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. ANNUAL REPORT ON HUMAN RIGHTS PRACTICES

SECTION ON THE REPUBLIC OF SOUTH AFRICA

1987

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Cape Town Johannesburg Durban Pretoria

2nd Floor, Scott's Bldg 3rd Floor, African Life Bldg 2902 Durban Bay Bldg 4th Floor. Southern Life Bldg

10 Plein Street 111 Commissioner Street 333 Smith Street 239 Pretorius Street

Cape Town 8001 Johannesburg 2001 Durban 4001 Pretoria 0002

Tel: 419-4822 Tel: 29-3451 Tel: 31-1865. 31-1431 Tel: 28-5100

South Africa's laws codify the doctrine of apartheid, which prescribes the basic rights and obligations of people according to their racial or ethnic origin. The country's black majority (73.4 percent of its population) suffers from pervasive, legally sanctioned discrimination based on race in political, economic, and social aspects of life. The "colored" (mixed-race) and Asian minorities (9.1 percent and 2.8 percent of the population respectively) also suffer from extensive racial discrimination, although to a somewhat lesser degree than South Africa's black population. While the Government claims that South Africa is a parliamentary democracy, blacks continue to be denied the right to vote in national elections and to be represented in Parliament. Until 1984 South Africa's national political institutions were reserved for whites (14.7 percent of the population). A new Constitution was implemented in 1984 that created a tricameral Parliament with separate chambers for whites, coloreds, and Asians. The terms of the Constitution ensure continued parliamentary control by whites over key affairs.⁰ In addition, the executive branch (headed by a State President with strong powers) continues to be dominated by whites. White control of the Government is backed by a powerful defense and police establishment, especially the South African Defense Force (SADF), with over 95,000 active duty personnel and nearly 400,000 reservists, and the South African Police (SAP), with 56,000 members. In recent years the SADF has been used to assist the SAP in internal security matters, especially in patrolling the black townships. The National Security Management System (NSMS), established to coordinate intelligence services and government departments, has assumed greater influence in the last few years over several aspects of government policy designed to minimize black discontent, including setting levels of state of emergency detentions as well as providing development assistance and social services. Critics maintained that the NSMS, staffed primarily by police and military officials, was developing into a "parallel government," accountable only to the cabinet-level State Security Council. During 1987 the Government also increased special black security forces known as "instant police" and in some cases gave tacit support to conservative black vigilante groups.

Central to the policy of separate, racially based political institutions was the creation, beginning in the 1950's, of 10 "homelands" to which all blacks were assigned on the basis of their ethnic background. These homelands comprise only 13 percent of South Africa's area and are often small, fragmented bits of land in impoverished rural areas. Since 1976 the Government has granted "independence" to four homelands, thereby forcibly stripping an estimated 8 million South African blacks of their South African citizenship. In 1987 it underscored its determination to move ahead with this policy by continuing to incorporate more black residential areas into these

homelands. South Africa is the only country that has recognized the "independence" of these homelands. Since the late 1970's, the Government has sought to introduce gradual and piecemeal reforms that ameliorate some aspects of apartheid but do not threaten continued white control of the nation's key political structures. At the same time, black opposition to apartheid has increased dramatically. This was especially so after the creation of the tricameral Parliament in 1984, which was seen as an attempt by the Government to freeze blacks out of national political participation. The Government has reacted since 1985 with increasingly stringent restrictions on individuals' rights and repression of organized black opposition.

Many apartheid laws discriminate against blacks in housing, employment, and education, serving to perpetuate an unusually high income disparity between whites and blacks. Starting in 1984, a serious economic downturn aggravated the suffering of black South Africans and was a significant factor in fueling political unrest. In 1987 the overall economic situation improved, with indicators suggesting an annual real growth rate of about 2 to 3 percent over the next 2 years. However, local economists have estimated that an annual real growth rate above 5 percent is necessary for the economy to absorb the roughly 300,000 black entrants to the labor market each year. An even higher rate of growth would be necessary to reduce present black unemployment, which many private observers estimate at 25 to 30 percent, and as high as 70 percent in some areas.

The human rights situation in South Africa continued to deteriorate in 1987. A state of emergency, imposed in 1986 and giving police and military extraordinary arrest and detention powers, was renewed in June 1987. The Government also rewrote many of the emergency regulations in 1987 to "close the loopholes" and make it more difficult for the judiciary to intervene in questions relating to the state of emergency. The Government has used these powers to arrest an estimated 30,000 people since June 1986. The United Democratic Front (UDF), a loosely organized national movement of more than 600 antiapartheid groups, and various black trade unions have been special targets for detention. The Government imposed harsher curbs on the media and brought its program of limited reforms to a virtual halt.

The level of political violence apparently declined in 1987 from previous years, although at least 500 people died as the result of such violence during the year. The shadowy war between South African security forces and the African National Congress (ANC) escalated. The banned ANC is headquartered in exile in Lusaka, Zambia, while many of its leaders, including Nelson Mandela, remain in long-term imprisonment in South Africa. Throughout 1987 a number of bomb blasts, landmine explosions, and grenade attacks occurred in South Africa, many of which appeared to be ANC operations. South African

security forces were involved in raids, bomb attacks, abductions, and assassinations directed against the ANC in various neighboring countries. State President Botha appealed throughout the year for black leaders to enter negotiations with the Government, but all credible black leaders maintained their refusal to enter talks until the Government met certain conditions, including the release of political prisoners, the removal of the ban on all political organizations, and the lifting of the state of emergency. In July a delegation of prominent, private, white South African citizens, including Afrikaners, traveled to Senegal for an exchange of views with leaders of the ANC on the future of South Africa--the first such meeting of its kind. Throughout the year there were unconfirmed rumors of contacts between government officials and external ANC leaders.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including 9 Freedom from:

a. Political Killing

Political violence continued to plague South Africa in 1987, though apparently at reduced levels compared to the 1984-86 period. Due to restrictions on reporting of incidents of unrest, independent statistics on the number of deaths related to political unrest were difficult to obtain. The Government asserted that such deaths have declined dramatically since the imposition of the state of emergency in June 1986. It claimed, for example, that in May 1987, 8 blacks died in unrest-related violence, a decrease of 95 percent from the comparable figure of 157 deaths in May 1986. Fragmentary statistics based on the Government's daily "unrest reports" and other sources indicated that at least 500 people died in political violence during the year, compared to 1,289 deaths from political violence in 1986.

Most of the deaths in 1987 resulted from violence within the black townships, and the vast majority of victims were blacks. Much of this violence resulted from fighting between political factions. Overall, however, violence resulting from political strife within the black community was less prevalent than in 1986, and so-called "necklace" killings, in which the victim is executed by a burning tire placed around his neck, declined dramatically in 1987. This was mainly due to the state of emergency but also to strong discouragement of such acts by internal and external black political groups, including the ANC. Fragmentary statistics indicated deaths resulting from necklacing declined from the hundreds in 1986 to perhaps no more than a dozen in 1987.

