

South Africa 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in South Africa during the year.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious government corruption; extensive gender-based violence, including domestic or intimate partner abuse, sexual violence, child, early, and forced marriage, and femicide; crimes involving violence or threats of violence targeting members of national groups, specifically foreigners; trafficking in persons, including forced labor; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government did not take credible steps to investigate, prosecute, and punish officials who may have committed human rights abuses. There were numerous reports of impunity.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or

Politically Motivated Killings

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

The Independent Police Investigative Directorate (IPID) told media it was overwhelmed by the large number of deaths resulting from police shoot-outs in KwaZulu-Natal. Between October and November, KwaZulu-Natal police reported 19 persons were killed in seven shoot-outs with police.

Authorities claimed to be investigating a shoot-out between police and an alleged criminal syndicate, which left 19 suspects dead in September at a villa in Limpopo. It was not clear whether IPID was examining the use of force during the police raid (see also section 2.b., Freedom of Assembly).

Watchdog groups noted deaths in custody often resulted from physical abuse combined with a lack of subsequent medical treatment or neglect (see section 1.c., Prison and Detention Center Conditions, Abusive Physical Conditions).

There were attacks and ongoing harassment against whistleblowers. In August, six suspects were convicted and sentenced in the 2021 killing of Babita Deokaran, an accountant in the Gauteng Department of Health. She was killed after she discovered and exposed personal protective equipment tender corruption in the Gauteng premier's office. Activists demanded the investigation and prosecution of the alleged masterminds.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

Although the constitution and law prohibited such practices, there were reports of police use of torture and physical abuse, some of which resulted in deaths.

Eight members of the police's VIP protection unit were suspended and then reinstated after they were filmed attacking civilians on the N1 highway.

Civil society expressed concern regarding the Gauteng premier risking abuse of police powers by appointing and deploying 6,000 crime prevention wardens as part of his anticrime strategy. Media reported several complaints of brutality by the wardens including unauthorized searches and assaults of citizens.

Impunity was a significant problem in the security forces. The South African Police Service was often identified as acting with impunity. The police watchdog organization IPID documented the lack of police accountability for thousands of annually registered police brutality complaints.

Prison and Detention Center Conditions

Prison conditions were harsh and life-threatening due to overcrowding, poor sanitation, inadequate medical care, disease (particularly tuberculosis), as well as inmate-on-inmate rape and physical abuse.

Abusive Physical Conditions: According to the Judicial Inspectorate for Correctional Services' (JICS) quarterly report from April to June, there were 40 unnatural deaths between April and June; another 30 were classified as unknown cases. During the same quarter, JICS received 166 complaints: 59 related to inmate-on-inmate assaults, 19 concerning official-on-inmate assaults, and 13 related to transfers. JICS also received 10 complaints of sexual assault, along with one reported corruption matter, two cases involving torture, one incident of self-harm, and three instances of inhuman treatment.

Civil society groups reported gross overcrowding of prisons was a problem. According to the *2021/2022 Department of Correctional Services Annual Report*, in March the country held 143,223 prisoners in facilities with a capacity of 110,836 persons.

The newspaper *Mail & Guardian* reported on shortages of prison doctors, inadequate investigation and documentation of prisoner deaths, inadequate monitoring of the prison population, and high prisoner suicide rates. Food, sanitation, and health care in prisons and detention centers were

inadequate. Prisons provided inmates with potable water, but supplies and food were occasionally inadequate, and sanitation was poor. Government and civil society accused the Department of Public Works of failing to make infrastructure repairs at prisons nationwide. Most cells had toilets and basins but often lacked chairs, adequate light, and ventilation. The Department of Correctional Services required doctors to complete and sign reports of inmate deaths due to natural causes to lessen the incidence of deaths caused by neglect.

Administration: Authorities did not always conduct proper investigations of credible allegations of mistreatment.

Independent Monitoring: The government usually permitted monitoring by independent nongovernmental observers of prison conditions, including visits by the International Committee of the Red Cross. The independent JICS during the year adopted a strategic approach to inspect all 243 correctional service facilities at least once during a two-year cycle.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of arrest or detention in court. The government generally observed these requirements; however, there were numerous cases of arbitrary arrests of foreign workers, asylum seekers, and refugees.

Arrest Procedures and Treatment of Detainees

The law required that a judge or magistrate issue arrest warrants based on sufficient evidence. The law also required police to promptly inform detainees of the reasons for their detention, their right to remain silent, and the consequences of waiving that right. Police had to 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); and permit them to communicate with relatives, medical practitioners, and religious counselors. The government did not always respect these rights. The law required police to release detainees (with or without bail) unless the interests of justice required otherwise, although bail for pretrial detainees often exceeded what suspects could pay.

Arbitrary Arrest: During the year there were numerous cases of arbitrary arrest, particularly of foreign workers, asylum seekers, and refugees. Nongovernmental organizations (NGOs) and media outlets reported security forces arbitrarily arrested migrants and asylum seekers, including those with proper documentation, often because police were unfamiliar with migrant and asylum documentation. In some cases, police threatened documented migrants and asylum seekers with indefinite detention and bureaucratic hurdles unless they paid bribes. The law prohibited the detention of unaccompanied migrant children for immigration law violations, but NGOs

reported the Department of Home Affairs and the South African Police Service (SAPS) detained them.

Pretrial Detention: Lengthy pretrial detention was common. According to the Department of Correctional Services, detainees waited an average of 176 days before trial. Observers attributed the high rate of pretrial detention to arrests based on insufficient evidence for prosecution, overburdened courts, poor case preparation, irregular access to public defenders, and prohibitive bail amounts. Police often held detainees while prosecutors developed cases and waited for court dates. Legal scholars estimated less than 60 percent of those arrested were convicted. The law required a review in cases of pretrial detention of more than two years' duration. The pretrial detention frequently exceeded the maximum sentence for the alleged crime.

e. Denial of Fair Public Trial

The law provided for an independent judiciary, and the government generally respected judicial independence and impartiality. There were numerous reports of lost trial documents, often when the accused was a government official. NGOs stated judicial corruption was a problem.

