PERMANENT MISSION OF SOUTH AFRICA TO
THE UNITED NATIONS AND INTERNATIONAL ORGANIZATIONS

503/2011

The Permanent Mission of the Republic of South Africa to the United Nations Office at Geneva and other
International Organisations in Switzerland presents its compliments to the Office of the United Nations High
Commissioner for Human Rights – Independent Expert on the question of human rights and extreme poverty -, and
has the honour to refer to its Note 494/2011 requesting the extension of the deadline for the submission of South
Africa's views and comments in response to resolution 15/19 which invited the OHCHR to "seek views, comments
and suggestions on the progress report on the draft guiding principles on extreme poverty and human rights".

The Permanent Mission of the Republic of South Africa has the further honour to submit herewith the response
received from the Government of the Republic of South Africa.

The Permanent Mission of the Republic of South Africa to the United Nations Office at Geneva and other
International Organisations in Switzerland avails itself of this opportunity to renew to the Office of the United
Nations High Commissioner for Human Rights – Independent Expert on the question of human rights and extreme
poverty - the assurances of its highest consideration.

Geneva, 15 June 2011

The Office of the United Nations
High Commissioner for Human Rights
Independent Expert on the question of human rights and extreme poverty
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OHCHR REGISTRY

15 JUN 2011

Recipients: [Handwritten]
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Dear Ms Magdalena Sepúveda Carmona

Questionnaire on the draft guiding principles on extreme poverty and human rights

The Chief Directorate: Human Rights and Humanitarian Affairs, on behalf of the Department of International Relations and Cooperation (DIRCO), Republic of South Africa acknowledges receipt of your request sent to States regarding the questionnaire on the Draft Guiding Principles on extreme poverty and human rights

In the above context, please find attached South Africa’s response to the questionnaire. It should be noted that the information provided is in line with the Government policy positions.

For any queries please contact Ms Y Naidoo, +2712 351 1974, naidooy@dirco.gov.za

My Department assures you of its continued support on your mandate.

Yours sincerely,

[Signature]

Mr Pito Moritshed
Chief Director: Human Rights and Humanitarian Affairs

Ref: 11gbb3010611

Batho Pele - putting people first
Questionnaire on the draft guiding principles on extreme poverty and human rights

Prepared by
Chief Directorate: Human Rights and Humanitarian Affairs
Department of International Relations and Cooperation
Republic of South Africa

1. Add II: Rationale for the development of the guiding principles on human rights and extreme poverty

- Based on the report of the Independent Expert (HRC/15/41), what would be the added value of guiding principles on human rights and extreme poverty

The onset of the global economic and financial crises has exacerbated deprivations and resulted in inequality and poverty becoming not only more widespread, but more deeply entrenched. With the exception of South Africa, social security remains beyond the reach of many African countries, with less than five percent of sub-Saharan Africa’s population covered by pension schemes, and social safety nets. Though many African countries have impressive economic growth forecasts for the coming years, chronic poverty persists and recovery remains fragile. According to the International Fund for Agricultural Development (IFAD), Sub-Saharan Africa is home to almost one third of the world’s poor. The realisation of Millennium Development Goal (MDG 1) is paramount and can play a meaningful role in reducing the development gap between developed and underdeveloped states. As the world leaders, at the Millennium Summit in 2000, agreed, sustained efforts to halve global poverty should be intensified and fortified if we are to reach our target.

In some parts of the world, particularly Africa, whilst there has been experience of higher rates of economic growth, this situation has sadly not translated into poverty reduction for all its inhabitants. This is clearly to the detriment of ordinary people, and it is becoming clear that a number of African countries will not reach their poverty reduction goals by 2015. There is therefore an urgent need for enhanced international cooperation and solidarity, in order to deliver tangible results. The Africa Progress panel recently noted that despite high rates of economic growth in some African countries, levels of poverty remain stubbornly high and many countries are not on track to achieve the MDGs by 2015. The afore-mentioned Panel, created in 2007, consists of a group of distinguished individuals chaired by Kofi Annan whose objective is to track and encourage progress in Africa, and to underscore shared responsibility between African leaders and their international partners for sustaining it.

