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VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA

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

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

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INTRODUCTION

1. In 1981, by its resolution 5 (XXXVII) the Commission on Human Rights requested the Ad Hoc Working Group of Experts 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. In order to give 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, which enabled it to obtain certain information. In the light of that information, the Group dealt with this question in conformity with the mandate conferred on it by the Commission on Human Rights. That report is contained in document E/CN.4/1497.
3. Since additional information was brought to the attention of the Ad Hoc Working Group of Experts during the mission of inquiry it carried out in July-August 1982, the Ad Hoc Working Group of Experts considered that it was its duty to re-examine the question and to submit this report, which supplements the above-mentioned report, to the Commission on Human Rights.

A. SITUATION OF BLACK WOMEN UNDER APARTHEID

1. Black women and the family

(a) In rural areas

4. According to information before the Working Group, the resident population in the Bantustans not only remains predominantly female, as a result of the migrant labour policy, but seems to be increasingly so. 1/

5. Some 70 per cent of the rural female population is unemployed. The only employment opportunities available in the rural areas are in agriculture and the "border industries", and about 80-90 per cent of economically-active women work on the farms, mainly as domestic workers. The rest of the economically-active women work in the border industries which are not subjected to the wage determinations and agreements that apply in the rest of South Africa and where wages and conditions of work are considerably below those in the urban areas. 2/

6. A witness, Ms. Shumikazi Jako (563rd meeting), described the situation of women through her own experience. She stated that she had spent many years apart from her husband because he was forced to go to the city to find work. When she was able to go to the city to visit her husband she was subject to the apartheid laws and was endorsed out of Cape Town and returned to the rural area, where she was forced to work for a "pittance". Later she went to Johannesburg illegally to find work, in order to pay for her children's school fees and uniforms. Her testimony describes how she worked an 11-hour day as a domestic worker for R7 a month and then went on to a baby-sitting job which added approximately R3 to her income.

7. Further information before the Working Group concerned the situation of the many non-Tswana families removed to Overwacht resettlement camp from a squatter camp in Thaba 'Nchu following the "independence" of Bophuthatswana. The situation of Mrs. Alice Mashode, a mother of four children whose husband was a migrant labourer, was described in a newspaper report as being typical. She lived in a tiny corrugated iron shack whose walls were plastered with newspaper to keep out the dust and draughts. She saw her husband once a month when he brought home R50. She had to buy her meagre groceries at the supermarket, where prices were three times as high as in Thaba 'Nchu, or catch a bus to Thaba 'Nchu. She said: "But there's never enough. I have a baby who is starving. I don't know what to do." 3/

(b) In urban areas

8. In its 1982 report (E/CN.4/1497, paras. 9-11), the Working Group gave details of the laws and restrictions relating to the situation of women in the urban ("white") areas.

1/ African National Congress, "The effects of apartheid on women in rural and urban areas and Bantustans", paper presented to the International Conference on Women and Apartheid, Brussels, 17-19 May 1982.

2/ Ibid.

3/ Sunday Express, 25 April 1982.

9. According to additional information available to the Group, the anomaly between civil and tribal law, under which African women are unable to take advantage of the right, introduced in 1973, to buy leasehold property in certain urban areas, continues (see E/CN.4/1497, para. 13). Although the Urban Areas Act itself does not discriminate according to sex, building societies have been advised by their national association that granting loans to black women wishing to register leasehold is "simply not worth the risk". The Government has stated its reluctance to make changes in "tribal" law, but a legal spokesman for the building societies has said that all that is required is a simple amendment to the Urban Areas Act to wipe out this anomaly. 4/

10. Recent years have seen the emergence of a number of new women's organizations, many of which have grown out of the need to fight for the right to remain in urban areas. Many women live and work in "white" South Africa illegally: there is little or no work available in the "homelands" and any jobs that do exist are badly paid; many of the women who make up the bulk of the squatter communities are there in order to be with their migrant worker husbands and to retain some semblance of the family life disrupted by the apartheid system. All of these women face the prospect of pass raids, detention, prison or fines, but see this as a price worth paying, since they find themselves better off in the towns than in the rural areas. 5/

11. The removal of squatter families from Kliptown, in Johannesburg, to the Transkei was condemned by the Women's Federation, according to which many of the families had been born in Johannesburg and had no ties with the "homeland". Any families from the "homelands" were driven out by hunger and poverty, or the wish to live with husbands working in urban areas. 6/

12. The areas which permit the recruitment of African women as migrant workers in urban areas have decreased, and even where this is allowed the contracts often carry restrictions stipulating where the employee may live and subjecting her to an undertaking not to bring children or other dependants into the urban areas. 7/

13. Of those women who do qualify to live in the urban areas under section 10(1) of the Urban Areas Act, many have been unable to prove continuous residence or legal entry because registration of African births is not compulsory and the employment of women, many of whom work as domestic workers, is informal. Although the courts have recently interpreted more liberally the subsection permitting women to enter urban areas to live with husbands who qualify under the Act, the administration refuses to apply the regulations in the light of these rulings, and few women have the means to contest administrative acts in the courts. 8/

14. Availability of "suitable" accommodation is another factor which affects the status of women in urban areas. Married women who qualify to live in these areas are dependent upon the suitability of their husband's accommodation as family housing.

4/ Financial Mail, 23 April 1982.

5/ Social Review, 18, May/June 1982; African National Congress (ANC), Work in Progress, February 1982.

6/ Sowetan, 15 October 1981.

7/ ANC, op.cit.

8/ Ibid.

