SOUTH AFRICA

PARALLEL COALITION REPORT BY THE ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC), MEDIA MONITORING AFRICA (MMA), AND THE RIGHT2KNOW CAMPAIGN (R2K)

PREPARED FOR THE 64th SESSION (24 SEPTEMBER TO 12 OCTOBER 2018) OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN RESPONSE TO THE GOVERNMENT OF SOUTH AFRICA'S INITIAL REPORT DATED 25APRIL 2017 AND SUPPLEMENTARY REPORT DATED 6 JULY 2018

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ABBREVIATIONS AND ACRONYMS

APC	Association for Progressive Communications
CESCR	Committee on Economic, Social, and Cultural Rights
DTPS	Department of Telecommunications and Postal Services
ESCRs	Economic, social and cultural rights
FLOSS	Free/libre and open source software
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICTs	Information Communications Technologies
ISPs	Internet Service Providers
LOIs	List of Issues
MMA	Media Monitoring Africa
NDP	National Development Plan 2030
PSWG	Pre-Sessional Working Group
R2K	Right2Know Campaign
South Africa Connect	South African Connect: Creating Opportunities, Ensuring Inclusion (South Africa's Broadband Policy), 20 November 2013

I.   INTRODUCTION

1.   The Association for Progressive Communications (**APC**), Media Monitoring Africa (**MMA**) and the Right2Know Campaign (**R2K**) (collectively "**the Coalition**") welcome the opportunity to submit this Parallel Coalition Report to the 64th session (24 September 2018 to 12 October 2018) of the Committee on Economic, Social, and Cultural Rights (**CESCR**).

2.   This Parallel Coalition Report (**Second Coalition Report**)[1] is submitted to the CESCR to assist in its consideration, during the 64th session, of the Government of South Africa's Initial Report to the CESCR dated 25 April 2017, and distributed on 7 June 2017 (**South Africa's Initial Report**), and the Supplementary Report to the Initial Report submitted by the Government of South Africa, dated 6 July 2018 (**South Africa's Supplementary Report**).

3.   The Coalition previously submitted a Parallel Coalition Report and Submission on the List of Issues, dated 25 August 2017 (**First Coalition Report**), to the 61st session of the Pre-Sessional Working Group (**PSWG**) and is thankful to the CESCR Secretariat for receiving this report.

4.   As with the First Coalition Report, this report focuses primarily on access to the internet in South Africa – particularly for disadvantaged and marginalised persons and groups, including those living in rural and remote areas – and the extent to which the Government of South Africa is ensuring that people are able to benefit from the potential of the internet as an enabler of economic, social and cultural rights (**ESCRs**).

5.   Accordingly, this submission relates to articles 2, 3, 6, 12, 13, 14 and 15 of the International Covenant on Economic, Social and Cultural Rights (**ICESCR**), and should be read with the List of issues in relation to the initial report of South Africa, dated 1 November 2017 (**LOIs**), South Africa's Supplementary Report, and the First Coalition Report.

6.   The Coalition respectfully requests that these submissions be considered during the review of South Africa's Initial and Supplementary Reports, and that, jointly, the Coalition is invited by the CESCR to present a remote public briefing during the 64th session via videoconference. In such an event, the Coalition is available at a time suitable to the CESCR Secretariat to discuss technical requirements and to make necessary arrangements.

About the Coalition

7.   APC is both a network and a non-profit organisation. APC members are groups and individuals working in their own countries to advance APC's mission to empower and support organisations, social movements and individuals, in and through the use

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1 This report was prepared for the Coalition by Applied Law and Technology (Pty) Ltd (t/a ALT Advisory).

of information and communication technologies (**ICTs**), to build strategic communities and initiatives for the purpose of making meaningful contributions to equitable human development, social justice, participatory political processes and environmental sustainability. As of August 2017, APC has 58 organisational members and 34 individual members active in 74 countries.[2]

8. MMA is a non-profit organisation – with over 25 years of experience in media monitoring and direct engagement with media, civil society organisations and citizens in South Africa – that promotes democracy and a culture where media and the powerful respect human rights and encourage a just and fair society. MMA acts in a watchdog role to promote ethical and fair journalism that supports human rights. MMA's vision is a just and fair society empowered by a free, responsible and quality media.[3] MMA is also responsible for Shika Moto, a network that uses wi-fi to allow users to share messages, files and pictures for free through an application.

