



# THE SITUATION OF HUMAN RIGHTS DEFENDERS

# SOUTH AFRICA

Briefing paper for the UN Human Rights Committee - February 2016

This is a joint submission made by the International Service for Human Rights, Iranti-org and the Centre for Human Rights to the United Nations Human Rights Committee (the Committee). This submission is made on the occasion of the Committee's 116th session and provides additional information in response to the list of issues prepared by the Committee and adopted during its 114 session from 29 June - 24 July 2015 (List of Issues)<sup>1</sup>. It complements South Africa's State Party Report dated 16 February 2015<sup>2</sup>, (Initial Government Report) and the replies of South Africa to the List of Issues (Government Reply).

This submission seeks to ensure that the Concluding Observations include concrete recommendations for South Africa to improve the protection of human rights defenders. It will show that in South Africa defenders' rights to freedom of assembly, association and expression are violated. It will also show that the rights of defenders working on corporate accountability and transparency issues - whose work brings them into direct conflict with business interests and who have been signalled as some of the most at risk worldwide in recent years<sup>3</sup> - are restricted. Finally, it will demonstrate that defenders working to protect the rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people suffer discrimination and attacks due to their work to protect LGBTI people and their own sexual orientation and gender identity.

This submission illustrates that while South Africa's Constitution purports to protect human rights, as recorded in the Amnesty International Report 2014/15, 'harassment of human rights defenders and organisations and improper pressure on institutions, including oversight bodies remains a major concern'.<sup>4</sup> While South Africa ultimately supported the resolution presented at the UN General Assembly on 17 December 2015 recognising the role of human rights defenders and the need to ensure their protection, its initial decision to vote against the resolution is representative of the degradation of South Africa's respect for human rights on the international stage.<sup>5</sup>

## THE IMPORTANCE OF HUMAN RIGHTS DEFENDERS

The effective protection and realisation of civil and political rights relies upon the valuable contribution of civil society and human rights defenders. Civil society and defenders play a vital role by monitoring and evaluating State compliance with the International Covenant on Civil and Political Rights (the Covenant), providing input into policy formulation and program and service design, raising the alarm on rights violations and holding decision-makers accountable for the consequences of their actions. Without civil society and defenders, the effective protection and realisation of civil and political rights protected by the Covenant would be seriously undermined.

Therefore, for civil and political rights to have meaning in practice, States must ensure that defenders can play this vital role, by providing an enabling environment and respecting and protecting their rights, so that defenders can voice their concerns and critiques of government

action without fear of reprisals. This obligation is implicit in the normative content of civil and political rights, such as the rights to freedom of expression, assembly and association.

## LIST OF ISSUES #25 - PROTECTION OF HUMAN RIGHTS DEFENDERS (ARTICLES 2(3), 9, 19)

Measures taken to ensure the protection of human rights defenders and other civil society activists from threats and harassment.

Protective measures taken to prevent such violations and bring perpetrators to justice, as well as measures to ensure access to reparation for victims.

Amnesty International reports that Human rights defenders and their families are subjected to intimidation and threats.<sup>6</sup> Harassment of defenders, and pressure on institutions, remains a concern.<sup>7</sup> Defenders, journalists and justice operators in South Africa face restrictions

on the rights to freedoms of assembly, association and expression.<sup>8</sup>

The Initial Government Report does not provide, as requested, any specific information on measures taken to ensure the protection of defenders.<sup>9</sup> The State Reply provides that defenders are protected as they enjoy the rights of any other citizen. However, this paper demonstrates that defenders' rights to freedom of assembly, freedom of expression and freedom of association are violated.

### The right to freedom of assembly

The right to freedom of assembly is essential for the work of human rights defenders.

The Initial Government Report provides that pursuant to section 17 of the Constitution everyone has the right, peacefully and unarmed, to assemble, demonstrate, picket and present petitions.<sup>10</sup>

However, the Initial Government Report omitted to include all of the restrictions imposed on this right. *The Regulation of Gatherings Act 1993*, imposes numerous restrictions on the right to assembly,<sup>11</sup> including that:

- Organisers must notify the local authority 7 days before holding a gathering (more than 15 people). Conditions may then be imposed on the gathering. If notice is given less than 48 hours beforehand, it may be prohibited.
- A gathering can be restricted to a designated place or route.
- Police may prohibit a gathering in a particular place on receipt of credible information on oath that there is a threat that the gathering will result in serious disruption of vehicle or pedestrian traffic, injury to participants or other persons or extensive damage to property and the police believe they cannot contain the threat.

