investigated a number of complaints but was unable to develop enough evidence to file charges.

An important factor in reducing child labor was the government's Child Support Grant, a direct cash transfer between 320 rand (\$24.61) and 330 rand (\$25.40) per month. The government pays the grant to primary caregivers of vulnerable children age 18 and under. To be eligible for the grant, a single caregiver must earn less than 34,800 rand (\$2,676) per year, and the combined income for married caregivers may not exceed 69,600 rand (\$5,354) per year. A foster-child grant of 860 rand (\$66) per month was also available to a primary caregiver of a foster child whom a court order has placed in their custody.

Child labor occurred in the agricultural, domestic labor, and informal sectors of the economy. Comprehensive data on child labor did not exist, but NGOs and inspectors considered it rare in the formal sectors of the economy.

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The Employment Equity Act protects all workers against unfair discrimination on the grounds of race, age, gender, religion, marital status, pregnancy, family responsibility, ethnic or social origin, color, sexual orientation, disability, conscience, belief, political, opinion, culture, language, HIV status, birth, or any other arbitrary ground. According to a 2014 amendment to the act, a contractor or part-time employee must be treated as a full-time employee unless he/she meets a defined list of exceptions. The legal standard used to judge discrimination in all cases is whether the terms and conditions of employment between employees of the same employer performing the same or substantially similar work, or work of equal value, differ directly or indirectly based on any of the grounds listed above. The amendment increases fines incrementally for noncompliance to 2 percent of company revenue, or 1.5 million rand (\$115,384), for a first offense. Authorities may fine up to 10 percent of company revenue, or 2.7 million rand (\$207,690), for a fourth offense on the same provision within three years. The government has a regulated code of conduct to assist employers, workers, and unions to develop and implement comprehensive, gender-sensitive, and HIV/AIDS-compliant workplace policies and programs.

Discrimination in employment and occupation occurred with respect to race, gender, disability, sexual orientation, HIV status, and country of origin (see section 6).

Discrimination cases were common and frequently taken to court or the Commission for Conciliation, Arbitration, and Mediation. Some estimates indicated nearly 50 percent of the SAHRC's cases were labor equity disputes.

The SAHRC and Commission for Employment Equity Discrimination found discrimination by ethnicity, gender, age, country of origin or disability in all sectors of the economy. Watchdog organizations claimed discrimination was more frequent in the private sector because it was organized along traditional ethnic and gender lines. The public sector better reflected the country's ethnic and gender demographics. Traditional gender stereotypes, such as "mining is a man's job" and "women should be nurses" persisted. Bias against foreigners was common in society and the workplace. During the year labor department officials reviewed

551 companies for compliance with the employment equity law, exceeding its target of 523 reviews. The Department of Labor inspected 1,364 designated employers, missing the department's target of 1,837.

e. Acceptable Conditions of Work

There is no legally mandated national minimum wage, although the law gives the Department of Labor authority to set wages by sector. The department increased the minimum wage for farm workers to 14.25 rand (\$1.09) per hour. The minimum hourly wage for domestic workers employed more than 27 hours per week was raised from 11.27 rand to 11.44 rand (\$0.86 to \$0.88) per hour for employers in the urban areas and from 9.80 rand to 10.23 rand (\$0.75 to 0.78) for employers in semi-urban and rural areas. The law protects migrant workers, and they are entitled to all benefits and equal pay.

The government applied three national poverty lines--the food poverty line (FPL), lower-bound poverty line (LBPL), and upper-bound poverty line (UBPL). The FPL is the income level below which individuals are unable to purchase sufficient food to provide them with an adequate diet. The LBPL includes nonfood items but requires that individuals sacrifice food to obtain these, while individuals at the UBPL level may purchase both adequate food and non-food items. The UBPL during the year was 779 rand (\$60) per month. The LBPL was 501 rand (\$39) per month, and the FPL was 335 rand (\$26) per month.

The law establishes a 45-hour workweek, standardizes time-and-a-half pay for overtime, and authorizes four months of maternity leave for women. No employer may require or permit an employee to work overtime except by agreement, and overtime may not be more than 10 hours a week. The law stipulates rest periods of 12 consecutive hours daily and 36 hours weekly and must include Sunday. The law allows adjustments to rest periods by mutual agreement. A ministerial determination exempted businesses employing fewer than 10 persons from certain provisions of the law concerning overtime and leave. Farmers and other employers could apply for variances from the law by showing good cause. The law applies to all workers, including workers in informal sectors, foreigners, and migrant workers.

