

UPDATE

CESCR Concluding Observations on the Initial Report of South Africa

Paula Knipe

South Africa's initial state report to the United Nations Committee on Economic, Social and Cultural Rights (CESCR) was examined on 1–3 October 2018 at the Committee's 64th session, held on 24 September – 12 October 2018 in Geneva. South Africa submitted its initial report to the Committee on 25 April 2017.

Having signed the International Covenant on Economic, Social and Cultural Rights (ICESCR) in October 1994, South Africa ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in January 2015. The Constitution requires South Africa to comply with these obligations. The initial state report foreground the efforts South Africa has made to implement the ICESCR. Both the South African Human Rights Commission and civil society were consulted in the preparation of the state party's report and in the review process.

The CESCR comprises international experts in the field of socio-economic rights. It examines each state party's report and addresses its concerns and recommendations to the state party in the form of 'concluding observations'. Its concluding observations to South Africa were issued on 29 November 2018. The South African government is required in terms of its ICESCR obligations to report on its progress in implementing specified recommendations within 18 months, that is, in October 2020.

South Africa is expected to indicate steps and measures taken in response to the three priority areas identified via the concluding observations:

- the preparation of a composite index on the cost of living and access to social assistance for adults between 18 and 59 years of age;

- a proposed increase in social grants to orphaned and abandoned children; and
- access to education for undocumented migrant, refugee and asylum-seeking children.

The South African government is yet to report to the Committee on measures adopted to implement these recommendations. Additionally, it is required to submit its second periodic report on the measures taken to fulfil its obligations under the Covenant by 31 October 2023.

The progressive realisation of social and economic rights is central to the transformation of South Africa, and the concluding observations have a direct impact on issues at the centre of public debates about the need to accelerate economic transformation, expedite wealth redistribution, and eliminate inequality in

South Africa. They provide an opportunity for the government to re-evaluate its progress in fulfilling the constitutional promise of socio-economic rights.

South Africa is yet to ratify the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR). The OP-ICESCR will allow individuals and groups within South Africa to seek justice from the United Nations should these rights – which include the rights to adequate housing, food, water, health, work, social security and education – be violated by the government.

By ratifying the OP-ICESR, the South African government would show its commitment to reducing poverty and ensuring access to justice for all. Moreover, it would send a signal to other countries that we can no longer be complacent about the marginalisation and neglect of those living in poverty.

References

Committee on Economic, Social and Cultural Rights (2018) *Concluding Observations on the Initial Report of South Africa*. UN doc E/C.12/ZAF/CO/1

Dullah Omar Institute (2019) *Summary of Recommendations for South Africa from the United Nations Committee on Economic, Social and Cultural Rights*. Dullah Omar Institute, University of the Western Cape

ESCR-Net (2015) 'The Government of South Africa ratifies the ICESCR'. Available at <https://bit.ly/3lt3zgM>

Contact

Socio-Economic Rights Project

Dullah Omar Institute for Constitutional Law,
Governance and Human Rights

University of the Western Cape
New Social Sciences Building
Private Bag X17, Bellville, 7535



Tel: (021) 959 2950



Fax: (021) 959 2411



Email: serp@uwc.ac.za



Website: <https://dullahomarinstitute.org.za>