9. R2K is a broad-based, grassroots campaign formed to champion and defend information rights and promote the free flow of information in South Africa. Through its work, R2K seeks to strengthen and unite citizens to raise public awareness, mobilise communities and undertake research and targeted advocacy that aims to ensure the free flow of information necessary to meet people's social, economic, political and ecological needs and live free from want, in equality and in dignity.[4]

II.   BRIEF OVERVIEW OF THE FIRST COALITION REPORT

General information

10. In the First Coalition Report, the Coalition placed general information before the PSWG on the potential of the internet as an enabler of ESCRs. In doing so, the Coalition submitted that a "rights-based approach to internet policy and governance that advances ESCRs"[5] should be promoted, and "that discussions on internet rights

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2 For more information about APC, see: https://www.apc.org/

3 For more information about MMA, see: http://www.mediamonitoringafrica.org/

4 For more information about R2K, see: http://www.r2k.org.za/

5 See, for example, Association for Progressive Communications and International Development Research Centre, Global Information Society Watch 2016: Economic, social and cultural rights and the internet (10th Ed.): https://www.giswatch.org/sites/default/files/Giswatch2016_web.pdf and Association for Progressive Communications, Connecting your rights: Economic, social and cultural rights and the internet: https://www.apc.org/en/projects/internet-rights-are-economic-social-cultural-rights. See, also, Juan Carlos Lara, Internet access and social, economic and cultural rights, Association for Progressive Communications and Derechos Digitales (September 2015): https://www.apc.org/sites/default/files/APC_ESCR_Access_Juan%20Carlos%20Lara_September2015%20%281%29_0.pdf

should not be limited to civil and political rights, but should also consider ways to advance ESCRs."[6] The Coalition persists with this submission.

11.   The Coalition further:

11.1 Provided an overview of the 2016 United Nations Human Council Resolution on *the promotion, protection and enjoyment of human rights on the Internet*[7] and the link drawn in the Resolution between access to the internet and ESCRs, in particular the right to education (article 13).[8]

11.2 Documented seven considerations on how the internet can enable ESCRs,[9] including the role of access to the internet in bridging the "digital divide" and the availability of "open content" – or content freely accessible online – to stimulate scientific enquiry and encourage education and cultural exchange.[10]

11.3 Outlined South Africa's broadband policies, including:

11.3.1 South Africa Connect: Creating Opportunities, Ensuring Inclusion (**South Africa Connect**), published by the Department of Communications on 20 November 2013;[11]

11.3.2 The National Integrated ICT Policy White Paper 2016 (**ICT Policy White Paper**), published by the Department of Telecommunications and Postal Services (DTPS) on 28 September 2016;[12] and

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6 First Coalition Report at para 7.

7 United Nations Human Rights Council Resolution 32/13 (18 July 2016), A/HRC/RES/32/13. ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/32/13.

8 First Coalition Report at para 6.

9 See Alan Finlay and Deborah Brown, Key Considerations: Economic, social and cultural rights and the internet in Association for Progressive Communications and International Development Research Centre, Global Information Society Watch 2016: Economic, social and cultural rights and the internet (10th Ed.): https://www.giswatch.org/sites/default/files/Giswatch2016_web.pdf at pages 13-8.

10 Above n 8 at para 8.

11 *Id* at paras 10-2. In order to give expression to South Africa's vision in the National Development Plan 2030 (NDP) "of a seamless information infrastructure by 2030 that will underpin a dynamic and connected vibrant information society and a knowledge economy that is more inclusive, equitable and prosperous," South Africa Connect, published by the Government of South Africa on 20 November 2013, envisages "a widespread communication system that will be universally accessible across the country at a cost and quality that meets the communication of citizens, business and the public sector and provides access to the creation and consumption of a wide range of converged applications and services required for effective economic and social participation".

11.3.3 The National e-Government Strategy and Roadmap, published by the DTPS on 7 April 2017.[13]

Specific information

12. The Coalition further placed specific information relating to the potential of the internet as an enabler of ESCRs before the PSWG, including proposed questions for inclusion in the LOIs on: article 3 (equal enjoyment); article 6 (right to work); articles 12, 13, and 14 (right to healthcare and education); and article 15 (right to take part in cultural life and to enjoy the benefits of scientific progress).

III. SUBMISSIONS ON THE LIST OF ISSUES AND THE SUPPLEMENTARY REPORT FILED BY THE GOVERNMENT OF SOUTH AFRICA

13. For the purposes of the Second Coalition Report, the Coalition has considered the LOIs and South Africa's Supplementary Report and introduces further information on the potential of the internet as an enabler of ESCRs. For ease of reference, this submission is made with reference to relevant questions listed in the LOIs and responses to the questions documented in South Africa's Supplementary Report.