The shortage of housing exacerbates this situation: according to information available, it will take 50 years to catch up with the housing backlog at the current rate of building. 9/

15. As a result of the myriad restrictions on African women in urban areas, many of them are forced to live as lodgers or in "single sex" hostels. The latter are overcrowded, and women protesting against huge rent increases in Alexandra township revealed that the walls were wet and the rooms cold and dark, that they had no dining rooms, and that their children were not allowed to visit them. 10/

16. A witness, Ms. Hope Ramaphose (577th meeting), stated that her family of seven occupied a two-roomed house in a township, George-Goch, in Johannesburg. They used the verandah as kitchen, the living-room was partitioned to make two bedrooms for her parents and for her uncle and aunt, whilst she shared the remaining room with her grandmother and three-year-old cousin. They had to move from this house, when George-Goch was declared an industrial area, to another Soweto township. They were offered free transportation and R100 compensation, but when her parents resisted they were threatened with bulldozers and the withdrawal of these offers, so they gave in and moved. She told the Group about another extended family of 40 people, even worse off than her own, who were moved from a six-roomed house to a four-roomed one in Soweto. The family had to eat in shifts; there were only two breadwinners in the whole family; and the children were unable to go to school. She also described the resistance of the women to rent increases. Police with dogs were called in in response to one demonstration, and the women were ordered to disperse. When they refused to comply, the police officer slapped the face of the 50-year-old woman who led them; in response to this the women advanced on the police, who let loose their dogs, and a number of women were bitten and injured in the ensuing stampede.

(c) Matrimonial status of women

17. In July 1982 a new Matrimonial Property Bill proposes the abolition of the "marital power" by which wives are legal minors under the protection of their husbands. However, African women are to be excluded from this Bill; instead, the South African Law Commission has recommended the setting up of an investigation into the rights of black women. The Women's Legal Status Committee has welcomed the appointment of such a commission as "long overdue and now a matter of some urgency". 11/

18. A meeting of mainly white women but "attended by a sprinkling of black women", to discuss the new Bill, agreed on several amendments, including the inclusion of a provision for the registration of all black marriages, for incorporation into the Bill. However, several black women's organizations criticized the convenors of the meeting for ignoring their organizations. They said that the convenors had drawn up the petitions and resolutions and only then invited "black women to affix a stamp of approval without being fully involved". 12/

9/ Ibid.

10/ Ibid.

11/ Financial Mail, 9 July 1982.

12/ Sowetan, 26 July 1982.

2. Health

19. Poverty and its concomitant diseases of malnutrition continue to wreak havoc among South Africa's black population, particularly in rural areas. As noted in the 1982 report (E/CN.4/1497, para. 17), since women and children form the majority in these areas, it is they who are most severely affected. (See also Section B of the present report, on children.)

20. A witness (569th meeting) testified anonymously to the Working Group about a cosmetic which is responsible for severe skin allergies and skin growths. It is being marketed in South Africa by a "Broederbond organization" to black women as a skin bleach.

21. According to information available to the Working Group, the contraceptive drug Depo Provera is still widely used in South Africa among black women. A report on forced sterilization quotes evidence to the effect that women and girls as young as 14 are "being herded into trucks for their three-monthly shots" without being offered information, consultation or choice. The same report refers to calls for legislation to enforce birth control, and quotes the Director-General of the Department of Health and Welfare as saying that unless certain ethnic groups accept family planning voluntarily, future generations will have to take other, less pleasant, compulsory measures, such as enforced sterilization and "abortion on command". 13/

22. Further information indicates that sections of the white population are becoming "increasingly concerned" that, despite the high infant mortality rates among black children (see Section B below) and the so far unco-ordinated enforcement of contraception among black women, the black population continues to increase; fears have been expressed that whites are "busy contemplating suicide" and demands are being made that more should be done. 14/

3. Black women as workers

(a) Education and training

23. In its previous report (E/CN.4/1497, paras. 24-27) the Working Group detailed the discrimination against women in education and training, and how they are doubly deprived as blacks and as women in this field. As a result of this deprivation, the majority (two thirds) of employed African women work in the domestic and agricultural sectors, with the rest spread among those sectors traditionally regarded as "women's work" -- food, catering, clothing, textile and service industries.

24. The witness, Ms. Gladys Mhapi (577th meeting), told the Group that she considered herself as having been one of the few lucky children, simply because she had had some form of education. She had attended primary school, then in 1975 had been sent to boarding school, which she described as "old dilapidated buildings" where the "hostel" had a grass roof and the boarders often found snakes and big rats in the dormitories. In 1977 she had gone to a teachers' training college, but had been expelled after a short time, without completing her course, for what the authorities called her "political activities".

13/ Anti-Apartheid News, March 1982.

14/ Ibid.

(b) Domestic service

25. According to information available, approximately one third of employed African women work in domestic service. Domestic workers are not protected by any of the legislation governing hours of work and minimum pay which applies to other workers in factories, shops, offices and mines. 15/

Government inquiry

26. During the period under review, the National Manpower Commission announced that it would hold an inquiry to establish minimum working conditions for farm and domestic workers. Several organizations concerned with domestic workers have made recommendations relating to wages and hours of work. The Domestic Workers and Salesladies Association (DWASA) of Port Elizabeth recommended: a minimum monthly wage of R110 for a full-time worker; R10 a day for daily workers or R5 for a half-day; a 44-hour week or 8-hour day; 12 days' sick leave; and one month's paid annual leave. The Association (DWASA) also called for a formal work agreement between domestic workers and employers. The reaction among employers interviewed was that R110 was too high as a monthly wage, although most agreed that R10 a day was reasonable. They quoted figures of R40 to R60 as being a reasonable monthly wage for full-time domestic servants, claiming that "in-kind extras", such as room, food, overalls, bring the value of wages up to around R110. The Association expressed no surprise at these reactions: it was common for employers to complain that they could not afford high wages but "they can afford to give their kids R100 in pocket money". 16/

27. According to information before the Working Group, the average pay of live-in domestic workers in South African cities is about R65 a month (see also para. 31 below), as against a legal minimum of R205 per month for unionized but similarly semi-skilled workers, such as supermarket cashiers. A community worker pointed out that employers do not take into account the fact that most of their domestic servants are the breadwinners of their respective families. The Domestic Workers' Employees Project (DWEPE) had established that domestic workers in the cities work a 10-11 hour day - between 55 and 65 hours a week; that many employers are reluctant to give their servants paid leave; that they have no official maternity leave and no workmen's compensation, though statistics show that most accidents happen in the home; and that their living quarters are cramped and otherwise below standard. 17/

28. The Domestic Workers' Association (DWA) hoped that the inquiry was not "the beginning of a systematic attack on the development of independent domestic and farmworkers organizations", and stressed that "no attempt must be made to evade the fundamental question of a minimum wage that ensures a decent level of subsistence above the poverty datum line". The DWA also recommended a minimum wage of R110 for all full-time workers. 18/

15/ Sowetan, 25 June 1982.

