

Dimitrij Rupel,
Minister of Foreign Affairs for Slovenia
Slovenian EU Council Presidency

2 June 2008
Ref: B781

Dear Mr Rupel,

EU-South Africa Troika Meeting

Ahead of the EU – South Africa Troika Meeting on 3 June 2008, Amnesty International calls on the European Union to use the opportunity of the forthcoming ministerial discussions to raise its concerns regarding the human rights situation in South Africa with South African authorities, in line with the commitment in the EU guidelines on human rights dialogues to raise human rights concerns at all possible opportunities with third countries. This is especially crucial given the violent attacks that have taken place in South Africa recently, on the basis of the victims' perceived ethnic origins or status as "foreigners" or asylum-seekers. In this context, Amnesty International wishes to bring to your attention its strongest concerns regarding the situation on the ground in South Africa.

Necessary measures are needed to protect the human rights of people at continuing risk of attack and displacement from their homes on the basis of their perceived ethnic origins or status as "foreigners" or asylum-seekers. The South African Government must also ensure that those who have been subjected to this violence and displacement have access to humanitarian assistance, legal remedies and psycho-social support. No deportations should be carried out without access to full and fair asylum procedures and other full procedural guarantees. Law enforcement agencies should take effective steps to investigate the attacks and those responsible should be brought to justice.

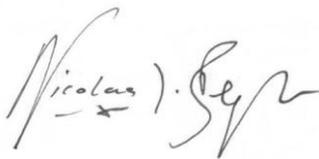
Members of government at national and provincial levels and leading ANC officials have publicly referred to possibly politically-motivated, organised, 'third force' origins of this violence. Whatever may be the factual basis for these views, Amnesty International urges that any official inquiry into the violence be independent and impartial and investigate fully, among other things, any evidence of negligence by law enforcement officials either in the form of failures to act on information provided to them about threats or planned attacks and/or their having turned a 'blind eye' to actual attacks.

In addition, the inquiry should examine the role of possible contributory factors to the violence. These include the longstanding pattern of discriminatory practices and attitudes shown towards asylum-seekers, refugees and migrants by officials, including from the Department of Home Affairs (DHA), the police services and also the magistracy, resulting in effective denial of access to asylum determination procedures and placing individuals at risk. In addition, an implicit official denial that Zimbabweans in South Africa may be in need of international protection may also have contributed to the hostility towards this group, who have been targeted in the current violence. Amnesty International is also concerned that those responsible for earlier incidents of attacks on individuals or businesses owned by non-South Africans, including as recently as March 2008, do not appear to have been brought to justice, thereby contributing to a climate of impunity for these abuses.

Amnesty International's research has shown that women are likely to be most affected in unexpected violent situations. Reports indicate that during the "xenophobic" attacks women were assaulted and raped. Notwithstanding important transformations of the legal framework since 1994, women's substantive equality rights in South Africa continue to be undermined by high levels of sexual and other forms of gender-based violence and other forms of discrimination. One such manifestation of this situation is that women under 25 are three to four times more likely to be HIV-infected than men in the same age group. You will find attached a recent report by Amnesty International which contains an analysis of patterns of human rights abuses against women who are exposed to the risk of, or are already living with, HIV, in rural contexts of widespread poverty and unemployment in South Africa. We hope that the report may assist you in your discussions with South Africa's representatives, in particular in view of the UN's High Level Meeting on HIV/AIDS in New York on 10 – 11 June 2008.

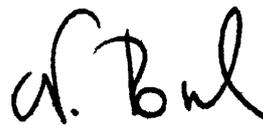
We thank you for your attention to this important matter.

Yours sincerely,



Nicolas Beger

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Amnesty International EU Office*



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Cc : Javier Solana, High Representative for the Common Foreign and Security Policy
Louis Michel, Commissioner for Development
Benita Ferrero-Waldner, Commissioner for External Relations
Riina Kionka, Personal Representative of Javier Solana for Human Rights
Lodewijk A.E. Briët, Head of the Delegation of the European Commission to South Africa