14. Of general relevance to the CESCR is that the terms "internet", "broadband", and "ICTs" are not referred to in South Africa's Supplementary Report and do not find indirect reference in response to any questions in the LOIs. It is therefore apparent from South Africa's Supplementary Report that access to the internet is not considered a relevant enabler of ESCRs, despite its vast potential and importance in the South African context.[14]

15. The Coalition is opposed to this view and restates its position in support of the potential of the internet as an enabler of ESCRs. In doing so, it urges the CESCR, despite questions on universal and affordable access to the internet not being included in the LOIs, to engage South Africa during its 64th session on, at least, the following:

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12 *Id* at paras 13-14. The ICT Policy White Paper identifies one of its overall objectives as being "broadband for all", with its objective relating to accessibility providing that "[s]ervices, devices, infrastructure and content must be accessible for all sectors of the population, including persons with disabilities, so that all can equally enjoy and benefit from communication services". Accessibility is interpreted in the ICT Policy White Paper as "the ability of all people to use and access services regardless of education, disability, age, gender etc".

13 *Id* at paras 15. The "e-Government [Strategy and Roadmap] provides an opportunity to use ICTs for promoting greater accountability of the government, increase efficiency and cost-effectiveness and create greater constituency participation".

14 This is disappointing and inconsistent with the support that the Department of Science and Technology and of Telecommunications and Postal Services have shown towards internet access as a step towards greater economic inclusion, including through supporting Zenzeleni Networks, a rural community-based internet access provider and an APC member in South Africa.

15.1   Measures taken to ensure universal and affordable access to the internet, especially by disadvantaged and marginalised individuals and groups, including but not limited to women and children, as well as those living in rural and remote areas,[15] including relevant statistical data.

15.2   Measures taken to facilitate the use of the internet by cultural minorities, older persons and disadvantaged and marginalized groups[16], including but not limited to women and children, including relevant statistical data.

16.   It is the Coalition's view that these inquiries are within the CESCRs mandate – as they have been asked of other State Parties[17] – and they are directly relevant to the progressive realisation of ESCRs in South Africa. The benefits of access to the internet cannot be gainsaid and in ensuring the progressive realisation of ESCRs in South Africa, the CESCR may seek further clarity from the Government of South Africa in relation to its responses to the below questions contained in the LOIs.

A.   Maximum available resources (article 2(1))

Question 4: Poverty and inequality[18]

17.   In response to issue 4(a),[19] the Government of South Africa indicates that in terms of the "national upper-bound poverty line (equal to R992 per person per month)," the proportion of the population that fell below this line increased to "55.5% by 2018".[20] Despite decreases in this metric from 66.6% in 2006 to 53.2% in 2011,[21] the recent increase is cause for concern with over half of South Africa's population living in

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15 *See*, for example, Item 36 on the *List of issues in relation to the sixth periodic report of the Russian Federation,* E/C.12/RUS/Q/6, 9 March 2017.

16 *See*, for example, Item 36 of the *List of issues in relation to the fourth periodic report of the Republic of Korea*, E/C.12/KOR/Q/4, 16 March 2016.

17 *See* above notes 14 and 15.

18 Question 4(a) of the LOIs.

19 "Please provide information on the evolution over the past 10 years of:

    (a) The proportion of people below the international poverty line and below the poverty line as defined at national level, and the levels of inequality, defined as the ratio between total income accruing to the richest decile of the population and the total income of the 40 per cent poorest in the population".

20 South Africa's Supplementary Report at page 8, para 4.1.

21 *Id*.

abject poverty. Resultantly, a majority of South Africans run the risk of "being left behind" and South Africa's "digital divide" may be prone to increasing.