The initiative to establish United Nations Guiding Principles seeking to address extreme poverty at both national, regional and international levels is laudatory. Poverty eradication is one of the critical elements in the promotion and realization of the right to development and is a multifaceted problem that requires a comprehensive and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the MDG 1 of halving, by 2015, the proportion of the world’s people whose income is less than one dollar a day and the proportion of people who suffer from hunger.

The Guiding Principles once finalised, will be very useful to policy-makers and watchdogs as it provides overarching human rights principles that should frame all initiatives addressing the situation of persons living in extreme poverty; addresses overarching policy guidelines to help
States eliminate core obstacles that perpetuate extreme poverty; and clarifies States’ obligations under a particular group of human rights. South Africa strongly believes that the representatives of States, development and human rights practitioners and non-governmental organizations (or civil society) at the local, national, regional and international levels, in particular, people living in conditions of extreme poverty participate in inclusive consultations on the Draft Guiding Principles on. Furthermore, regional seminars should be convened by regional economic communities (RECs), integrating the views of policy makers, economists, financial institutions and human rights and development practitioners from regions seriously affected by extreme poverty, whose substantive outcomes will contribute towards the Guiding Principles.

The issue of basic social protection floor for the vulnerable segments of developing countries’ populations is very crucial in mitigating the impact of the financial crisis and economic downturn worldwide. In fact, these Guidelines are not only relevant during times of economic hardships but should serve as enduring reminders to all States. The adoption of the human rights-based approach in dealing with poverty and other social exclusions is well supported by South Africa.

South Africa believes that the guiding principles contained in the report of the Independent Expert on the draft guiding principles on human rights and extreme poverty should further incorporate and emphasise further on the following issues:

a) The primacy of achieving tangible results in the progress towards realising the MDGs cannot be underscored. The United Nations Millennium Declaration, adopted by the Heads of State and Government at the Millennium Summit on 08 September 2000, the 2005 Millennium Review Summit and the 2010 High-Level Plenary Meeting of the General Assembly should remain a social contract between the United Nations and the peoples of the world, aimed at making a difference in their lives. The international community cannot afford to be seen as ranging on this social contract which remains the only hope for those afflicted by abject and debilitating poverty and hunger. The option of postponement of the achievement of the MDGs to a period beyond 2015 will seriously tarnish the image of the UN System and will dissipate the hopes and dreams of the global poor who look to the UN for addressing their plight.

b) For the practical enjoyment of human rights, the notion of the Right to Development needs to be advanced. This right is seen as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development. The right to development is important in achieving, among others, the eradication of extreme poverty; promotion and realization of human dignity; addressing skewed historical development pattern among the countries of the South and the realization of the MDGs. The Right to Development encapsulates a process within which all human rights and fundamental freedoms are progressively realised and in this regard human rights can only be practically enjoyed in an inclusive and collaborative framework, bringing together policy planners, human rights experts, development practitioners and financial institutions at all levels, to work together in ensuring the practical realization of this right.

c) The Notion of Justiciability of economic, social and cultural rights remains the cornerstone of the achievement of these rights. This notion has further been reiterated and reinforced by the General Comment No 9 of the Committee on Economic, Social and Cultural Rights.
a) The responsibilities of Transnational Corporations and Other Business Enterprises with respect to human rights is also a key building block towards the eradication of poverty. These Non-State Actors violate human rights have obligations and duties to uphold uniform human rights standards in their global operations. Contemporary global threats and challenges are not only posed by States, but also by Non-State Actors alike, making it imperative, therefore, to elaborate an international regulatory framework, of a binding nature, to bolster and complement weak national legislation in this regard. It has consistently been proven that violations in the area of environmental degradation, child labour, and non-adherence to labour standards, among others are directly related to activities of some unscrupulous Transnational Corporations and Other Business Enterprises, whose Gross Domestic Produce remains higher than that of the operating country.