Many other deaths were the result of excessive use of force by police, who sometimes quelled demonstrations with live ammunition, tear gas, birdshot, hard rubber clubs, or rubber

bullets. In April six people were killed when police fired on a demonstration of striking railroad workers. During 1987 the Government augmented security forces by accelerating the recruitment of "Kitsconstabels" ("instant police"--called that because their training periods were short); these special police constables were first introduced in the black townships in 1986. Government critics charge that they have been responsible for numerous abuses. In February four people were shot and killed by Kitsconstabels in Grahamstown.

Several deaths of persons in police custody occurred during the year, at least two of which appeared to be execution-style killings. In July ANC member Ashley Kriel was killed by ' police in a Cape Town home. An autopsy revealed that he had been shot in the back at pointblank range. In August Caiphus Nyoka, a high school student leader, was killed by police during a nighttime raid on his home in Daveyton, even though he had apparently offered no resistance. He had been shot in the forehead at close range. At the end of 1987, the Government had failed to provide any explanation or order any investigation in regard to Nyoka's death.

In 1987 a series of court cases or out-of-court settlements also revealed police excesses. In February a member of the SAP was sentenced to 8 years' imprisonment for the "unprovoked and unnecessary" killing of a black youth in 1986. The policeman had ordered the youth to run away and had then shot him as he ran. In April a court ruled that policemen in the Lebowa homeland were responsible for the April 1986 torture and deaths of two detainees, Lucky Kutumela, a journalist and member of the Azanian People's Organization (AZAPO), and Peter Nchabaleng, a Transvaal provincial official of the UDF. The postmortem report on Nchabaleng concluded that he died after multiple blows with sticks or similar objects. An inquest magistrate found no one criminally liable for the 1985 death in police custody of trade unionist Andries Raditsela, but the Government agreed to pay compensation to Raditsela's family.

In July the Government agreed to pay \$650,000 to 51 people who were wounded or whose relatives were killed in the March 1985 massacre of 20 blacks in the Langa township outside

Uitenhage. Many of the victims, who had been demonstrating while on their way to a funeral, had been shot in the back.

In September a Cape Town court exonerated two police officers, even though they had admitted shooting a young girl who had been watching police quell an antiapartheid demonstration.

The court excused them on the basis that they were following the orders of a superior (who was not charged). In October the trial began in the Eastern Cape Supreme Court of two policemen accused of murdering two black youths in Cradock, near Port Elizabeth. According to eyewitness testimony, one of the youths, Mlungisi Stuurman, who was arrested for wearing an antiapartheid shirt, was tortured in a police van with a plastic bag, beaten, and then shot in the back of the neck.

The most serious violence resulting from political factional

fighting in 1987 took place in Natal. In particular, clashes between UDF supporters and Inkatha members, who support KwaZulu Chief Mangosuthu Buthelezi, resulted in at least 268 deaths during the year in the Pietermaritzburg area. The violence around Pietermaritzburg accelerated beginning in September, and efforts by several groups to mediate an end to the violence were unsuccessful as of the end of 1987. In addition, as a significant minority of blacks in South Africa espouse or condone violent opposition to apartheid, there were instances of violence and intimidation against blacks who were not complying with such protest activities as school or rent boycotts and strikes. Attacks by radical blacks on township government officials, black policemen, and other suspected "collaborators" continued, though at a lower rate than in 1986. The ANC helped fuel this violence since it continued to call on blacks to attack these so-called collaborators. The Government emphasized such intimidation as a justification for repressive actions against members of trade unions and community organizations. The Government also cited this intimidation as justification for support of, or in some cases acquiescence in, the activities of black vigilante groups. These groups were formed by conservatives for the ostensible purpose of ensuring neighborhood safety. In 1987 their activities increased as they engaged in armed attacks on dissidents and squatter communities. In some cases, the police assisted or stood aside during such attacks and the victims usually received no help from the police. In January a crowd of 1,500 armed vigilantes attacked UDF activists near Uitenhage while police looked on. Several eyewitnesses reported that police were directing the crowd of vigilantes to the homes of UDF activists. The vigilantes ransacked the homes and burned the possessions of the activists in the street. In May and June, four UDF activists died in vigilante attacks in the Eastern Cape. UDF supporters in Natal came under increasing attack during the year from vigilantes. In July four UDF supporters were killed by vigilantes near Pietermaritzburg. In the Lebowa homeland, there were reports that a vigilante group had been formed by the homeland's ruling party to attack dissidents. In the homeland of KwaNdebele, the proindependence bmokotho vigilante organization continued its violent campaign against the opponents of independence. One example of the Government's support for vigilante groups came in April with the Cape provincial administrator's appointment of Johnson Ngxobongwana and six of his supporters as the Crossroads town committee. Ngxobongwana and his vigilante organization had achieved notoriety in June 1986 for their violent ejection of their political opponents from the Crossroads squatter camp outside Cape Town with the support of the police. In October the Cape Town Supreme Court overturned this appointment and called on the Government to organize elections in the community.

Throughout 1987 a pattern of killings and bomb blasts directed against antiapartheid groups and trade unions continued. One of the more prominent victims was Eastern Cape activist Eric Mntonga, who was murdered near King Williams Town in July. In May the headquarters building of the Congress of South African Trade Unions (COSATU) in Johannesburg was wrecked by a huge bomb explosion, and numerous other COSATU offices were vandalized or destroyed during the year. In August a bomb exploded at a building in Cape Town which housed COSATU and a number of antiapartheid organizations. At the end of the year there had been no arrests in connection with any of these incidents. The Government has had a number of successes in recent years in arresting those accused of antigovernment terrorist acts, but has shown an inability or unwillingness to pursue the perpetrators of violent acts directed against antiapartheid groups and persons, such as the December 1986 murder of black political activist Dr. Fabian Ribeiro and his wife. ,

The ANC, a revolutionary organization that since 1961 has openly advocated the overthrow of the South African Government, encouraged attacks on government offices and installations involved in the administration of apartheid but often equivocated or was silent on the question of responsibility for individual incidents of violence. Officials of the organization continued to disavow a strategy of deliberately hitting civilian targets. On May 20, two bombs exploded outside the Johannesburg Magistrate's Court, killing four policemen and injuring numerous bystanders. The ANC armed wing, Umkhonto We Sizwe, subsequently claimed responsibility. On July 30, another bomb exploded near the Witwatersrand army headquarters in central Johannesburg, injuring 68 people. The ANC declined comment on what, if any, responsibility it had for the incident.

The ANC maintained its position that armed white farmers in northern border areas of South Africa constitute part of the Government's security establishment. There were numerous reports of clashes between government forces and ANC guerrillas attempting to infiltrate the country. The SADF also struck at alleged ANC targets in neighboring countries, including raids in Zambia in April and in Mozambique in May. The Government claimed in September that 220 ANC "terrorists" had been killed or arrested in the first 8 months of 1987, a significant increase over 1986. In October the Government arrested 11 people, charging them with involvement in a number of ANC-inspired attacks in the Cape area. Throughout the year, several dozen community activists around the country faced charges of furthering the aims of the ANC, and most were convicted.

