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SPECIAL REPORT OF THE AD HOC WORKING GROUP OF EXPERTS  
PREPARED IN ACCORDANCE WITH COMMISSION ON HUMAN RIGHTS  
RESOLUTION 5 (XXXVII) AND ECONOMIC AND SOCIAL COUNCIL  
RESOLUTION 1981/41

STUDY ON THE EFFECTS OF THE POLICY OF APARTHEID  
ON BLACK WOMEN AND CHILDREN IN SOUTH AFRICA

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## INTRODUCTION

1. In paragraph 21 of resolution 5 (XXXVII) the Commission on Human Rights requested the Ad Hoc Working Group of Experts, in co-operation with the Special Committee against Apartheid, to study the effects of the policy of apartheid on black women and children in South Africa, in conformity with General Assembly resolution 35/206 N of 16 December 1980.
2. With a view to giving effect to that decision the Ad Hoc Working Group of Experts carried out a mission of inquiry in London from 29 June to 3 July 1981, as a result of which it gathered certain information. In the light of this information, the Ad Hoc Working Group of Experts dealt with those matters in accordance with the mandate conferred upon it by the Commission on Human Rights. Consequently, this report also contains a study of the effects of the policy of apartheid on black women and children in South Africa.
3. The representative of the Special Committee against Apartheid, Mr. Babiker Ali Khalifa (Sudan), took part in the work carried out by the Ad Hoc Working Group of Experts in London from 29 June to 3 July 1981 in order to complete the task conferred by the Commission on Human Rights in accordance with paragraph 21 of resolution 5 (XXXVII).
4. In preparing the present report, the Ad Hoc Working Group of Experts gave special attention to the plight of women and children under apartheid, with a view to studying the effects of the policy of apartheid on these two specific categories of populations.

### A. Situation of black women under apartheid

5. The Ad Hoc Working Group of Experts has in previous years reported on the situation of black women and children under apartheid, in connection particularly with the mass removals of populations and conditions in the so-called "homelands", as well as with their roles as workers, students, political prisoners and detainees. The Ad Hoc Working Group of Experts has also drawn particular attention to the burden that African women carry in the face of the poverty and disruption of black families.
6. For its present study, the Ad Hoc Working Group of Experts has looked at the situation of black women in terms of their multiple roles - in the family, as workers, as political prisoners and as citizens - in the context of the race, class and sex oppression embodied in the operation of apartheid.

#### 1. Black women and the family

##### (a) In rural areas

7. According to information available to the Working Group, in the so-called "homelands" for every 100 adult women there are now only some 85 adult men. 1/ African women and children have made up the majority of the estimated three and a half million people who have been forcibly moved from so-called "white" areas to

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1/ C.E.W. Simkins, "The distribution of the African population of South Africa by age, sex and region-type, 1960, 1970, 1980", South African Labour Development Research Unit of the University of Cape Town (SALDRU) Working Paper No.32, Cape Town, January 1981.

the "homelands" since 1948, 2/ and of those men who do not work in the white economy, many are old, past their productive years. The migrant labour pattern therefore means loneliness for black women, separated from their men, who at best join them for a few weeks a year and may well abandon them altogether. It also means poverty in conditions of chronic land-hunger, where sex discriminatory laws deny women land rights, 3/ and social and medical services are grossly inadequate or non-existent. 4/

8. Conditions in the so-called resettlement camps, where Africans "removed" from white areas are abandoned, have been described in all the Group's reports. A recent estimate suggests that these camps currently hold some two million Africans and may hold close to four million eventually. 5/ Not only does the brunt of the violence of the removal fall upon the women - who are in any case the prime targets for removal and form the majority of those expelled from urban areas - but so does the struggle for survival in the camp itself. Breadwinners who can find work are likely to have to leave their families once more to get it; women and children remain, often without work, water, sanitation, adequate food, schooling or medical services. Malnutrition, epidemic diseases and despair take their toll not only of physical but also of mental health, 6/ and malnutrition and lack of medical care of pregnant women affects not only themselves but also the development of their unborn children. 7/

(b) In urban areas

9. "Influx control" - of blacks in white areas - was finally enforced over African women through the extension of the pass system to women in 1962, in spite of a seven-year campaign involving hundreds of thousands of women against it (see para. 43 below). Since that date, women over 16 years of age have had to carry a "pass" in the same way as men, and so have been equally subject to summary arrest at any time if found without it.

10. On the other hand, it is even more difficult for a woman than for a man to obtain a pass with valid permission to live in an urban or "proscribed" (i.e. designated "white") area. Permits are granted primarily to African men.

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2/ Focus 35, July-August 1981.

3/ Barbara Rodgers, Divide and Rule, (London, International Defence and Aid Fund for Southern Africa, 1980), p.50.

4/ The Plight of Black Women in Apartheid South Africa, (New York, United Nations Centre against Apartheid, 1981); Women under Apartheid (London, International Defence and Aid Fund for Southern Africa, 1981).

5/ The Plight of Black Women in Apartheid South Africa (New York, United Nations Centre against Apartheid, 1981).

6/ Ibid., p.7.

7/ Ibid., p.18.

Women may qualify in their own right under section 10 of the Urban Areas Act - i.e. through having been born in an urban area and lived there continuously since birth, or having worked continuously for the same employer for 10 years, and/or having lived continuously in the area for 15 years (a term of imprisonment of more than six months would cancel this status). However, according to written testimony before the Ad Hoc Working Group of Experts few women have been able to qualify under these Regulations.

11. Another category of persons who could obtain a pass on their own concerns wives, and unmarried daughters under 18, of men who qualify. Here the women's status depends entirely on that of her husband or father, and she loses it if her husband divorces her, deserts her or dies. A daughter of a "qualified" man may lose her permit if she marries an "unqualified" man; and a woman not herself "qualified" cannot become qualified simply by marrying a qualified man. In fact, according to the same testimony, "the laws and regulations controlling the movement of women in urban areas are so pervasive and intricate and so arbitrarily applied that only a small proportion of African women can be considered settled urban dwellers. The rest are daily faced with the possibility of being "repatriated" to the area in which they were born or to an area they have never seen or removed to resettlement camps. 8/

12. Urban housing for Africans is not only of poor quality, in overcrowded ghettos, it is inadequate, particularly family housing. Women are largely barred from renting housing in their own right. Widows, divorced or deserted women are likely to find themselves homeless, unless for instance an adult son resident with a widowed mother is allowed to take over the tenancy; or a divorced husband voluntarily leaves the home in a divorce in which the wife is not judged the "guilty party" and custody of the children has been given to her. 9/

13. Women are also largely excluded from the scheme announced in 1978 whereby some Africans would be allowed to buy 99-year leases on houses in certain urban areas. African women married under customary law have no right to enter into a contract, nor to own property. And women married with community of property (the norm in South Africa except when a prenuptial contract is entered into) are specifically forbidden under the regulations from obtaining leasehold rights. 10/

14. Women who cannot meet the stringent conditions for living with their husbands may visit them for a period not exceeding 72 hours, and apply for a permit to stay longer if they wish to conceive a child, or need special medical treatment. 11/

15. Hundreds of thousands of women, faced with a choice between lonely "legal" starvation in a "homeland" or illegal squatting in an urban area, choose to brave

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8/ Ibid., p.7.

9/ Ibid., p.10.

10/ Ibid., p.9.