2. Add III: Conceptual Framework

- Considering that the majority of those living in extreme poverty are children, should the guiding principles have dedicated section on the specific group or should this issue be cut across the text? (paragraph 19 of the report); and what about other specific groups?

a) Vulnerable groups who suffer multiple forms of discrimination beyond poverty, such the elderly, women, youth, children, persons with disabilities/chronic diseases, people living in rural areas and informal settlements and migrants are in greatest need. Not only should the issue of the plight of these identified groups cut across the entire text of the Guiding Principles but there should be a specific segment that identifies these vulnerable groups as key in the multifaceted approach towards the eradication of poverty.

3. Ad IV: Overview of the main underlying and reinforcing deprivations faced by person living in extreme poverty

- Would you identify other underlying and reinforcing deprivations faced by persons living in extreme poverty, in addition to the ones included in this section of the report.

There is a lack of reference to the larger macro-economic context. Together with the recommendations from the South African Human Rights Commission (SAHRC), the following issues need to be included in this section:

a) Trade distorting practices

International trade is responsible for the economic growth of many countries. However, many African countries continue to experience a reduction in their share of the volume of international trade and a deterioration in their economic conditions. Unless this trend is reversed, Africa will not be able to meet the MDGs.

Since late 2007, the multilateral trading system has come under heightened pressure as the food and financial crises have given rise to new waves of protectionism. The majority of developing countries, despite attempts at broadening their export possibilities, are still
heavily reliant on the agricultural sector and the majority of people living in extreme poverty especially in developing countries is concentrated in rural areas. In the context of the Doha Round the issue of agriculture, particularly subsidies from the North and their impact on the competitiveness of African agriculture is a key issue which therefore needs to be addressed. Developed countries must live up to their promises by eliminating these trade distorting agricultural subsidies provided to their farmers, and other discriminatory practices such as high tariff and non-tariff barriers and low quotas, and finally give genuinely unrestricted market access to developing countries to help them lift themselves out of extreme poverty and hunger. The Doha Development Round should culminate into a successful, ambitious, comprehensive, and balanced conclusion, as a matter of urgency.

b) The Global Financial and Economic Crises

The little or minimal progress towards the achievement of the MDGs has occurred in an environment marked by the global food, fuel and economic and financial crises. The impact of the crises has had a severe impact on people living under conditions of extreme poverty. This reaffirms the need for mutually supportive and integrated policies across a wide range of economic, social and environmental issues to achieve the MDGs and sustainable development.

c) Exploitation of children including Child labour, child trafficking, commercial sexual exploitation of children, use of children for illegal activities, bonded labour and children working in hazardous conditions

d) Human Rights Violations committed by Transnational Corporations (TNCs) and Other Business Enterprises

Contemporary challenges brought about by the activities of TNCs and Other Business Enterprises include the violation of human rights ranging from practices of child labour; environmental degradation; dumping of toxic and hazardous wastes; non-adherence to labour regulations (including basic conditions of employment, decent wage, occupational health and safety standards and collective bargaining).

e) Substance Abuse

Drugs and substance abuse has the potential to seriously undermine development and social cohesion efforts. It is usually in the most vulnerable and in the poorest communities where one finds higher levels of alcohol and drug abuse. This reduces success rates in extricating the affected individuals and communities from poverty and destitution.

f) HIV/AIDS (also pointed out by the SAHRC)

The effects of the pandemic are felt in a number of ways: the growing number of child-headed households with its accompanying exposure of children to abuse, neglect and violence, increasing mortality and morbidity amongst persons who should be economically active, increasing numbers of older persons becoming more and more impoverished by having to accept the role of primary caregiver for children orphaned by HIV and AIDS without being able to access necessary and sufficient resources.
g) Violence