The Pan-Africanist Congress (PAC), another antiapartheid organization in exile, also advocated violent opposition to the South African Government and claimed that it had sent

large amounts of arms into the country.

b. Disappearance

In recent years many people have disappeared, reportedly into police custody, for long periods. Some, missing for very long periods of time, are suspected by friends and associates to have been killed by security forces. South African law does not require notification of a person's family, lawyer, or any other person in the event of his detention or arrest, and prohibits the unauthorized publication of the name of any detainee if "the prevention of or combating of terroristic activities" is the reason for the detention. ___ i Since August 1986, the Minister of Law and Order periodically' has tabled lists of state of emergency detainees in Parliament. These lists, which appeared to be incomplete, only included detainees held for at least 30 days. As of the ' end of 1987, this constituted the Government's only official public accounting of emergency detainees. Human rights monitoring groups estimated that substantial numbers of detainees have not been named in the Government's lists and maintained that in most cases family members were not informed of emergency detentions.

Following the June 1986 emergency declaration, and in the wake of subsequent crackdowns on various opposition organizations, many black activists left the country surreptitiously or went into hiding to avoid detention. These circumstances further complicated the task of accurately accounting for the many persons who reportedly have disappeared. Government press curbs imposed in December 1986 prohibited news reporting on detention cases and on unresolved litigation concerning detentions without prior government clearance, which rendered the task of accounting for missing persons still more problematic.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Security legislation, in particular the Internal Security Act (ISA), allows police generally unsupervised discretion in the arrest and detention of suspects and in the interrogation of detainees. People detained under the ISA may receive visits from their attorneys and families only at the discretion of the Commissioner of Police. This permission is often denied. The ISA allows for lengthy periods of incommunicado detention during which authorities are not obliged to present formal charges, a situation which provides considerable potential for police abuse of detainees. Laws exempting law enforcement officials from both criminal and civil liability for "good faith" acts undertaken in enforcing the state of emergency have been cited by many observers as giving police a license to engage in abusive conduct.

In 1986 and 1987, many persons who had been released after being detained under state of emergency and security regulations gave accounts of beatings and other abuses by police. One detailed 1986 survey, prepared by a medical panel of the Detainees' Parents Support Committee (DPSC), indicated that 83 percent of 500 released detainees showed signs of some physical abuse. Another survey, released in April by the National Medical and Dental Association, found that over half of the ex-detainees surveyed had been physically assaulted while in custody.

Many persons reported that they had been held in solitary confinement during their detention. Others gave accounts of torture by police, including applications of electric shocks to hands, feet, and genitals. Many former detainees in the Port Elizabeth area reported that police had supplemented routine beatings and electric shocks with repeated suffocation as a means of extracting information. According to their affidavits, police tied wet plastic or canvas bags around the heads of prisoners and repeatedly applied rubber innertubes over their noses and mouths to suffocate them, often to unconsciousness. Journalists and others detained in KwaNdebele during the year produced a number of eyewitness accounts detailing the apparently routine beatings suffered by detainees in that homeland.

Most torture occurred during and immediately following arrest. The chances of physical abuse taking place apparently diminish once a detainee is processed and made part of the general inmate population. Instances of abuse in prisons, while not unheard of, appear to be less frequent than at police stations.

Those who work with released detainees, and academics who have studied the issue, maintain that youthful detainees are more subject to beatings and other forms of torture than are older detainees. One academic study of 83 children released in 1987 found that 64 of them complained of assault and one-third were suffering "definable psychiatric illness." In April a news report described the case of Trevor Makhoba, a 16-year-old Soweto resident who claimed he was subjected to electric shocks while in detention. A pathologist who examined him within 72 hours of release confirmed he had thermal burns on his fingers "consistent with electrical burns." A police spokesman conceded Makhoba had a "strong case."

On August 13, 22 young people ranging in age from 14 to 20 years were arrested in Petrus Steyn, Orange Free State, for their support of the South African Youth Organization. Most were released after 2 days. Many of them alleged they had been assaulted by the police while in jail, and eight of them have filed assault charges. On September 2, a school boycott was called to protest the detentions. Large numbers of police arrived and attacked children (some as young as 8 years of age) leaving the school with hard rubber clubs. Six children

were treated for injuries, and another six arrested. Police and other security force members were seldom held accountable in 1987 for abuse of detainees. While the Government conceded in some cases that such abuses occurred, the courts often imposed only token punishments on those found guilty. In 1987 the Government completed an investigation of credible allegations by Father Smangaliso Mkhathshwa, Secretary General of the Southern African Catholic Bishops Conference, that he had been tortured while in detention. A court permitted one of the six accused SADF personnel to pay a small "admission of guilt" fine and absolved the other five soldiers.. In October the Law and Order Minister, responding to the protests of Eastern Cape human rights activists, pledged to investigate charges of police torture of detainees.

d. Arbitrary Arrest, Detention, Exile, or Forced Labor

The ISA authorizes the Minister of Law and Order to order . detention without trial for varying--in some instances unlimited--periods of time. Under Section 28 of the ISA, the Minister of Law and Order may issue "preventive detention" orders allowing for detention for up to 180 days in "unrest situations." Under Section 29 of the ISA, senior police officials have broad powers to detain people for interrogation when offenses such as terrorism, sabotage, or inciting a revolution are suspected. Access to ISA detainees is severely restricted.

On June 11, 1987, the Government renewed the June 1986 state of emergency and issued new regulations which tightened and extended those originally promulgated in June 1986. Under the revised 1987 rules, the period for which SADF members and police officers down to the rank of constable are empowered to detain persons was extended from 14 days to 30 days. Police station cells may be used as the place of detention for the first 14 days only (the previous limit was 30 days), after which detainees must be transferred to prison cells unless the . Commissioner of Police grants an exception. After 30 days the Minister of Law and Order may extend the detention for an indefinite period of time, limited only by the duration of the state of emergency. In June the Government issued new rules concerning the treatment of state of emergency detainees, giving them many of the rights granted to ordinary prisoners awaiting trial. However, in July an appeals court reaffirmed that emergency detainees may be denied access to lawyers and have no right to a hearing before the Minister extends the detention.

As in 1986, black trade union officials and members of the UDF were particular targets of state of emergency detentions. By the end of 1987, most of the national leadership of the UDF had been detained and it was estimated that three of every four detainees were members of the UDF or affiliated organizations. The Government has detained the executive of

the UDF-affiliated National Educational Crisis Committee (NECC), an umbrella organization of parents, teachers, and students, which had entered into negotiations with the Government to end the widespread school boycotts of 1986. Opposition political leaders charged that many people were being detained under the emergency regulations on dubious evidence, often on the word of informers, who themselves may have been under pressure to accuse others.

7 __, In April the Government acknowledged that 19,209 people had been detained between June 12, 1986, and April 15, 1987. It was unclear whether this figure included detentions of less than 30 days. The DPSC estimated that 30,000 people had been detained between June 1986 and October 1987, of whom approximately 8,000 were under the age of 18. According to government statistics, only 2,260 of these detainees had been criminally charged as of May 31. At the end of the year, the DPSC estimated a total of 1,500 people were still being detained under the state of emergency, with an additional 350 held under the ISA. The Government's refusal to provide specific statistics or complete lists of those being held made it difficult to confirm this or any other estimates of the number of detainees.

In September the Minister of Law and Order said that 115 children under the age of 18 were being held under the state of emergency and that 13 boys under the age of 17 were in detention under the ISA as of July 31. At the end of 1987, human rights groups estimated that some 250 children under the age of 18 were still in detention.