11/ Ibid., p.11.

police raids, imprisonment and deportation in one of the shanty camps on the edge of African townships in the cities. These sites have no water, sanitation or social facilities, and Government action, as reported in previous reports of the Working Group, has repeatedly razed them to the ground, the residents being arrested and many of them deported to "homelands" or resettlement camps. As described above mothers are separated from their children and sometimes struggle back hundreds of miles to be reunited with them. Yet the homes are constantly rebuilt, reflecting the desperation and determination of black women to keep their families together.

16. According to information available to the Ad Hoc Working Group of Experts, the struggle in defence of Crossroads in particular has been a woman's struggle. Although the average length that heads of households have lived there is 18.2 years, and spouses 11.7 years, fewer than 10 per cent of the women are legally there. It is thus the women who risk most from police harassment and the Government's repeated threat to deport the 20,000 residents to the Transkei. They have organized the Crossroads Women's Movement, around the slogan "We are not moving".

## 2. Health of black women

17. Reference has already been made above to the poverty and malnutrition which affect the health of women and children and, through pregnant women, unborn foetuses as well. Women and children are most severely affected because it is they who form the majority in the most deprived areas, the resettlement areas and "homelands".

18. The witnesses, Mrs. Eleanor Khanyile (549th meeting) and Mrs. Cate Clarke (550th meeting), drew the attention of the Ad Hoc Working Group of Experts to the special hazard to women of the contraceptive drug Depo-Provera which, they said was being used indiscriminately on African women by the Government health department, although an alternative contraceptive is preferred for young white women. Mrs. Clarke handed in a statement from the Campaign against Depo-Provera which pointed out that the drug has not been licensed for long-term use in either the United Kingdom or the United States, on the grounds that it might be a cancer hazard. In addition, research in South Africa itself suggests that it may produce infertility in women. The leaflet also reported that acceptance of the drug - which is administered by injection - seems to be compulsory for factory workers: women who refuse the injection lose their jobs. It comments that the policy "reflects the (Health) Department's perception of black women as incapable of taking direct responsibility for their own reproduction. The Health Department's focus is obviously more on the prevention of pregnancy than the needs of the individual woman".

19. Mrs. Clarke also said that a black medical student from South Africa had reported that Depo-Provera was being administered to black women against their will, often without any explanation of its nature or its purpose. The witness added that the régime in South Africa is concerned about the fall in the white birthrate and is attempting to promote large white families and smaller black ones.

20. According to information available to the Ad Hoc Working Group of Experts, Mr. James Gilliland, Deputy Secretary-General of Health in South Africa, denied such information, stating that "Depo-Provera was being used under strict control and was being administered only upon request." Furthermore according to a statement in the Herald, quoted in Le Continent, the Government of Zimbabwe decided to discontinue the sale of this drug. 12/

21. The witness, Mrs. Khanyile, described her experience as a nurse at the King Edward III hospital, the second largest hospital in South Africa. She said that it was overcrowded and understaffed, so that women admitted in labour had to be hastened out of their beds immediately after childbirth to make room for the next patient. Some 20,000 babies are delivered there a year. Infant mortality is so high that "women aim for ten children if they want to bring up five." Thirty per cent of twins delivered at King Edward's die before the age of two. She said that the majority of patients treated in the hospital suffered from preventable illnesses, such as kwashiorkor, bronchial pneumonia and measles. Among women patients the rates of hypertension, accidental haemorrhaging and eclampsia - high blood pressure accompanied by fits - are very high as a direct result of poor ante-natal care and poor nutrition.

22. According to further information available to the Ad Hoc Working Group of Experts under the Abortion and Sterilization Act of 1975 abortion is available in South Africa only for strict medical reasons or if the pregnancy is the result of rape or incest, or if the mother is an "imbecile". A professor of law estimates that there are 100,000 illegal abortions per year, and one report suggests that 20 take place a day on Soweto alone. 13/

### 3. Black women as workers

#### (a) Education and training

23. Documentation mentioned above demonstrates how "the convergence of both the racial and sexual systems of domination is evident in the educational experiences of black women". The author contrasts the traditional roles of black women in African culture, where women would play an active role in the production process, with what she calls the "education for domesticity" imposed on them by white domination. 14/

24. Black women find themselves discriminated against in education not only in contrast to whites but also in relation to black men. Whereas in a total population of some three million whites, 305,705 males and 279,303 females matriculated (university entrance standard) in 1970, and 51,822 males and 21,671 females obtained bachelor's degrees; in a total population of some 21 million the total number of black students at university was 3,594 males and 1,620 females (1976). Thus, though white women drop behind men in educational attainment at university level, black women start off well behind white men

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12/ Le Continent, 6 July 1981.

13/ Jacky Cock, Maids and Madams (Johannesburg, Raven Press, 1980), pp.259-260.

14/ Ibid., pp.256-266.

and women - and drop behind the men long before university level. A table of educational attainment among Africans in South Africa for 1976 shows that though more girls start school, by Form IV girls have dropped behind and by Form V they constitute only a little more than half the number of boys. 15/

25. According to further information available to the Ad Hoc Working Group of Experts, of 543,164 girls who began their education in 1970, only 2,064 reached the final grade. 16/

26. Similar handicaps are inflicted on women in vocational training. All blacks, men and women, are excluded by law from training in certain skills for the manufacturing and mining industries, under the range of job reservation measures that have been described in previous reports of the Ad Hoc Working Group of Experts. In addition, black women are totally excluded from apprenticeships and largely from artisan training. In 1977, 173 black women received artisanal training (in contrast to 6,000 white women). 17/ Vocational schools for girls offer courses only in dressmaking, homecraft, nurseryschool teaching and similar "domestic" skills, and among the professions, only nursing and teaching - "extensions of women's role in the home" - are open to black women. By the mid-1970s, there were no African women lawyers, judges, magistrates, engineers, architects, veterinarians, chemists or pharmacists. 18/

27. The training of African school teachers is extremely limited, of 70,195 African women school teachers in 1978, 49 per cent had no schooling beyond Standard 8 (two years before university entrance) and 16.1 per cent never went beyond Standard 6. 19/

28. A Wage Amendment Bill published in 1981 would abolish sex discrimination in the minimum wages laid down by the Wages Board but does not embody the principle of equal pay for equal work, and is not expected in practice to improve wages of black women. 20/

(b) Domestic service

29. According to the 1970 official census, domestic service is the single largest employer of black women, occupying 38 per cent of all those employed 21/ or some

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15/ Ibid., p.269.

16/ The Plight of Black Women in Apartheid South Africa (New York, United Nations Centre against Apartheid, 1981), p.20.

17/ 1977 manpower survey quoted by the ILO and cited in The Plight of Black Women in Apartheid South Africa, p.15.

18/ Ibid.

19/ Ibid.

20/ See chapter of the report relating to Conditions of Black Workers (E/CN.4/AC.22/1982/WP.2/Add...), para. 170 and paras. 178-186.

21/ Jacky Cock, op.cit., pp.5 and 322.