During the UN Civil Society Plenary Session held from 14 to 15 June 2010, it was noted that violence is both a consequence and a cause of poverty, especially towards women and children. The UN Study on Violence against Children led by Professor Pinheiro also confirms this assertion and the imperative need towards a multi-disciplinary approach in tackling violence against children. The evidence on the link between poverty and violence is not conclusive, i.e. has not been proved and therefore one cannot accept or state that poor people, for being poor, are more violent than those with economic resources. What is known is that poor people are more vulnerable because of the lack of leisure spaces, lower educational level and other social and environmental deprivations. Hunger and the need for bringing home food lead many people, in despair, to steal and, sometimes, to commit more serious crimes. Violence against women is a cause and consequence of economic dependence for women. Injuries and fear of violence prevent women from engaging in productive employment leading to a drain on both households and national economies. One study has estimated that incidents of violence can result in loss of household income equivalent to 25-30 percent of the monthly income of poor households. It has also been estimated that for South Africa the loss of economic output due to violence against women is as high as R3 billion per year. Poverty alleviation programmes can in fact be undermined by this huge drain of resources at household and national levels. Furthermore, domestic violence is linked to the unequal distribution of resources within the household resulting in poverty and hunger for women and their children. (South Africa’s MDG Country Report 2010)

h) Social Fragmentation of Society

While manifestations of social fragmentation occur in all sectors of our society, there is a general consensus that they are largely prevalent in communities that are predominantly poor. This social fragmentation manifests itself in various ways, including high levels of domestic violence, substance abuse, high levels of criminality, xenophobia, teenage pregnancies, low levels of mutual respect, common decency, social solidarity and other behaviours that reflect a poor spirit of community, and a culture of irresponsibility. High levels of unemployment among the youth and women also serve to perpetuate social fragmentation.

4. AD V: Proposal for improving the draft guiding principles on extreme poverty and human rights

- Are there any important aspects or issues missing in the annotated outline for guiding principles proposed in this section of the report?

South Africa is in general agreement of the annotated outline for the guiding principles, as proposed by the Independent Expert i.e.:

a) Overarching human rights principles that should frame all initiatives addressing the situation of persons living in extreme poverty
b) Policy guidelines relevant for removing obstacles that perpetuate extreme poverty
c) Human Rights-based obligation of States
However and as proposed by the SAHRC, the Draft Guiding Principles must take into account:

d) The responsibilities of Transnational Corporations and Other Business Enterprises with respect to human rights. These Non-State Actors violate human rights have obligations and duties to uphold uniform human rights standards in their global operations. Contemporary global threats and challenges are not only posed by States, but also by Non-State Actors alike, making it imperative, therefore, to elaborate an international regulatory framework, of a binding nature, to bolster and complement weak national legislation in this regard.

5. Section 1: Overarching human rights principles

- Is the list of human rights principles in this section (including A to G) sufficiently comprehensive or should any other principles be included in the guiding principles on extreme poverty and human rights?

a) In Section 1, titled "Overarching human rights principles", reference is made to the following principles to be recognized:

- Human dignity, universality, indivisibility, interdependence and interrelatedness of all rights;
- The agency and autonomy of persons living in extreme poverty;
- Equality and non-discrimination;
- Promoting the advancement of women and the elimination of gender-based discrimination;
- Public participation;
- Transparency and access to information;
- Accountability and the right to an effective remedy

b) In the above context, the principle of "equity" should be included with equality and non-discrimination. Equity embodies the principle of common but differentiated responsibilities

c) "Broad consultation" should be included with public participation

d) South Africa also strongly proposes the inclusion of the notion of the justiciability of economic, social and cultural rights on which the South African Constitution and the International Covenant on Economic, Social and Cultural Rights is predicated on. This notion has further been reiterated and reinforced by the General Comment No 9 of the Committee on Economic, Social and Cultural Rights.

- Are there any important aspects or issues missing in the recommendations in bold proposed under each of the overarching human rights principles in this section in the report?

A: Recognizing the centrality of human dignity, universality, indivisibility, interrelatedness and interdependence of all rights
a) The importance of adhering to these human rights principles are key towards the achievement of the MDGs and needs to be incorporated in this sub-section. The UN Secretary-General points out in his report, “Keeping the Promise”, that accelerated progress towards achieving the MDGs can be accomplished by adhering to the above principles. These norms and values “provide the foundation for engagement, in particular the key human rights principles of non-discrimination, meaningful participation and accountability.”

b) The objectives of the worth of the human person, enshrined in the Universal Declaration of Human Rights, will not be achieved if the MDGs are pursued in isolation from human rights. At the same time, there is an imperative need towards a holistic approach on the achievement of the MDGs due to their integrated nature.