16/ Daily Despatch, 4 February 1982.

17/ Rand Daily Mail, 23 February 1982.

18/ Cape Times, 23 February 1982.

29. The Women for Peace organization called for a minimum living wage of R100 for unskilled and R120 for skilled domestic workers, and stressed the importance of training so that a domestic worker could command a wage in line with her qualifications. The Black Sash felt that the National Manpower Commission should lay down rules not for a minimum wage but for a living wage, and emphasized that domestic workers should receive the same benefits as workers in industry.

30. According to information available to the Working Group, domestic servants classified as casual workers have to pay a compulsory tax of R1.40 a month, whether they are working or not, or lose the registration that entitles them to seek work. This tax is made particularly difficult for workers to meet because it is payable six-monthly. 19/

31. A recent survey revealed that full-time wages for domestic workers averaged R59 in the cities (see also para. 27) and R43 in rural areas; and that part-time or daily wages were R5.70 in the cities and R3.40 in rural areas. 20/

32. Domestic workers who live in quarters provided in their employer's backyard are not permitted to have their husbands and children stay with them overnight. The paper presented by the ANC to the Brussels International Conference on Women and Apartheid quoted from newspaper reports examples of what this means: a woman ordered to send her two-year-old son back to a "homeland" following a raid at 5.30 a.m. by ERAB officials; a nursing mother ordered by police to send her three-month-old infant back to the "homeland"; six employers charged with contravening the influx control laws by allowing children to visit and live with their domestic servants during the December school holidays. Those domestic workers who do not live in, live in townships well away from the white residential areas and have to spend many hours travelling to and from work on overcrowded and ever more expensive public transport. 21/

(c) Agricultural workers

33. According to information available, approximately one third of economically-active African women work in the agricultural sector; and as noted in paragraph 25 above, the National Manpower Commission's inquiry will also cover conditions of workers in this sector. This was welcomed by the Orange Vaal General Workers' Union, the first trade union for farmworkers, established during the period under review. The Union's organizer said, however, that if the inquiry was to be effective it must "work independently of farmers who have a vested interest in paying low wages". 22/

34. A group of independent researchers studying farm labour conditions around Piet Retief, Muldersdrift and Amersfoort, found that labourers worked 12-14 hours a day with no overtime or leave pay; that when they lost their job they lost their house; that one family earned only R180 a year from the mother's and father's joint wages; that women made R1 from three days of washing; and that workers who earned R20 a month (or 9 cents an hour) had to work for one and a half days before they could afford a tin of corned beef at trading store prices. 23/

19/ Grassroots, March 1982.

20/ Sunday Times, 13 June 1982.

21/ ANC, op cit

22/ Sunday Express, 2 May 1982.

23/ Ibid.

(d) Industrial workers

35. The effects of influx control exclude most African women from employment in the industrial sector, and those who are able to find work do so in the relatively labour-intensive industries. They are employed at the lowest wages and do the most unskilled work. The average weekly wage for women in the Transvaal clothing industry, for instance, is about R25 for a qualified worker and R15 for an unqualified worker. It would take a woman between two and four years to qualify in this sector. 24/

36. A witness, Ms. Hope Pamphose (577th meeting), described the "super-exploitation" of women and children during the electrification of Soweto. She stated that they were hired to dig trenches for the cables at a rate of R1 per metre but the distance worked was not established by a measuring device. It was measured by the strides of one of the white managers. The height of the manager was not taken into account. On many occasions the workers were unpaid for a week or two.

37. According to a witness, Wiseman Khuzwayo (561st meeting), African women who work in factories are subjected to the same oppressive conditions as their male counterparts, without regard to sex. Recalling the period when he had worked in a factory, he stated that the women workers were in men's overalls operating as spinners and weavers, doing the same shift work - 11 a.m. to 7 p.m., 7 p.m. to 3 a.m., 3 a.m. to 11 a.m. - in exactly the same conditions. But on average black women earned half the wages of their male counterparts. They received below starvation wages, but management argued that because they were not breadwinners they could not pay them a man's wage. They were assumed to be dependent on their husbands, although many were in fact widows, single parents and single women with other dependent relatives.

38. There is no large-scale trade union organization of African women in South Africa. Women have, however, been involved in strike action in recent years. The emergence of a number of general workers' unions, organizing mainly in the service sector, has drawn many women into the trade union movement in recent years. However, since women have difficulty in attending union meetings after working hours because of their domestic responsibilities, even the progressive union to which they belong have not addressed themselves to the issues faced specifically by women in the workplace, such as maternity leave and pay; sexual harassment; humiliating body searches by men; and the absence of child care facilities. 25/

39. Among the many trade unionists detained during the period under review were two women trade union leaders, Emma Mashinini, General Secretary of the Commercial, Catering and Allied Workers' Union of South Africa (CCAWUSA), and Rita Ndzanga, Secretary of the General Workers Union (GUW). Both were detained for six months without trial and released without explanation. 26/

(e) Black women in the professions

40. The number of African women working in the professions is very small; the main areas open to them are teaching, nursing and clerical work.

24/ ANC, Work in Progress, February 1982.