800,000 women. 22/ In a recent study of 175 domestic servants in the Eastern Cape, the average number of hours worked by full-time workers was shown to be 61 hours per week, some starting as early as 6 a.m. and not stopping until 10 p.m. Some worked over 80 hours. Thirty-one per cent of the full-time workers had no day off per week, 43.3 per cent had one day off and only 6.4 per cent had two days off; 83.4 per cent had to work on public holidays; 2.9 per cent had no annual holiday, 11.4 per cent had one week or less per year, and 12.6 per cent answered "don't know" to the question on annual holidays. Wages ranged from R4 (two women) to R60 (one woman) per month, and the average wage was R22.77 per month. Seventy-five per cent of the full-time workers in the sample earned less than R30 per month. The study also showed that the majority of these workers had worked for their present employer for several years, more than a third of them having worked for their present employer for over 10 years and some for 25 years or more. The ages of the women ranged from 25 years to over 65, of the small sample (50 out of 225) of whom the question was asked. 23/

30. All the workers in the study had dependants, ranging from 3 to 11 people other than themselves, averaging 5.5 per worker, and in 102 of the 175 cases, no other person in the family was employed. The sample of 50 had children, looked after by relatives, an older child (kept out of school to run the home) or occasionally by a crèche or paid child minder. All "hate to leave their children alone during the day or in the care of others, but they are forced to do so either because they have no other source of income, or because their husbands do not earn enough to maintain their families". Some living-in workers were not able to see their children for weeks at a time. 24/

31. The study concluded that these women were subject to ultra-exploitation as workers, as blacks and as women. 25/

32. According to complaints received by the Domestic Workers' Association in Cape Town, some domestic servants were being paid as little as R20 per month during the period under review. 26/

33. Further information before the Ad Hoc Working Group of Experts indicates the humiliating conditions under which many domestic servants work. A 45-year-old servant in Johannesburg sued her employer for assault and described being herself arrested when she went to report the matter to the police. She had worked for her employer for four years and the assault was provoked when she asked for the day off on both Thursday and Sunday. 27/

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22/ Ibid., p.7.

23/ Ibid., pp.41, 42, 43, 46, 47, 48, 79, 81.

24/ Ibid., pp.50-54.

25/ Ibid., p. 318.

26/ Cape Times, 9 April 1981.

27/ Sowetan, 14 May 1981.

34. The Domestic Workers' and Employers' Project (DWEPP), Johannesburg, described the case of a domestic worker, after five years' service with the same employer, who was held over a weekend in a police station for allegedly stealing a cube of cheese and some bread. 28/

35. The DWEPP recommends the rates of R78.65-R96.80 as minimum wages for living-in workers and R90.75-R104.50 for living-out workers. It asks employers, if they cannot afford these wages, to employ a worker only for the number of hours they can afford. 29/

36. Although domestic workers in Johannesburg have taken steps in the period under review to form a trade union (South African Domestic Workers' Association), 30/ in the Eastern Cape domestic workers were reported to be against the idea because they feared losing their jobs in a situation of high unemployment. 31/

37. According to the South African Department of Statistics, in 1972 average monthly wages for African women domestic servants ranged between R37.32 (Kimberley) and R55.56 (Cape Town). None of these wages meets the minimum wage proposed by the South African Institute of Race Relations Domestic Workers and Employers' Project of R65 for a 44-hour working week. 32/

38. The author of this study points out that the majority of these women are middle-aged women who, if they "live in" throughout their working lives, must live separately from their husbands and see their children only on their precious day "off", which may be less than one day per month. In some cases, the children may have to live too far away for such visits and be visited perhaps only once a year. Even women who do not "live in" will have a double burden of domestic work and, since their hours are so long, may see their children scarcely more often. 33/

39. Domestic workers are excluded from protection under all labour legislation, wage determinations and from benefits under the Unemployment Insurance Fund and Workmen's Compensation Act. They are entitled to no maternity benefits and frequently suffer instant dismissal without notice (in spite of common law provisions to the contrary). 34/

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28/ DWEPP News, June 1981.

29/ Ibid.,

30/ Rand Daily Mail, 27 February 1981.

31/ Rand Daily Mail, 26 February 1981.

32/ Jacky Cock, op.cit., pp.40, 41.

33/ Ibid., pp.49-54.

34/ Ibid., p.73.

(c) Agricultural workers

40. Agriculture is the second largest employer of black women (35 per cent) 35/ a total of 655,040 according to the 1970 census. 36/

41. Previous reports of the Ad Hoc Working Group of Experts have identified farmworkers as the most heavily exploited group in South Africa, like domestic workers, excluded from all existing labour legislation. Previous reports have also described the process whereby over the past 20 years settled farmworkers, living with their families as squatters or labour tenants on the farms, have been replaced by contract workers and their families banished to resettlement camps in the "homelands". This process has decreased the need of farmers for permanent workers and increased the need for seasonal and casual workers. Women constitute the majority of these casual workers and are paid the lowest wages, which may not even be paid in cash but in kind. 37/

42. Details have also been given in previous reports of the Ad Hoc Working Group of Experts of inhuman working conditions and assaults on farmworkers by white farmers. In the period under review, information before the Ad Hoc Working Group of Experts indicates that black women are victims of unacceptable working conditions as well as violent assaults. In April 1981, two women working on a poultry farm outside Cape Town complained that they were being "treated like slaves" in unhygienic conditions. 38/ A farmer from Groblersdal, Transvaal, was gaoled in September 1980 for raping a black woman and being an accessory to the rape of another woman. 39/ A woman on a farm in the Boland, Cape, died in January two weeks after allegedly being assaulted by a farmer with a sjambok (hide whip). A post-mortem apparently found that she died from "natural" causes, though other farmworkers who witnessed the incident claimed that that was the second time the woman had been assaulted in that way. 40/

(d) Industrial workers

43. According to information before the Ad Hoc Working Group of Experts, there are still relatively few African women in industrial jobs - some 70,000 out of a total of 214,000 women production workers of all races. 41/ During the expansion of the 1960s, black women took over skilled and semi-skilled jobs from white workers who moved into office jobs, mainly in clothing, textile, food processing and canning plants, "where women's wages are noticeably lower than those of males". In textiles, a 1975 study showed that black women are paid 20 per cent less than the industrial minimum wage. 42/

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35/ Women under Apartheid, (London, International Defence and Aid Fund for Southern Africa, 1981).

36/ The Plight of Black Women in Apartheid South Africa (New York, United Nations Centre against Apartheid, 1981, p.13).

37/ Ibid.

38/ Cape Herald, 4 April 1981.

39/ Cape Times, 15 September 1980.

40/ Cape Times, 6 January 1981.

41/ A/CONF.94/7/Rev.1, para. 78.

42/ United Nations Centre against Apartheid, op.cit., pp.13-14.

44. However, recession through the 1970s has brought widespread black unemployment, as previous reports of the Working Group have shown. According to information available to the Ad Hoc Working Group of Experts, women are being affected in a variety of ways: many women are losing their jobs; others are being encouraged to replace male factory workers, at lower pay; and many are being forced to seek work, often very poorly paid, when their husbands become unemployed. The Secretary-General of the white Trade Union Council was quoted in 1978 as saying that in his view the "long term solution" to black unemployment was "birth control". 43/

45. Women in the "homelands", when they can find employment, may work in the so-called "border industries" set up by South African firms with Government encouragement. These industries are excluded from wage agreements and determinations, so wages are even lower than those in the cities. Women in Babelegi, Bophuthatswana, were reported in 1980 to be earning R7.50 and R10 per week. 44/ Mrs. Khanyile said that it has actually been shown that an African woman who works in a city for only three months in the year and spends the other nine months in goal is economically better off than she would be either in a "homeland" or working in a "border area".

46. More than a hundred women and children lived in a classroom in Langa township after being evicted. They were waiting for a reply to a letter they had written to the Minister of Co-operation and Development asking for his help. One woman stated that they cannot go back to the Transkei because there was nothing for them there but starvation. There was no work, they were separated from their husbands and there were no proper medical facilities for their children. 45/

(e) Black women in the professions

47. A witness, Mrs. Khanyile (549th meeting), commented on the concentration of black women in the teaching and nursing professions as the only two professions really open to them. She referred to sex discrimination in salaries, quoting the following figures for teachers' salaries:

	<u>African men</u>	<u>African women</u>
Teachers with degree	R2,115-3,525	R1,904-3,102
Qualified teacher	R1,163-2,538	R987-1,798
Unqualified teacher	R987	R917

Mrs. Khanyile pointed out that women are debarred from working in the public service (including as teachers) once they are married. She went on to say:

"We have seen that in law and in practice all Africans, men and women alike, suffer discrimination and super-exploitation in regard both to their choice of employment and their conditions of employment, including pay. Superimposed on these general - for the black population - penalties are additional ones specific to women: further residence restrictions, salary differentials and family responsibilities without social welfare provision. Small wonder that women have played and continue to play a prominent role in resistance to the apartheid system at every level."