C: Recognizing the principles of equality and non-discrimination

a) The UN has classified countries of the world in terms of Developed Countries, Developing Countries, Landlocked developing countries (LLDCs), Small island developing States (SIDS) and Least developed countries (LDCs) including the Highly Indebted Poor country (HIPC). It is in this context and it is not possible that all countries of the world can be faced with the same scourge of extreme poverty and hunger.

b) South Africa strongly believes that developed countries, unlike developing countries, LDCs and heavily indebted countries, have the means to address extreme poverty, and with the requisite political will, extreme poverty should not be a challenge in developed countries. This assertion that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation of the world is mainly shared by the developed countries in an attempt to push the position that individuals are responsible for being in situations of poverty. This view undermines the fact that poverty and extreme poverty, especially in the developed countries, has been socially constructed and based on discrimination, marginalization and social and economic exclusion and States should take responsibility in ensuring their elimination as a way of ensuring individuals' enjoyment of a right to dignified lives.

D: Promoting the advancement of women and the elimination of gender-based discrimination

a) The burden of discrimination falls particularly on indigenous women, African women, Asian women, women of African descent, women of Asian descent, women migrant workers and women from other disadvantaged groups and ensuring their access to the resources of production on an equal footing with men, as a means of promoting their participation in the economic and productive development of their communities is essential (Durban Declaration and Programme of Action)

b) States should also devise, enforce and strengthen effective measures at the national, regional and international levels to prevent, combat and eliminate all forms of trafficking in women and children (Durban Declaration and Programme of Action)
c) The issue of empowerment of women is key to strengthen their own capacities and development. States should implement various initiatives which will enable women to become architects of their own development. Women, especially single parents are vulnerable to poverty because they both face persistent gender discrimination and generally have extensive care-giving responsibilities. Critical support areas include expansion of Early Childhood Development, provision of basic household infrastructure such as running water and electricity at an affordable cost, and improved access to training and economic opportunities.

6. Section 2: Overarching policy guidelines

- Is the list of overarching policy guidelines in this section (headings H to K) sufficiently comprehensive or should any other overarching policy guidelines be included in the guiding principles?

e) The guiding principles should aim to reinforce partnerships at all levels among Government Departments and agencies, business, organised labour and other civil society and Non Governmental Organisations (NGOs). Whereas Governments have a central role to play, there should also be a focus on facilitating the involvement of other institutions, providing political leadership and using its resources and other capacities to mobilise all the role players in the desired direction.

f) Social Cohesion Strategies should also be reflected in the guiding principles. A comprehensive strategic framework for promoting social cohesion and building national unity should be recommended. Initiatives could include:

- Ensuring that business, NGOs, churches, the labour movement and the rest of civil society can easily exercise solidarity with needy people and communities. This requires institutional development and building on existing structures and initiatives.
- The strengthening of communities to participate in democratic processes, with increased resourcing and opportunities for community structures to influence decisions about infrastructure, public employment programmes and local institutions.
- Implementing family policy to strengthen the role of the family (in its multiple forms) as a significant entry point of nation-building interventions, a hub for installing values and a site of socially beneficial socialisation.
- A major expansion in cultural, sporting and recreational activities in poor communities and regions through increased numbers of cultural and sports centres and special employment programmes around cultural work and sports.
- Reviewing programmes on safety and security to ensure better infrastructure in poor communities, including both police stations and improvements in the built environment, as well as increased vigilance around violence against women and children.
- Mobilise communities and society as a whole on programmes and campaigns on matters that relate to communities’ role in expanding their own respective human capabilities and on matters such as definitions of poverty, interventions to address poverty and the roles of various social partners (including campaigns to build solidarity with those infected and affected by HIV and AIDS).
g) **Human resource development**, in particular education and skills development, plays a significant role in preventing the intergenerational transmission of poverty. An economy that creates jobs including self-employment opportunities and the ability of a country to improve the educational outcomes, skills and aspirations of children and young people are the most important factors in breaking generational cycles of poverty.