Statistics on detentions failed to account fully for what appeared to be a common police tactic of detaining political activists, especially youths, and holding them for a few hours or overnight, during which time they were interrogated, threatened, and sometimes beaten. In addition, many people have been arrested on criminal charges during incidents of unrest. Human rights monitoring groups estimate that at the end of 1987 at least 1,500 people, many of them under the age of 18, were serving sentences for "public violence" as a result of convictions stemming from incidents of political unrest.

Many political figures, community and human rights activists, lawyers, churchmen, trade union officials, journalists, and others have been detained under the state of emergency. Prominent figures remaining in detention at the end of 1987 included UDF leaders Murphy Morobe and Mohammed Valli; Zwelakhe Sisulu, editor of the newspaper New Nation; law professor Raymond Suttner; and Eastern Cape activists Edgar Ngoyi, Henry Fazzie, and Mkuseli Jack.

ANC leader Nelson Mandela, imprisoned after being convicted for sabotage in 1964, continued to serve a life sentence, despite repeated domestic and international calls for his

release. International calls have also been made for the release of Zeph Mothopeng, leader of the PAC. In August the State President said that the renunciation of violence, ' previously an absolute condition for release of Mandela and other long-serving political prisoners, would be henceforth but one of several factors considered for a form of parole. In November Mandela's ANC colleague Govan Mbeki and several other long-serving political prisoners were freed (see below). State President Botha subsequently said that future releases of "security prisoners" would be determined by parole boards.

The ISA also authorizes the Minister of Law and Order to issue "banning" orders severely restricting the activities of any person judged by the Minister to be endangering law and order, threatening state security, or "promoting the aims of communism" or an unlawful organization. According to the South African Institute of Race Relations (SAIRR), over 1,400 South Africans have been banned at some time since 1950. In 1987t the Government appeared to have abandoned the practice of banning persons under the ISA, possibly as a result of some banning orders being overturned by courts in 1986. However, numerous state of emergency detainees released from detention were subjected to restrictions on their movements and on their involvement in political matters. Still others, who had not been detained, were placed under state of emergency "restriction orders" which seriously curtailed their antigovernment activities. In December the Government placed stringent travel and contact restrictions on Govan Mbeki, the recently released ANC leader, and rallies planned in his honor were banned. Banishment is still practiced in the "independent" homeland of Transkei. The DPSC reported in November that 14 people are known to be banished to remote areas of Transkei.

Forced labor is not used in South Africa as a means of political coercion or education or as a sanction against political or ideological opinions.

e. Denial of Fair Public Trial

The South African judiciary is headed by the Appellate Division of the Supreme Court in Bloemfontein and six regional Supreme Courts. All judges of South Africa's higher courts are white, as are the vast majority of its magistrates. They are appointed to the bench by the State President. Their service is until age 70, and they cannot be removed from office except by impeachment by Parliament. By tradition, judges of the Appeal Court and the Supreme Courts are appointed to the bench from the ranks of the elite corps of South African supreme court practitioners ("advocates"). South Africa has an adversarial system of criminal justice drawn from a mixed heritage of Roman-Dutch and British jurisprudence. Trials of lesser offenses are heard by

magistrates, who are career employees of the civil service in the executive branch. More serious offenses, including capital crimes, are tried in the Supreme Courts. Determinations of guilt or innocence are made by the presiding judge or magistrate. There are no juries. Judges in capital and other serious cases are empowered to appoint two assessors, who serve as factfinders and who have the power to overrule the presiding judge on questions of fact but not on questions of law. Defendants in criminal cases, including "political" cases, have the right to counsel, but a 1987 survey showed that 80 percent of those convicted in ordinary criminal cases had no representation. Courts usually appoint counsel in capital cases where the defendant cannot afford his or her own lawyer.

Persons charged with common crimes are presumed innocent until proven guilty, although Parliament has modified this general presumption of innocence for many security offenses. The ISA effectively places the burden of proof of innocence on an accused for a number of offenses enumerated in the Act. Both security-related and common crimes cases are tried in civilian courts. Security trials are often held in remote locations, far from metropolitan areas, apparently in order to reduce attendance at such cases by journalists, human rights observers, and supporters of the accused. Because of case backlogs, postponements, and the practice of hearing cases concurrently, criminal trials, and particularly security cases, can sometimes take months, even years, to complete. The power of the South African judiciary at all levels is circumscribed by stringent security legislation--rewritten and tightened in 1987--and by the jurisprudential principle of parliamentary sovereignty, under which judges possess no authority to alter, strike down, or refuse to enforce properly enacted acts of Parliament. Nevertheless, the courts have been the focal point for much litigation to counter human rights abuses. Since the state of emergency declaration in June 1986, there have been a number of legal challenges to both the state of emergency and to the legality of the detention of persons under state of emergency regulations. In the initial months of the June 1986 emergency, the courts ordered a small number of detainees freed and declared some emergency regulations unlawful. In most cases, however, the Government rewrote and reissued the regulations in ways that effectively prevented further court challenges. Moreover, the courts have consistently stated that the state of emergency itself was lawfully declared. In some instances, the Government has admitted abuses and reached out-of-court settlements.

While South Africa's high courts have traditionally maintained a high degree of integrity and independence, there were indications during 1987 that the Government was seeking to increase its political influence over the judiciary. The Chief Justice of the Appeals Court agreed to remain in his

position past the mandatory retirement age of 70, apparently in order to prevent a more liberal justice from succeeding him. There was evidence that the Government was acting to ensure that important security-related cases were heard only by more conservative, progovernment judges.

The Delmas/Pretoria "treason" trial entered its third year during 1987. It appeared that the Government was using the unprecedentedly long trial to deny liberty to important government opponents who are among the accused. It is considered the most significant security/political trial in a generation, involving charges of high treason, murder, and other security offenses against 19 defendants who are members of the UDF, AZAPO, and various black civic organizations. Charges against 3 of the original 22 accused were dismissed in November 1986. Three important government opponents among the accused, Popo Molefe, Moss Chikane, and Patrick Lekota, all prominent UDF officials, have been denied bail and kept in custody throughout the trial. In March the trial judge dismissed one of the two assessors for having signed a UDF petition. The defense motion for a mistrial in the wake of this unprecedented action was subsequently rejected.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The system of apartheid involves the Government in extensive regulation of social, personal, and family life. A person's identification as a member of an ethnic group or race is based on definitions and decisions of the Government under the Population Registration Act. Under this law, every child born in South Africa must be registered and classified according to race. In cases of dispute, such as when the parents' racial classification is not known, a racial classification board is empowered to weigh pseudoscientific "evidence" and to issue a verdict on a person's race.