25/ Ibid.

26/ Sowetan, 7 May 1982.

41. A Nursing Amendment Bill was attacked in parliament during the period under review for a provision which would exclude all nurses from the so-called self-governing States, i.e. the "homelands" whether "independent" or not, from becoming members of the South African Nursing Association (SANA). Since all nurses practising in "white" South Africa must be members of SANA, this would effectively mean that all African nurses who do not have specific rights to live and work in an urban area could work only in hospitals outside "white" South Africa. 27/

4. Black women in the struggle against apartheid

42. As has been detailed above, black women are oppressed by the apartheid system in every aspect of their lives. Many women are actively involved in the struggle against this oppression, some in specifically women's organizations, others in organizations of both women and men - in the trade unions, community organizations, the student movement and the liberation movement itself.

43. In August 1982, women all over South Africa commemorated the 26th anniversary of the great march of the women on 9 August 1956 against the pass laws (see E/CN.4/1497, para. 51). A meeting was held in Braamfontein at which one of the organizers of that march, Mrs. Helen Joseph, spoke. Mrs. Joseph was recently unbanned after some 25 years under severe restriction, but as she is still a "listed person" the press were unable to report what she said at the meeting. Another speaker called on all women to fight against injustices perpetrated by the apartheid regime. Several other meetings were held in different centres. The meeting in Soweto, addressed by, among others, Ms. Rita Ndzanga, of the General Workers Union, and Ms. F. Baart, was attacked with tear-gas by the security police. 28/

44. A document handed to the Working Group describes the lives and experiences of 29 women who have made an outstanding contribution to the struggles for freedom in South Africa and Namibia. It was published to coincide with South African Women's Day, 9 August, and in its introduction refers to the hundreds of women who would be "obvious candidates for inclusion in a book of this kind", but for the risks involved in publicizing their activities in the present climate of repression and war in South Africa and Namibia today. 29/

45. Mrs. Nokukhanya Luthuli, widow of Chief Luthuli, now 68 years old, remains fully involved in the struggle against apartheid. She is presently involved in the fight against the removal of herself and more than 20,000 others from their homes in Groutville to a remote area in the KwaZulu Bantustan. Groutville is one of the "black spots" in "white South Africa" which the South African Government is determined to wipe out. The action committee under Mrs. Luthuli's leadership has said they will not be moved; and Mrs. Luthuli herself says that she is an old woman, adding "I am not going to leave my husband's bones and grace behind". 30/

27/ Cape Times, 26 March 1982.

28/ Rand Daily Mail, 4 and 10 August 1982; Sowetan, 5 August 1982.

29/ To Honour Women's Day: Profiles of Leading Women in the South African and Namibian Liberation Struggles, (London, International Defence and Aid Fund for Southern Africa (IDAF), in co-operation with the United Nations Centre Against Apartheid, August 1981).

30/ Lutheran World Information 39/81, 15 October 1981.

5. Black women and justice in South Africa

46. In April 1982, Mrs. Albertina Susulu and other members of the Federation of South African Women (FEDSAW) were detained for a few hours and then released without charge or explanation. Then, in June, she was served with a further two-year banning order shortly after being released from a brief detention following her arrest, together with 250 others who attended a memorial service for trade union leader Joe Mavi. Before this latest ban she was quoted in a newspaper report as saying: "I shall not rest until I see my children in a free country." 31/

47. Winnie Mandela was served with her fifth banning order on 29 December 1981. She has now been banned for 19 years and since 1977 has been banished to the remote town of Brandfort in the Orange Free State. The latest ban includes a clause prohibiting her from lecturing to a group, thus preventing her from doing the work needed to finish a social science degree for which she was studying through the University of South Africa (correspondence course). 32/

48. A witness, Ms. Shumikasa Jako (563rd meeting), testified before the Working Group about her experience at the hands of the South African special branch police. While her husband was away in Cape Town the special branch constantly came to her home and interrogated her about his whereabouts, which she did not know. A few years later, while she was working at a local hospital, the special branch again came to question her about her husband, this time taking her to Cambridge prison in East London. She was assaulted and tortured both during the drive and at the prison. During interrogations she was kicked and punched, and left for two nights in a small cell on her own. The next day she was taken back to the hospital. She named a Mr. Card of the security police as the main person responsible for her torture. She was covered in bruises and partly deafened as a result of her treatment. The special branch continued to go to her home and question her mother, or herself when she was visiting; and even went to the school to question her daughter.

49. A witness, Ms. Gladys Mohapi (577th meeting), described her arrest and treatment in detention. She was arrested on 25 November 1979 between 1 a.m. and 2 a.m. when about 20 police raided her family's house and demanded that she go with them. Her family was told that she was being taken for questioning and would be brought back. She was taken first to Protea police station on the outskirts of Soweto, where she saw some other people she knew; and then after questioning she was taken, handcuffed, to Jabulani police station, also in Soweto. She was left for one week in solitary confinement, in a black-painted, unlit cell, with "filthy, stinking and prickly blankets", without any explanation. There was a stinking toilet in the cell, she had to sleep on the cold bare floor and was given no soap or reading matter. After two weeks she was taken back to Protea and told to write a statement about her "activities".

50. During her interrogation, the witness was assaulted for "not co-operating", made to stand on one foot and hold a brick in one hand, at the same time raising both hands high above her head, for at least an hour. Security policeman Treulieb (or Treclip) hit her with a wooden stick on her head and chest. Later they gave her electric shock treatment, kicked her, handcuffed her hands and feet together behind her body and gave her more electric shock treatment. When she was left alone Treulieb returned and

31/ Sowetan, 6 January 1982; Cape Times, 29 March 1982; Sowetan, 3 May 1982; Focus 42, September-October 1982.