18. In South Africa Connect, the Government of South Africa recognises that "[t]here is now considerable evidence to demonstrate the inequality of access and use of information communications technologies (**ICTs**) and the ability to deploy them to their full potential lies in the unequal capabilities of individuals and groups such as those living in rural areas, women, the elderly and persons with disabilities."[22]

19. South Africa Connect further recognises that "[a]s ICTs become more complex the ability to optimise their use correlates strongly with education and income. Those marginalised from education and therefore employment and income are most likely to be marginalised from the type of communications services required to participate meaningfully in a modern economy and society."[23]

20. The ICT Policy White Paper, in proposing the development of a Wireless Open Access Network, states as a principle that there will be "[e]ffective participation by targeted groups including women, youth and persons with disabilities."[24]

21. Concerns around inequality in access are shared by the Coalition. Notably, APC has found that the internet empowers individuals and groups differently. While it was anticipated that increased internet penetration would close the poverty gap or "digital divide", evidence indicates that the gap between the rich and the poor has increased. Accordingly, significant gaps in affordable and high-quality access to the internet for reasons of income, education, gender, language, geographic location, and other economic, social and cultural factors remain a pressing concern in the context of leveraging its potential to enable ESCRs.[25]

22. While the Government of South Africa acknowledges the manifest importance of bridging the "digital divide", its strategies in terms of making resources available to indigent people in South Africa do not sufficiently emphasise or recognise the internet as an important tool in poverty alleviation, through, for example, educational opportunities and skills development. In order to counter the scourge of poverty, the Government of South Africa should empower South Africans through

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22 *See* Department of Communications, South African Connect: Creating Opportunities, Ensuring Inclusion (South Africa's Broadband Policy), 20 November 2013 at pages 24 and 45: https://www.dtps.gov.za/index.php?option=com_phocadownload&view=category&download=90:broadband-policy-gg37119&id=21:broadband&Itemid=333.

23 *Id* at pages 45-6.

24 Department of Telecommunications and Postal Services, National Integrated ICT Policy White Paper (28 September 2016) at page 76: https://www.dtps.gov.za/images/phocagallery/Popular_Topic_Pictures/National_Integrated_ICT_Policy_White.pdf.

25 Above n 9 at page 16.

access to the full scope of internet-based opportunities and skills, such that the constitutional values of dignity and equality for all may truly be realised.

B.   Right to work (article 6)

Questions 10 and 11: High unemployment rates and the informal economy

23.   In response to question 10,[26] the Government of South Africa posits that "South Africa's National Development Plan sets an employment target of 11 million jobs to be created by 2030."[27] It states further that the Skills Development Act 97 of 1998 "aims to develop the skills of the South African workforce and to improve the quality of life of workers and their prospects of work, to improve productivity in the workplace and the competitiveness of employers and to promote self-employment."[28]

24.   Additionally, the Government of South Africa refers to the Department of Labour's "IT Portal where work-seekers can register as unemployed and provide information about their work experience, qualifications and the kind of work they are looking for. Employers can then use the portal to register vacancies and other opportunities they may have, such as training, learner ships, and internships. The system matches work-seekers to opportunities, and after an assessment process, refer work-seekers to employers."[29] In terms of challenges, the role of the internet in skills development and access to the IT Portal is not mentioned.

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26 "Please provide information on the measures taken to curb the very high unemployment rates, particularly among black persons, women, persons with disabilities and young people. Please also provide information on the implementation of the Skills Development Act, 1998, and the Employment Services Act, 2014; the progress made so far and the challenges encountered; and the evolution of the funding of the institutions in charge of implementation. Please also provide statistical data for the past five years, disaggregated by gender, age, race and location, on labour force participation, employment rates and unemployment rates."

27 Above n 19 at page 16, para 10.1.

28 *Id.*

29 *Id* at page 17, para 10.2.

25.   In response to question 11,[30] the Government of South Africa states that "[i]n 2013 there were 1,5 million people running an informal business, an increase from the 1,1 million recorded in 2009. Informal businesses are predominantly run by black Africans, persons aged 35 – 44 years, and those with lower levels of education. Turnover levels and profit margins are relatively small for most informal businesses. In 2013 more than 50% had a turnover of R1500 or less in the month prior to the survey, and less than 10% of businesses made net profits of more than R6000."[31]

26.   There is no designated right to work in the Constitution of the Republic of South Africa, 1996 (**Constitution**). However, section 22 of the Constitution does provide for a right of every citizen to choose their trade, occupation and profession freely.

27.   Two of the key ways in which access to the internet implicates the right to work include by (1) enabling job-seekers the opportunity to search for vacancies through online job platforms (such as the IT Portal); and (2) to enable entrepreneurs, both in the formal and informal sectors, to exploit the benefits of having access to the commercial online market and developing mobile economies.

28.   Moreover, this is closely linked with the need for digital literacy, both to make use of online platforms for the reasons identified above, as well as to be competitive in the job market when applying jobs, many of which will require applicants to have at least basic digital literacy skills.

