

REFERENCE: CAT/Follow-up

28 July 2021

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the second periodic report of South Africa, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 66th session held from 23 April to 17 May 2019, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/ZAF/CO/2, para. 42) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 23 (a), 25 (a) and 33 (a) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 20 April 2021 providing your Government's response to the above-mentioned paragraphs (CAT/C/ZAF/FCO/2) and to make the following comments:

Violence in places of detention and deaths in custody (para. 23 (a) of the Committee's concluding observations)

According to the scant official data available, in 2019-2020 there were two deaths of persons deprived of liberty under investigation by the Judicial Inspectorate for Correctional Services (JICS). The Committee regrets that the State party did not submit complete statistical information for the entire period under review, disaggregated by place of detention, sex, age and ethnicity or nationality of the deceased, and cause of death (2/D).

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Monitoring of places of detention and complaints mechanism (para. 25 (a) of the Committee's concluding observations)

The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 20 June 2019. It also takes note of the designation of a multi-body national preventive mechanism under the co-ordinating leadership of the South African Human Rights Commission, although its powers and functions are still to be determined. The Committee regrets, however, not having received detailed information regarding the allocated budget and resources, including staffing, of the national preventive mechanism. In this regard, it calls on the State party to ensure that this mechanism has the necessary resources to fully carry out its mandate effectively and independently, in conformity with the provisions of the Optional Protocol to the Convention (2/B1).

Police brutality and excessive use of force (para. 33 (a) of the Committee's concluding observations)

The Committee is concerned that the State party has not furnished complete information on the number of complaints of torture or ill-treatment, including excessive use of force, or on the corresponding investigations by the Independent Police Investigative Directorate (IPID) and prosecutions during the reporting period. According to the limited additional information provided by the State party in its follow-up replies, between the financial years 2018/2019 and 2019/2020 the IPID had registered 486 reported incidents. However, the Committee has not received comprehensive information about the nature of these cases, nor the disciplinary and/or criminal sanctions imposed on the offenders (2/D).

Implementation plans (para. 42 of the Committee's concluding observations)

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of South Africa is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the second periodic report of South Africa or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of South Africa on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

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Committee against Torture