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43/ Ibid., p.16.

44/ Women under Apartheid, (London, International Defence and Aid Fund for Southern Africa, 1981).

45/ Cape Times, 26 April 1981.

48. The witness, Mrs. Khanyile (549th meeting), referred to the legislation following the report of the Riekert Commission, and pointed out that far from improving the situation of black workers it was aimed merely at streamlining the system of influx control. The measure to increase to R500 the fine on an employer for employing a worker without a valid permit would hit women domestic workers particularly.

49. Further information before the Ad Hoc Working Group of Experts indicates that new legislation will abolish sex discrimination in wage determinations and industrial training. Domestic workers and agricultural workers will once more be excluded from this legislation, so that it can affect no more than a tiny proportion of black women workers. In addition, the Ad Hoc Working Group of Experts is aware that in conditions of serious unemployment, the excellent principle of "equal pay" can operate against women workers. 46/

#### 4. Black women in the struggle against apartheid

50. Black women, of course, share with black men all the deprivations of political rights, including trade union rights, described in all previous reports of the Working Group. They have also shared in resistance to oppression and suffered arrest, imprisonment and violence as a consequence.

51. The Ad Hoc Working Group of Experts has been reminded, in testimony set before it, of the major campaigns by black women against apartheid. In particular it has received documentation describing the campaign against the imposition of women's passes, which culminated in a demonstration by 20,000 women outside Union Building, Pretoria, on 9 August 1956, when black women told the Prime Minister of the time, "Strijdom, you have struck a rock!", and presented a petition signed by more than 100,000 women of all races. 47/ It has also received documentation describing the struggle for Crossroads, in which the women have led a continuing campaign to defend their homes against the Government's bulldozers (see para. 58 below). 48/

52. Fifty-five women were deported to the Transkei from Crossroads during the period under review. One woman was arrested and forced to leave without her two children aged 10 and five. Among the women who escaped deportation, one said: "We will rather struggle here and know we have the support of our husbands than go back to nothingness". 49/ About 30 of the women deported returned to Crossroads. As they came off the bus, they scattered to avoid police and administration board inspectors who tried to surround the bus. 50/

53. The Ad Hoc Working Group of Experts has also been reminded that women have been in the vanguard of the trade union movement for 50 years; that they have been active in politics at least since the founding of the African National Council (ANC) Bantu Women's League in 1915; that the Federation of South African Women took the lead in organizing the first boycott campaign against Bantu Education in 1954 and took a

46/ Rand Daily Mail, 20 December 1980.

47/ Women against Apartheid: an Account of the Demonstration of South African Women on 9 August 1956 Against Pass Laws, (New York United Nations Centre against Apartheid, June 1981).

48/ We Will Not Move, (National Union of South African Students (NUSAS), 1978).

49/ Cape Times, 25 May 1981.

50/ Sowetan, 29 May 1981.

leading part in the Alexandra Bus Boycott of 1957; that in 1959 a women's demonstration was brutally attacked by police at Cata Manor Natal; and that women were prominent among the demonstrators - and among the dead and wounded - at Sharpeville in 1960. Women have been prominent in the Black Consciousness Movement and their organizations, such as the Black Women's Federation, have been banned and their leaders arrested; as students, teachers and parents have been involved in student uprisings since 1976. They continue to play their part in the fight for freedom in the African National Congress and the Pan-Africanist Congress. 51/

54. The witness Ms Ilve Mackey (551st meeting) described the treatment in detention of Diane Cooper, a member of the Western Province General Workers Union. The arrest of Ms Cooper and the events that led up to it are described in the Working Group's Report on infringements of trade union rights (E/CN.4/1486).

5. Black women and the Justice in South Africa

55. The Ad Hoc Working Group of Experts heard personal testimony from several witnesses on the price women in South Africa have to pay for their resistance. A witness, Mrs. Peggy Preston (552nd meeting), for instance, who was present during the arrest of 800 women at Crossroads in 1978, interviewed a number of these women afterwards about their experience. She reported to the Working Group about treatment in police cells: of 40 women interviewed about food received, 22 were given no water for the whole 16-38 hour period for which they were detained; 18 received neither food nor water - and seven of these had babies with them. One baby was said to be sick. Of 27 interviewed about the space in which they were confined, nine said they had standing room only and four that they could sit only. Of 20 women who provided information about bedding, eight said they had to share blankets with up to nine other persons, two received none and five said the blankets they were given were too dirty to use. Of 15 women who gave information on washing facilities, 10 said they had none. Ten women also complained of the way they were spoken to by the police, who were said to have sworn at them, called them names or made crude personal references. The policemen kept coming into the cells to "count" the women, taunting them by saying they were going to "give operations" to them. Three spoke of physical abuse. The witness also described conditions at Pollsmoor Prison, where many of those arrested women were taken. Two women interviewed complained of "lesbian acts" forced upon them by long-term prisoners in the same cell.

56. A witness, Mrs. Khanyile (549th meeting), handed in a list of women political prisoners, as follows:

Dorothy Nyembe (51): sentenced to 15 years in 1969. ANC women's organiser during the 1950s Defiance Campaign. She had served three previous terms of imprisonment;

Thandi Modise (21): sentenced to eight years in 1980 for guerrilla activities. Her baby daughter was born while she was held in solitary confinement before her trial;

Josephine Bookhoalane (40): nursing sister, sentenced to eight years in 1979 for recruiting for the African National Congress, which is a banned organization;

Sylvia Foley (25): teacher, sentenced to three years in 1979 for recruiting for the ANC;

Thandiso Manguno (30): serving five years for recruiting plus 60 days for refusing to obey prison warders;

Caesarina Makhoere (23): serving five years for recruiting plus 30 days for refusing to obey prison warders;

Happy Mashamba (30): sentenced to five years in 1977 for membership of the ANC and for furthering its aims;

Esther Maleka (35): SACTU activist, sentenced to five years in 1976 for recruiting;

Elizabeth Mhlapo: sentenced to five years in 1979 for "political activities". Recently charged with refusing to obey a warder;

Elizabeth Gumede (59): sentenced to five years in 1979 for allegedly "harbouring guerrillas";

Kate Serokolo (20): Elizabeth Gumede's niece, sentenced at the same time to five years;

Sibongile Mthembu: former member of the Soweto Students Representative Council, charged with sedition in 1976. Sentenced to two years in 1979;

Zodwa Ntombi: sentenced to five years in 1979 for alleged recruiting;

Xoliswe Zeppe (20): one of 10 school students sentenced in 1977 for "public violence" during a protest demonstration. Serving five years;

Ida Jimmy (35): Namibian, sentenced to seven years in 1980 for making a speech at a SWAPO rally.

57. She reported that the women had recently been moved to Pretoria Central Prison, without the knowledge of their relatives, with the result that they had been further isolated without visits or letters. She said that the women were not being allowed to study, which the men have been allowed to do nor to receive any news, the only periodicals they receive being "women's" magazines. Nor do they have work or physical recreation - washing clothes is all they are allowed to do.

