

# South Africa - United States Department of State

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## 2024 Country Reports on Human Rights Practices

U.S. DEPARTMENT *of* STATE

### EXECUTIVE SUMMARY

The human rights situation in South Africa significantly worsened during the year; with the signing of Expropriation Bill (B23-2020) on December 20, South Africa took a substantially worrying step towards land expropriation of Afrikaners and further abuses against racial minorities in the country.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; arbitrary arrest or detention; and the repression of racial minorities.

The government did not take credible steps to investigate, prosecute, and punish officials who committed human rights abuses, including inflammatory racial rhetoric against Afrikaners and other racial minorities, or violence against racial minorities.

Section 1.

#### Life

##### a. Extrajudicial Killings

There were several reports the government or its agents committed arbitrary or unlawful killings.

In July the provincial police commissioner confirmed that as of April, police shot and killed at least 40 criminal suspects in shoot-outs. On September 2, police reported six suspects wanted for homicide and extortion were shot and killed by Durban police in a shoot-out. According to Reuters, eight of the police officers involved were placed on administrative leave with full pay pending investigation.

Watchdog groups noted deaths in custody often resulted from physical abuse combined with a lack of subsequent medical treatment or neglect.

In January the South African Human Rights Commission (SAHRC) released a report on the 2021 unrest in KwaZulu-Natal and Gauteng Provinces that resulted in the death of 337 persons and the arrest of 3,400 others. It noted government and police shortcomings in sharing intelligence to prevent escalation of violence and described the South African Police Service (SAPS) as “ill-prepared to deal with orchestrated attacks.

The SAHRC reported that on August 30, two Black women, ages 45 and 35, were shot and killed at a farm in Limpopo. According to the SAHRC, a swineherd and two employees were arrested and appeared in court on charges of killing the women. The victims were allegedly shot and killed and their remains fed to the swineherd’s pigs.

According to data compiled by *Agence France-Presse*, there were 447 murders on farms and smallholdings between October 2023 and September 2024. In recent years, extremist political party the Economic Freedom Fighters (EFF) encouraged attacks on Afrikaner farmers, reviving the use of the song “Kill the Boer [Farmer]” at its rallies and otherwise inciting violence.

## **b. Coercion in Population Control**

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There were no reports of forced abortion on the part of government authorities.  
Section 2.

## **Liberty** ✓

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### **a. Freedom of the Press**

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The constitution and law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, a generally effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members. Nevertheless, the law permitted authorities to restrict reporting on security forces, prisons, and mental institutions.

Civil society groups complained of intimidation or harassment for expressing opinions or publishing articles critical of political parties and figures. In May the president signed into law the Preventing and Combating of Hate Crimes and Hate Speech Bill. The offense of hate

speech applied to any person “who intentionally published, propagated, advocated, shared or communicated to one or more persons in a manner that could reasonably be construed to demonstrate a clear intention to be harmful or to incite harm and to promote or propagate hatred.” Civil society and human rights activists viewed the bill as a positive measure to stem crimes motivated by prejudice and hate.

### **Physical Attacks, Imprisonment, and Pressure**

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There were instances of journalists subjected to violence, harassment, or intimidation by authorities or political party representatives due to their reporting.

According to Amnesty International, several nongovernmental organizations (NGOs) reported threats to freedom of expression, including “in-person attacks on journalists by police, political parties, and the public; online hate speech, harassment, and doxing targeting journalists; surveillance of journalists by state intelligence; punitive legislation that targeted journalists or limited their ability to report; and continuing vulnerability of senior journalists at the public broadcaster.

Both ruling party the African National Congress (ANC) and the EFF continued to engage in intimidation, harassment, and threats of violence against journalists reporting on their activities, corruption, and the worsening security environment.

The South African News Editors’ Forum continued to express concern regarding online harassment of journalists, especially cyberbullying and threats to women and foreign national journalists.