Trial Procedures

The law provided for the right to a fair and public trial, and an independent

judiciary generally enforced this right. Police did not always inform detainees promptly and in detail of the charges against them. Provision of free interpreter assistance depended on availability and cost. Limited access to interpreters sometimes delayed trials. Judges sometimes transferred cases from rural to urban areas to access interpreters more easily. Prosecutors described obtaining interpretation for interviews of suspects and victims as a challenge.

Although detainees and defendants had the right to legal counsel provided and funded by the state when “substantial injustice would otherwise result,” this right was limited due to a general lack of information regarding rights to legal representation and inadequate government funding of such legal services. There was no automatic right to appeal unless a convicted individual was younger than age 16, but courts could give defendants permission to do so. Civil society provided pro bono legal services for the country’s most underserved communities.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, a generally effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members. Nevertheless, the law permitted authorities to restrict reporting on security forces, prisons, and mental institutions.

Freedom of Expression: Civil society groups complained regarding a steady shrinking of free expression space with particular concern for backlash

received on social media for expressing opinions or publishing articles. According to Amnesty International, in August 2022 the Department of Justice and Constitutional Development condemned attacks and online death threats against a human rights law firm, the Socio-Economic Rights Institute, which had to close its offices after defending the rights of informal traders, and similar harassment continued during the year.

Violence and Harassment: There were instances of journalists, in particular women journalists, who were subjected to violence, harassment, or intimidation by authorities or political party representatives due to their reporting.

Several NGOs contacted through Amnesty International expressed concern regarding threats to freedom of expression across these fronts, “a) in person attacks on journalists by police, political parties, and the public; b) online hate speech, harassment, and doxing among online threats targeting journalists; c) surveillance of journalists by state intelligence; d) punitive legislation that targets journalists or limits their ability to report; e) ongoing vulnerability of senior journalists at the public broadcaster.”

The South African News Editors’ Forum continued to express concern regarding the prevalence of online harassment of journalists, especially threats to women and foreign national journalists.

Censorship or Content Restrictions for Members of the Press and Other

Media, Including Online Media: Government and political officials often criticized media for lack of professionalism and reacted sharply to media criticism. Claims of political interference emerged after the South African Broadcasting Corporation dismissed its Head of News, Phathiswa Magopeni, in January 2022. Magopeni stated she was dismissed because former Minister of Transport Fikile Mbalula blamed the corporation's coverage for the ruling African National Congress' (ANC) poor performance in the November 2021 municipal elections. Some journalists believed the government's sensitivity to criticism resulted in a higher degree of self-censorship.

Libel/Slander Laws: Defamation was a criminal offense, although there were no prosecutions for defamation during the year. The law also prohibited blasphemy, although reports indicated the last known prosecution for blasphemy was in 1968.

Nongovernmental Impact: The South African News Editors' Forum described the September 2022 serving of a criminal summons by former President Jacob Zuma's legal representatives against *News24* journalist Karyn Maughan as a case of intimidation. The law allowed a person directly affected by a crime to bring a private criminal prosecution against an individual if prosecutors declined to bring a case, as happened in Maughan's case. In June the Pietermaritzburg High Court ruled in favor of Maughan. Zuma's representatives charged Maughan improperly published documents

that were held by prosecutors on Zuma's medical condition, but the court found the information was in fact already public. The court labeled Zuma's attempt to privately prosecute the journalist as "abuse of process" and defended media's right to freedom of expression.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. The law authorized state monitoring of telecommunication systems, however, including the internet and email, for national security reasons. The law required all service providers to register on secure databases the identities, physical addresses, and telephone numbers of customers.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provided for freedom of assembly and association, and the government generally respected these rights. Nevertheless, NGOs reported many municipalities required protest organizers to provide advance written notice before staging gatherings or demonstrations.

Freedom of Peaceful Assembly

Despite a 2018 court ruling eliminating prenotification requirements for gatherings or demonstrations, NGOs reported many municipalities required protest organizers to provide advance written notice, especially in small

rural communities where organizers were often unaware of their rights.

Police on occasion used excessive force in response to demonstrations but were almost never held accountable or disciplined for their actions (see sections 1.a. and 1.c.). In August, SAPS shot and killed a boy, age 16, during service delivery protests in Slovo Park related to electricity, water, sewage, and waste hauling services. IPID stated it was investigating the youth's death.

Freedom of Association

Some government officials questioned the funding for NGOs operating in the country across a range of topics including environmental justice and legal rights advocacy. NGOs also widely criticized the draft General Intelligence Laws Amendment Bill as an attempt to vet persons who might want to establish an NGO.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel,

emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government generally cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum and refugee status, and the government had an established system for providing protection to refugees. Refugee advocacy groups criticized the government's processes for determining refugee status, citing long waits for appointments, low approval rates, large case and appeal backlogs, a lack of timely information provided to asylum seekers on their asylum requests and status of their cases, inadequate use of country-of-origin information, an inadequate number of processing locations, and official corruption. Despite Department of Home Affairs anti-corruption programs that punished officials found to be accepting bribes, NGOs and asylum applicants reported immigration officials solicited bribes. According to civil society groups, the system lacked procedural safeguards for seeking protection and review for unaccompanied children, trafficked victims, and survivors of domestic violence. During the year, government services strained to keep up with the

caseload, and NGOs criticized the government's implementation of the system as inadequate, putting asylum seekers at risk of detention and forced return. The Refugee Appeals Authority of South Africa made little progress in eliminating 130,000 cases from its backlog, experiencing staff shortages, technological inefficiencies, and the absence of appropriate project management. The lack of timely documentation had far-ranging impacts including limiting refugee travel, accessing civil registry services (including registering births), loss of employment, enrolling in education, and freezing of bank accounts. The government required children who achieved the age of majority to present independent cases demonstrating persecution in their country of origin, regardless of the age they entered the country with their parents. The government reopened the Cape Town Refugee Reception Center in March after 11 years of court battles.