- Are there any important aspects or issues missing in the recommendations in bold proposed under each of the overarching human rights principles in this section of the report?

**H. Ensuring that persons living in extreme poverty are identified and reached by public policies, programmes and interventions**

a) It should be recommended that States develop a comprehensive data system that will permit the identification of household needs in terms of infrastructure, income support, employment and basic services. This provides the basis for the establishment of structures that can identify poor households, including ensuring that child-headed households an access available programmes and monitor the progress of households out of extreme poverty.

**I. Ensuring that facilities, goods and services required for the enjoyment of human rights are accessible, available and of good quality**

a) It should be recommended that States develop easily accessible information material on basis services and how to access them.

**J. Ensuring international assistance and cooperation (MDG 8)**

a) Developed countries must live up to their promises by eliminating trade distorting agricultural subsidies and other discriminatory trade practices, and finally give genuinely unrestricted market access to developing countries to help them lift themselves out of extreme poverty and hunger. The Doha Development Round should culminate into a successful, ambitious, comprehensive, and balanced conclusion, as a matter of urgency.

b) The issue of conditionalities for Foreign Direct Investment, imposed on the countries of the South are too often punitive and often led to greater poverty and underdevelopment as well as the issue of economic sanctions and its hampering effect on the growth and development of innocent populations will also need to be discussed in the Guiding Principles.

c) All the pledges and commitments made by the leaders of the G8 countries from the Okinawa Summit in 2000 to the Kananaskis in 2002, Atlanta in 2004, Gleneagles in 2005, Heiligendamm in 2007 and more recently Ontario in 2010 must be honoured and implemented. The all important initiatives associated with these Summits such as G8 Africa Action Plan, the Millennium Challenge Account and the International
Financing Facility must translate into concrete action plans for the benefit of sustainable development in the areas afflicted by poverty and underdevelopment.

K. Ensuring that third parties, including other States, International organizations and transnational corporations do not undermine the human rights of persons living in extreme poverty.

a) As proposed earlier, there is a need for the annotated outline of the guiding principles to incorporate "the responsibilities of Transnational Corporations and Other Business Enterprises with respect to human rights". Contemporary global threats and challenges are not only posed by States, but also by Non-State Actors alike, making it imperative, therefore, to elaborate an international regulatory framework, of a binding nature, to mitigate and complement weak national legislation in this regard.

7. Section 3: Specific rights-based obligations

- Is the list of rights identified in this section sufficiently comprehensive (headings L to W) or should any other human rights also be reflected in the guiding principles?

a) The right of self determination should also be included.

In accordance with the purposes and principles of the Charter of the United Nations, article 1 of the International Covenant on Civil and Political Rights recognizes that all peoples have the right of self-determination. The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. It is for that reason that States set forth the right of self-determination in a provision of positive law in both Covenants and placed this provision as article 1 apart from and before all of the other Rights in the two Covenants. Article 1 enshrines an inalienable right of all peoples as described in its paragraphs 1 and 2. By virtue of that right they freely "determine their political status and freely pursue their economic, social and cultural development". The article imposes on all States parties corresponding obligations. This right and the corresponding obligations concerning its implementation are interrelated with other provisions of the Covenant and rules of international law (General Comment No. 12 of CCPR)

b) For the practical enjoyment of human rights, the Right to Development needs to be advanced. This right is seen as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development. The right to development is important in achieving, among others, the eradication of extreme poverty; promotion and realization of human dignity; addressing skewed historical development pattern among the countries of the South and the realization of the MDGs. The Right to Development encapsulates a process within which all human rights and fundamental freedoms are progressively realised and in this regard human rights can only be practically enjoyed in an inclusive and collaborative framework, bringing together policy planners, human rights experts, development practitioners and financial institutions at all levels, to work together in ensuring the practical realization of this right.
• Are there any important aspects or issues missing in the recommendations in bold proposed under each of the specific rights-based obligations in this section of the report?