### **Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups**

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Government and political officials often criticized media for lack of professionalism and reacted sharply to media criticism. Some journalists believed the government’s sensitivity to criticism resulted in a higher degree of self-censorship on the part of journalists.

## **b. Worker Rights**

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### **Freedom of Association and Collective Bargaining**

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The law allowed all workers, except for members of the National Intelligence Agency and the Secret Service, to form and join independent unions of their choice without previous authorization or excessive requirements. The law allowed unions to conduct their activities without interference and provided for the right to strike, but it prohibited workers in essential services from striking, and employers were prohibited from locking out essential service providers. The government characterized essential services as “a service, the interruption of which endangers the life, personal safety, or health of the whole or part of the population; the Parliamentary service; and South African Police Services.

The law allowed workers to strike due to matters of mutual interest, such as wages, benefits, organizational rights disputes, socioeconomic interests of workers, and similar measures. Workers could not strike in disputes where other legal recourse existed, such as through arbitration. Labor rights NGOs operated freely.

While the law provided strong worker protections, some employers used legal tactics or other means to constrain the right to strike. The National Union of Metalworkers of South Africa considered legal action against employers after a striking worker was shot and killed in June by a security guard at a multinational automotive parts manufacturer.

The law protected collective bargaining and prohibited employers from discriminating against employees or applicants based on past, present, or potential union membership or participation in lawful union activities. The law provided for automatic reinstatement of workers dismissed unfairly for conducting union activities. The law provided a code of good practices for dismissals that included procedures for determining the “substantive fairness” and “procedural fairness” of dismissal. The law included all groups of workers, including illegal and legally resident foreign workers.

The government respected freedom of association and the right to collective bargaining. Labor courts and labor appeals courts effectively enforced the right to freedom of association and the right to collective bargaining, and penalties were commensurate with penalties for comparable violations of the law. The National Economic Development and Labour Council served as a vehicle for social dialogue among organized business, organized labor, community, and the government. Following a summit in September where all stakeholders acknowledged the pervasive “poly-crisis” affecting the economy, the council committed to a collaborative approach to address these challenges.

Worker organizations were independent of the government and political parties, although the Congress of South African Trade Unions, the country’s largest labor federation, was a member of a tripartite alliance with the ANC and the South African Communist Party. The minister of labor had the authority to extend agreements by majority employers (one or more registered employers’ organizations that represented 50 percent plus one of workers in a sector) and labor representatives in sector-specific bargaining councils to the entire sector, even if companies or employees in the sector were not represented at negotiations. Companies not party to bargaining disputed this provision in court. Employers often filed for and received Department of Employment and Labour exemptions from collective bargaining agreements.

If not resolved through collective bargaining, independent mediation, or conciliation, disputes between workers in essential services and their employers were referred to arbitration or the labor courts. No such cases went to court during the year.

Workers frequently exercised their right to strike. Trade unions generally followed the legal process of declaring a dispute (notifying employers) before initiating a strike. Nonetheless, instances of wildcat strikes rose during the year, particularly in the mining sector.

## **Forced or Compulsory Labor**

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See the Department of State's annual *Trafficking in Persons Report* at .

## **Acceptable Work Conditions**

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### Wage and Hour Laws

The minimum wage was above the official poverty line. In March the Department of Employment and Labour-ordered increase in the minimum wage went into effect. The law covered all sectors and protected migrant workers, who were entitled to all benefits and equal pay. The minimum wage law also established a commission to make annual recommendations to parliament for increases in the minimum wage.

The law established a 45-hour workweek, standardized time-and-a-half pay for overtime, and authorized four months of maternity leave for women. No employer could require or permit an employee to work overtime except by agreement, and employees could not work more than 10 overtime hours a week. The law stipulated rest periods of 12 consecutive hours daily and 36 hours weekly, which had to include Sunday. The law allowed adjustments to rest periods by mutual agreement. A ministerial determination exempted businesses employing fewer than 10 persons from certain provisions of the law concerning overtime and leave. Farmers and other employers could apply for variances from the law by showing good cause. The law applied to all workers, including workers in informal sectors, foreign nationals, and migrant workers, but the government did not prioritize labor protections for workers in the informal economy.