Abuse of Refugees and Asylum Seekers: Refugee advocacy organizations stated police and immigration officials physically abused refugees and asylum seekers (see also section 1.d., Arbitrary Arrest). Xenophobic violence was a continuing problem across the country, especially in Gauteng Province. Those targeted often owned or managed small, informal grocery stores in economically marginalized areas that lacked government services (see section 6, Systemic Racial or Ethnic Violence and Discrimination).

Employment: The law permitted refugees to work lawfully. Asylum seekers had to obtain Department of Home Affairs approval to work, which was

generally granted. Refugee advocates reported delays in status document renewals leading to refugees losing employment. According to NGOs specialized in the protection of refugee rights, refugees were regularly denied employment due to their immigration status.

Access to Basic Services: Although the law provided for asylum seekers and refugees to have access to basic services, including education, health, social support, police, and judicial services, NGOs reported health-care facilities and authorities, particularly in Gauteng, discriminated against them. Some refugees reported they could not access education for their children because schools refused to accept asylum documents as proof of residency. NGOs reported banks regularly denied services to refugees and asylum seekers who lacked government-issued identification documents.

Durable Solutions: The law allowed for some refugees to obtain permanent residency and a pathway to citizenship, but this was rarely achieved. The government generally collaborated with humanitarian organizations facilitating voluntary repatriation of refugees to their countries of origin or resettlement to third countries.

Temporary Protection: The government offered temporary protection to approximately 180,000 individuals who might not qualify as refugees.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

The country contributed to statelessness primarily through the administrative practices affecting birth registration, legal pathways to citizenship, and issuance and validity of identification documents (IDs). Women and children were particularly affected by statelessness and as a result routinely denied access to education, health care, and employment. In a September 2022 submission to parliament, Lawyers for Human Rights (LHR) estimated there were more than 10,000 stateless persons in the country because of a lack of access to birth registration, lack of an administrative process for citizenship application, inaccessible pathways to documentation for unaccompanied or separated migrant children, the government's invalidation (or blocking) of IDs, and a host of other administrative barriers for foreign and local nationals alike. In May the LHR took the Department of Home Affairs to court for its practice of arbitrarily blocking IDs. The LHR claimed that the practice of blocking IDs harmed a majority of marginalized, Black South Africans, requiring them to produce extensive documentary evidence of their citizenship, information that often was lacking due to inadequate civil registration records for Black residents pre-1994. The government agreed to remove blocks from 1.4 million IDs shortly after the lodging of the lawsuit, although approximately 700,000 IDs remained blocked.

The law allowed children with no other nationality born to foreign national

parents who arrived in the country on or after January 1, 1995, always lived in the country, and were in possession of a birth certificate, to apply for citizenship.

Foreign nationals had a separate two-step process to register a child's birth. In addition, the foreign national had to have legal status in the country to engage in this process. The government required registration to happen within 30 days of the birth, or the applicant had to engage in a late registration process that advocates stated could take up to four years. Advocates stated that this process left many foreign nationals at risk of statelessness as well as South Africans without valid identity documents. Following birth registration, foreign nationals had to obtain official birth certificates from their country of origin.

In 2021, the Constitutional Court ruled that unmarried fathers could register their children under their surname without the mother's consent. The landmark ruling was to avoid placing children at risk of statelessness if the mother was undocumented, missing, or deceased.

Section 3. Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal

suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: In 2019 the country held National Assembly, National Council of Provinces, and provincial legislature elections. According to the Electoral Institute for Sustainable Democracy in Africa, the elections were transparent, fair, credible, and in line with the constitutional and legal framework for elections. Election observers, including the African Union and the Southern African Development Community, characterized the elections as largely credible. The government, however, restricted diplomatic missions from assigning more than two election observers each, effectively excluding diplomatic missions from broad observation of the elections.

Political Parties and Political Participation: Opposition parties claimed the ruling ANC used state resources for political purposes in the provinces under its control. ANC membership conferred advantages. Through a cadre deployment system, the ruling party controlled and appointed party members to thousands of civil service positions in government ministries and in provincial and municipal governments (see section 4, Corruption). In October 2022, the government adopted the “National Framework towards Professionalization of the Public Sector” in an effort to ensure only qualified and competent individuals were appointed to positions of authority. In July,

however, a skills audit report released by the Department of Cooperative Governance and Traditional Affairs revealed that 300 councilors in KwaZulu-Natal were illiterate.

Participation of Women and Members of Marginalized or Vulnerable

Groups: Civil society groups reported that fewer women participated as candidates and as voters in the 2021 municipal elections compared to national elections. Concerns regarding violence around municipal voting stations affected women's voter turnout more than men's voter turnout.

Section 4. Corruption in Government

The law provided for criminal penalties for conviction of corruption by officials, but the government generally did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: Official corruption remained a problem. 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 anti-corruption activities. During the year the Office of the Public Protector, which was constitutionally mandated to investigate government abuse and mismanagement, investigated thousands of cases, some of which involved high-level officials.

By year's end, the government had not implemented the recommendations of the Commission on State Capture chaired by Chief Justice Zondo. The Zondo Report identified rampant corruption at Transnet, the Passenger Rail Agency of South Africa, and South African Airways. NGOs like Corruption Watch documented extensive corruption in government procurement and the award of tenders at all levels of government. Public procurement across levels of governance and state-owned enterprises continued to present opportunities for corruption directly contributing to declining and dysfunctional public services.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

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.

Retribution against Human Rights Defenders: Whistleblowers at all levels were at risk of retaliation, often carried out by organized crime syndicates on behalf of political or governmental persons or institutions (see section 1.a.). In January the former CEO of the state-owned electricity company, Eskom, Andre de Ruyter, reported to media that he survived an alleged poisoning by cyanide weeks prior. De Ruyter claimed he received several death threats for his efforts to clean up corruption at the power utility. In February Martha Ngoye was found not guilty on charges brought against her by the state-owned rail agency, Passenger Rail Agency of South Africa. Since testifying against state capture during the Zondo commission, Ngoye faced multiple costly lawsuits.