The Initial Government Report claims that the role of the South Africa Police Service is to 'ensure a balance between individual rights and collective security'.<sup>12</sup> Nevertheless, as reported by Human Rights Watch, 'the police lack proper equipment and training to quell riots, which often leads to the use of excessive and disproportionate force'.<sup>13</sup> The prevalence of excessive police force is discussed further below.

### The right to freedom of expression

The Initial Government Report refers to the protections in section 15 of the Constitution, that 'everyone has the right to freedom of conscience, religion, thought, belief and opinion'.<sup>14</sup> Furthermore, section 16 of the Constitution guarantees the right to freedom of expression.<sup>15</sup> However, the State has imposed increasing restrictions on freedom of expression, which directly impacts defenders:

- Freedom House reported an increase in concerns about press freedom in recent years. The Government

has appeared to exert increasing political pressure on both State-run and independent media outlets. Government allies own a growing share of independent media. Some Government critics have been barred from the South African Broadcasting Corporation programs and a number of programs have been cancelled due to political concerns.<sup>16</sup>

- In January 2014, freelance photojournalist Michel Tshele was allegedly shot and killed by police whilst covering protests in the North West province.<sup>17</sup>
- The Pretoria High Court ruled in December 2014 that criminal defamation is constitutional.<sup>18</sup> It is worth noting however, that in September 2015 South Africa's leading party indicated that it proposed to 'rid' South Africa of criminal defamation.<sup>19</sup>
- Concerns have been raised about the Protection of State Information Bill. In its current form, it can be interpreted to allow for a veil of secrecy to be cast over certain information and may consequently limit public accountability and scrutiny of matters in the public interest. While some concessions have been made since 2010 when the General Counsel of the Bar reported that the initial version of the Bill did not pass constitutional muster, the International Center for Not-for-profit Law states that the latest version remains controversial.<sup>20</sup>
- Amnesty International reported that the Office of the Public Protector and its Director, Thuli Madonsela, faced sustained pressure amounting to intimidation by members of the Government in connection with the oversight body's investigation and report on the improper use of public funds by the President at his home in KwaZulu-Natal Province.<sup>21</sup>

### The right to freedom of association

While there appear to be no significant legal barriers limiting the operations of civil society organisations in South Africa, the International Center for Not-for-Profit Law states that opening a bank account has become a challenge for some non-profit organisations.<sup>22</sup> Organisations with board members based outside of South Africa may also find it a challenge to open bank account in South Africa.<sup>23</sup> Furthermore, Community-based organisations established as voluntary associations will have to wait up to six months for registration under the Non-profit Organisations Act to open a bank account.<sup>24</sup>

### LIST OF ISSUES #10 & #11 - PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT AND TREATMENT OF PERSONS DEPRIVED OF THEIR LIBERTY (ARTICLES 7, 9, 10)

Measures taken to address allegations of police violence and excessive use of force by police officials, including in police stations and house searches.

Report on relevant police training in prevention and

investigation of torture and ill-treatment.

Provide additional statistics on the annual number of complaints of violence committed by police lodged over the past five years, the number of investigations opened, their outcome and any penalties imposed on officials that resorted to excessive force or violence.

Measures taken to improve the transparency of the investigations undertaken by the Independent Police Investigative Directorate into human rights violations perpetrated by police officials.

While the Initial Government Report and the Government Reply contain information on the Policy of Prevention of Torture and Treatment of Persons in Custody and details of the Independent Complaints Directorate, they did not incorporate sufficient information on measures taken to address police violence or to improve transparency of investigations in South Africa, which continues to be a problem.