Under apartheid, association in many social settings is not a matter of free choice. The Separate Amenities Act allows public premises to be reserved for the exclusive use of persons of a particular race, and a substantial degree of social segregation, "petty apartheid," still legally exists in South Africa. In recent years, however, the Government has expanded the scope of administrative exceptions to apartheid laws and has allowed most restaurants, hotels, theaters, cinemas, private hospitals, parks, libraries, and other public facilities, upon application, to admit persons of all races. Many but by no means all private establishments have opted for "multiracial" status. The Government has allowed local option decisions on some social apartheid issues such as segregation of business districts. Some local authorities, notably in the urban centers of Johannesburg and Cape Town, have used their limited discretion to desegregate facilities under their control, while others have not. By the end of the year, 55 city governments had desegregated central business districts

under an amendment to the Group Areas Act permitting such action in commercial areas. '

The Group Areas Act (GAA) of 1950 provides generally that certain designated areas of land can be owned or lived on only by individuals of specified races and that residential areas must generally be segregated on the basis of race. Under the Act, urban areas are designated for whites, coloreds, and Asians. Blacks are disqualified from owning and from occupying land in urban areas not designated for them. Authority to designate black urban areas is established by the Black Communities Development Act of 1958.

Interracial couples must reside in the area designated for the less advantaged racial group, vitiating the benefits of the repeal of the miscegenation laws in 1985. Notwithstanding the GAA, a growing number of so-called gray areas exist in some major cities; where blacks, coloreds, and Asians reside in technically white areas, often without government interference. Some private schools in white-designated areas admit black, colored, and Asian students. Criminal convictions for violations of the GAA have been rare in recent years. Only 4 convictions resulted from 1,000 complaints filed during 1986. However, during 1987 some groups and individuals took it upon themselves to identify GAA violators, with the objective of forcing the Government to act. A deputy minister responsible for enforcement of the GAA told Parliament in 1987 that he had personally reported violations of the Act. In October the Government agreed in principle that certain residential areas might eventually be opened to all races upon local endorsement (with regional and national review provisions). It also indicated, however, that existing provisions of the GAA would be strictly enforced and reiterated that it would not permit multiracial public schools or seek repeal of the Separate Amenities Act.

For blacks, even the right to reside in a segregated urban township is not available if one is deemed a "citizen" of one of the "independent" homelands. Such persons are regarded as aliens in "white" South Africa, and, notwithstanding their birth in South Africa, are subject to restrictions similar to those for any foreigner (see also Section 2.d. and Section 3). They must obtain work permits in order to reside in urban areas of "white" South Africa, and if they succeed in obtaining a work permit, they may not be accompanied by their spouses and children. Hundreds of thousands of such persons are forced by housing shortages to reside away from their families, often in overcrowded single-sex dormitories in urban areas.

The Government owns virtually all urban black township property and subsidizes a program of rental housing. Local authorities in the black townships administer the program and collect rents. In 1986 Parliament granted blacks the opportunity to acquire permanent land tenure in appropriate

group areas. Previously, blacks had only been able to lease land for 99 years, with the lease transferable and renewable upon sale. At the end of 1987 only a few houses had been sold to blacks on a permanent tenure basis, apparently due to bureaucratic delays.

Many urban townships are lacking in some or all modern amenities, such as electricity and running water, but continue to become more crowded as rural poverty drives many people to seek jobs in urban centers. The restricted amount of land available in the townships has driven up prices for housing lots and led to corruption among township officials controlling the allocation of these lots. 'Some declared townships are little more than permanent shantytowns with "houses" constructed of fiberboard and corrugated iron. The lack of housing for blacks also has led to the development of large squatter communities. A report by the Black Sash organization estimated that some 5 million South African blacks were without adequate shelter. Townships are often located at extraordinarily long commuting distances from cities, where most employment opportunities for South Africa's blacks are found. '

The Land Acts of 1913 and 1936 limit rural land to white occupation, except for farm laborers whose numbers and freedom of movement are regulated by a number of other acts. In addition to the GAA, these Acts are the chief statutory bases for the South African Government's practice of "forced removals." Under these laws over the last three decades, the Government has forcibly relocated black South Africans from "white" land, often to areas in the homelands with inadequate infrastructure and insufficient land and water for profitable agriculture. The South African Council of Churches (SACC) has estimated that since 1961, the Government has forcibly resettled approximately 3.5 million blacks, coloreds, and Asians. Government figures issued in 1984 asserted that 2 million blacks had been resettled since 1960. In early 1985, the Government announced a suspension of forced removals in favor of a policy of negotiating with affected communities on relocation issues. However, in July 1987, the State President qualified this "no forced removals" pledge in a letter stating that there would be no forced removal "unless it is accompanied with the provision of better living conditions." In some situations, however, the Government has engaged in effectively coercive removals by refusing to maintain the infrastructure of black communities it seeks to remove and engaging in physical threats and aggressive actions aimed at convincing reluctant people to "agree" to move.

On December 2 the Government forcibly removed some 600 people from Noordhoek (near Cape Town) to a tent city in Khayelitsha. Although the Government labeled them "squatters," some of the families removed had been in Noordhoek for generations. Most lost their jobs in Noordhoek as they were no longer close enough to commute. At the end of

1987, human rights groups were concerned that the Government planned to forcibly remove several other "squatter" communities around the country.

The Government continued its efforts to move the 8,000 remaining residents of the 60-year-old black community of Oukasie, near the town of Brits, to a site near the Bophuthatswana border. Many of these people opposed removal on the suspicion that the community where they would be resettled would eventually be incorporated against their will into the "independent" homeland of Bophuthatswana, a move that could strip them of their South African citizenship. In the case of the people of the Mogopa clan, whose situation had become desperate since their forced resettlement on arid land in 1984, the displaced clan threatened to march en masse to reoccupy their former land. The Government offered to find a mutually acceptable alternative site, and at the end of 1987 negotiations continued.

. . Studies completed during 1987 indicated that the Government's policy of settling blacks on arid land far from population centers was beginning to have serious consequences in the area of nutrition as well as housing. The Operation Hunger organization, in a survey of malnutrition, reported that South African rural blacks, particularly those in the "independent" homelands, may be more impoverished than rural Africans in neighboring countries.

Various laws give police the authority in specific circumstances to enter homes without a warrant, including situations where an officer has reason to believe a warrant would be issued but the delay caused by first obtaining the warrant would defeat the purpose of the search. In practice, police often enter and search homes of black activists as a means of intimidation.

Section 2 Respect for Civil Liberties, Including:

. a. Freedom of Speech and Press

During 1987 the Government took a number of measures to further restrict both the local and foreign press. Despite these restrictions, some segments of South Africa's largely white-owned press continued, when possible, to engage in at times vigorous criticism of the Government and its policies. State of emergency regulations impair freedom of expression and press by making "subversive statements" a criminal offense (e.g., encouraging strikes, boycotts, or the promotion of disinvestment). The regulations also ban television coverage, still photography, sketching, and radio recording from areas covered by the state of emergency. Media may not report on police or security force operations in "unrest situations," except as information, always limited, is released by the Government. Penalties for infractions include fines up to \$8,000 and imprisonment up to 10 years.

In December 1986, the Government issued an even tighter set of press restrictions which make it a criminal offense to publish material on political unrest, detention cases, the treatment of detainees, and various types of political activity without prior government clearance. These restrictions greatly reduced media coverage, particularly through television, of political unrest.