Government Human Rights Bodies: The constitution established several state institutions tasked with supporting constitutional democracy. The task of these institutions was to promote and protect those rights within the Bill of Rights and operate independently. Among these was the South African Human Rights Commission, which was responsible for promoting the observance of fundamental human rights at all levels of government and throughout the general population. The commission had the authority to conduct investigations, issue subpoenas, and take sworn testimony. Civil society groups considered the commission only moderately effective due to a large backlog of cases and the failure of government agencies to adhere to its recommendations. Between November 2021 and June, the commission held a National Investigative Hearing into the 2021 unrest in KwaZulu-Natal

and Gauteng Provinces. In November, 65 alleged instigators charged in connection with the unrest and public violence in KwaZulu-Natal appeared in court. As of December, courts convicted and sentenced nine looters for crimes of looting and theft.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized domestic violence and rape of women or men, including spousal rape, but the government did not effectively enforce the law. The minimum sentence for conviction of rape was 10 years' imprisonment. Under certain circumstances, such as second or third offenses, multiple rapes, gang rapes, or the rape of a child or a person with disabilities, conviction required a minimum sentence of life imprisonment, unless substantial and compelling circumstances existed to justify a lesser sentence. Perpetrators with previous rape convictions or aware of being HIV positive at the time of the rape also faced a minimum sentence of life imprisonment, unless substantial and compelling circumstances existed to justify a lesser sentence.

In most cases of rape and domestic violence, attackers were acquaintances or family members of the survivor, which contributed to a reluctance to press charges. NGOs stated that cases were underreported, especially in rural communities, due to stigma, unfair treatment, fear, intimidation, and

lack of trust in the criminal justice system. There were numerous reports of rapes by police officers of: individuals in commercial sex; lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons; and incarcerated persons among others (see also section 1.c.).

The Department of Justice and Constitutional Development operated 96 dedicated sexual offenses courts throughout the country. Although judges in rape cases generally followed statutory sentencing guidelines, women's advocacy groups criticized judges for using criteria, such as the survivor's behavior or relationship to the rapist, as a basis for imposing lighter sentences.

The government provided funding for, and the National Prosecuting Authority operated, 63 rape management centers, addressing the rights and needs of survivors and vulnerable persons, including legal assistance. A key objective of the centers was prosecution of sexual, domestic violence, and child-abuse offenders. Approximately 75 percent of the cases they took to trial resulted in convictions.

Domestic violence was pervasive and included physical, sexual, emotional, and verbal abuse, as well as harassment and stalking. For example, in February 2022, police officer Lucky Mudau while in uniform shot and killed his girlfriend while she was at work as a nurse at Tembisa Hospital in Ekurhuleni. Mudau then turned the gun on himself. Mudau was sentenced in June to 25 years for murder; however, his sentence was suspended for

five years, and the Department of Correctional Services testified that it could not provide services to him as a quadriplegic inmate.

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

The government financed shelters for abused women, but NGOs reported a shortage of such facilities, particularly in rural areas, and that women were sometimes turned away from shelters. According to civil society, shelters operated with inconsistent funding, with staff having to forgo salaries for long periods at a time. While the government stated creating more shelters was a presidential priority, provincial/local departments were diminishing services and reducing funding for nonprofit organizations in the NGO shelter sector. During the year, gender-based violence shelters received only 39 percent of their annual operational budgets from government, forcing them to engage in extensive fundraising efforts.

Female Genital Mutilation/Cutting (FGM/C): The law prohibited FGM/C of girls and women, but girls in isolated zones in ethnic Venda communities in

Limpopo Province were subjected to the practice. The government continued initiatives to eradicate the practice, including national research and sensitization workshops in areas where FGM/C was prevalent.

Other Forms of Gender-based Violence or Harassment: Although the practice of virginity testing for children younger than 16 (or those older than 16 without consent or proper counseling) was banned by law, reports by media and academia indicated it was still being carried out as a cultural practice.

Although prohibited by law, sexual harassment remained a widespread problem.

Discrimination: Discrimination against women remained a serious problem despite legal equality in family, labor, property, inheritance, nationality, divorce, pregnancy, and child custody matters. Women experienced economic discrimination in wages, extension of credit, and ownership of land.

Traditional patrilineal authorities, such as a chief or a council of elders, administered many rural areas. Some traditional authorities refused to grant land tenure to women, a precondition for access to housing subsidies. Women could challenge traditional land tenure discrimination in courts, but access to legal counsel was costly.

By law any difference in the terms or conditions of employment among

employees of the same employer performing the same, substantially similar, or equal value work constituted discrimination. The law expressly prohibited unequal pay for work of equal value and discriminatory practices, including separate pension funds for different groups in a company.

Although the government had courts in place to hear pay discrimination cases, a 2022 study found most employees lacked assistance in filing cases, so the courts dismissed many pay equity cases. The United Association of South Africa, a labor union, reported in March 2022 that the median gender pay gap was between 23 and 35 percent.

Reproductive Rights: There were no reports of forced abortion on the part of government authorities. In December 2022, the NGO Her Rights Initiative and 85 victims wrote an open letter to the president requesting compensation to HIV-positive women who were victims of forced sterilizations in the country. In June Her Rights Initiative filed a complaint regarding forced sterilizations of HIV-positive women through the Special Procedures of the UN Human Rights Council.

The full range of contraception methods, including emergency contraception, were available at all primary health-care clinics for free. Emergency health care was available for the treatment of complications arising from unsafe abortion.

The government provided access to comprehensive sexual and reproductive health services for survivors of sexual violence. The law provided for

survivors of gender-based violence to receive shelter and comprehensive care, including treatment of injuries, a forensic examination, pregnancy and HIV testing, provision of emergency contraception, and counseling rehabilitation services.

