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South Africa must address gender based violence and police violence

Human Rights Council adopts Universal Periodic Review outcome on South Africa

Amnesty International has consistently raised concerns about high rates of gender-based violence in South Africa,¹ including brutal attacks based on the victims' sexual orientation or gender identity.² The organization emphasizes the need for a national strategic plan on combatting gender-based violence, and for urgent improvement in conviction rates and justice for survivors.³ It welcomes South Africa's commitment to improve access to HIV and maternal health services,⁴ and to eliminate the challenge of pervasive inequalities,⁵ noting that marginalised women and girls continue to face barriers to safe abortion care.⁶

Several states raised concerns about excessive use of force by the police and we welcome South Africa's acceptance of some of these recommendations to reduce excessive use of force, including through training and capacity-building of the police.⁷ Amnesty International is concerned by reports by the Independent Police Investigative Directorate of 61 cases of torture, 25 cases of rape by police on duty and 1857 cases of assault, over a period of six months in 2016.⁸

Amnesty International welcomes South Africa's enactment of the Prevention and Combatting of Torture of Persons Act and its acceptance of recommendations to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment

¹ Amnesty International South Africa: 'I am at the lowest end of all'. Rural women living with HIV face human rights abuses in South Africa (AFR 53/001/2008); South Africa: Struggling for Maternal Choice: Barriers to antenatal care in South Africa (AFR 53/006/2014).

² [Amnesty International Two years on, no justice for hate crime in South Africa.](#)

³ Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to South Africa 14 June 2016 UN ref: A/HRC/32/42/Add.2; A/HRC/36/16 recommendation 139.89 (United Kingdom of Great Britain and Northern Ireland); A/HRC/36/16 recommendation 139.100 (Argentina); A/HRC/36/16 recommendation 139.101 (Israel); Bhekisisa *If you were raped, here are your chances of finding justice* 17 August 2017, citing the South African Medical Research Council review of 3952 rape cases, of which only 340 ended in a conviction; <http://bhekisisa.org/article/2017-08-17-00-exclusive-if-you-were-raped-here-are-your-chances-of-finding-justice>

⁴ A/HRC/36/16 recommendations 139.164 (Portugal), 139.166 (Japan), 139.168 (Turkey), 139.169 (Algeria), 139.170 (Angola), 139.171 (Islamic Republic of Iran);

⁵ A/HRC/36/16 recommendations 139.159 (Namibia), 139.163 (Maldives).

⁶ Amnesty International Barriers to Safe and Legal Abortion in South Africa (AFR53/5423/2017); A/HRC/36/16 recommendation 139.174 (Iceland);

⁷ A/HRC/36/16, recommendations 139.108 (Cabo Verde), 139.111 (Iceland), 139.112 (Holy See), 139.114 (Germany).

⁸ Independent Police Investigative Directorate. Section 9(N) Report. April-30 September 2016. Available at: <http://www.ipid.gov.za/sites/default/files/documents/1April%20to%2030%20September%202016%20IPIID%20Section%209%20Report.pdf>

or Punishment.⁹ The organization acknowledges steps taken by the government to prepare for a national preventative mechanism.¹⁰

Amnesty International is dismayed, however, that more than five years after the South African Police Service killed 34 striking mine workers at Marikana and injured more than 70 others, the victims and their families are still waiting for justice. The organization urges the government to ensure full accountability for these deaths and injuries and to expedite reparations for the victims and their families.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of South Africa on 22 September 2017 during its 36th session. Prior to the adoption of the report of the review Amnesty International delivered the above oral statement. Amnesty International also published a document on some of its human rights concerns prior to the review of South Africa: <https://www.amnesty.org/en/documents/afr53/5458/2016/en/>

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⁹ A/HRC/36/16, recommendations 139.7-139.15 (Spain, Denmark, Italy, Lebanon, Montenegro, Senegal, Burkina Faso, Portugal, Philippines, Germany, Guatemala, Austria Albania, Togo, Brazil, Georgia, Rwanda, Chile, Hungary), 139.17-139.18 (Estonia, Norway).

¹⁰ A/HRC/36/16, page 2.