32/ Focus 39, March-April 1982.

tried to abuse her sexually, but her screams drove him away. This particular torture session lasted about nine hours. When she was ultimately allowed to see a doctor after about two months - she told him everything that had happened to her at the hands of the police, which he wrote down and passed straight to the police. He did not examine her. The food she and the other detainees received was very bad, often containing worms, flies and hair. She was then transferred to the new Women's Central Prison in Pretoria, where she spent two months in a single cell, without talking to anyone and with only half an hour's "exercise" every afternoon in the small prison courtyard. She became sick at this time and coughed up blood, and developed a rash on her hands. She was given some tablets by the prison doctor which she thought were poisonous because after taking them she would feel cold, begin to tremble and her head felt swollen. At the end of two months her mother came to see her, but she was allowed to stay for only 15 minutes, with a policeman present all the time, having travelled over 100 miles for the visit. A week later Ms. Mohapi was released without charge - after having spent five months in solitary confinement. She continued to experience constant police harassment, until she decided to go into exile.

51. The witness emphasized that the treatment she had received was not exceptional. She spoke of the many people who had died in police custody; of those, both men and women, who had been brutally tortured and who had been left with lifetime injuries; and of those who end up in psychiatric wards. She also mentioned the fact that several students detained in 1976/1977 were sexually assaulted and left prison pregnant by the police.

B. SITUATION OF BLACK CHILDREN UNDER APARTHEID

52. According to information available to the Working Group, South Africa's apartheid policy means poverty for the black majority, and children are the main victims of this poverty. 33/ Infant mortality remains high: recent statistics give infant mortality rates as follows: Africans 12.39 per cent, Coloureds 13.26 per cent, Asians 3.64 per cent and whites 2.16 per cent. 34/ Another report gives an infant mortality rate among Africans in the rural areas of 130 per 1,000, and says that 47 per cent of deaths in blacks occur in children under the age of five (compared with 7 per cent among whites). 35/

1. Poverty, malnutrition: the right to adequate nutrition

53. In a recent article in the Black Sash magazine Sash, Professor Moosa, head of paediatrics and child health at the University of Natal, blames poverty for malnutrition, and calls for a political and socio-economic solution rather than a medical one. Some 45 per cent of black children admitted to King Edward VIII Hospital, Durban, were malnourished and a quarter of them would die; 80 per cent of those who died were under two years old. Children up to five years old make up 16 per cent of the black population but account for 55 per cent of total black mortality. 36/

54. According to a report by the South African Institute of Race Relations low income and the erosion of subsistence farming have led to a growth in malnutrition and related diseases in the rural areas. The Institute's "Operation Hunger" estimates that 50,000 children under the age of five may die because they do not get enough food. 37/

55. Baragwanath Hospital in Soweto reports the case of Petrus, a seven-year old, who is suffering from kwashiorkor. The hospital can cure and discharge him, but he will be back after three months, again suffering from kwashiorkor. His case is described as part of a continuing cycle - for Petrus and for hundreds of other Soweto children. 38/

56. The "rural .lum" of Onverwacht (see para.6 above) contains many children suffering from the diseases of poverty, and the clinic there reported an increasing number of children suffering from pellagra (vitamin B deficiency) who are fed by the clinic's feeding scheme. A community worker said that about three out of five funerals arranged by the Roman Catholic church are for children. 39/

33/ See also the report of the Anti-Slavery Society as reproduced in document E/CN.4/AC.22/1983/WP.1, Annex.

34/ Anti-Apartheid News, March 1982.

35/ Star, 14 August 1982.

36/ Rand Daily Mail, 5 March 1982.

37/ Star, 7 July 1982.

38/ Rand Daily Mail, 13 April 1982.

39/ Sunday Express, 25 April 1982.

57. Baragwanath Hospital (see para.54 above) also receives many children suffering from malnutrition from the surrounding rural areas. One doctor at the hospital is quoted as saying that when "a malnourished kid comes in it is likely that he has been living on the farms". He continued, "We keep them for about three weeks to feed them up but some of them die." 40/

58. A newspaper report has exposed conditions in Zwelitsha, a black resettlement camp, at which some 400 babies under one year old died last year from undernourishment. The report, which describes the area as a "death camp", anticipated many further deaths this year from kwashiorkor and exposure. The people who live there - in tents and tin houses - were removed from Rockdale in mid-1981 to make way for the Woodstock Dam. Unemployment is a serious problem; and the medical superintendent of the Emmaus Hospital in Winterton estimates that 25 per cent of all babies born at the hospital die before the age of one. He also warned of a cholera outbreak at the settlement unless something is done to improve sanitation and water supply. 41/

2. Health: the right to adequate medical care and to special care if handicapped

59. In addition to the diseases of poverty described above, there are the diseases caused by poor sanitation and contaminated water supplies. During the period under review, epidemics of cholera, TB and polio have raged in South Africa, as well as an outbreak of bubonic plague. In a 10-week period in the north-eastern Transvaal, some 30 children died during a polio outbreak, but many more (770) died of measles. The biggest killer, however, is gastro-enteritis, followed by pneumonia and malnutrition. Most of these diseases are preventable, either by vaccines or by improving environmental conditions. Other diseases common among children in the rural areas are bilharzia, trachoma, cholera, typhoid and hepatitis. 42/

60. At a conference on apartheid and health, held in Brazzaville during the period under review, the Director-General of the World Health Organization revealed that a black child dies every 20 minutes in the Republic of South Africa. He cited malnutrition, TB, enteritis and pneumonia as widespread, the last two being responsible for between 60 and 80 per cent of all deaths in black infants and young children. Although South Africa is one of the richest countries in the world, he said, disparities in living conditions are greater than in any other industrial country. He blamed apartheid for the great difference in death rates between the social classes. 43/



40/ Sunday Express, 2 May 1982.
41/ Sunday Tribune, 6 June 1982.
42/ Star, 14 August 1982.
43/ Lutheran World Information 1/82.