According to the *Saving Mothers Report 2021*, the Maternal Mortality Ratio increased 47 percent from 2019 to 148.1 maternal deaths per 100,000 live births. In 2021, there were 1,504 maternal deaths. The report further identified that a significant systemic driver contributing to mortality was the length of time it took for emergency service personnel to arrive at a facility where a skilled birth attendant could deal with an emergency. In 2021, the National Department of Health officially launched the Maternal, Perinatal and Neonatal Health Policy, working towards the Sustainable Development Goal of reducing maternal mortality to below 70 per 100,000 live births and neonatal mortality to 12 deaths per 1,000 live births. The country had a policy to reduce institutional maternal mortality, neonatal mortality, and stillbirths by 50 percent by 2030. The policy provided a framework to improve the delivery of quality, comprehensive, and integrated maternal and neonatal health services. Maternal HIV testing and access to antiretroviral therapy significantly reduced deaths from nonpregnancy related infections and new HIV infections in children, with a reported reduction in infant polymerase chain reaction positivity at 10 weeks of age from 4.3 percent in 2015-16 to 0.68 percent in 2019-20. According to a June 2022 article in the *Journal of Acquired Immune Deficiency Syndromes*,

antiretroviral therapy and condom promotion contributed significantly to the decline in HIV incidence in the country.

Menstruation and access to menstruation hygiene affected girls' attendance at school. One NGO estimated 30 percent of girls did not attend school while they menstruated, due to lack of access to sanitary products. During the year observers noted substantial increases in teenage pregnancies, which also affected girls' attendance at school.

In February 2022 the National Department of Basic Education officially launched the National Policy on the Prevention and Management of Learner Pregnancy as part of the Comprehensive Sexuality Education programs in schools. The policy aimed to support an environment to enable girls to stay in school and prevent discrimination and the stigmatization of pregnant students.

Specifically, the policy required administrators to allow a pregnant girl to remain in school during her pregnancy and to return as soon after giving birth as was appropriate for both the learner and her child. The student's school management was required to make reasonable accommodation of the learner, meaning allowance, as necessary, of short- to medium-term absences from school and an undertaking to retain the learner's place in the school.

Systemic Racial or Ethnic Violence and Discrimination

There were numerous reports of racial discrimination, despite the prohibition under the constitution of unfair discrimination against anyone on one or more grounds, including on the ground of race. The South African Human Rights Commission stated in June 2022 that gross inequality was fueling racism and racial polarization. The Department of Human Settlements acknowledged inequality along racial lines had and continued to affect the country's segregated spatial development as well as poor communities' access to reliable infrastructure. Approximately 300 Equality Courts resolved only 600 matters a year. Authorities enforced antidiscrimination provisions in some cases. In November a woman from Gauteng Province was arrested and charged with *crimen injuria*, an act that injures the dignity of another person, after her racist rants were widely viewed online. The court sentenced her in March to three years imprisonment (one suspended), making her the first person in the country to be jailed for this offense.

Some advocacy groups asserted white farmers were racially targeted for burglaries, home invasions, and killings, while many observers attributed the incidents to the country's high and growing crime rate. According to a civil society organization, in 2022 there were 333 attacks and 50 killings compared to 415 attacks and 55 killings in 2021.

Local community or political leaders who sought to gain prominence in their communities allegedly instigated some attacks on African migrants and ethnic minorities. The country experienced more than 1,500 incidents of vigilantism and mob violence, including xenophobic and anticrime vigilantism, often targeting Zimbabwean migrants. These attacks led to more than 200 fatalities and hundreds of injuries between January and September. Police were sometimes involved in the violence; more frequently, police were accused of condoning violence, particularly xenophobic, vigilantism, or political violence. The antimigrant group Operation Dudula, created during the riots in 2021, was able to organize and mobilize quickly and escalated the pace of its demonstrations and attacks, particularly in Soweto and Johannesburg. In September Operation Dudula registered as a political party and stated it planned to compete in future elections. Several of its members were accused of hate speech and physical violence.

In April an antimigrant mob killed a Zimbabwean in Diepsloot, and throughout the year, there were examples of mobs setting fire to the homes and shops of migrants.

In August, 77 persons died when a condemned building in downtown Johannesburg caught fire and residents were unable to escape because of padlocked emergency exits. The “Albert Street fire” brought into the spotlight the city’s serious housing shortage coupled with the estimated 600

buildings in Johannesburg that were “hijacked” by slumlords. Many of the Albert Street fire victims were foreign nationals. Many senior officials issued statements critical of “illegal immigrants” and immigrant legal advocacy NGOs. According to civil society, foreign national survivors of the August fire in Johannesburg needed to be accompanied to hospitals for burn treatment because they were afraid of being maltreated or harmed by hospital staff. Throughout the year there were examples of the vigilante group, Operation Dudula, intimidating foreign nationals from visiting public health clinics.

Indigenous Peoples

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 had 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. The lack of recognition as first peoples excluded them from inclusion in government-recognized structures for traditional leaders. Their participation in government and the economy was limited due to fewer opportunities, lack of land and other resources, minimal access to education, and relative isolation.

Children

Birth Registration: Registration of births was inconsistent, especially in remote rural areas and by parents who were unregistered foreign nationals (see section 2.g., Stateless Persons). Children without birth registration had no access to government services such as education or health care, and their parents had no access to financial grants for their children.

Education: In violation of the law, noncitizen children were sometimes denied access to education based on their inability to produce identification documents, such as birth certificates and immunization documents (see also section 6, Women, Reproductive Rights).

Child Abuse: The law criminalized child abuse. Violence against children remained widespread. Civil society and academics documented evidence that experiencing child maltreatment and witnessing partner abuse in the home as a child increased the risk of becoming both a perpetrator and victim of sexual and intimate partner violence as an adult, contributing to intergenerational abuse and violence. The government struggled to uphold the law. Civil society attributed the shortcomings to underfunding of social services for children, capacity building for social workers, corruption, and mismanagement. Investigators and prosecutors were generally overwhelmed by case volume.

There were reports of abuse of students by teachers and other school staff,

including reports of assault and rape. The law required schools to disclose sexual abuse to authorities, but administrators sometimes concealed sexual violence or delayed taking disciplinary action.