- At least 20 complaints of police brutality were submitted to the South African Human Rights Commission in response to a farm-workers' strike in the Western Cape during December 2012 and January 2013.<sup>25</sup>
- In 2013, it was reported that police brutality had more than tripled in the past 10 years, yet only one in 100 cases resulted in convictions. Moreover, although 1448 police officers were convicted for serious crimes, these officers were not dismissed.<sup>26</sup>
- The South African Police Service Annual Report 2014/15 demonstrated that police had incurred civil claim liabilities of more than R9.5 billion due to police misconduct, including more than R235 million for shootings and R94.3 million for assaults.<sup>27</sup>
- In October 2015, it was reported that students and activists protesting against tuition rises were violently driven back by police firing rubber bullets, gas and tossing stun grenades directly at them.<sup>28</sup>

Additional examples of police brutality have been outlined below in relation to LGBTI defenders and land rights defenders.

#### LIST OF ISSUES #26 - RIGHT TO PRIVATE COMMUNICATION (ARTICLES 17, 19)

Practices governing the monitoring, surveillance and interception, analysis, use and storage of private communications (including Internet, telephone, e-mail and fax communications) and data.

Existing legal safeguards against arbitrary interference with the privacy of all individuals, regardless of nationality and physical location when intercepted, and on how they are being implemented.

The Initial Government Report stated, that whilst the

Government may intercept a communication in the course of its transmission, there are sufficient mechanisms in place to ensure the provisions are not abused. Further, the Government Reply states that communication will only be intercepted in 'exceptional cases'.<sup>29</sup>

Right2Know alleges that strong evidence exists that demonstrates that State security structures (e.g. the Crime Intelligence Division of the South African police and the State Security Agency) monitor the work of some activists and civil organisations.<sup>30</sup> There is no clear basis upon which this interception qualifies as an 'exceptional case'. Therefore, this raises doubts as to veracity of State's claim that there are mechanisms which sufficiently prevent abuse.

#### LIST OF ISSUES #8 - VIOLENCE AGAINST WOMEN, CHILDREN AND LGBTI PERSONS, INCLUDING DOMESTIC VIOLENCE (ARTICLES 2, 7, 24)

Information on measures taken to combat violence against LGBTI persons, and strategies and results obtained to ensure full operationalization of the National Task Team on Gender and Sexual Orientation-Based Violence.

Despite South Africa's post-apartheid constitution being the first worldwide to outlaw discrimination based on sexual orientation, LGBTI people continue to be discriminated against by community members.

Social surveys demonstrate a wide gap between the ideals of the Constitution and public attitudes towards LGBTI activists and individuals.<sup>31</sup> Further, constitutional protections are weakened by the State's failure to adequately enforce them.<sup>32</sup>

As long as LGBTI individuals face these risks, those that work for the protection of their rights will also suffer.

#### Physical attacks

The Initial Government Report highlighted its concern about the 'corrective rape' of Zoliswa Nkonyana. There have been numerous other cases of rape and murder of LGBTI activists. LGBTI activists remain concerned that the movement and the individuals advocating for it remain under attack.

- *The Guardian* reported that on 24 April 2011 Noxolo Nogwaza, well known for championing LGBTI rights, was raped and murdered. The police investigation into her murder had not progressed at the time of writing.<sup>33</sup>
- Iranti-Org reported the murder of Patricia Mashingo on 21 April 2013 in Johannesburg. By 26 June 2013, the South African Police Services had still not investigated the case. Iranti-Org alleges that the police initially prohibited documentation of the case and 'created bureaucratic obstacles'.<sup>34</sup>
- City Press reported that in June 2008, The Positive Women's Network launched the 777 Campaign

Against Hate Crimes to commemorate the lives of Sizakele Sgasa and Salome Masooa, LGBTI activists and organisers, who were raped and murdered in Soweto on 7 July 2007.<sup>35</sup>

In its Concluding Observations in 2011, the UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed grave concern about reported sexual offences and murder committed against women on account of their sexual orientation<sup>36</sup> and the practice of 'corrective rape' of lesbians. CEDAW called on South Africa 'to abide by its Constitutional provisions and to provide effective protection from violence and discrimination against women based on their sexual orientation'.<sup>37</sup> CEDAW suggested the enactment of comprehensive anti-discrimination legislation, the continuation of a public awareness campaign and training for police and other relevant actors.<sup>38</sup>

### Barriers to justice

Defenders and members of the LGBTI community face discrimination when reporting crimes committed against them and there are rarely convictions associated with these crimes. This results in crimes being carried out with impunity; crimes being underreported due to attached social stigma; and those defenders that do report crimes being subject to hostility and discrimination.<sup>39</sup> In some instances, police do not provide case numbers, do not report the crime, and have been identified as perpetrators of abuse.<sup>40</sup> These weaknesses in the system contravene article 14 of the Covenant, which provides that all people are equal before the law.