29.   South Africa's Initial Report sets out the current initiatives to address unemployment in South Africa, whilst acknowledging that this remains a significant challenge in the country. However, no information is provided in relation to the steps being taken to facilitate access to the employment market, including access to relevant information. South Africa's Supplementary Report sheds no further light on the matter.

30.   While the IT Portal is a welcome development in the promotion of the right to work, it presupposes access to the internet. Additional emphasis needs to be placed on access to work opportunities and developing mobile economies for cultural minorities, older persons, disadvantaged and marginalised individuals and groups, as well as in rural and remote areas. The Government of South Africa does not indicate any strategies in this regard in its Supplementary Report.

C.   Right to physical and mental health (article 12)

30 "Please indicate the prevalence of employment in the informal economy and on the labour and social protection provided to those working in the informal economy. Please also provide information on employment through the temporary employment services (or labour brokers), including statistical data, disaggregated by gender and sector, on the number of temporary employment services and the number of workers employed by them. Please also provide information on the measures taken to regulate temporary employment services and to protect the rights of workers employed by them, including the implementation of section 198 (A) of the Labour Relations Amendment Act, 2014."

31 Above n 19 at page 18, para 11.1.

Questions 25: Access to health-care services

31. In response to questions 25,[32] limited information is provided by the Government of South Africa, inclusive of table 26 in Annexure A to its Supplementary Report.[33] In sum, South Africa's Supplementary Report suggests that "[s]teps taken to expand coverage of the National Health Insurance include the strengthening of primary health care services through a number of initiatives (strengthening the community health worker programme; establishing district clinical specialist teams; strengthening the integrated school health programme; contracting medical practitioners); [and] providing in the 2018/19 financial year additional funds for priority services including radiation oncology, high risk pregnancies."

32. In relation to health-care, South Africa Connect states that "dedicated connectivity for all public health care facilities is not only a requirement for implementation of the National Health Insurance but will generate efficiencies such as faster patient diagnoses, reduced medical errors, etc."[34]

33. Despite reference to dedicated connectivity for all public health care facilities in South Africa Connect, South Africa's Supplementary Report does not list connectivity as a priority initiative to expand National Health Insurance and access to health-care services. Equally, the Supplementary Report makes no reference to emergent healthcare technologies, which are increasingly reliant on access to the internet.

D. Right to education (articles 13-14)

Question 29: Access to education

34. In response to questions 29(b), (c), and (f),[35] the Government of South Africa provides that "[a] lot has been done in recent years to improve access to quality

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32 "Please provide information on health indicators and on access to health-care services, disaggregated by income group. Please also provide information on the steps taken or envisaged to expand the coverage of national health insurance and on the implementation of the 10-point plan (see E/C.12/ZAF/1, para. 121). Please further provide information on the measures taken to strengthen the community health worker programme, including target numbers and the treatment and working conditions of community health workers."

33 *See* above n 19 at page 37, para 25.

34 Above n 21 at page 39.

35 "Please provide information on the measures taken by the State party to:

    (b)   Improve the quality of education, including the qualification of school teachers and learning materials;

    (c)   Improve the academic achievement of students;

learning materials in our classrooms. The DBE workbook programme has been one of the most important government programmes with respect to learning materials. The programme is currently ensuring that all public school learners have access to a workbook in Literacy up to Grade 6, and in Numeracy up to Grade 9."[36] It provides further that "[v]arious efforts within the realm of inclusive education aim to remove barriers to retention amongst the most vulnerable groups of children. These efforts include expanding the use of South African Sign Language, training special needs educators, and improving access to full service special needs schools."[37]

35.   In relation to education, South Africa Connect goes further stating:

"dedicated connectivity for all schools to be used by teachers, learners, school administrators and other support staff for administrative and teaching and learning purposes, is aimed at harnessing the vast potential that broadband has to:

- extend access to educational opportunities regardless of gender, geographic location, socio-economic or ethnic background, illness or disability, or any other circumstance that would normally hinder access;
- enable flexible, open learning environments which enable contextual, real-time, interactive and personalised learning;
- extend learning beyond the formal school environment enabling learning beyond traditional classrooms; and
- make education systems more efficient by helping teachers and administrators streamline routine tasks and improve assessment and data collection".[38]

36.   Despite the vision outlined in South Africa Connect, South Africa's Supplementary Report makes no reference to dedicated connectivity and e-learning in schools and there is no effort to ensure that there is open access to publicly-funded textbooks, and for them to be shared and used via the internet.[39]

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(f)   Ensure inclusive education by the provision of reasonable accommodation and personal assistance for children with disabilities;"

36 Above n 19 at page 41, para 29.8.

37 *Id* at page 43, para 29.13

38 *Id* at page 38.