Child, Early, and Forced Marriage: By law parental or judicial consent to marry was required for individuals younger than 18. Nevertheless, *ukuthwala*, the practice of abducting girls as young as 14 and forcing them into marriage, occurred in remote villages in Western Cape, Eastern Cape, and KwaZulu-Natal Provinces. The law prohibited nonconsensual *ukuthwala* and classified it as a human trafficking offense. The National Prosecuting Authority prosecuted multiple cases of forced marriage.

Sexual Exploitation of Children: The law prohibited commercial sexual exploitation, sale, and offering or procurement of children for commercial sex and child pornography. The government enforced the law. The Film and Publications Board maintained a website and a toll-free hotline for the public to report incidents of child pornography. Online sexual exploitation of children continued in the country. Government authorities from the Department of Social Development and SAPS conducted educational outreach programs on the dangers of online recruitment and grooming. Media, government, and civil society reported that children, particularly girls, were most vulnerable to human trafficking, sexual exploitation, and sex trafficking. The minimum age for consensual sex was 16. In August Gerard Ackerman was sentenced to 12 life sentences for crimes related to

human trafficking and the sexual exploitation of teenagers. His codefendant, an acting judge, Paul Kennedy, committed suicide before the trial began.

Antisemitism

According to a 2020 study published by the Isaac and Jessie Kaplan Center for Jewish Studies at the University of Cape Town and the United Kingdom-based Institute for Jewish Policy Research, the country's Jewish population stood at 52,300, with the majority living in Cape Town and Johannesburg. The South African Jewish Board of Deputies recorded 207 antisemitic incidents during the year, the highest since the early 1990s. After the October 7 terror attack in Israel, the number of antisemitic incidents increased by 70 percent. Reports included six incidents of assault, damage to property, abusive behavior, insults, threats, offensive gestures, hate mail, and boycotting Jewish-owned businesses. On October 11, a Johannesburg rabbi's car was allegedly rammed by another car and chased to a gas station, where the rabbi was then verbally assaulted and threatened by the other driver. During a protest in Sandton on November 4, one organization threatened to "to target 'them' the way they have killed our people...we must fight them however we find them, we must boycott them, we must go to their homes." Additionally, following the Israeli government's response to the October 7 Hamas terrorist attack, numerous anti-Israel protests were held that were full of antisemitic rhetoric, imagery, and slogans. On

November 11, ANC Secretary General Mbalula joined protesters in chanting “from the river to the sea,” implying the destruction of Israel.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at:

<https://www.state.gov/trafficking-in-persons-report/>.

Forced Organ Harvesting

In March a boy, age six, was found left to die in a field in Boksburg, after some of his organs were removed.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults or so-called cross dressing. No facially neutral laws were disproportionately enforced against LGBTQI+ persons.

Violence and Harassment: Despite government policies prohibiting discrimination, there were reports of official mistreatment or discrimination based on sexual orientation or gender identity or expression. Black lesbians and trans persons, particularly in rural areas, were vulnerable to assault and to “corrective” rape (a belief that sexual orientation or gender identity or

expression could be changed through violence). LGBTQI+ individuals were particularly vulnerable to violent crime due to anti-LGBTQI+ attitudes within traditional and rural communities, in townships, and among police. Anti-LGBTQI+ attitudes of junior members of SAPS affected how they handled complaints by LGBTQI+ individuals.

According to *Mamba Online*, a gay news website, as of October 2022, nine LGBTQI+ persons were killed. The number of victims was reportedly lower in 2023, although observers stated this could be due to underreporting. One NGO in Durban claimed most hate crime victims did not report their cases to police due to fears of secondary victimization; several activists accused religious leaders of not condemning hate crimes and killings against members of the LGBTQI+ community. In September SAPS arrested a group of men linked to 85 cases where LGBTQI+ persons were targeted on the Grindr social app and subsequently kidnapped for ransom. In December the “Grindr Gang” syndicate in Durban robbed and assaulted 13 men, leading to the death of one victim. Civil society alleged that many Grindr cases remained unreported and undercounted because victims feared being outed. In March the body of Nomvula Chenene was found buried under the shack of her accused killer near Orange Farm; family and civil society members believed Chenene was targeted because she was lesbian. Murder suspect Sizwe Buthelezi’s court case remained pending at year’s end.

In August the cabinet passed the revised “National Intervention Strategy

(NIS) Countering Discrimination, Hate Crimes, GBVF That Are Perpetrated Against People on the Basis of Their Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics.” The revised NIS widened its scope beyond violence against LGBTQI+ persons to motivating for an expansion of access to all human rights of LGBTQI+ persons. In September the minister of justice and constitutional development stated the National Prosecuting Authority secured eight convictions during the 2022-2023 financial years for hate crimes targeting individuals for their sexual orientation. A government official attributed the prosecutorial result to a “fully functioning Rapid Response Team” established by the NIS.

Civil society expressed concern regarding increased hate speech and queerphobic bullying that in several instances led to LGBTQI+ youth committing suicide, including a student, age 12, who committed suicide after being bullied by his teacher in Ekurhuleni.

Discrimination: The constitution explicitly prohibited discrimination based on sexual orientation but was silent to gender identity or expression or sex characteristics. The law prohibited discrimination on the basis of sexual orientation, gender identity or expression, or sex characteristics in housing, employment, nationality laws, and access to government services such as health care. Civil society expressed complaints concerning the mistreatment that LGBTQI+ foreign nationals faced at the Department of Home Affairs and Department of Health clinics. A 2021 study by several domestic

organizations found evidence of discrimination against LGBTQI+ asylum seekers and called on the Department of Home Affairs to implement sensitization training for its employees; civil society complaints indicated the problem continued.

There were no shelters dedicated to LGBTQI+ youth or adults. Transgender and intersex persons were refused entry into general population shelters because they did not fit the male or female categories. Transgender activists complained of discrimination and humiliation by officials and nurses at public hospitals and government offices. One individual reported sleeping on the sidewalk for two nights prior to their gender-affirming surgery because the hospital had no beds for them. The same individual, whose identity document had not been updated, was forced by police to reveal their breast reduction surgery scars.