In 1987 the Government repeatedly threatened to take action against the press, particularly what it calls the "alternative 'media,'" a group of mostly liberal newspapers, including church-sponsored weeklies, not associated with the major establishment publishing houses. In August new regulations streamlined the method by which publications can be censored and gave the Minister of Home Affairs the power to close a publication for up to 3 months. These new measures further curbed the ability of journalists to report on activities such as labor disputes, "extraparliamentary" organizations, and life and thought in the black community. The latest regulations are sufficiently vague to create an atmosphere of uncertainty among journalists, resulting in a situation in which self-censorship is rife, and many newspaper editors must surrender ultimate editing responsibility to their lawyers. While there were no known convictions of journalists in 1987 under the various laws or regulations, some were detained (see Section 1.d.). In addition, journalists have experienced various forms of harassment, including the theft of personal papers and stoning of their houses.

The Government also impeded the flow of information from South Africa by refusing visa requests by foreign journalists or by subjecting them to inordinate delays. In early 1987, the Government refused to grant a visa for anyone to replace the departing New York Times correspondent; the paper subsequently hired a South African citizen. In May American correspondent Steve Mufson was expelled from South Africa, and Detroit Free Press correspondent David Turnley was ordered to leave in November. The Government reported that 238 foreign journalists had been refused new or renewed visas during the July 1986-May 1987 period.

Under the Publications Act (applicable to most periodicals, with the exception of newspapers), the importation, possession, and publication of politically or morally "undesirable" works is prohibited. Materials subject to censorship include those found to be "indecent or obscene," "blasphemous," or "prejudicial to the safety of the State." Committee decisions are subject to review by 3 Publications Appeal Board. The board's decisions are not subject to judicial review, except in rare instances.

The Government exercises a near monopoly on television and radio broadcasting through the state-owned South African Broadcasting Corporation (SABC). With some exceptions, SABC

reflects progovernment viewpoints both in its news reporting and editorial policy. While the Government professes that SABC is politically independent, a wide range of the political spectrum, from the liberal Progressive Federal Party to the right-wing Conservative Party, characterizes the SABC as an editorial arm of the ruling National Party. In August the State President personally intervened to change a television news story concerning the resignation of colored Labor Party leader Allan Hendrickse from the Cabinet.

b. Freedom of Peaceful Assembly and Association

The ISA seriously obstructs freedom of assembly, as it gives -magistrates the power to ban or impose conditions on the holding of public meetings and to close off areas to the public to prevent prohibited gatherings. A ban on all outdoor gatherings except sports events or specially authorized ' meetings, in effect since 1976, was renewed again in 1987. Also banned are indoor meetings of many antigovernment . organizations, including the UDF; AZAPO, the Release Mandela Campaign, and the DPSC. In 1987 tighter restrictions were placed on funerals of political activists or victims of unrest, limiting the number of mourners and prohibiting political speeches. Police frequently arrested persons in townships on charges of participating in illegal gatherings. The Government also maintained a ban on a number of important political organizations, including such as the PAC, the ANC, and the Congress of South African Students.

During 1987 the Government continued a policy of hindering the UDF by detaining key leaders. Although the movement contains elements that adhere to the more revolutionary values of the ANC, most UDF member organizations advocate nonviolent political and social change. In October 1986, the Government declared the UDF an "affected organization," meaning it could no longer receive funds from abroad. This action was subsequently overturned by a court ruling, and the Government's appeal of this decision was still pending at the . end of 1987.

A number of protest demonstrations on college campuses were forcibly dispersed by police, resulting in many injuries and arrests. In October the Minister of National Education and Culture announced new regulations requiring universities to curb antiapartheid protests on their campuses as a condition for continued state funding. Several prominent university officials rejected these conditions as representing unacceptable restrictions on free speech, peaceful assembly, and academic freedom, and many students, mostly at English-speaking universities, demonstrated against the regulations.

The South African Labor Relations Act recognizes the right of employees to form and to join trade unions and to engage in collective bargaining. In 1987 more than 2 million workers

were union members in a labor force of 12 million. Slightly over a million of these union members were black, compared to about 100,000 black union members in 1979, before blacks were granted full status as employees and allowed to form trade unions. .

The Labor Relations Act does not cover the approximately 2 million farm workers and domestic servants (about one-sixth of the total labor force). These workers, nearly all of whom are black, enjoy few protections under the law. With the qualified exception of KwaZulu, none of the homelands has labor legislation to match the post-1979 reforms passed by the South African Parliament. Ciskei and Transkei have banned a major trade union active in the Eastern Cape (the South African Allied Workers Union), and Bophuthatswana has prohibited unions headquartered elsewhere from operating in its territory.

The right to strike under the Labor Relations Act is qualified by a mandatory prestrike conciliation process that can take as long as 2 months to complete. Nearly all strikes in recent years have been staged by black unions, and most of them have been technically illegal. In certain circumstances, an employer may fire a striker (whether the strike is legal or illegal) on grounds of breach of the person's employment contract. A 1985 opinion of the Industrial Court, however, significantly improved the position of legal strikers. In June 1987, the Industrial Court ruled that employees taking part in "work stayaways" (such as one called to mark Soweto Day on June 16) were not acting illegally as long as they did not make economic or political demands on the employer. In September the Government tabled before Parliament the proposed labor relations amendment bill. Trade union leaders feared that this legislation would make legal strikes more difficult by giving state labor inspectors authority to indefinitely extend the period of conciliation (during which a strike would not be legal) at the request of one of the parties in the dispute. The proposed amendments would also outlaw sympathy strikes and boycotts and weaken the power of the Industrial Court, which has a reputation for fairness. This toughened legislation was seen as a response to a wave of strikes in the first half of 1987. A strike of several months by some 17,000 black workers against the government-owned South African Transport Services was marked by violence and destruction of property. In August approximately 250,000 black mine workers engaged in a 3-week wage strike, the largest work stoppage in South African history. Although the National Union of Mineworkers failed to obtain the wage increases it demanded, the massive strike demonstrated the ability of black trade unions to mobilize workers and articulate grievances.

South African trade unions are independent of the Government.

A few of them have links with a political party or movement, including the all-white South African Confederation of Labor, with about 100,000 members, which is widely believed to have ties to the right-wing Herstigte Nasionale Party (HNP); COSATU, which is a de facto ally of the UDF; and the United Workers Union of South Africa, which is associated with Inkatha. The Government does not prohibit trade union relations with the international labor movement, but none of the South African labor federations have chosen to affiliate with any international labor organizations.

c4 Freedom of Religion

South Africa has a wide variety of religious denominations, and the Government generally respects freedom of worship. Religious organizations are allowed to hold meetings and other activities without interference as long as they do not seriously challenge government policies. As with other aspects of South African life, churches are often divided along racial lines, but many churches (including a growing number of white churches) challenge apartheid on moral grounds. The Defense Act provides alternative service options for religious objectors to national military service (whites only are drafted). However, End Conscription Campaign (ECC) activists maintain that such options are granted only rarely, and that members of mainstream Christian churches never qualify for these alternatives. Conscientious objectors on nonreligious grounds continue to be subject to a maximum 6-year sentence for refusing to serve.

The Government is often at odds with a number of the country's church leaders, some of whom are outspoken critics of the apartheid system. These include Anglican Archbishop of Cape Town Desmond Tutu; Rev. Allan Boesak, President of the World Alliance of Reformed Churches; and Archbishop Denis Hurley, Head of the Catholic Archdiocese of Durban. Some church leaders, most notably Archbishop Tutu, have openly advocated a range of actions by the international community against South Africa. Such remarks drew heavy criticism from government officials.