58. Previous reports of the Ad Hoc Working Group of Experts have described conditions in detention for black women, who have been interrogated, tortured and sexually assaulted. A witness, Mrs. Cate Clarke, told the Working Group of a woman who had been told in detention that her baby had died, which turned out to be untrue and only another means of psychological manipulation. According to Mrs. Khanyile, many women prisoners have gone on hunger strike in protest against assaults in prison.

59. According to further information available to the Ad Hoc Working Group of Experts, women continue to feature on every list of persons detained without trial under the security laws. 52/

B. Situation of black children under apartheid

60. In 1975, the Ad hoc Working Group of Experts was requested to examine for the first time the question of apartheid and the African family. In this connection, particular attention was drawn to the disruptive effects on African family life in South Africa of inhuman and racist policies. The report contained in document E/CN.4/1187 analysed the situation of the African family under apartheid, and demonstrated that the concept of territorial apartheid, expressed in particular in the migrant labour and "homelands" policies, institutionalizes the separation of African mothers and children from fathers and further separates African children from their mothers.

61. In studying the effects of the policy of apartheid on black children in South Africa, the Ad hoc Working Group of Experts has borne in mind that the United Nations 53/ has defined the special rights of children as including the rights to: adequate nutrition and medical care; free education; full opportunity for play and recreation; a name and nationality; special care, if handicapped; be among the first to receive relief in times of disaster; learn to be a useful member of society and to develop individual abilities; be brought up in a spirit of peace and universal brotherhood; and to enjoy these rights, regardless of race, colour, sex, religion, national or social origin.

62. In the period under review, further forced removals 54/ and further enforcement of labour regulation have continued to reinforce the policy of banishing black people to "homelands", depriving them of citizenship rights (including rights of residence and rights to seek or accept employment) in urban and "white" areas, and allowing adults to re-enter these areas only on the basis of temporary labour contracts. These adults, as previous reports have described, live increasingly in single-sex "barracks", while their families remain behind, frequently totally dependent upon the wages of the contract workers for survival. Since both men and women are increasingly being employed on this contract basis, more and more children are growing up in the care of relatives or neighbours, or without care.

63. Evidence was given in the Ad hoc Working Group of Experts previous report on a study by the Anti-Slavery Society on the exploitation of child labour by farmers in the Eastern Transvaal and Natal (E/CN.4/1429, paragraphs 230-234). Further details of this study, conducted in 1979 and 1980, have been made available to the Ad hoc Working Group of Experts. The report estimated that in South Africa there were 60,500 "economically active" children under 16, most of them working on farms. It seems that this system is largely the product of the massive removals of farmworker families over the past ten years. Women and children have been "dumped" in resettlement areas or "homelands", and while those men who can get work have been forced to accept migrant labour contracts, the families have nothing to live on. Both mothers and children depend upon casual, seasonal (and thus the worst paid) work on farms. In the area of Msinga, Natal, "every day the trucks of white farmers

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53/ General Assembly resolution 1386 (XIV).

54/ See document E/CN.4/1485.



cruise along the banks of the Tugela river picking up children within the Bantustan, for work on cotton and orange plantations and potato farms ... It is clear that white farmers recruit under-aged children on a massive scale, that parental consent is frequently not obtained and that children are often misled as to the nature of their work ... Where parents have consented to their children's employment, it is because they have no option, being themselves unemployed, and because they have no other income. Children taken for work frequently disappear from their homes for long periods. As a reserve of docile, unprotected labour, children are powerless in the hands of the employer". 55/

64. Where black children are brought up in urban areas, they may equally be separated from their parents, who may be forbidden to house them where they work. The law prohibiting a woman domestic servant from having even a young baby living with her has been recently strengthened. The evidence of Mrs. Peggy Preston (547th meeting) drew the attention of the Group to the situation of children in police raids on the squatter camp at Crossroads, mentioning in particular the cases of a 14-year-old boy assaulted and arrested during the raid, and of two 14-year-old girls, also arrested. It was also pointed out that mothers were arrested, leaving young children uncared for.

65. Evidence before the Ad hoc Working Group of Experts once more draws its attention to the social and psychological damage, frequently irreparable, of this disregard for the family as the most fundamental source of care and affection in childhood. 56/

(a) Poverty, malnutrition: the right to adequate nutrition

66. Previous reports have also detailed the level of poverty in which urban and, particularly, rural Africans live (see sections on Conditions of Black Workers, "Bantu Homelands"), 57/ which frequently deprive African children of the bare physical necessities of life - adequate shelter, food, clothing and health care.

67. Infant mortality, malnutrition and inadequate medical care of African children have equally been frequently referred to in earlier reports of the Ad hoc Working Group of Experts. No official figures on infant mortality among Africans are compiled in South Africa, but according to one recent estimate 30-50 per cent of

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55/ Child Labour in South Africa: A report, Lutheran World Information 18/81.

56/ The Impact of Apartheid on Family Life in South Africa (New York, United Nations Centre against Apartheid, November 1980).

57/ E/CN.4/1485.

rural African children die before their fifth birthday, 58/ and in 1979 the South African Medical Journal produced figures to show that the infant mortality rates for black (African and Coloured) babies - 112.2 per 1,000 - were six times those for white ones - 18.6 per 1,000. 59/

- (b) Health: the right to adequate medical care and to special care, if handicapped

68. Conditions resulting from malnutrition - diarrhoea, parasitic infestations, measles, tuberculosis, rheumatic heart disease, kwashiorkor, rickets - affect the majority of black children in South Africa, according to information before the Group. 60/ The incidence of rheumatic fever in Soweto is believed to be the highest in the world. Other consequences of chronic malnutrition include permanent mental retardation. 61/

- (c) Discriminatory Education: the right to free education, to learn to be a useful member of society and to develop individual abilities

69. The Ad hoc Working Group of Experts has also previously reported on the inadequate, discriminatory and humiliating nature of black education in South Africa (see particularly E/CN.4/1187; E/CN.4/1222, paragraphs 219-235). Documentation before the Ad hoc Working Group of Experts has once more stressed the gap between expenditure on black children and on white children. In 1978/79, per capita expenditure on education was: R724 for a white child; R357.2 for an Indian child; R255.5 for a Coloured child; and R71.3 for an African child. 62/

70. The Ad hoc Working Group of Experts has also reported on the rebellion by school students, first in Soweto and then throughout the country, against "Bantu education" since 1976. During the period under review, school students have once more been involved in nationwide protest strikes against "inferior ethnic education and education for domination" (see section on Student Movements), 63/ and protests have once more been met by closure of schools, moves to prevent children from returning to school without parental undertakings that they would abide by rigorous conditions, and the arrest and detention of numbers of pupils (see paragraphs 75-83 below).

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58/ Health Care in South Africa Today, (New York, United Nations Centre against Apartheid, May 1980).

59/ Children Under Apartheid, (London, International Defence and Aid Fund for Southern Africa, 1980).

60/ "Children under Apartheid", Report of the International Seminar on Children under Apartheid, (New York, United Nations Centre against Apartheid, 1979).

61/ Impact of Apartheid on Family Life, (New York, United Nations Centre against Apartheid, November 1980).

62/ Cape Times, 16 February 1980; Focus Briefing Paper No. 1, March 1981.

63/ E/CN.4/1485, chapter J.