61. An anonymous witness (569th meeting) told the Working Group of the treatment accorded to children who had been brought to various hospitals during the Soweto uprisings by the riot squads, in garbage disposal trucks and public utility trucks. The casualty ward at Baragwanath Hospital in Soweto, supposedly the largest staffed hospital in the world, had been unable to cope with the numbers of injured and dead children, and they had just been dumped on the pavement outside. Autopsies had been carried out haphazardly.

62. The witness also testified to a number of cases of medical experiments on black children. Healthy black schoolchildren were admitted to Baragwanath Hospital, then had their thymus or other organ removed, or had grafts done to test tissue rejection.

3. Discriminatory education: violation of the right to free education to learn to be a useful member of society and to develop individual abilities

63. During the period under review, unrest in the schools was again prevalent, with protest meetings, boycotts, stonings and burning of school buildings. Low pass rates in the matriculation exams were blamed by parents, educationalists and community leaders on the inferior education system for black children. New regulations, passed in December 1980 but not imposed until January 1982, prevent pupils over 20 years old from enrolling in standard 10 (final year), pupils over 18 from entering standard 8, and pupils over 16 from entering primary school. Since many African children have to work to save enough money to pay school fees, buy uniforms and school-books, these regulations will result in yet more young people being deprived of their right to education. 44/

64. Shortages of school places prevent many children receiving education: in KwaZulu 900 children were turned away because of lack of places; and in the East Rand township of Tembisa hundreds of pupils had received no lessons three weeks after the beginning of term because of shortages of teachers and class-rooms. 45/

65. Foster care in South Africa is as much governed by apartheid as every other aspect of life. A family fostering a black child receives a grant of R 24 a month, from which the child has to be clothed, educated, fed and given satisfactory medical care (white children in foster care received R 90, Coloured children R 61). Black foster children have other problems, too. They must qualify in terms of the Urban Areas Act of 1945 in order to work in urban areas when they grow up; they are late starters at school and are mostly still in higher primary schools at the age of 16, by which time they no longer qualify for the grant, resulting in a high drop-out rate. 46/

66. A witness, Ms. Ruth Mompoti (563rd meeting), said that about 67 per cent of African children drop out in the third year of school, unable to read or write, 25 per cent in the seventh grade and 18 per cent in the eighth year. Fewer than 1 per cent reach the so-called colleges.

44/ Focus 41, July-August 1982.

45/ Ibid.

46/ Sowetan, 2 June 1982.

67. A witness, Ms. Hope Ramaphose (577th meeting), presented to the Working Group statistics, compiled by the Research Unit on Education and Manpower Production. Of the 622,000 pupils who dropped out in 1981, 175,000 were completely illiterate; another 100,000 were semi-literate. The number of African pupils in South Africa, including the Bantustans, increased from 2,936,868 in 1971 to 5,084,307 in 1982 - an increase of 73 per cent. A total of 175,764 pupils dropped out after passing standard two; 125,102 dropped out after passing standards three, four and five. Only 3 per cent of the African school population is in senior secondary schools.

68. According to the same witness, the situation among the children of farmworkers is worst. It is the farmer who decides the children's education, whether to build a school or to close an existing one. Of the 4,865 farm schools, only one is a high school.

69. In addition to the educational factors affecting children, Ms. Ramaphose said, there are the socio-economic ones: children who have to spend more and more hours working as news-vendors, garden boys, carrying parcels for white women shoppers in order to earn extra to supplement the meagre wages of their parents, to buy school-books, or to pay school fees. As eventual drop-outs, they join the army of the illiterate, unskilled and unemployed. They are, she said, "forced by society to become juvenile delinquents". And finally there are the children in the Bantustans who do not go to school at all but who are forced to work, looking after livestock or on the land, for the lowest wages.

4. Child labour: the right to full opportunity for play and recreation 47/

70. A report by the Anti-Slavery Society for the Protection of Human Rights, presented at the Third International Congress on Child Abuse and Neglect, held in Amsterdam in 1981, states that "All children working [in South Africa] for the maintenance and survival of their families, and not merely for pocket money, are black ... As a reserve of docile, unprotected labour, children are powerless in the hands of the employer and in the condition of poverty to which apartheid has condemned them. For most of these children ... there is no choice. They will remain without protection, without security of employment and without possibility of change". Although the Black Labour Act of 1968 prohibits the recruitment of children under the age of 18, according to the report there is no effective way of implementing this legislation, particularly, in the agricultural sector, where child labour is "most widespread, hidden and abused". As regards provision of education for these children via farm schools, the report says "There is not much encouragement from the government, nor motivation among the farmers, to provide adequate schools for children who, in their view, will and should become farm labourers as soon as possible." 48/

71. Widespread allegations of child slavery in the Cape came to light at the beginning of 1982 following an investigation by Mr. Solly Essop, Chairman of the Association of Management Committees and the Farm Workers' Union in the Cape. The revelations resulted in calls for a full inquiry into child slavery. 49/

47/ See Report on apartheid as a collective form of slavery contained in document E/CN.4/AC.22/1983/WP.1, Annex.

48/ Star, 29 December 1981.

49/ Daily Despatch, 8 and 15 January 1982; Sowetan, 14 January 1982.

72. A witness, Wiseman Khuzwayo (561st meeting), told the Group that although it is illegal to employ child labour, many companies do so "with impunity". Newspaper groups, for instance, use child labour: the children go to work on Friday and Saturday nights for the Sunday issues; they work in appalling conditions for low pay. They have to go to school on Monday, but are forced to go out to work for money, either as pocket-money or to contribute to the family budget. He stated that there has never been a case where a person has been prosecuted for employing child labour.

