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**UN Human Rights Council  
Thirty-sixth session, 11-29 September 2017**

**Item 6:  
Consideration of UPR reports**

**SOUTH AFRICA**

Mr. President,

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

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,

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<sup>1</sup> 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).

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

<sup>3</sup> 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>

<sup>4</sup> 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);

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

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

including through training and capacity-building of the police.<sup>7</sup> We are 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.<sup>8</sup>

We welcome South Africa's enactment of the Prevention and Combatting of Torture of Persons Act. We also welcome South Africa's acceptance of recommendations to ratify the Optional Protocol to the Convention against Torture<sup>9</sup> and acknowledge steps taken by the government to prepare for a national preventative mechanism.<sup>10</sup>

We are 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. We urge the government to ensure full accountability for these deaths and injuries and to expedite reparations for the victims and their families.

Thank you, Mr. President,

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

<sup>8</sup> 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%20IPID%20Section%209%20Report.pdf>

<sup>9</sup> 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).

<sup>10</sup> A/HRC/36/16, page 2.