As outlined above, the Initial Government Report referred to the trial of Zoliswa Nknoyana. However the report failed to refer to the fact that the trial was postponed more than 40 times.<sup>41</sup> The Foundation for Human Rights reported that activists involved in the trial reported feeling fearful, being threatened by physical violence and intimidated during the trial. It was reported that these activists experienced vicarious trauma, victimisation and disillusionment in the ability of the criminal justice system to protect them'.<sup>42</sup>

### LGBTI National Task Team

The Government Reply provides some information on the framework of the LGBTI National Task Team, which was established by the Department of Justice and Constitutional Development in March 2011 to address human rights concerns and violations amongst LGBTI persons. However, little information was included in the report on the activities and whether this taskforce has been successful in achieving its objectives.<sup>43</sup>

In response to the lack of substantive, reported action by the National Task Team from 2011-2013, the LGBTI Coalition for Accountability established a petition in 2013 called 'End South Africa's Task Team 2 years of Silence'. The petition highlighted that the Taskforce had not yet released a statement on any major LGBTI issue or attack, published a progress report, or attended an LGBTI event. The petition called on the Taskforce to set up channels of

communication, publish points of access to the Task Team for victims, raise awareness of the Task Team, and execute national and regional caucuses as to escalate LGBTI community issues to Government and elect permanent Task Team members.<sup>44</sup>

### LIST OF ISSUES #12 - PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT AND TREATMENT OF PERSONS DEPRIVED OF THEIR LIBERTY (ARTICLE 7, 9, 10)

Updated information on the events in Marikana on 12 August 2012, where 44 miners lost their lives, reportedly as a result of action taken by the South African Police Service, and measures taken to prosecute perpetrators and prevent such events in the future.

Findings of the Marikana Commission of Inquiry and on the timeline for their publication.

There is limited information on the incident at Marikana in the Government Reply. Further, it does not provide any information on the Marikana Commission's findings that were published in a report in June 2015.<sup>45</sup>

The Commission:

- Found that Lonmin plc did not use best endeavours to resolve the labour dispute or respond appropriately to the threat and outbreak of violence.
- Found that Lonmin plc failed to employ sufficient safeguards and measures to ensure the safety of its employees.
- Recommended that the Department of Mineral Resources take steps to enforce Lonmin's obligations.<sup>46</sup>
- Highlighted concerns with the use of force used by the Police Service.
- Recommended that a Panel of Experts be appointed to revise and amend all prescripts relevant to public order policing and investigate international best practice where Public Order Policing methods are inadequate. It also recommended a full investigation into the South African Police Service to establish any criminal liability.<sup>47</sup>

Following the incident, human rights groups, such as Amnesty International, called for the suspension of police officers responsible for the shootings,<sup>48</sup> alleging that Mr Ramaphosa, a board member of Lonmin plc, took action which escalated the confrontation, including sending emails calling for actions to be taken against 'these criminals' and holding secret meetings to encourage the Government and police to act. However, the Commission held that it could not find 'even on a *prima facie* basis that Mr Ramaphosa is guilty of the crimes he is alleged to have committed' despite hearing from lawyers, witnesses and observers.<sup>49</sup>

### Human rights defenders working on corporate accountability and transparency issues

The Marikana massacre in 2012 is a clear example of

the risks faced by defenders working on corporate accountability and transparency issues due to the fact that they are competing with State and business interests.

Especially vulnerable are land rights defenders operating in remote areas. The Observatory for the Protection of Human Rights Defenders argued in its 2014 report that 'there is an urgent need to recognise the particular vulnerability of land rights defenders and develop an agenda that ensures that they are better protected and empowered to carry out their activities in an enabling environment'.<sup>50</sup> The Initial Government Report does not outline any of these particular risks faced by these defenders, nor provide any examples of steps taken to address these risks and human rights violations.<sup>51</sup>

Land rights defenders face particular risk of assassination and police violence. The Observatory for the Protection of Human Rights Defenders reported that this repression has been repeatedly used against Abahlali baseMjondolo (AbM). AbM is a well-known group that promotes land and housing rights for those most vulnerable. The repression escalated following AbM's denouncement of a housing project, which took place without prior community consultation or consent of the residents.

