

Amnesty International

*Oral statement on the outcome on South Africa under the UPR*

*11 June 2008*

*Check against delivery*

Mr. President,

Amnesty International welcomes the recommendation in the outcome report to ensure that the rights of asylum-seekers and migrants are respected in line with South Africa's obligations under the International Convention on the Elimination of Racial Discrimination (CERD). Despite assurances by South Africa that measures are being taken to address this issue, the recent wave of violence in May 2008 towards victims identified by the perpetrators according to their perceived ethnic origin or status as "foreigners" or asylum-seekers demonstrated a need for much better state policies. Amnesty International urges South Africa to ensure that those who have been subjected to this violence and displacement are given effective protection and access to legal remedies and humanitarian assistance. A full, independent and impartial judicial inquiry must be conducted into the violence, including by law enforcement officials.

The elimination of discriminatory barriers to access health services for people living with HIV and AIDS continues to be a key human rights challenge in South Africa. Amnesty International urges the government to act on the recommendations to address inequities, created by poverty and gender-based discrimination, in the access to prevention, treatment, care, and support for those at risk of, or living with HIV and AIDS, - with particular attention to women in rural areas.

A further key recommendation in the outcome report is to enact legislation to prevent and eliminate torture and combat impunity. No substantial progress appears to have been made to redraft the existing bill where it falls short of complying with international standards, including the Convention against Torture. Amnesty International continues to receive corroborated reports of torture and incidents of *refoulement* and remains concerned that the capacity of the oversight body, the Independent Complaints Directorate, is limited in investigating these abuses effectively.

Mr. President,

In closing, Amnesty International wishes to express its disappointment at the limited participation from capital in the review in April, and that the state report was available to the Working Group only the day before the review. This made an effective dialogue with member states difficult. It also seems that the report was prepared without broad national consultations.

Amnesty International encourages South Africa to overcome these shortcomings in its engagement with the UPR by now fully endorsing the recommendations in the outcome report and implementing them in the context of broad national consultations.

Thank you Mr. President.