In a spurt of inspections, the Department of Employment and Labour identified the hospitality sector (namely restaurants) and the trucking industry as the biggest violators of wage and hour laws. They found at least 49 percent of the 2,681 worksites inspected were noncompliant.

### Occupational Safety and Health

The government set appropriate occupational safety and health (OSH) standards through the Department of Mineral Resources and Energy for the mining industry and through the Department of Employment and Labour for all other industries.

There were harsh penalties for violations of OSH laws in the mining sector. Employers were subject to heavy fines or imprisonment if convicted of responsibility for serious injury, illness, or the death of employees due to unsafe mining conditions. The law allowed mine inspectors to enter any mine at any time to interview employees and audit records. The law provided for the right of mine employees to remove themselves from work deemed dangerous to health

or safety. The law prohibited discrimination against a mining employee who asserted a right granted by law and required mine owners to file annual reports providing OSH statistics for each mine, including safety incidents. Violating the mining health and safety law was punishable by two years' imprisonment, and the law empowered the courts to determine a fine or other penalty for perjury.

Outside the mining industry, no law or regulation permitted workers to remove themselves from work situations deemed dangerous to their health or safety without risking loss of employment, although the law provided employers could not retaliate against employees who disclosed dangerous workplace conditions. Employees were also able to report unsafe conditions to the Department of Employment and Labour that used employee complaints as a basis for prioritizing labor inspections. Penalties were commensurate with those for comparable offenses.

#### Wage, Hour, and OSH Enforcement

Overtime pay was 1.5 times the normal wage rate, except for Sunday and public holidays, which required double the normal wage rate.

The Department of Employment and Labour was responsible for enforcing wage, hour, and safety laws outside the mining sector. The Department of Mineral Resources and Energy was responsible for enforcing OSH law in the mining sector through a tripartite Mine Health and Safety Council and an Inspectorate of Mine Health and Safety. Penalties for violations of wages and workhour laws outside the mining sector were commensurate with those for comparable offenses. Labor inspectors had the authority to make unannounced inspections and initiate sanctions. Progress was made in levying fines against violators. During the year the Department of Employment and Labour fined noncompliant businesses more than 10 million rand (\$546,000).

The Department of Employment and Labour employed an insufficient number of labor inspectors to enforce compliance. Labor inspectors conducted routine and unannounced inspections at various workplaces that employed vulnerable workers, especially in the restaurant and trucking industries. Labor inspectors investigated workplaces in both the formal and informal sectors. Labor inspectors and unions reported difficulty visiting workers on private farms.

The government did not effectively enforce the law in all sectors. OSH regulations were frequently violated in the mining sector, and compensation for injuries was erratic and slow. Penalties were commensurate with those for comparable offenses but not always sufficient to deter violations. Unions in the agriculture sector noted their repeated attempts to have the Department of Employment and Labour fine farm owners who failed to shield workers from hazardous chemicals sprayed on crops. Although labor conditions improved on large commercial farms, the Congress of South African Trade Unions and leading agricultural NGOs reported labor conditions on small farms remained harsh. Underpayment of wages

and poor living conditions for workers, most of whom were Black noncitizens, were common. Many owners of small farms did not measure working hours accurately, 12-hour workdays were common during harvest time, and few farmers provided overtime benefits. Amendments to the Basic Conditions of Employment Act attempted to address some labor abuses at farms. For example, changes prohibited farms from selling goods from farm-operated stores to farm employees on credit at inflated prices. Farm workers also reported health and sanitation concerns.

### **c. Disappearance and Abduction**

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#### **Disappearance**

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There were no reports of enforced disappearances by or on behalf of government authorities.