A religious leader, Oscar Bougardt, was called before the Equality Court in May to address anti-LGBTQI+ comments he had made on social media. The court found Bougardt guilty and fined him.

Availability of Legal Gender Recognition: The law allowed transgender individuals to change their legal gender markers; however, the law imposed rigid barriers that left many transgender persons without accurate identity documents. The law required a medical diagnosis and for gender-affirming surgery to have been performed. Because of this, many transgender persons could not obtain legal gender recognition. Several organizations

filed submissions to the Department of Home Affairs on the Draft Official Identity Management Policy in 2021, affirming that the existing system was discriminatory because it did not allow gender self-determination, removal of gender on identity documents, or offer gender-neutral option beyond male or female. Civil society reported a backlog at the Department of Home Affairs regarding name changes and changing gender markers for transgender persons, which negatively affects their ability to obtain a driver's license, get married, obtain qualifications in their chosen name, open bank accounts, and more.

Involuntary or Coercive Medical or Psychological Practices: Some traditional leaders, religious institutions, and parents continued to conduct so-called conversion therapy. "Corrective" rape was a well-known threat to LGBTQI+ persons. In November, a girl, age 15, fell victim to a "corrective rape" hate crime; although no suspect was arrested, the suspect was identified as a man in his 20s who wanted "to stop her from being lesbian." Civil society reported that sexual, physical, and emotional abuse of LGBTQI+ children often began with family members in the home. One activist from West Rand described the practice of parents referring LGBTQI+ children to *sangomas* or traditional healers, who attempted to identify the source of the "curse" on the child. The activist said practices like these caused great harm to a child's self-esteem and resulted in higher suicide rates among LGBTQI+ youth.

A 2022 report by Access-Chapter 2, an NGO, found that 50 percent of respondents “reported to have been forced to convert by their families, while 43 percent (of respondents) had a session with a religious representative or institution as intervention by parents, families, or communities.” Traditional healers reportedly immersed subjects in rivers to be cleansed while other were fed potions. Some respondents were subjected to beatings and slaps from the traditional healer.

Civil society reported intersex babies continued to be subjected to genital mutilation.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no reports of restrictions on those speaking out on LGBTQI+ topics. LGBTQI+ organizations were able to register and convene events.

Persons with Disabilities

Persons with disabilities could access education, health services, public buildings, and transportation on an equal basis with others. The government provided government information and communication in accessible formats. President Cyril Ramaphosa enacted Sign Language as the country’s 12th official language in July. The law mandated access to buildings for persons with disabilities, but such regulations were rarely enforced, and public awareness of them remained minimal.

The law prohibited discrimination based on physical, sensory, intellectual,

and mental disability in employment or access to health care, the judicial system, and education. The law, however, prohibited persons identified by the courts as having a mental disability from voting. Department of Transportation policies on providing services to persons with disabilities were consistent with the constitution's prohibition on discrimination. The Department of Labor ran vocational centers at which persons with disabilities learned income-generating skills. Nevertheless, government and private-sector employment discrimination existed. The law prohibited harassment of persons with disabilities and, in conjunction with the Employment Equity Act, provided 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 *2020-2021 Annual Report of the Department of Basic Education* stated there were numerous barriers to education for students with disabilities, primarily a policy of channeling students into specialized schools at the expense of inclusive education. The department's report noted progress toward a more inclusive basic education and cited expansion of "special schools" and increased enrollment of students with disabilities in both separate and public schools. Separate schools frequently charged additional fees (making them financially inaccessible), were far from students' homes, and lacked the capacity to accommodate demand. Human Rights Watch reported in 2021 that children with disabilities were often denied tuition

waivers or tuition reductions provided to other children. Children often were held in dormitories with few adult supervisors, 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 provided for by law – schools sometimes rejected the students outright because of their disabilities or claimed there was no room for them. Many blind and deaf children in mainstream schools received only basic care rather than education. Youth with disabilities in school faced problems of access (for example assistive equipment and technology; availability of learning materials in braille) and discriminatory attitudes that prevented their full and effective participation.

In October reports emerged concerning psychiatric patients being kept in untenable conditions at the Charlotte Maxeke Johannesburg Academic Hospital.

Other Societal Violence or Discrimination

There were reports 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.

Persons with albinism faced discrimination and were sometimes attacked

for their body parts. Traditional healers believed albino parts from children when mixed with herbs could bring good luck. Ritual (*muthi*) killings persisted to obtain body parts believed by some to enhance traditional medicine. Civil society expressed concern regarding the kidnapping and trafficking of children for the purpose of organ removal. Police estimated organ harvesting for traditional medicine resulted in more than 50 killings per year. In April two boys, ages five and six, were found dead and mutilated in Soweto. On April 28, one of the boy's grandmothers and her boyfriend were charged for their killing and kidnapping.

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

There were continued political contract killings. According to a report by the Global Initiative Against Transnational Organized Crime, there were 141 political killings in 2022. In the first ten months of the year, 20 councilors were killed in KwaZulu-Natal.

In September Police Minister Bheki Cele addressed media regarding political

killings in KwaZulu-Natal. He said that since 2018, a task team had investigated 321 cases of political violence. He stated that 348 suspects had been charged and 60 convicted. Cele told media he planned to set up a similar task team to investigate political killings in Mpumalanga, where an ANC councilor Sbonelo Mthembu was ambushed in his home with two other victims in January. Five suspects including the former local mayor, Vusi Motha, were arrested and charged with murder. The case remained pending.

HIV and HIV-related social stigma and discrimination in employment, housing, and access to education and health care remained a problem, especially in rural communities. Many individuals did not seek access to health services due to the fear of the stigma and discrimination. A community outreach study was conducted in 2021 among a commuter population in Johannesburg to identify the factors related to HIV stigma in the city. The study found that 51 percent of respondents reported a high level of stigma and discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allowed all workers, except for members of the National Intelligence

Agency and the Secret Service, to form and join independent unions of their choice without previous authorization or excessive requirements. The law allowed unions to conduct their activities without interference and provided for the right to strike, but it prohibited workers in essential services from striking, and employers were prohibited from locking out essential service providers. The government characterized essential services as “a service, the interruption of which endangers the life, personal safety, or health of the whole or part of the population; the Parliamentary service; and South African Police Services.”