71. The Ad hoc Working Group of Experts has also noted that "compulsory" education for African children, it is not "free", and that books (and school uniforms) have still to be paid for, and expenditure on African schoolchildren is still vastly lower than that on children of any other racial group. 64/

72. The Ad hoc Working Group of Experts has also referred to the danger facing children in the apartheid régime in cultural matters: on the one hand, they have been uprooted from their traditional culture, which is denigrated as "primitive and inferior"; on the other hand, they are subjected to a policy of "reorienting them to the traditions, cultures, customs and system of government of the national unit to which they belong". This double-bind contributes to "the psychosocial stress that black South Africans must endure", and which affects mental health, crime and suicide rates - the last of which, uniquely in South Africa, are highest for blacks among young adults. 65/

(d) Child Labour: the right to full opportunity for play and recreation

73. Although South African legislation specifically prohibits employment of children under the age of 16, the Ad hoc Working Group of Experts has noted on several occasions charges of widespread child labour, particularly in rural areas, as a result of extreme poverty. In its previous report (E/CN.4/1429, paragraphs 230-233) the Ad hoc Working Group of Experts quoted testimony on research carried out by the Anti-Slavery Society in the Eastern Transvaal and Natal. Further information deriving from that study indicates that there are more than 60,500 black child labourers in South Africa, many of them as young as eight years old. Most of these are children deported to "bantustans", whose parents are either without work or working far away under "contract" and unwilling or unable to send the family sufficient money to live on. Even where schools exist, these children cannot afford to attend them. They must work to survive, paid sometimes in kind only, sometimes at the rate of R5-10 per month. The study concludes that "the pattern of child recruitment for farm work stems from the existence of the bantustan system and depends on it". 66/

74. Further information before the Ad hoc Working Group of Experts describes children in the Rustenberg district of the Transvaal taken out of school to help their mothers pack onions for 25c a bag (about R1.50 a day) because the families cannot make ends meet. The farmer said that he does not employ the children - he pays the mothers what he claimed to be "the highest pay in the area". 67/

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64/ Ibid.

65/ Impact of Apartheid on Family Life (New York, United Nations Centre against Apartheid, November 1980).

66/ Child Labour in South Africa, Lutheran World Information 18/81.

67/ Sunday Post, 18 August 1980.

(e) Detention of children: the right to be brought up in a spirit of peace and universal brotherhood

75. Previous reports of the Ad hoc Working Group of Experts have drawn attention to the arrest and detention of children and young people, particularly in the period since 1976, and to their interrogation and torture in detention (E/CN.4/1270, paragraphs 63, 69-73; E/CN.4/1365, paragraph 62; E/CN.4/1366, paragraphs 56-59; E/CN.4/1429, paragraphs 77, 78, 84-91).

76. A recent estimate of the total number of persons arrested in the period June-December 1976 alone is "at least 10,000" and possibly 15,000-20,000 according to information before the Ad hoc Working Group of Experts. <sup>68/</sup> Of the 1,556 who had been charged and convicted by the end of 1976, 1,122 were juveniles, and this proportion, if extended as a proportion of the conservative total of arrests (10,000), would give a total of 7,211 juveniles arrested.

77. Many young people around this period simply "disappeared". <sup>69/</sup> Others were held as witnesses or themselves tried months later. <sup>70/</sup> It is clear only that the number of children held in one way or another during this period may never be known.

(f) Detention of juveniles

78. A witness to the Ad hoc Working Group of Experts (546th meeting), who asked to remain anonymous, presented two papers prepared by the International Defence and Aid Fund on the detention and imprisonment of children and children in political trials in South Africa. The papers give the following table for the number of juveniles detained under the security laws between 1977 and 1980:

Juveniles detained under security laws 1977-80

	<u>Total</u>	<u>Male</u>	<u>Female</u>	<u>Laws</u>
1977	259	236	23	"Security Laws"
1978	252	227	25	Terrorism Act, Internal Security Act
1979	48	42	6	Terrorism Act, General Laws Amendment Act
1980	127	95	32	"Security Laws"
	<u>686</u>	<u>600</u>	<u>86</u>	

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<sup>68/</sup> Alan Brookes and Jeremy Brickhill The Whirlwind before the Storm, (London, IDAF, 1980, p. 260).

<sup>69/</sup> Enforced and Involuntary Disappearances in South Africa, (London, International Defence and Aid Fund for Southern Africa, December 1980).

<sup>70/</sup> Detention of Children in South Africa: A Special Report prepared by the International Commission of Jurists, (United Nations Centre against Apartheid, July 1978).

79. Among the children detained in 1980 whose names and ages only known are:

Timothy Mabide	aged 17
Carol Plaatjes	" 14 or 15
Nancy Qika	" 14 or 15
Ethel Ndadlana	" 15
Nokuzola Daniso	" 15
Mildred Mazhama	" 15
Mniki Mashiya	" 14
Elizabeth Ndzule	" 13
Alton Sobuwa	" 17
Lilia Msutu	" 17

80. The papers allege that, during the period under review, the Minister of Police refused to say how long each child had been detained in 1980. However, IDAF has found that in July 1978, of 169 pupils in detention, 99 had been in prison for over 18 months. The paper cites cases of juveniles who have been detained for several months under the Terrorism Act. Only a small proportion of juveniles detained under the security laws are later brought to trial, and even fewer are convicted. In 1977 and 1978, of some 500 juveniles detained under the security laws, 224 were released without being charged or called as State witnesses, 189 were subsequently charged and 87 were called as State witnesses. Similarly of 252 juveniles detained during 1978 under the Terrorism and Internal Security Acts, 14 were charged with sabotage, 20 with arson and 19 with public violence, while convictions were four, 14 and 18 respectively. Of 127 juveniles detained under the security laws during 1980, by February 1981, 26 had been charged with having committed an offence, of whom nine had been convicted, nine acquitted and eight were in trials not yet completed.

81. The IDAF paper makes reference to the Criminal Procedure Act No. 51 of 1977, which has provisions for dealing with juveniles which allow courts to refer juveniles to a children's court and gives permission to courts to order actions other than punishment which would normally be imposed. The paper continues: "We do not have evidence of courts exercising their powers under Section 290 to avoid imposing the compulsory sentence for sabotage or terrorism. And there are many cases in which prison sentences are imposed even where the law does not require compulsory sentences". The paper details prison sentences imposed on juveniles detained under the security laws in 1977 and 1978, which include six months to eight years under the Riotous Assemblies Act, 18 months under the Malicious Damage to Property Act, No. 26 of 1956, five years under the Sabotage Act and five years under the Terrorism Act. Figures are given for the number of prosecutions and convictions of juveniles under various laws categorized as being concerned with "public safety and good order", and which are predominantly related directly to mass population protest. Between July 1976 and June 1977, there were 4,531 charges and 2,983 convictions of this kind among those aged under 18 years; between July 1977 and June 1978 the figures were 4,186 charged and 2,893 convicted; between July 1978 and June 1979 the figures are incomplete but there were at least 3,632 juveniles charged and 2,335 convicted. A significant number of those convicted would have been sent to prison.

82. During 1980, once more, a large number of juveniles were arrested, particularly in connection with the schools boycotts. 71/ According to one source, of nearly 1,000 people known to have been arrested during the year, 341 were school pupils. 72/ However, these figures are clearly incomplete as, according to IDAF's written testimony, 130 pupils were arrested on one occasion in Grahamstown, 275 in Uitenhage, and "truckloads" in the Ciskei, including 500 pupils rounded up by police in Mdantsane and Zwelitsha in September 1980. In the Eastern Cape, cases involving "at least 1,100 school pupils" were taking place late in 1980. 73/ Not all these young people may be assumed to be school pupils, since African young people may well be at school into their early twenties; but a large proportion must be assumed to be under 18.