73. A witness, Ms. Hope Ramaphose (577th meeting), spoke of the extent of child slavery in the Cape and specifically of evidence from Beaufort West, where scores of children "disappear into the homes of the whites". They are underpaid, underfed, assaulted and sometimes sexually abused. She spoke of two cases which had come to light after the children had escaped: that of Lena Rooi, who told newsmen of days and nights of abuse and assaults, sexual harassment, endless work and starvation in the home of a rich white shopkeeper - she and five others, aged between 14 and 20, had been made to work sometimes until 2 o'clock in the morning; and that of Ouboet, 14 years old, who had been taken by police from a butchery in Salt River and told of days of thorough beatings, of having to work throughout the day in the butchery and then in the evenings being forced to make beds, wash dishes and clean the house - all without being paid.

5. Detention of children

74. Fifteen children, ranging in age from 10 to 14, were arrested in a pre-dawn pass raid swoop in the Western Cape. They were charged under the influx control laws and held in police cells while their cases were being heard. They were held for three nights before deportation orders were made out. Five other children aged about 16 were each fined R 30 or 30 days for being illegally in the Western Cape. 50/

75. According to information before the Group, a number of Kimberley schoolchildren, detained in early 1981 following unrest during the 1980 schools boycott, were still being held during the period under review. Nineteen of the 24 original detainees were redetained as potential State witnesses in a trial in which the State had called only four by the time it closed its case in May 1982. Lawyers for the remaining 15 applied for their release on the grounds that the reason for their detention had fallen away; the application failed in July, the Supreme Court ruling that it had no jurisdiction to order the detainees' release. It was stated that defence lawyers in the trial planned to call them as defence witnesses. 51/

76. During the first six months of 1981, 20 boys under the age of 18 were detained under the Internal Security Act. Six detainees had been charged with sabotage and one under the Terrorism Act; no convictions had resulted but six trials were continuing. 52/

50/ Sowetan, 19 August 1982; Rand Daily Mail, 20 August 1982.

51/ Focus 42, September-October 1982.

52/ Focus 37, November-December 1981.

6. Detention of juveniles

77. A review of juveniles in political trials, published by the International Defence and Aid Fund, states that between 1977 and mid-1981 over 700 juveniles were detained under various security laws, and that of these around 230 were charged and 100 appeared as State witnesses. The review quotes Professor Dugard of the University of Witwatersrand as saying of the Terrorism Act, under which many juveniles are detained, that it was "so horrific that few people had been unable to grasp its severity", and that detention without trial was a form of "sensory deprivation" which was regarded as mental cruelty in most of the world. 52/

7. Juveniles as State witnesses

78. The IDAF review quoted above points out that potential State witnesses can be detained until a trial ends, provided only that the trial begins within six months of the date of detention. The laws used are the Criminal Procedure Act (section 125) and the Internal Security Act (section 12), although some juveniles have appeared as State witnesses after detention under the Terrorism Act. Witnesses may be kept incommunicado and are allowed only one visit a week by a visiting magistrate. Those who refuse to give evidence against colleagues or friends, or those who make statements in court which differ from those made to police during detention, face prison sentences. 54/

8. Children in political trials

79. Many children under 18 years of age appeared in courts in South Africa during 1981 on charges arising out of political activities. In several major trials involving charges of terrorism or sabotage, juveniles appeared either as defendants or as State witnesses, while hundreds were tried on charges such as public violence and riotous assembly arising out of the 1980 mass protests. Many of these young people have spent up to several months in detention under security laws before appearing in court, being exposed to severe pressure and sometimes torture. The names of juveniles appearing in court are not made public and if defendants are under 18 in camera proceedings are normal, as they also are in cases involving juvenile State witnesses. 55/

80. Some trials involving juveniles are outlined briefly below:

(i) Oscar Mpetha and others (terrorism and murder): There are five juvenile defendants in this trial and many juvenile State witnesses. All have been held since August 1980, and it is expected that the trial will continue until 1983. A 16 year-old girl witness told the court that she had been assaulted by security police and that she gave answers to please her interrogators, even though she had known nothing of certain events. She said she had been beaten, hit, kicked and not allowed to go to the toilet.

52/ Focus 38, January-February 1982.

54/ Ibid.

55/ Ibid.

(ii) Motlhabakwe and others (terrorism and arson): Several youths gave State evidence. One of them - a 17 year-old - said he felt he was going mad because of being held in solitary confinement and that he felt he was still under the control of policemen in court.

(iii) Nine Queenstown youths (sabotage): Three 17 year-old youths and a 15 year-old were convicted of sabotage arising out of incidents during the 1980 schools boycott. They were given the minimum sentence of five years' imprisonment. During the trial a schoolboy witness denied the statements he had made to the police, saying that "they hit me so that I should tell lies". The prosecutor applied for the arrest of the boy on a perjury charge.

(iv) Thirty-two students (public violence): During this trial a young girl State witness said that a statement she had made incriminating an accused was false and that she had been beaten up and forced to make the statement. The accused were all acquitted, but the State witness and another young girl who denied a statement were charged with perjury. 56/

81. Trials involving charges of public violence in Mdantsane regional court included one in which two youths were acquitted of possessing petrol bombs when the magistrate ruled their statements, which they claimed had not been made freely and voluntarily, inadmissible; and another in which six men and three youths were found not guilty because the magistrate found that all State witnesses had discredited or contradicted themselves. 57/ At a trial in which a 15 year-old boy was found guilty of public violence at Fort Beaufort regional court, the defendant had sustained a broken collar-bone and fractured thigh during his arrest, as well as numerous shot-gun pellet wounds. 58/

9. Children in prison

82. According to the Minister of Justice, there are no children under 18 serving political sentences on Robben Island, though there are five non-political prisoners under 18. No figures were given for other prisons. 59/

56/ Ibid.

57/ Focus 37, November-December 1981.

58/ Focus 40, May-June 1982.

59/ Rand Daily Mail, 22 April 1982.