#### **Prolonged Detention without Charges**

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The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government did not observe these requirements, and there were numerous cases of arbitrary arrests of foreign workers, asylum seekers, and refugees. The Judicial Inspectorate for Correctional Services (JICS), part of the Ministry of Justice, reported 204 state psychiatric patients wrongfully held in correctional centers.

During the year there were numerous cases of arbitrary arrest, particularly of foreign workers, asylum seekers, and refugees. NGOs and media outlets reported security forces arbitrarily arrested irregular migrants and asylum seekers, including those with proper documentation, often because police were unfamiliar with migrant and asylum documentation. In some cases, police threatened documented migrants and asylum seekers with indefinite detention and bureaucratic hurdles unless they paid bribes. The law prohibited the detention of unaccompanied migrant children for immigration law violations, but NGOs reported the Department of Home Affairs and SAPS frequently detained them.

The *South African Police Service Annual Report: 1 April 2023 to 31 March 2024* stated there were 15,139 complaints of unlawful arrest and detention.

Lengthy pretrial detention was common, and JICS reported an increase in pretrial detainees during the year. According to the DCS, authorities held defendants an average of 176 days in pretrial detention. Observers attributed the high rate of pretrial detention to insufficient evidence for prosecution, overburdened courts, poor case preparation, irregular access to public defenders, and prohibitively high bail amounts. Legal scholars estimated fewer than 60 percent of those charged were convicted. Pretrial detention frequently exceeded the maximum sentence for the alleged crime.

## d. Violations in Religious Freedom

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See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## e. Trafficking in Persons

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See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3.

## Security of the Person

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### a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

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Although the constitution and law prohibited such practices, there were reports of police use of torture and physical abuse, some of which resulted in deaths, and there was potential for the exacerbation of these practices with the signing of the Expropriation Bill (B23-2020) by the president on December 20. This bill was first introduced to the National Assembly in October 2020.

The Expropriation Bill (B23-2020), enacted by the president as Expropriation Act 13 of 2024, was signed after nearly 20 years of debate, legal challenges, and discussions around land reform, primarily because the act would permit the government to expropriate land without compensation under certain conditions. This act could enable the government to seize ethnic minority Afrikaners' agricultural property without compensation, following countless government policies designed to dismantle equal opportunity in employment, education, and business, and extreme rhetoric and government actions fueling disproportionate violence against racially disfavored landowners.

Eight members of the SAPS VIP Protection Unit were suspended and then reinstated after they were filmed in July 2023 attacking civilians on the N1 highway. The eight officers were charged with assault of a civilian. As of October, they were being tried by the Randburg Magistrates' Court.

Civil society organizations continued to express concern regarding Premier of Gauteng Panyaza Lesufi's abuse of police powers by deploying 6,000 armed crime prevention wardens as part of his anticrime strategy. Media reported several complaints of brutality by the wardens, including unauthorized searches and assaults of citizens. On February 4, the wardens received training under the supervision of the South African Defense Force.

Impunity was a significant problem in the security forces. SAPS was often identified as acting with impunity. The Independent Police Investigative Directorate documented the lack of police accountability for thousands of police brutality complaints registered annually.

There were 10 allegations of alleged sexual exploitation by South African peacekeepers deployed to the UN peacekeeping mission in the Democratic Republic of the Congo between January and September. The government reported returning eight peacekeepers to South Africa in October 2023, but it had yet to report if it had taken any accountability measures by year's end.

The law prohibited female genital mutilation/cutting (FGM/C) of girls and women, but girls in isolated zones in ethnic Venda communities in Limpopo Province were subjected to the practice.

## **b. Protection of Children**

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### **Child Labor**

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See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

### **Child Marriage**

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By law parental or judicial consent to marry was required for individuals younger than 18. Nevertheless, nonconsensual *ukuthwala* (the practice of abducting and forcing into marriage girls as young as 14) occurred in remote villages in the provinces of Western Cape, Eastern Cape, and KwaZulu-Natal. The law prohibited *ukuthwala* and classified it as a human trafficking offense. The National Prosecuting Authority prosecuted cases of forced marriage.