Churchmen have been frequent targets of detention, nearly always without charge, both by South African authorities and by police in the "independent" homelands. Sister Bernard Ncube, President of the Federation of Transvaal Women, was released in October after 16 months in detention. Dean Simon Farisani of the Evangelical Lutheran Church was released from detention in February but has remained abroad, fearing that he would be restricted to the "independent" homeland of Venda upon his return to South Africa. In March Father James Paulsen, an American citizen, was released by the authorities in Transkei, where he had been held without charge since December 1986. Father Paulsen reported that he had been tortured by Transkeian police during his detention. In October Rev. Abram Maja, Executive Secretary of the Northern

Transvaal Council of Churches, was acquitted after being charged with possession of subversive documents. Rev. Maja had spent over 1 year in detention, however, before having the opportunity to defend himself in court.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Since the repeal of the pass laws in 1986, black South African citizens are no longer required to carry government-issued passes in order to prove to law enforcement officers their right to be present in an urban area. While this represented a significant reform, some government critics charge that a de facto system of influx control has been maintained through urban housing shortages, antisquatting laws, and sanctions against employers who hire "illegal aliens" from the four "independent" homelands. Regulations requiring "citizens" of "independent" homelands to obtain work permits for employment in the rest of South Africa could provide a basis for future "deportations" of large numbers of people to the "independent" homelands.

Assignments of blacks to homelands take place irrespective of the wishes of those assigned and without regard to the fact that they may not have been born, nor ever lived in or even visited, their putative homeland. When a homeland is granted "independence" by the Government, blacks assigned to that homeland lose their South African citizenship and receive the "citizenship" of the homeland. An estimated 8 million blacks have lost South African citizenship under this policy by South African legislation granting "independence" to four homelands: Transkei (1976); Bophuthatswana (1977); Venda (1979); and Ciskei (1981). Other homelands may be moving toward such spurious "independence" (see Section 3).

In 1986 a new law provided for "restoration" of South African citizenship to a limited class of blacks who were denationalized as a result of homeland "independence" grants--those with 9permanent residence" rights in South Africa. The Government has estimated that this reform will apply only to about 1.75 million of the 4 million "citizens" of "independent" homelands residing outside those homelands. South Africans must possess valid travel documents in order to travel abroad or to emigrate legally. These documents generally are not difficult for whites to obtain, although some white antiapartheid activists have been denied passports. Blacks assigned to an "independent" homeland usually experience difficulty in obtaining South African passports as the Government takes the position that they are not citizens of South Africa. In some instances, this has the effect of deterring international travel as some blacks refuse to travel on a homeland passport, insisting that the Government recognize them as citizens of South Africa. In 1982 the Rand Supreme Court ruled that the Minister of Home

Affairs has the absolute discretion to revoke a passport without giving any reasons for his action. The Government often refuses passports to persons whom it regards as radically critical of the status quo, e.g., in May to a number of South Africans planning to attend a World Council of Churches conference in Lusaka (including UDF Co-President Albertina Sisulu and Bishop Solomon Serote of the Evangelical Lutheran Church), and in September to Jay Naidoo, Secretary General of COSATU, and several other prominent persons invited to a major conference on South Africa in the United States. Although South Africa is not a party to international conventions on refugees, the Government provides informal sanctuary to as many as 225,000 Mozambicans displaced by civil strife. These refugees are allowed to remain in the homelands of KaNgwane and Gazankulu or work as farm laborers in the eastern Transvaal. Those Mozambicans outside these areas without permission who are apprehended are forcibly repatriated to Mozambique without an interview to determine whether they are refugees and whether they can be safely returned. The Government reports it returns up to 1,800 Mozambicans per month. It is not known how many of these are refugees and how many are economic migrants. Relief assistance in the homelands is provided by South African private and voluntary organizations as well as by the International Committee of the Red Cross (ICRC), and the Government permits access by international observers to areas where these refugees are found.

The Government has taken harsh measures to prevent the entry of more Mozambicans. It erected an electrified fence, reportedly without warning signs, along the South African border with Mozambique. In 1987 at least 40 people were electrocuted while trying to enter South Africa. The SACC estimates the total number of South African exiles to be 250,000 or more. The number of South Africans who are officially registered as refugees in neighboring countries and benefit from assistance from the U.N. High Commissioner for Refugees has not grown significantly since 1985 and remains approximately 22,000. Most of these refugees are affiliated in some way with one of the antiapartheid organizations in exile.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The extent to which South African citizens have the right to change their government democratically depends on race. The majority of them, the blacks, have no such right. The new Constitution created a tricameral Parliament with separate chambers for whites, coloreds, and Asians. Officially registered political parties may operate freely. The respective groups are represented in the tricameral Parliament on a racial ratio of 4/2/1--white/colored/Asian. Members of

each house are elected from separate, racially based voter rolls. Each house has primary responsibility for its "own affairs," i.e., legislation affecting its own racial constituency. The State President has complete discretion to decide which issues of general concern are to be treated by all three chambers. If the three chambers fail to reach consensus on legislation that has been declared to be "general affairs," the bill may be referred to the President's Council, an appointed body composed of whites, coloreds, and Asians, for a ruling. If the bill is ruled on favorably by the President's Council, the bill is deemed to have been passed by Parliament. The ruling white National Party controls the President's Council. The lines between "own affairs" and "general affairs" are not always precise. Matters that are usually considered general affairs include foreign policy, defense, national security, and black affairs. Education is normally dealt with as an "own affair" but is subject to general laws prescribing norms and standards for salaries, curriculum, and examinations.

The terms of the new Constitution and the existence of a white majority in Parliament ensure control by the white House of Assembly over key general affairs. While there is opposition in the House of Assembly, the majority National Party has controlled South African political power and legislative affairs since its first parliamentary victory in 1948. Within the National Party, opinions on reform of the apartheid system range from moderate to reactionary. Internal differences are in theory resolved in party caucuses, but in practice the State President, who is also the National Party leader, resolves disputes. In elections in May among white voters, the ruling National Party won 123 of the 166 white House of Assembly seats. The Conservative Party replaced the Progressive Federal Party as the official opposition, gaining, along with the far right-wing HNP, 30 percent of the total vote.

In August Allan Hendrickse, leader of the colored House of Representatives, resigned his cabinet position to protest delays in repealing apartheid laws and threatened to veto the Government's plan to delay the 1989 "white election" until 1992. At the end of 1987, Indian House of Delegates leader Amichand Rajbansi was the only non-Afrikaner member of the Cabinet.

Political participation for blacks, who have no representation in Parliament, remains limited to a franchise in their respective homelands or, in the case of urban blacks, to a franchise enabling them to vote for black local government officials. In 1987 the SAG continued to be committed to the "grand apartheid" scheme of eventually giving "independence" to more homelands. The Government announced agreement in September between it and representatives of Lebowa, QwaQwa, Gazankulu, and KwaNdebele to give more autonomy to these homelands. In December the Government announced that the

large black township of Botshabelo, near Bloemfontein, had been incorporated into the homeland of QwaQwa. According to opinion polls, residents of Botshabelo had strongly opposed this move. At the end of the year, rumors persisted that QwaQwa was also slated for "independence," but there was no official confirmation of this.