CONCLUSIONS AND RECOMMENDATIONS

83. The Ad Hoc Working Group of Experts adopted the following conclusions and recommendations:

1. Conclusions

1. Situation of black women under apartheid

- (1) Black women and children are the main victims of forced transfer to the "homelands" and resettlement camps. These women are struggling to survive on barren land and without water, sanitation, food, schools or medical services. They are separated from their menfolk who work for the white economy, and they live in a situation of extreme poverty and neglect.
- (2) As the women suffer from malnutrition, epidemics and despair, and as there is no medical care during pregnancy, new-born children grow up in wretched conditions which undermine their physical and mental health. These criminal effects of apartheid amount to a policy bordering on genocide.
- (3) Owing to restrictive legislation and regulations, few women reside in urban areas; in any case urban housing is inadequate and of low quality.
- (4) As a rule, the women do not have the ability to rent housing. Married African women are not permitted to rent or own real estate. Seeking to avoid being abandoned in the "homelands", hundreds of thousands of women defy the prohibitions and live in housing on the outskirts of towns which lacks even the most rudimentary sanitation.
- (5) Besides suffering from poverty, malnutrition and the lack of medical care, the women are exposed to the risks of the contraceptive drug Depo-Provera, which is administered in order to reduce the size of black families. The lack of any care for expectant black mothers, together with diseases, make the infant mortality rate very high.
- (6) Black women are the victims of discrimination in education, not only in relation to white women but also in comparison with black men. Girls are forced to drop out of school. Those who enter vocational training colleges are only taught simple home economics, and are excluded from training in handicrafts. Black women can become nurses or schoolmistresses, but they have no opportunity of engaging in any other profession.
- (7) The largest number of black women are employed in domestic service, where they work in humiliating conditions of extreme exploitation, and they are forced to separate from their husbands and children.
- (8) The second biggest activity for black women is agriculture. Their working conditions are inhuman, they are harassed by white farmers, they are the victims of acts of violence and aggression and they are treated virtually as slaves.

(9) There are few black women employed in industry; those who are frequently lose their jobs and their wages are low. Women from the "homelands" often work for South African enterprises in the border area; they are not covered by wage regulations and their pay is very low.

(10) The political and trade union rights of black women, like those of men, are violated. Despite living in such adverse conditions, they fight against all forms of apartheid and are the victims of brutal attacks by the police, detention, torture and sexual assault. Prison conditions for women are disgraceful. Nevertheless, they have been in the forefront of the trade union movement, they are highly active politically and they are committed participants in the struggle for freedom.

B. Situation of black children under apartheid

(11) The policy of apartheid in general has had disastrous effects on the situation of African families, and consequently on that of black children. Forced relocation, exile in the "homelands", the absence of the father because of work contracts, and the poverty, malnutrition and disease which affect mothers and children inflict great suffering on children and have an impact on their physical and mental development.

(12) The infant mortality rate, malnutrition and inadequate medical care of African children have already been brought to the attention of world public opinion. According to a recent estimate, between 30 and 50 per cent of African children in rural areas die before reaching the age of five.

(13) Most black children in South Africa suffer from diseases and abnormalities which are the result of chronic malnutrition, compounded by a lack of suitable housing, clothing and medical care, neglect and inadequate protection in general.

(14) The education received by black children is not designed to meet their needs even minimally, as well as being discriminatory and harmful to the personality of the growing child. A comparison of the education of black children and that received by white children reveals one of the greatest injustices of contemporary society. That is why children and young people spontaneously rebelled in Soweto against the "Bantu education" system, laying themselves open to brutal repression and slaughter.

(15) As a result of extreme poverty, child labour is widespread, particularly in the rural areas where children are the victims of cruel abuses and severe exploitation. Black child labour in South Africa may be said to be a modern form of open or concealed slavery.

(16) Although under South African law young people under the age of 18 are considered juveniles, and those under the age of 14 are not criminally responsible, black children and young people are the victims of detention, interrogation, torture and "disappearances". Young people are primarily persecuted on account of the boycott of discriminatory education. In addition, many of them are accused of political offences.

(17) At Robben Island prison, young people are subjected to the worst kind of treatment; they are crowded into cells in the company of hardened criminals who sexually assault them, sometimes in full view of the police. According to all the information available, Robben Island is a hellish place where black children and young people are also the victims of harassment and terrible suffering.

(18) In addition to the children and youths killed at Soweto, there are other similar cases of young people of school age who have died during attacks by the police on the population.

2. Recommendations

(1) Once again condemn the South African Government's policy of apartheid, which humiliates, discriminates against and exploits black women, destroys families and causes black children to grow up in poverty and malnutrition, receiving discriminatory education and forced to work at a premature age, all of which prevents their full development.

(2) Pay a tribute to black women who, despite the conditions in which they live and their sufferings, play a self-sacrificing and heroic role in their people's struggle for liberation and for the abolition of the inhuman system of apartheid.

(3) Draw the attention of Governments and world public opinion to the proceedings and conclusions of the International Conference on Women and Apartheid held at Brussels from 17 to 19 May 1982.

(4) Request the bodies of the United Nations system, as well as non-governmental organizations and other groups, to give the widest possible publicity to the shameful living conditions of African women and children under the apartheid regime.

(5) Strengthen international solidarity with women and children who are victims of apartheid.

(6) Increase assistance to women and children who are refugees from South Africa.

(7) Conduct research providing fuller information on child labour in South Africa and its slavery-like forms.

(8) Denounce the manner in which the police and the courts violate the special status of juveniles and detain, imprison, torture or kill African children and youths. Pay special attention to the case of the juveniles detained at Robben Island.

ADOPTION OF THE REPORT

84. The present report has been approved and signed on 12 January 1983 by the members of the Ad Hoc Working Group of Experts, namely:

Mr. Annan Arkyin Cato
Chairman-Rapporteur

Mr. Branimir Janković
Vice-Chairman

Mr. Mikuin Leliel Balanda

Mr. Humberto Díaz-Casanueva

Mr. Felix Ermacora

Mr. Mulka Govinda Reddy