## **c. Protection to Refugees**

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The government generally cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. In April the cabinet approved *The Final White Paper on Citizenship, Immigration and Refugee Protection*, which provided for withdrawal with reservations from the 1951 Refugee Convention and its 1967 Protocol. Civil society and human rights organizations protested this and several other provisions of the white paper, including the proposed adoption of the "first safe country principle," which required individuals to claim asylum in the first safe country that person entered.

Refugee advocacy organizations stated police and immigration officials physically abused refugees and asylum seekers. Violence against migrants, including asylum seekers and refugees, was a continuing problem across the country. Those targeted often owned or managed small, informal grocery stores in economically marginalized areas that lacked government services.

## **Provision of First Asylum**

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The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees. Refugee advocacy groups criticized the government's processes for determining refugee status, citing an inadequate number of processing locations, long waits for appointments, low approval rates, large case and appeal backlogs, a lack of timely information provided to asylum seekers on their asylum requests and status of their cases, and inadequate use of country-of-origin information.

## **Resettlement**

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The law allowed for some refugees to obtain permanent residency and a pathway to citizenship, but this was rarely achieved. The government generally collaborated with humanitarian organizations facilitating voluntary repatriation of refugees to their countries of origin or resettlement to third countries.

## **d. Acts of Antisemitism and Antisemitic Incitement**

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According to a 2020 study published by the Isaac and Jessie Kaplan Center for Jewish Studies at the University of Cape Town and the United Kingdom-based Institute for Jewish Policy Research, the country's Jewish population stood at 52,300, with the majority living in Cape Town and Johannesburg. The South African Jewish Board of Deputies (SAJBD) reported there were 125 antisemitic incidents during the year, compared with 207 in 2023, 68 in 2022, and 65 in 2021. More than 70 percent of the incidents occurred following Hamas's October 7 terrorist attack against Israel, the majority in Johannesburg and Cape Town. These incidents included physical assaults, damage to Jewish property, abusive behavior, insults, threats, offensive gestures, antisemitic graffiti, hate messages on social media, and boycotting Jewish-owned businesses.

Jewish institutions increased security measures in response to a rise in antisemitic incidents and a significant increase in online antisemitism. Many Jewish-owned businesses in the country were boycotted.

During the year increasing anti-Zionist and related antisemitic rhetoric at high levels of government emboldened public antisemitic actions. Government officials openly supported pro-Hamas positions. The government's statements and actions were perceived by some in the Jewish community as attempts to silence and intimidate them. For the first time since 1994, representatives of the Jewish community were excluded from government and ANC pre-election interfaith events. The ANC refused to participate in an election debate organized by the SAJBD because it was being held in the Old Synagogue section of the South African Jewish Museum.

The SAJBD reported a “closing of space” in social circles to Jews. The SAJBD and local media reported pro-Palestinian groups held numerous anti-Israel protests at which some protesters shouted antisemitic slogans. Media reported anti-Israel protesters tore down posters calling for a return of hostages that were hanging on fences outside an October 7 commemorative exhibit at Great Park Synagogue in Johannesburg. Due to threats and hateful messages from individuals denying the Holocaust, a holocaust center closed on four occasions during the year to protect staff and visitors.

For further information on incidents of antisemitism in the country, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, see the Department of State’s annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/https://www.state.gov/religiousfreedomreport/>.

### **e. Instances of Transnational Repression**

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There were credible reports the government cooperated with other governments to facilitate their acts of transnational repression.

#### **Knowing Cooperation with Other Governments to Facilitate Their Acts of Transnational Repression**

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According to the international NGO Freedom House, the government appeared to “lack the political will or capacity” to address transnational repression in the country, particularly regarding Rwandan and Swazi victims.