The law allowed workers to strike due to matters of mutual interest, such as wages, benefits, organizational rights disputes, socioeconomic interests of workers, and similar measures. Workers could not strike in disputes where other legal recourse existed, such as through arbitration. Labor rights NGOs operated freely.

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

The government respected freedom of association and the right to collective bargaining. Labor courts and labor appeals courts effectively enforced the right to freedom of association and the right to collective bargaining, and penalties were commensurate with penalties for comparable violations of the law. The country's National Economic Development and Labor Council served as a vehicle for social dialogue between organized business, organized labor, community, and the government. The council met to cooperate and negotiate on legislation and activities related to the economy, trade, labor, and development. During the year council members agreed that a "poly-crisis" afflicted the economy but did not reach consensus on a systemic long-term program to turn the economy around.

Worker organizations were independent of the government and political parties, although the Congress of South African Trade Unions, the country's largest labor federation, was a member of a tripartite alliance with the governing ANC party and the South African Communist Party. The minister of labor had the authority to extend agreements by majority employers (one or more registered employers' organizations that represented 50 percent plus one of workers in a sector) 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 Department of Labor exemptions from collective bargaining agreements.

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.

Workers frequently exercised their right to strike. Trade unions generally followed the legal process of declaring a dispute (notifying employers) before initiating a strike.

b. Prohibition of Forced or Compulsory Labor

See the *Department of State's Trafficking in Persons Report* at:

<https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage was above the official poverty line. The labor minister announced an increase in the minimum wage to

25.42 rand (\$1.36) per hour for the year that went into effect in March. The law protected migrant workers, who were entitled to all benefits and equal pay. The minimum wage law also established a commission to make annual recommendations to parliament for increases in the minimum wage.

The law established a 45-hour workweek, standardized time-and-a-half pay for overtime, and authorized four months of maternity leave for women.

No employer could require or permit an employee to work overtime except by agreement, and employees could not work more than 10 overtime hours a week. The law stipulated rest periods of 12 consecutive hours daily and 36 hours weekly, which had to include Sunday. The law allowed 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 applied to all workers, including workers in informal sectors, foreign nationals, and migrant workers, but the government did not prioritize labor protections for workers in the informal economy.

Occupational Safety and Health: The government set appropriate occupational safety and health (OSH) standards through the Department of Mineral Resources and Energy for the mining industry and through the Department of Labor for all other industries.

There were harsh penalties for violations of OSH laws in the mining sector.

Employers were subject to heavy fines or imprisonment if convicted of responsibility for serious injury, illness, or the death of employees due to unsafe mine conditions. The law allowed mine inspectors to enter any mine at any time to interview employees and audit records. The law provided for the right of mine employees to remove themselves from work deemed dangerous to health or safety. The law prohibited discrimination against a mining employee who asserted a right granted by law and required mine owners to file annual reports providing OSH statistics for each mine, including safety incidents. Conviction of violating the mining health and safety law was punishable by two years' imprisonment, and the law empowered the courts to determine a fine or other penalty for perjury. Outside the mining industry, no law or regulation permitted workers to remove themselves from work situations deemed dangerous to their health or safety without risking loss of employment, although the law provided that employers could not retaliate against employees who disclosed dangerous workplace conditions. Employees were also able to report unsafe conditions to the Department of Labor that used employee complaints as a basis for prioritizing labor inspections. Penalties were commensurate with those for comparable offenses.

Wage, Hour, and OSH Enforcement: The Department of Labor was responsible for enforcing wage, hour, and safety laws outside the mining sector. The Department of Mineral Resources and Energy was responsible for enforcing OSH law in the mining sector through a tripartite Mine Health

and Safety Council and an Inspectorate of Mine Health and Safety. Penalties for violations of wages and workhour laws outside the mining sector were commensurate with those for comparable offenses. Penalties were rarely applied against violators.

The Department of Labor employed an insufficient number of labor inspectors to enforce compliance. Labor inspectors conducted routine and unannounced inspections at various workplaces that employed vulnerable workers. Labor inspectors investigated workplaces in both the formal and informal sectors. Labor inspectors and unions reported difficulty visiting workers on private farms.

The government did not effectively enforce the law in all sectors. OSH regulations were frequently violated in the mining sector, and compensation for injuries was erratic and slow. Penalties were commensurate with those for comparable offenses, but not sufficient to deter violations. Unions in the agriculture sector noted their repeated attempts to have the Department of Labor fine farm owners who failed to shield workers from hazardous chemicals sprayed on crops. Although labor conditions improved on large commercial farms, the Congress of South African Trade Unions and leading agricultural NGOs reported labor conditions on small farms remained harsh. Underpayment of wages and poor living conditions for workers, most of whom were Black noncitizens, 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 goods from farm-operated stores to farm employees on credit at inflated prices. During the COVID-19 pandemic, many employers cut salaries, without following the law restricting an employer's ability to change an employee's pay; this was especially evident with domestic workers. Most domestic workers had to stay with their employers or risked losing their employment.

Farm workers also reported health and sanitation concerns.

Mining accidents were common. On November 27, 11 mine workers died and 75 were injured when their conveyance system at Impala Platinum Mine started a rapid descent. In 2019 the Constitutional Court ruled employees assigned to workplaces via a labor broker ("temporary employment service") were employees of the client and entitled to wages and benefits equal to those of regular employees of the client.

Economic researchers reported that approximately 30 percent of total employment was informal, with higher rates in rural areas. Some labor laws, including workers compensation and minimum wage, applied to informal workers, but the laws were not evenly enforced. The *Government Gazette* confirmed that domestic workers were covered for injury or death under workers' compensation laws and minimum wage laws. The

government provided social assistance including disability, healthcare, child benefits, old-age pension benefits, and unemployment that could benefit a portion of lower income workers in the informal economy who met low-income thresholds.