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(Author)

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Incidents of gender-based violence and early pregnancy continued to increase. Climate change and state mismanagement of infrastructure exacerbated the impacts of two floods in KwaZulu-Natal province. People displaced by floods were unable to access medicine and healthcare while water supplies were disrupted. Sanitation conditions in public schools were poor. The number of households living in informal settlements increased. Operation Dudula, an anti-migrant movement, launched in three additional provinces. Xenophobic violence resulted in injury and loss of life. Police continued to use excessive force in attempts to quell protests; the right to life and security of the person was violated. The authorities failed to ensure that the mining industry complied with standards to prevent human rights violations. There was an absence of legislation to hold government and corporate companies accountable to climate commitments.

Background

There remained little to no accountability 10 years after the Marikana massacre in which 34 people were killed when police opened fire on protesting mineworkers.

The Commission of Enquiry into State Capture report was released. It highlighted allegations of corruption and other abuses known as “state capture”. An independent panel was established to assess whether there were grounds to impeach President Ramaphosa on allegations that he covered up a multi-million-rand robbery (at least USD 580,000) at his Phala Phala farm. In December, Cyril Ramaphosa was re-elected president of the ruling African National Congress party.

Gender-based violence

Official quarterly crime statistics published in November showed an increase in all forms of gender-based violence, compared to the same quarter in 2021. Murders of women increased by 10.3%, with 989 women killed between July and September. Sexual offences increased by 11%, and rape by 10.8%.

Despite the adoption of the National Strategic Plan on Gender-Based Violence and Femicide in 2019, a national council, intended to ensure that the plan was implemented, was yet to be established. A review of the first year since the plan's adoption showed that 55% of targets had not been met. The DNA backlog, crucial for prosecuting gender-based violence cases, remained at 64,911 as of 1 December. There was a 24% increase (representing 99 cases) in "rapes by a police officer" reported to the Independent Police Investigative Directorate (IPID), as reflected in its 2021/22 annual report. Only 64 cases were recommended for prosecution, leading to concerns of weakened police accountability.

In July, the gang rape and robbery of eight women in Krugersdorp, Gauteng Province, shone a spotlight on the increase in sexual offences and violence against women. Fourteen men were initially linked to and charged in connection with the rapes, but charges were dropped in October due to insufficient evidence.

Sexual and reproductive rights

South Africa continued to see an alarming number of early pregnancies. Between April 2021 and March 2022, 90,037 girls between 10 and 19 years gave birth. Limited access to sexual and reproductive health services, stock-outs of contraceptives, lack of comprehensive sexuality education, poverty and gender-based violence contributed to early pregnancy.

Right to education

The public education system continued to be characterized by decaying and dangerous infrastructure. The Department of Basic Education's (DBE) 2021/22 annual report showed that 2,982 schools still used pit latrines that violate the rights to health, dignity, safety and life. The DBE missed several deadlines to eradicate and replace them but in January promised to do so by 2023. In June, however, proposed amendments to regulations relating to the Minimum Uniform Norms and Standards for Public School Infrastructure were introduced. The draft legislation removed all deadlines, allowing the department to evade accountability and putting learners' health and safety at risk.¹

Right to health

In April, the Department of Health proposed amendments to the Regulations Relating to the Surveillance and the Control of Notifiable

Medical Conditions (NMCs), to prevent the spread of Covid-19 and other NMCs. The amendments fell outside provisions imposed under the National State of Disaster, which was introduced in response to the Covid-19 pandemic and withdrawn in April. The proposed regulations risk undermining human rights with regard to their potential permanent nature; the criminalization of those not complying with the rules; the imposition of mandatory medical examinations and prophylaxis, including isolation and quarantine; and the opportunity they present in emboldening the unnecessary or excessive use of force by law enforcement agencies under the guise of law enforcement, as seen during the Covid-19 lockdowns.² Following a public outcry, the deadline for submissions was extended to 31 July but no public updates were provided by the department after April.

Displacement caused by the floods in KwaZulu-Natal (KZN) province in April and May meant that some people had no access to necessary medication or healthcare services for up to nine days (see below).

Right to water and sanitation

In April, KZN and Eastern Cape provinces experienced extreme rainfall and flooding. Damage to water infrastructure resulted in widespread disruptions to water supplies throughout the provinces, leaving communities with no or interrupted supplies for months. The government made no systematic efforts to ensure that people had access to the water they needed during this period. This, alongside the damage caused to houses, fuelled a sanitation crisis as the floods destroyed some communal toilets, forcing some people to relieve themselves in the bushes. Several health facilities in KZN had insufficient water supplies. While the intensity of rainfall was, according to scientists, exacerbated by climate change, poor spatial planning and maintenance of infrastructure by local government worsened the situation.

There were also severe water shortages in the Nelson Mandela Bay Metropolitan Municipality in Eastern Cape province, which had faced drought since 2016. The latest water crisis was compounded by the local authorities' failure to fix leaks and the city lost an estimated 29% of its water supply.