In KwaNdengezi, a rural area in the Eastern part of the country, AbM has reported that meetings have been prohibited, at least three members of AbM have been assassinated, and AbM members have been repressed and arbitrarily arrested. Other incidents include:<sup>52</sup>

- The assassination of Thuli Ndlovu, the Chairperson of the KwaNdengezi branch of AbM, on 29 September 2014, following on-going intimidation and assaults by the police and African National Congress Councillor Mduduzi Ngcobo.<sup>53</sup>
- The shooting of Nqobile Nzuzi, a 17-year-old school girl, in the back of the head by police near an AbM protest in Cato Crest on 30 September 2013.<sup>54</sup>
- Excessive use of police force against AbM members during demonstrations – including firing rubber bullets at protesters in response to a blockaded road in Sisonke Village.<sup>55</sup>

The Observatory for the Protection of Human Rights Defenders reported that while members of AbM have filed complaints with local police, not all cases of killings, threats and arbitrary arrests have been investigated and those responsible have not been interrogated.<sup>56</sup>

Other land rights defenders have faced similar repression. For instance, SABC News reported that in January 2014, a 28-year-old man was killed by the police whilst protesting against evictions in Gauteng province.<sup>57</sup>

### **Human rights violations committed by corporate entities**

The South African Human Rights Commission (SAHRC) alleged that South African mining companies often violate the human rights of miners on a large scale, particularly in

the Bushveld region.<sup>58</sup>

There are some legislative protections for land rights in the South African Constitution, the 2004 Mining Charter and the Minerals and *Petroleum Resources Development Act 28 2002*, including that property rights cannot be violated except in 'exceptional circumstances', and that property may be appropriated without consent if it is for a public purpose and the individual receives adequate compensation for the property.<sup>59</sup> Notwithstanding this, transnational mining companies allegedly influence state institutions, which do not adequately monitor, control and regulate the extractive industry.<sup>60</sup>

Extractive companies have been known to engage private security companies to manage demonstrations. In February 2014, an employee was reportedly killed during a protest at the Amplats mine, owned by Anglo American Platinum in Limpopo province, as a result of excessive force used by security personnel. While an investigation was launched to determine whether the death was the responsibility of the police or the private security company, at the time of writing the investigation was pending.<sup>61</sup>

In June 2013, Glencore Xstrata allegedly fired 1,000 workers for participating in a non-authorized strike at Three Chrome Mines in Limpopo province.<sup>62</sup> Arguably, this decision contravened the Labour Relations Act, which provides for the automatic reinstatement of workers dismissed due to union activities.<sup>63</sup>

This situation is exacerbated by the fact that there are multiple barriers, which prevent human rights defenders from seeking any form of legal redress against corporate entities. Few practitioners are willing to represent victims of human rights abuses.

Further, many victims do not have the resources to secure legal representation. Reportedly only 10 percent of the funds of the Legal Aid Board are allocated to civil matters and the scope of the Board does not include violations by corporations. For instance, an on-going case before the Constitutional Court between the Legal Aid Board and the Marikana miner victims demonstrates that funding in these instances are not part of the Legal Aid Board mandate.<sup>64</sup>

## THE COMMITTEE'S CONCLUDING OBSERVATIONS: ISSUES FOR CONSIDERATION

We seek that the Committee consider incorporating the following when drafting their Concluding Observations:

- A recommendation that the Government of South Africa ensure its representatives and police refrain from imposing restrictions on human rights defenders exercising their rights to freedom of expression, freedom of association and freedom of assembly.
- Concern regarding threats, harassment, intimidation and excessive use of force against human rights defenders; and seek that the State takes the necessary steps to protect defenders.
- Concern about the particular and significant risks faced by human rights defenders working to protect the rights of LGBTI people and defenders working on corporate accountability and transparency issues; and seek that the State take necessary steps to protect these defenders.

## THE COMMITTEE'S PRONOUNCEMENTS ON HUMAN RIGHTS DEFENDERS

The Committee has confirmed the importance of States' obligations to respect and protect human rights defenders in its concluding observations on numerous occasions.