83. Mniki Mashinya and Elizabeth Ndzule (see paragraph 79 above) were released after a short time, but the rest were still in detention in October. They were detained during the school and bus boycotts and some of them in connection, allegedly, with violence involving the death in Crossroads of two white people. Mr. Mabide's mother was, unusually, allowed to see him. Carol Plaatjies' parents were allowed to visit her for the first time 25 days after her detention, but in October Mrs. Mdadlana was reported as saying that the family had still not been allowed to visit her daughter. 74/

84. The witness, Ms. Peggy Preston (547th meeting), said that she had been present when a 14-year old boy was released from detention. He alleged that he had had a number of beatings before his release on R30 bail, and reported that several women were in prison with their babies.

85. According to further information made available to the Ad hoc Working Group of Experts, 95 boys and 32 girls under the age of 18 were detained in 1980. Of these, 26 were eventually brought to trial, 12 for intimidation of scholars. 75/

(g) Juveniles as State witnesses

86. Many juveniles are being held as State witnesses under Section 12 of the Internal Security Act and Section 185 of the Criminal Procedure Act (1978). They are kept incommunicado for up to six months or until the date of the trial. Many of these trials, especially those involving juveniles, are held in camera, further

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71/ E/CN.4/1485, Chapter J.

72/ Rand Daily Mail, 12 January 1981, quoted in IDAF Briefing Paper No. 1, March 1981.

73/ Detentions and Imprisonment (London, International Defence and Aid Fund for Southern Africa).

74/ Ibid.

75/ Financial Mail, 6 March 1981, Cape Times, 10 February 1981.

isolating young witnesses, who may have had statements extracted from them under torture but who face charges of perjury or contempt of court if they then refuse to give State evidence. According to the evidence before the Ad hoc Working Group of Experts: "There have been suggestions that the provisions of the Criminal Procedure Act designed to protect juveniles or witnesses are being exploited in order to try to increase the chances of convictions". 76/

87. Testimony before the Ad hoc Working Group of Experts included an analysis of 71 recent trials involving juveniles as accused and witnesses; 47 non-security trials involving minors; 11 non-security trials involving youths of unspecified age but certainly including many under 18; and 13 security and major public order trials. A total of over 600 young people were involved in these. 77/

88. Also before the Ad hoc Working Group of Experts was a list of details on six recent trials in which juvenile defendants alleged torture or other forms of pressure; and a further five recent trials in which juvenile State witnesses made similar allegations. 78/

(h) Children in political trials

89. Information contained in the document submitted by IDAF outlines a number of cases where juveniles were used as State witnesses. Some witnesses who have refused to give evidence have been given heavy prison sentences as a result. The cases include:

(a) The trial of 32 school pupils in November 1980 on charges of public violence where a young girl alleged she was beaten up and forced to give a statement which she later changed in court. She was charged with perjury, as was another girl who denied all knowledge of a statement she was said to have made;

(b) The trial of the Nkumbi brothers in January 1980 under the Terrorism Act, where a 17-year old youth giving evidence admitted lying in court and said his mind was "hazy and rusty" because he had been in detention so long. Another witness told the court that he wanted to please a security policeman because he was petrified;

(c) The trial of Mkwanazi and eight others in January 1980 under the Terrorism Act, where a witness whose name and age were not disclosed said he was petrified when security police threatened him with five years' imprisonment unless he "told the truth";

(d) The trial of five Galeshwe youths on charges of terrorism and arson where a 17-year old youth who had been in detention gave evidence in camera. He told the court that he felt the presence of the police in court and felt he was under their control. He said he felt "he might go mad as a result of his detention";

(e) The trial of Oscar Mpetha and 18 others, in which a 15-year old gave evidence. This trial is described in paragraph 78 below.

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76/ Ibid.

77/ Ibid.

78/ Ibid.

90. The IDAF papers further outline various cases where allegations of torture and other forms of pressure were made by juvenile defendants. These include:

(a) The trial of 35 pupils including 10 juveniles in October 1980 on charges of public violence, where the magistrate ruled statements by three pupils inadmissible on the grounds that they were not made voluntarily;

(b) The trial of 15 workers at Kromriver Apply Co-op in December 1980 on charges of public violence, where the accused, including a 17-year old youth, claimed that security police administered electrical shocks to obtain statements;

(c) The trial of 12 pupils, including seven juveniles, on riotous assembly charges in February 1981, where a 17-year old youth said that while detained under Ciskei Proclamation R252 he had signed a blank piece of paper because he was afraid, and that he only saw what had been written on it in court;

(d) The trial of a 17-year old youth in June 1980 under the Terrorism Act, who alleged that he had been tortured by the security police to make an incriminating statement;

(e) The trial of Adam Masake, then 17 years old, in March 1980 on a charge of terrorism, who said he had been tortured and threatened by police into making a statement. He later successfully appealed against sentence. Masake said that as a result of torture and solitary confinement he suffered from constant headaches and felt "insane";

(f) The trial of 12 youths (nine of them juveniles) in November 1980, on charges of murder and public violence, where the defence said that the statements of 10 of the accused were inadmissible because they had been assaulted or suffered undue compulsion.

91. The growing practice of holding parts of trials in camera, the paper on political trials continues, further isolates State witnesses. Where defendants or witnesses are under 18, in camera proceedings are the norm and there are suggestions that this is being used to isolate witnesses from the attitudes of their community. The paper quotes Martin Ramokgapi, who was convicted after State witnesses had given evidence against him. He said he did not blame the "unfortunate people" who had given evidence against him and who had been detained under the Terrorism Act. He said: "I know how they suffered under Section Six detention. There is no one who has undergone that detention and who has not told lies as a result ... there is no hell worse than that".

92. According to information available to the Ad hoc Working Group of Experts in February 1981 the Minister of Police, Mr. Louis le Grange, said that he had ordered the release of certain black schoolchildren detained at the height of the school boycotts in the Eastern Cape between 28 October and 4 November 1980. 79/



93. Many more children have been charged under laws other than the security laws. During the period 1 July 1976 to 30 June 1980, at least 12,000 juveniles were tried on charges relating to "public safety and good order" and at least 8,000 were convicted. The written testimony from IDAF concludes that "it is very likely that a significant number" of these have been sent to prison. 80/

94. South African law recognizes children under 13 as "juveniles" and children under 14 as below the age of criminal responsibility (see E/CN.4/1270, paragraph 63). However, evidence before the Ad hoc Working Group of Experts concludes that many youngsters as young as 8-10 years old have been arrested and held in police custody for days or weeks. 81/ Under the Criminal Procedure Act, No.51 of 1977, Section 254 allows a court to refer a juvenile accused to a children's court, and Section 290 gives courts the power to make orders placing children under the supervision of a probation officer or other "suitable person", or to reform schools. The written testimony of IDAF concludes, however, that "we do not have evidence of courts exercising their powers under Section 290 to avoid imposing the compulsory sentence for sabotage or terrorism. And there are many cases in which prison sentences are imposed even where the law does not require compulsory sentences. 82/

95. The trial of Oscar Mpetha and others which opened in March 1981, involves six juveniles accused of terrorist activities and murder, and several juveniles as State witnesses. All have already spent long periods in detention. When the trial opened a 17-year-old boy claimed to have been assaulted and choked; a 15-year-old girl, who gave evidence in camera, was accused by the defence of taking direction from a security policeman in court; and a statement made to the police by another 17-year-old contradicted an earlier statement made to a magistrate.