KwaNdebele had been slated in December 1986 to be the fifth homeland to become "independent." The Government reassessed these plans, however, because of continuing political violence in the homeland and revelations of extensive corruption and criminal allegations against George Mahlangu, the KwaNdebele Chief Minister. At the end of the year the issue was still unresolved, and the situation in KwaNdebele remained tense.

In December the Government announced that the township of Ekangala near Pretoria had been transferred to KwaNdebele.

More than 10 million blacks live in townships near white urban areas. The only voting rights they are able to exercise are those granted under the Community Councils Act of 1977 and the . Black Local Authorities Act of 1982. The latter Act elevated the formal status of black municipal authorities to that enjoyed by white municipal governments. However, black local governments still face critical problems of inadequate financial resources and lack of political credibility.

Although violence against black town councillors decreased in 1987, they continued to be viewed by most blacks as collaborators with the Government. In many areas, seats on town councils remained vacant due to community opposition, and many who did serve on these bodies were forced to live in guarded, fortified compounds. In late 1987, the Government claimed that 85 percent of local black authorities were fully functioning.

The Government has proposed some formulas to give blacks a limited role in the political process. Legislation in 1985 replaced all-white provincial councils, which oversee utilities and other local services, with multiracial Regional . Services Councils (RSC's), with no racial group to hold more than 50 percent of the seats. The Government, however, has failed to draw any blacks with popular support into the RSC's. Representation on the RSC's is allocated according to the amount of utilities the various areas consume, a formula which results in black areas receiving only a small percentage of the seats. In 1987 the Government proposed a national council, a body to which blacks would be elected or appointed to serve in an advisory capacity regarding a new constitutional political structure for South Africa. The national council has been denounced by all major extraparliamentary groups as a device to give the appearance but not the reality of power sharing. At the end of 1987, a parliamentary committee was reviewing the proposal with particular regard to the disproportionate representation envisioned in the original bill, which would leave whites in control of the council.

In November the Government launched the Natal/KwaZulu Joint Executive Authority (JEA), which will administer various government services in the province, but will not exercise any legislative powers. Some observers saw the JEA as the first step towards a multiracial provincial legislature, such as envisioned in the Indaba (see below), while others characterized it as a move to preempt the Indaba.

The Indaba--a convention representing all racial groups and a wide range of social and political organizations--met for several months in 1986 to formulate proposals for a new constitution for a unified KwaZulu/Natal. It was initiated by politicians outside the Government, and the ruling National Party had observers but no participants in the Indaba. The proposals provide (among other provisions) for a bill of rights, firm constitutional guarantees of individual liberties, and a universal franchise to elect a bicameral legislature. The Government has not endorsed the Indaba proposal but has yet to make a formal cabinet response. Indaba leaders are continuing with plans for a widespread education campaign among the voters (of all races) of KwaZulu and Natal, leading eventually to a referendum on the proposals.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government extends little cooperation to various United Nations bodies or private organizations attempting to investigate the Government's human rights record. During 1987 the Government permitted the International Commission of Jurists to send a delegation to investigate the human rights situation in South Africa. The Government refused numerous requests by foreigners to meet with Nelson Mandela. Since the October 1986 vote of an International Red Cross conference in Geneva to expel a South African government delegation from the conference, the Government has permitted the ICRC to maintain only a reduced staff in South Africa. The ICRC continues to negotiate with the Government for access to all prisoners arrested for security-related offenses, including those detained under the state of emergency. In 1987 the ICRC did not visit any category of prisoners, including those several hundred security prisoners who were visited in previous years.

Many South African organizations observe, report, and contest human rights violations in the country. In addition to black political organizations, the Lawyers for Human Rights, the Black Sash, the Legal Resources Center, the SACC, the DPSC, the ECC, the Center for Applied Legal Studies, the Human Rights Trust in Port Elizabeth, and other groups are actively involved in a wide range of human rights issues and assist persons who suffer from the application of apartheid and

security laws. The annual report of the SAIRR is a key source on human rights questions in South Africa. In December 1986, the Government entered restriction orders against a number of Black Sash, DPSC, and ECG leaders, prohibiting them from engaging in certain types of political activity.⁷

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social status

South Africa's black majority and, to a somewhat lesser extent, the colored and Asian communities, suffer from pervasive, legally sanctioned discrimination based on race in political, economic, and social aspects of life. For example, in the area of education, according to SAIRR, per capita expenditure for education during 1984-85 was 6.22 times greater for whites than for blacks. In 1987 the Government announced a 40 percent increase in spending for black education, but reiterated that separate educational facilities would be maintained. Black enrollment at "white" universities has been growing slowly. After the 1984-86 political unrest, which disrupted education in many of the country's townships, most black students ended their school boycotts in 1987. Security forces maintained a strong presence around schools in many of the major townships, and student activists were often harassed or detained.

In August Parliament removed the last statutory authorization of racially based job reservation by repealing a law which had reserved 13 categories of skilled and supervisory occupations in the mining industry for whites. However, the draft regulations to replace these provisions would still severely limit the number of blacks who could compete for these positions by imposing language, citizenship, and education requirements.

Women of all races in South Africa suffer varying degrees of legal, cultural, and economic discrimination, most of which is based on tradition rather than codified in law. Women traditionally earn lower wages than men and are generally underrepresented in the country's political and business establishment. No women presently serve as ministers in the Government. Two women serve as members of the State President's Council. Five of the 178 seats in the Parliament's white House of Assembly are held by women. The colored House of Representatives has two women members, and the Asian House of delegates has one. Women have generally achieved more success in electoral politics at the local than at the national level.

Black women suffer not only from extensive legal discrimination under South Africa's system of apartheid, but also from other legal disabilities based on sex. Black women are regarded by South African law as perpetual minors. Maternity benefits are not guaranteed to women of any race under South African law, and pregnancy is a legal basis for

dismissal from a job. A women's rights movement has taken hold in South Africa, and women's organizations, often multiracial, have been at the forefront of the struggle against both race and sex discrimination.

CONDITIONS OF LABOR

The Government released the following unemployment statistics in 1987: whites, 3.5 percent; coloreds, 10.7 percent; Asians, 10.8 percent; and blacks, 17.5 percent (not including the e"independent" homelands, where unemployment is much higher). Many private observers believe that this greatly understates actual unemployment, as many blacks do not register as unemployed.i Private estimates of total black unemployment (including the homelands) are in the 25 to 30 percent range. In some areas, especially in the eastern Cape, black unemployment rates are dramatically higher, reaching over 50 percent. '

The Labor Relations Act of 1956 provides a mechanism for negotiation between labor and management to set industry-by-industry minimum wage standards. At present, some 101 industries come under the provisions of the Act. There is no universal minimum wage in South Africa. The Occupational and Safety Act prohibits the employment of minors under the age of 16 in certain industries. The Act also sets forth minimum standards for employment, including a standard workweek of 46 hours in most industries, as well as vacation and sick leave. The Machinery and Occupational Safety Act mandates minimum standards for the design and use of certain types of industrial machinery and the standards are enforced.