Right to housing

The floods in KZN province destroyed at least 8,584 houses, and damaged 13,536. According to the European Civil Protection and Humanitarian Aid Operations, 40,000 people were displaced and without homes. The homes of residents of the Isipingo transit camp in KZN were once again flooded, a regular occurrence when it rains. The residents had been moved from informal settlements around Durban city into the camp in a flood prone area of Isipingo in 2009, ahead of the 2010 FIFA World Cup. Promises that

they would receive permanent housing within six months remained unrealized.

According to a governmental body, Statistics South Africa, the percentage of households living in informal settlements increased to 11.7% from 11.4% the previous year.

Refugees' and migrants' rights

Sporadic xenophobic attacks continued throughout the year and led to the killing of a Zimbabwean national, Elvis Nyathi, in April. He was burned to death in Diepsloot, a township north of Johannesburg, after he failed to present proof of his identity to vigilante groups who demanded it. Seven men were arrested in connection with his death and granted bail. The case continued to be postponed. Migrants in the area reported living in constant fear. An anti-migrant movement, Operation Dudula, which emerged in Gauteng province in 2021, was launched in other provinces including Western Cape, KZN and North West.

Excessive use of force

South African police continued to use excessive force resulting in deaths and injuries. The IPID's 2021/22 annual report noted 5,295 new cases which included 3,407 cases of assault, 744 of discharge of an official firearm, and 223 reported deaths in police custody. There were 410 reported deaths as a result of police action, an increase from 353 the previous year.

Unlawful killings

In August, four people were killed during a protest about the authorities' failure to deliver services in Tembisa, a township in the Gauteng province. The IPID's investigation into two of the killings, for which the police were alleged to be responsible, continued at the end of the year.

In July, four police officers were acquitted in connection with the death in 2021 of Mthokozisi Ntumba, killed while passing a student-led protest in Braamfontein in Johannesburg.

Right to life and security of the person

Crime statistics for July to September, released in November, showed an increase in murders of 13.6%, compared to the same quarter in 2021. There was an increase of 9.8% in child murders. Cases of abduction increased by more than 100%, with 4,028 reported cases. Most of these cases related to hijacking, robbery and rape.

There was a nationwide spate of mass shootings. In June it was revealed at the Khayelitsha Crisis Response Summit that 26 people had been killed

in mass shootings in Khayelitsha, a township in Cape Town, since March. In July, more than 20 people were killed in two tavern shootings in Soweto (in Johannesburg) and in Pietermaritzburg (KZN).

Abahlali baseMjondolo, the largest post-apartheid movement in the country advocating for basic services for poor communities, lost four activists to unlawful killings in KZN, allegedly in connection with their work. Three arrests were made for only one of the killings.

Corporate accountability

Mining companies' activities had an adverse human rights impact specifically in relation to the rights to health, education, water and livelihoods in the Sekhukhune region. The Department of Mineral Resources and Energy continued to fail to hold mining companies accountable to their Social and Labour Plans, a legally binding mechanism, which if adhered to would go some way to ensuring that the negative socio-economic ramifications of mining are remedied, and human rights violations against local communities prevented.³

Failure to tackle climate crisis

South Africa continued to lack legislation to hold both government and businesses accountable to climate commitments. In February, the Climate Change Bill was tabled in parliament. It aimed to enable the development of an effective climate change response and a long-term just transition to a low-carbon and climate-resilient economy and society in the context of sustainable development. There were concerns that the bill, in its current form, did not go far enough to address the severity, urgency and cross-cutting imperatives of the climate crisis. It remained under consideration at the National Assembly at the end of the year.

South Africa adopted a revised NDC in 2021 and updated its 2030 target for emission reductions, with a 12-32% lower and upper target range reduction. This fell short of the figure needed to keep the rise of global temperatures below 1.5°C.

Meanwhile, scientists determined that climate change doubled the probability of flooding events as seen in KZN in April and May, where 461 people died.

At COP27, President Ramaphosa presented the Just Energy Transition Investment Plan, a five-year plan to bring in USD 8.5 billion as part of the partnership established with France, Germany, the UK, the USA and the EU at COP26. Consultation on the plan started in late 2022, with mining-affected communities in the Mpumalanga province already rejecting the plan due to lack of consultation.

1. "South Africa: Submission on the amendments to the regulations relating to Minimum Uniform Norms and Standards for Public School Infrastructure", 5 July
2. "South Africa: Submission on the Regulations Relating to the Surveillance and the Control of Notifiable Medical Conditions", 14 April
3. *Unearthing the Truth: How the Mines Failed Communities in the Sekhukhune Region of South Africa*, 22 February

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Austrian Red Cross
Austrian Centre for
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(ACCORD)

Wiedner Hauptstraße
32, 1041 Wien
T +43 1 589 00 583
F +43 1 589 00 589
info@ecoi.net

Contact
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