The government set occupational health and safety standards through the Department of Mineral Resources for the mining industry and through the Department of Labor for all other industries. The law provides for the right of mine employees to remove themselves from work deemed dangerous to health or

safety. The law prohibits discrimination against an employee who asserts a right granted by law and requires mine owners to file annual reports providing statistics on health and safety incidents for each mine.

There are harsh penalties for violations of occupational health in the mining sector that has separate legislation with strict deterrents to protect mineworkers. Employers are subject to heavy fines or imprisonment for serious injury, illness, or the death of employees due to unsafe mine conditions. The law allows mine inspectors to enter any mine at any time to interview employees and audit records.

Outside the mining industry, no laws or regulations permit workers to remove themselves from work situations deemed dangerous to their health or safety without risking loss of employment, although the law provides that employers may not retaliate against employees who disclose dangerous workplace conditions. Employees were also able to report unsafe conditions to the labor department, which used employee complaints as a basis for prioritizing labor inspections.

The Department of Labor is responsible for enforcing wage standards outside the mining sector, and a tripartite Mine Health and Safety Council and an Inspectorate of Mine Health and Safety enforced such standards in the mining sector. Penalties for violations of wages and work-hour standards outside the mining sector were not sufficient to deter violations. Some foreign-owned apparel/textile factory owners refused to pay workers the sectoral minimum wage established by the labor department and employed undocumented workers from neighboring countries. Labor officials continued their investigation at year's end.

The government employed 1,599 labor inspectors country wide, a number considered insufficient to investigate reports of labor abuses in a total workforce of 18.6 million. For example, 107 government labor inspectors in Western Cape Province had responsibility for more than 6,600 farms as well as other businesses and sectors. Labor inspectors conducted routine and unplanned inspections at various workplaces that employed vulnerable workers. The government provided free housing for some employees earning less than 3,500 rand (\$269) per month, free health care, and, in some areas, no-fee schooling to assist the children of low-income earners. Labor inspectors and unions had difficulty visiting workers on private farms.

The Department of Labor reported it conducted 149,847 labor inspections in 2014-15, resulting in findings of noncompliance in 27,531 cases. The department did not meet its target of 150,684 inspections. The department issued 27,291 violation

notices and referred 394 cases for prosecution. The labor department conducted 730 of 968 requested investigations on work permit cases within five days.

While labor conditions improved on large commercial farms, COSATU and leading agricultural NGOs reported that labor conditions on small farms remained harsh. Underpayment of wages and poor living conditions for workers, most of whom were black, were common. Many owners of small farms did not measure working hours accurately, 12-hour workdays were common during harvest time, and few farmers provided overtime benefits. Amendments to the Basic Conditions of Employment Act attempted to address some labor abuses at farms. For example, changes prohibited farms from selling farm employees goods from farm-operated stores on credit at inflated prices.

According to an International Labor Organization (ILO) report released during the year on the country's agriculture sector, market deregulation, trade liberalization, and decreases in farm subsidies resulted in the weakening of farm owners' collective bargaining power and profitability. To cope farmers decreased the number of workers employed and increased the use of short-term employees, contractors, and migrant workers. The ILO report found a high rate of compliance on key workers' rights in the sector, with most violations occurring in the sugar industry that largely employed foreign migrant workers. The ILO concluded there was too much room for interpretation in the Department of Labor's sectoral minimum wage determination for farmworkers that allows employers to forego granting pro-rata leave to seasonal workers. Additionally, the employer practice of requiring a medical certificate or clinic letter on the first day of illness to reduce alleged abuse of sick leave and high absenteeism created problems for farmworkers, who had to pay expensive medical fees for the "luxury" of being ill or had to sit in long queues instead of recuperating.

Mining accidents were common. In June blasting operations at the Bambanani Harmony Gold Mine near Welkom, Free State Province, were halted after a worker was killed in an accident. In August a worker died during a rail accident at Harmony Kusasalethu mine near Carletonville, Gauteng Province. In June a mineworker died underground near Utrecht, KwaZulu-Natal Province.

Industrial accidents also were common. On September 16, four persons died after a trailer being towed by a tractor overturned in Umkomaas, KwaZulu-Natal Province.

During the year officials audited 23,678 workplaces to determine their compliance with occupational and safety laws; 7,888 were not in compliance.