

Michael Cashman MEP
Chair of the European Parliament's
Delegation for relations with South Africa

**AMNESTY
INTERNATIONAL**



European Institutions Office

Brussels, 28 March 2013

Dear Mr Cashman,

Our Ref: B1434

EUROPEAN PARLIAMENT: URGE SOUTH AFRICA TO IMPROVE HUMAN RIGHTS SITUATION

Ahead of the visit to South Africa of the European Parliament's Delegation for relations with South Africa, Amnesty International urges the Delegation to put human rights at the heart of your exchanges with the authorities.

South African law enforcement officials are increasingly violating the right to life and the right not to be subjected to torture in the context of the "war against crime" and in the policing of protests over socio-economic conditions. A clear example of this deterioration occurred in August 2012 at the Lonmin Marikana mine, when police killed 34 protesting workers. The effectiveness of the judicial commission of inquiry into these events will be critical to reversing the above trends. The Independent Police Investigative Directorate received 720 cases for investigation of deaths in custody or other policing contexts between April 2011 and March 2012. We are also concerned that a climate of impunity has been fostered by senior politicians and officials over the last three years.

Human rights abuses against refugees and migrants, including incidents of violence, displacement, closures of businesses and property destruction, continue. The policy on access to asylum determination procedures also appears to be becoming more restrictive, with an increased risk of fines, detention and *refoulement*.

Violent, targeted attacks against individuals because of their real or perceived sexual orientation or gender identity remain a persistent problem. Prejudice, patriarchal and discriminatory practices by many law enforcement officials hinder access to justice for victims and contribute to a climate of impunity. There is also increasing harassment and criminalisation of the activities of human rights defenders (HRDs) and critics, including journalists and community organisations promoting access to economic and social rights and improved police accountability.

Despite progress in combating HIV/AIDS, persistent gender-based discrimination, poverty and food insecurity still prevent people in poor rural communities, especially women, from accessing or remaining on antiretroviral treatment. HIV infection remains a key factor underlying rising rates of maternal deaths.

Given the above, we urge you to use your visit as an opportunity to:

- In line with the EU Guidelines on Torture, call on South Africa to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, denounce and investigate acts of torture and extra-judicial executions, and ensure the current legislative process to criminalise torture is completed
- Urge South Africa to protect the rights of refugees and protect the principle of *non-refoulement*
- Welcome the denunciation by Justice officials of discrimination and crimes related to sexual orientation and gender identity and push for efforts to enhance the prevention, investigation and prosecution of such crimes
- In line with the EU Guidelines on HRDs, press South Africa to ensure that HRDs are allowed to carry out their legitimate work without fear of harassment, threats, raids, arbitrary arrest or criminalisation of their activities
- Call on South Africa to remove discriminatory barriers to prevention, treatment and care for HIV positive people

Please do not hesitate to contact me should you require any further information.

Yours sincerely,

Dr Nicolas J Beger
Director

CC:

Judith Sargentini MEP, Vice Chair of the European Parliament's Delegation for relations with South Africa

Alf Svensson MEP, Vice Chair of the European Parliament's Delegation for relations with South Africa

Members of the European Parliament's Delegation for relations with South Africa