### Haiti (2014):

- 'The Committee is concerned about allegations of threats, harassment and intimidation by the police, security forces and political authorities against Human rights defenders... and the lack of protection provided by the State party in this connection.'<sup>65</sup>
- 'The State party should take the necessary steps to protect Human rights defenders and journalists so as to enable them to carry out their activities with complete freedom and no restrictions. The State party should, as a matter of priority, investigate all attacks on the life and dignity of these persons and bring the perpetrators to justice.'

### Sri Lanka (2014):

- 'The Committee is concerned at widespread reports of intimidation and harassment, including physical attacks, death threats, administrative detention and politically motivated charges, by State officials against journalists, lawyers, clergymen, members of non-governmental organisations and Human rights defenders, including at charges brought against opposition politicians. It is also concerned about reports of defamation campaigns against Human rights defenders and the blocking of websites. Furthermore, it is concerned at the failure of the State party to bring perpetrators of reprisals to justice.'<sup>66</sup>
- 'The State party should refrain from any measures amounting to intimidation or harassment taken against persons exercising their right to freedom of expression, and ensure that any restriction to that right is in compliance with article 19, paragraph 3, of the Covenant.'<sup>67</sup>

### Burundi (2014):

- 'The Committee is also concerned about reports of threats, including physical threats, and acts of harassment and intimidation being directed by the police and security forces at journalists and human rights defenders.'<sup>68</sup>
- 'It [the State] should take the necessary steps to ensure that journalists and human rights defenders are protected from threats and intimidation, to give them the freedom they need to carry out their work and to investigate, prosecute and convict persons who harass, threaten or intimidate them.'

In addition, the Committee has confirmed the importance of Human rights defenders and called on States to protect their rights.

### General Comment 34:

- 'Freedom of opinion and freedom of expression are indispensable conditions for the full development of the person. They are essential for any society. They constitute the foundation stone for every free and democratic society.'<sup>69</sup>
- 'Freedom of expression is a necessary condition for the realisation of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights.'<sup>70</sup>

### General Comment 35:

- 'States parties must respond appropriately to patterns of violence against categories of victims such as intimidation of Human rights defenders.'<sup>71</sup>