(i) Children in Prison

96. According to evidence given to the Ad hoc Working Group of Experts, children have been sent to Robben Island since 1965 where they are subjected to the worst possible treatments. A witness, Dipheko Abel Chiloane (551st meeting), described arriving there himself at the age of 21, to serve 15 years, and the horror of himself and his comrades at being thrown in amongst brutalized criminals: "They were literally tearing us, they were trying to eat us alive ... To them we were a replica of our womenfolk outside, and the white wardens in South Africa encourage this, in order to divide and incite prisoners to the point of murdering other prisoners, because of this question of sodomy. And we were thrown to these people and were made to live with them in the cells". The witness gave the names of

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80/ Children in Political Trials in South Africa, (London, International Defence and Aid Fund for Southern Africa, 1981).

81/ Detention and Imprisonment (London, International Defence and Aid Fund for Southern Africa).

82/ Children in Political Trials, (London, International Defence and Aid Fund for Southern Africa, 1981).

some of his comrades who were under 18 at the time: Dimake Molepe, 16 years; Ernest Moseneke, 15 years; Samuel Chibane, 17 years; Ibane John Nkosi; Zohle Keke, 16 years. 83/

97. The witness described being crowded, 80 men and boys, into cells to accommodate 25, with no sanitation but a bucket, which overflowed. Fights and even killings took place in the cell. During the day the boys had no schooling but were made to work, breaking stones or carrying sand with wheelbarrows. Criminals would stand on one side and warders on the other, beating them with pick handles - especially those who "objected to this question of sodomy". The witness tried to protect the younger ones from rape, so he was beaten. He also described being tortured by being buried in sand while a warder urinated into his mouth. He said that when he or his comrades were beaten, they tried to give each other first aid themselves rather than go to the hospital, which was "hell, torture". The prison doctor, Dr. Adlestone, according to the witness, "used to tell everybody that the more of us killed, the better".

98. The witness described one of his comrades, Steve, who "became mentally deranged" and was eventually sent to a mental hospital on the mainland.

99. He then described the arrival, in 1978, of 11 14-year-old boys from the Eastern Cape. (Among these were the four boys whose case under the Sabotage Act is described in a previous report of the Ad hoc Working Group of Experts, E/CN.4/1311. Two of these boys won an appeal against conviction in September 1980). These were not taken to the "junior section" where the young people imprisoned after the Soweto uprisings were accommodated, but left in a cell by themselves. The older political prisoners campaigned to have them allowed to live among them. "We had to suffer so much on the Island, but never did we suffer so much as we did when these youngsters arrived on the Island. We couldn't believe our eyes, we couldn't believe that people could send such little children to such a brutal place as Robben Island. These boys, when they passed in the prison yard, called out to the older prisoners 'Tata', or 'Father'. Yet they were kept isolated, facing, as the witness put it, all this 'moral degeneration' alone. Eventually one older man, Mr. Ramotsi, was permitted to live with them".

100. The witness also described the conditions of the young people arrested in and after 1976 in Soweto and elsewhere. A so-called junior section was opened, isolated from the other political prisoners. The witness heard so-called "carry-ons" when the youngsters were beaten up, or dogs were let loose on them. He said that the warder in charge, Captain Harding, encouraged this. ("They invade the cells at night, they just open the cells and they say to you to face the wall. You have to stand with your hands on the wall, naked, and then they search, and search, and with their racist mentality they try to make you feel sub-human. They will throw away everything in the cells, and so on, and then there will be the question of beatings-up. Initially they used to have batons, ordinary batons, but as time went on they started using rubber batons, in a general thrash-out when people are being beaten up. Then they started bringing dogs into the cells, trained dogs, Alsation dogs, and that is what they did in 1977, as a result of which two youngsters were seriously hurt. I can quote their names here, since I have written about them already: (?) Bedi Gonsalves

from the Western Cape; if I am not mistaken he is from Athlone, he is what they called Coloured; and there was Prince Mosoto, from Port Elizabeth. They were badly hit. Gonsalves had a broken collarbone, Mosoto had a broken arm.

101. The witness also told the Ad hoc Working Group of Experts about the arrival of a group of youngsters in 1977 and how they were isolated from the other political prisoners. He described how periodically he could hear the youngsters screaming when trained dogs were let loose on them and said that the warders used to beat them. He told the Group how he saw bloodstains after some of the young people had been beaten by warders. Mr. Chiloane submitted a document on the Children of Robben Island. The document points to the plight of 11 14-year-olds serving five years' imprisonment since the end of 1978. The boys were isolated from the "junior section" where other young militants from the uprisings in Soweto and other black ghettos and from the "general section" where the majority of political prisoners were accommodated. The adult prisoners protested so strongly that one elderly ANC member, Mr. Ramotsi, was allowed to live with these children. The document says that since 1963 young blacks have been placed on Robben Island, and catalogues the history of some of them. Mr. Chiloane also points to the fact that reports made on visits of the International Committee of the Red Cross are kept secret and that there is therefore no way for the world to counter the claim by the Prime Minister, Mr. Botha, that there are no children on Robben Island.

102. Mr. Chiloane, in his written testimony, took up the statement of Prime Minister Botha, in response to the Commission on Human Rights' intervention in August 1980 on the question of children on Robben Island. Mr. Botha claimed that if there were children on Robben Island, the International Committee of the Red Cross would have reported on the matter. The witness pointed out that the ICRC visits Robben Island precisely on condition that it does not make any public report.

(j) Children killed by police

103. Children have frequently been killed in encounters with police over the years, since the South African police have a record of disrespect for black life - earlier reports of the Group have regularly included evidence of this (cf. sections on Massacres and Violations of Right to Life). 84/ In the period since 1976, however, the number of children who have lost their lives has escalated to an unprecedented degree, though no figures exist. According to information made available to the Ad hoc Working Group of Experts, deaths arising out of the Soweto uprising totalled over 1,000 between June and December 1976 alone. 85/ No one knows how many of these were juveniles.

104. Corroboration is also available to the Ad hoc Working Group of Experts of earlier rumours of secret burials in Soweto. One account describes black plastic bags being burned by police late at night, out of one of which a voice was heard asking for water, in Zulu. Another account describes a body with "a schoolgirl's girdle", also buried secretly at night. 86/

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84/ E/CN.4/AC.22/1982/WP.2/Add.

85/ Alan Brooks and Jeremy Brickhill, op cit., p. 256.

86/ Ibid., pp. 257, 258.

105. Among the deaths of political prisoners in detention, already recorded in previous reports of the Ad hoc Working Group of Experts (particularly E/CN.4/1270, section D), at least one victim, Dumisani Isaac Mbatha, a Soweto schoolboy aged 16, arrested in a Johannesburg demonstration in September 1976, was a juvenile.

106. During the year under review, police shootings have resulted in the deaths of a number of juveniles, many of them school students involved in boycotts and protests (see Student Movements). According to information available to the Ad hoc Working Group of Experts, over 50 people have been killed in connection with these demonstrations in 1980, many of school-going age, among them: 87/

(i) In June 1980 a 17-year-old boy was shot in Uitenhage, Cape. 88/

(ii) In July 1980, a 16-year-old boy was shot when police attacked a crowd at a funeral. 89/

#### ADOPTION OF THE REPORT

107. The present report has been approved and signed on 8 January 1982 by the members of the Ad hoc Working Group of Experts, namely:

Mr. Kéba M'Baye, Chairman-Rapporteur

Mr. Branimir Janković, Vice-Chairman

Mr. Aman Arkyin Cato

Mr. Humberto Díaz-Casanueva

Mr. Felix Ermacora

Mr. Mulka Govinda Reddy

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87/ IDAF Briefing Paper No. 1, March 1981.

88/ Focus 30, September-October 1980.

89/ Ibid.