L. Right to recognition as a person before the law

a) Identify documents are crucial to the alleviation of poverty and underdevelopment, especially amongst economically challenged communities. An Identity Document enables citizens to access all other social opportunities, including healthcare, education, as well as social relief in the form of child support and other grants. Citizens are also able to access employment opportunities since many employers require identity documents as a condition of employment. Those who encounter difficulties in applying for identity documents later in life also do not have birth certificates. States should call upon all parents register their babies within 30 days of birth.

b) The registration of births within 30 days, also assists in securing a National Population Register. Through a National Population Register Campaign, States can build a secure and credible national population register with a single point of entry, at birth. The partnership between States and its people, through compliance with this, will also allow States to plan to meet the needs of its people in the long term. The number of children registered in any year will inform States plans for education, healthcare, housing and other social needs in the long term (Department of Home Affairs, Republic of South Africa).

M. Right to privacy and protection from intrusion in family life

a) States should aim to strengthen and support families. This has to be premised on the commitment to establish a society based on democratic values, social justice and fundamental human rights.

b) A Family Policy aimed at enhancing families' socializing, caring, nurturing, loving and supporting capabilities so that their members are able to contribute effectively to the overall development of the country should also be recommended (Department of Social Development, Republic of South Africa).

N. Right to life, personal security and physical integrity

a) Regarding the issue of bodily and psychological integrity, the right to make decisions concerning reproduction and to security and control over one's body and to dignity needs to be emphasised.

O. Right to equal and effective access to justice

a) States should empower vulnerable groups such as women and children, poor rural and urban communities, people living with HIV and AIDS, child-headed households and people affected by human rights violations, persons with disabilities, youth and
children in prison and refugees, to be aware of their rights and be able to seek recourse if their rights have been violated or taken away from them.

Q. Right to safe drinking water and sanitation

a) As recommended by the SAHRC the "linkage between the right to health and dignity posed by inadequate sanitation is not referred to within the report". Furthermore, access to water is critical for food security and is a critical driver towards social equity, as all gain access and benefit.

b) Factors such as climate change and increasing population growth, lead to an increase in water consumption and continue to be challenges.

c) The Guiding Principles should identify current challenges and encourage States to educate their citizens on water conservation e.g. through campaigns aimed at raising awareness about water conservation and encourage communities to become leaders of a movement that will wage war against water wastage.

d) The Guiding Principles should identify current challenges and encourage States to incorporate the right of access to safe drinking water and sanitation to all people including for women, children and persons with disabilities and other vulnerable groups in their national legislations as the basis for this right.

e) Furthermore States should design policies aimed to educate their citizens on water conservation e.g. through campaigns aimed at raising awareness about water conservation and encourage communities to become leaders of a movement that will wage war against water wastage.

R. Right to adequate housing, security of tenure and protection from forced evictions

a) The current challenge of rapid urbanization means that it is not possible to build houses for everyone at the same time. In this situation, the upgrading of informal settlements should be high on the agenda. This is because the demand for houses is very high and the resources are limited. What is of paramount importance is to expand basic service provision to ensure that water, sanitation, electricity reaches each and every door step in all communities. There is a need to create roads in informal settlements so that services such as fire brigades and ambulances can have free access. Communities must also begin to work out a plan of taking responsibility of cleaning their areas. Slum upgrading process can be turned into an opportunity that benefits many unemployed people.

b) Positive programmes could be an opportunity for job creation for the youth, women and many unemployed people as this process needs plumbers, artisans, project managers, community liaising officers, contractors, etc. This process must not only be sustainable but it must also be inclusive. It needs a buy in of all stakeholders particularly the affected communities.

c) There should be a movement away from a delivery model that focuses on numeric targets alone. The guiding principles should also recommend the creation of
c) States should be encouraged to promote initiatives aimed at social cohesion. Societies with greater social cohesion tend to be the ones that are more economically prosperous.

d) The Guiding Principles should recognize that a fundamental prerequisite for democracy is the principle of freedom of expression. Rooted in freedom of expression and creative thought, the arts, culture and heritage have a vital role to play in development, nation building and sustaining democracies. Citizens must be empowered to do so (Department of Arts and Culture, South Africa).