- <sup>1</sup> List of issues in relation to the initial report of South Africa, Human Rights Committee, (CCPR/C/ZAF/Q/1), 19 August 2015
- <sup>2</sup> State party's report : South Africa, Human Rights Committee (CCPR/C/ZAF/1), 16 February 2015
- <sup>3</sup> Report of the Special Rapporteur on the Situation of Human Rights Defenders to the United Nations General Assembly, accessible here: [www.un.org/ga/search/view\\_doc.asp?symbol=A/70/217](http://www.un.org/ga/search/view_doc.asp?symbol=A/70/217)
- <sup>4</sup> Amnesty International Report 2014/2015: The State of the World's Human Rights, page 335, accessible here: [www.amnesty.org/en/documents/pol10/0001/2015/en/](http://www.amnesty.org/en/documents/pol10/0001/2015/en/)
- <sup>5</sup> [www.fidh.org/en/issues/human-rights-defenders/united-nations-general-assembly-adopts-resolution-on-the-protection](http://www.fidh.org/en/issues/human-rights-defenders/united-nations-general-assembly-adopts-resolution-on-the-protection)
- <sup>6</sup> Amnesty International Report 2014/2015: The State of the World's Human Rights, page 335, accessible here: [www.amnesty.org/en/documents/pol10/0001/2015/en/](http://www.amnesty.org/en/documents/pol10/0001/2015/en/)
- <sup>7</sup> Ibid.
- <sup>8</sup> 'Freedom House 2015 World Report: South Africa', Freedom House, accessible here: <https://freedomhouse.org/report/freedom-world/2015/south-africa>
- <sup>9</sup> State party's report : South Africa, Human Rights Committee (CCPR/C/ZAF/1), 16 February 2015
- <sup>10</sup> Ibid.
- <sup>11</sup> <http://www.icnl.org/research/monitor/southafrica.html>
- <sup>12</sup> State party's report : South Africa, Human Rights Committee (CCPR/C/ZAF/1), 16 February 2015
- <sup>13</sup> World Report 2015: South Africa, Human Rights Watch, accessible here: [www.hrw.org/world-report/2015/country-chapters/south-africa](http://www.hrw.org/world-report/2015/country-chapters/south-africa)
- <sup>14</sup> State party's report : South Africa, Human Rights Committee (CCPR/C/ZAF/1), 16 February 2015
- <sup>15</sup> Ibid
- <sup>16</sup> 'Freedom House 2015 World Report: South Africa', Freedom House, accessible here: <https://freedomhouse.org/report/freedom-world/2015/south-africa>
- <sup>17</sup> Ibid.
- <sup>18</sup> <https://cpj.org/africa/south-africa/>
- <sup>19</sup> <http://mg.co.za/article/2015-09-23-the-case-against-criminal-defamation/>
- <sup>20</sup> [www.icnl.org/research/monitor/southafrica.html](http://www.icnl.org/research/monitor/southafrica.html)
- <sup>21</sup> Amnesty International Report 2014/2015: The State of the World's Human Rights, page 335, accessible here: [www.amnesty.org/en/documents/pol10/0001/2015/en/](http://www.amnesty.org/en/documents/pol10/0001/2015/en/)
- <sup>22</sup> [www.icnl.org/research/monitor/southafrica.html](http://www.icnl.org/research/monitor/southafrica.html)
- <sup>23</sup> Ibid.
- <sup>24</sup> Ibid.
- <sup>25</sup> Ibid.
- <sup>26</sup> [www.theguardian.com/world/2013/aug/22/south-africa-police-brutality-increase](http://www.theguardian.com/world/2013/aug/22/south-africa-police-brutality-increase)
- <sup>27</sup> [www.iol.co.za/news/crime-courts/sharp-rise-in-police-brutality-1.1923637#.Vg0eGvVhBc](http://www.iol.co.za/news/crime-courts/sharp-rise-in-police-brutality-1.1923637#.Vg0eGvVhBc)
- <sup>28</sup> <http://revolution-news.com/south-africa-student-protests-continue-despite-police-violence/>
- <sup>29</sup> Ibid; Replies of South Africa to the list of issues, Human Rights Committee, (CCPR/C/ZAF/Q/1/Add.1), 3 December 2015
- <sup>30</sup> 'Big Brother Exposed - Stories of South Africa's intelligence structures monitoring and harassing activist movements', Right2Know, accessible here: <http://bigbrother.r2k.org.za/wp-content/uploads/Big-Brother-Exposed-R2K-handbook-on-surveillance-web.pdf>
- <sup>31</sup> 'We'll show you you're a woman: Violence and Discrimination against Black Lesbians and Transgender Men in South Africa', Human Rights Watch, (2011), accessible here: [www.hrw.org/report/2011/12/05/well-show-you-youre-woman-violence-and-discrimination-against-black-lesbians-and](http://www.hrw.org/report/2011/12/05/well-show-you-youre-woman-violence-and-discrimination-against-black-lesbians-and)
- <sup>32</sup> 'We'll show you you're a woman: Violence and Discrimination against Black Lesbians and Transgender Men in South Africa', Human Rights Watch, (2011), accessible here: [www.hrw.org/report/2011/12/05/well-show-you-youre-woman-violence-and-discrimination-against-black-lesbians-and](http://www.hrw.org/report/2011/12/05/well-show-you-youre-woman-violence-and-discrimination-against-black-lesbians-and)
- <sup>33</sup> [www.theguardian.com/world/2011/may/03/south-africa-homophobic-attacks](http://www.theguardian.com/world/2011/may/03/south-africa-homophobic-attacks); <https://www.amnesty.org/en/latest/news/2015/04/kwathema-and-khayelitsha-to-screen-south-african-premier-of-award-winning-documentary-exposing-hate-crimes-against-lesbian-women/>
- <sup>34</sup> [www.irantio.org.co.za/content/Africa\\_by\\_country/South\\_Africa/Patrica\\_Mashigo\\_murder.html](http://www.irantio.org.co.za/content/Africa_by_country/South_Africa/Patrica_Mashigo_murder.html)
- <sup>35</sup> <http://city-press.news24.com/Trending/celebrating-queer-voices-20151111>
- <sup>36</sup> Concluding observations, Committee on the Elimination of Discrimination against Women review of South Africa (CEDAW/C/ZAF/CO/4), 5 April 2011
- <sup>37</sup> Ibid.
- <sup>38</sup> Ibid.
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