39 This lack of coordination of government policy can be illustrated through, for example, the draft National Policy for the Provision and Management of Learning and Teaching Support Material (LTSM): http://www.education.gov.za/Portals/0/Documents/Policies/Draft_%20LTSM%20Policy%20for%20Public%20Comments%202014).pdf?ver=2015-01-29-170953-293

37. Additionally, in assisting children with disabilities, technological advances, including internet-based technologies, are a glaring omission in South Africa's attempt to progressively realise the right to education.

IV. ADDITIONAL SUBMISSIONS

38. In addition to the LOIs and South Africa's Supplementary Report – and in relation to article 15(1)(a) of the ICESCR – South Africa Connect states in relevant part that "[d]igital inclusion extends beyond the rollout of networks, and is in many ways dependent on the availability of relevant content for local users".[40] This includes seeking to encourage the development of local content, promoting demand for local digital content, and enhancing access to local content and diversity of content.[41] It is imperative that, in meeting these objectives, due regard is had to the right to take part in cultural life, and content that is relevant and appropriate for minority groups as well.

39. Access to the internet not only enables different cultural groups, including minority groups, to exercise their rights to freedom of expression and cultural identity, but also enables such groups to associate and collectively develop their cultural identity and sense of belonging.

40. In relation to article 15(1)(b) of the ICESCR, it is noted that a number of initiatives to mobilise technological innovation for economic growth and the quality of life of all South Africans are detailed in South Africa Connect.[42] However, limited reference is made to older persons and disadvantaged and marginalised groups.

41. As has been noted by the United Nations Special Rapporteur in the Field of Cultural Rights, science must be understood as knowledge that is "testable and refutable, in all fields of inquiry, including social sciences, and encompassing all research.[43] Furthermore, the right to benefit from scientific progress and its applications includes, amongst other things, access to the benefits of science by everyone, without discrimination,[44] and should be free of constraint. It is therefore of concern that the Intellectual Property Rights from Publicly Financed Research and Development Act[45] places restrictions on public access to certain categories of publicly-funded research.

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40 Above n 21 at page 51.

41 *Id*.

42 *Id* at page 47.

43 Report of the Special Rapporteur in the Field of Cultural Rights, *The right to enjoy the benefits of scientific progress and its applications*, A/HRC/20/26, 14 May 2012 at para 24.
44 *Id* at para 25.

45 Act 51 of 2008: http://www.dst.gov.za/index.php/nipmo2/legislation-nipmo/2-ipr-act/file

V.   CONCLUSION AND REQUEST FOR REMOTE BRIEFING

42.   South Africa's Supplementary Report, and to a large degree its Initial Report, is characterised by notable omissions in relation to access to internet as an enabler of ESCRs and the use of ICTs to promote, among others, poverty alleviation, the right to work, the right to physical and mental health, and the right to education.

43.   In addition, South Africa's digital inclusion policies are undercut by unclear overlapping obligations and mandates, broad policy incoherence, legislation that limits access to knowledge, procurement policies that prevent public access to publicly funded resources, and increasingly burdensome requirements on Internet Service Providers. Where they exist, broadband targets are only based on speed of access and do not take into account the cost or quality of access, factors which are more important than speed in causing inequalities in access levels. What is therefore needed is a comprehensive high-level digital programme that is multi-stakeholder based and is driven by the Office of the President. This will not only ensure widespread legitimacy, but will also catalyse inter-departmental cooperation (within government), cross-sector collaboration and effective implementation.

44.   The potential and relevance of universal and affordable access to the internet in modern economies and society, including South Africa, cannot be overstated. Its potential and relevance is equally important to the progressive realisation of ESCRs and to the vision of building inclusive information societies. Resultantly, the Coalition submits that any inquiry into the progressive realisation of ESCRs cannot be properly made in the absence of consideration into the role that access to the internet plays, and is intended to play, in a society. South Africa's Supplementary Report provides no information on access to the internet and, in doing so, dissuades a genuine understanding on how South Africa intends to protect and promote ESCRs.

45.   The Coalition respectfully requests that these submissions be considered during the review of South Africa's Initial and Supplementary Reports, and that, jointly, the Coalition is invited by the CESCR to present a remote public briefing during the 64th session via videoconference. In such an event, the Coalition is available at a time suitable to the CESCR Secretariat to discuss technical requirements and to make necessary arrangements.

ENDS.