



LESEDI

Lighting the way to justice

September-December 2018

EDITION 4 - YEAR 1

"I invite people who care about the present and future, people who care about their children and grandchildren, people who take injustice personally, to join us. Amnesty International needs your voice, your participation and your presence in our movement to make human rights a reality."

- Kumi Naidoo,
Secretary General Amnesty International



**BIGGER,
BOLDER,
MORE
INCLUSIVE**

- Kumi Naidoo

**WRITE
FOR
RIGHTS**

AMNESTY
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AMNESTY UPDATE

by Shenilla Mohamed



A happy moment at our National Youth Summit. © Amnesty International South Africa

Welcome to the 4th edition of *Lesedi*. In this edition we shine a spotlight on some of the issues Amnesty International South Africa (AISA) has been working on. It has been an exciting and exhilarating time for AISA and we were thrilled when our new Secretary General, Kumi Naidoo, decided to launch his career with Amnesty from his home country of South Africa. A life-long social justice campaigner, Kumi shared his vision of building a Bigger, Bolder and more Inclusive Amnesty.

During this period the movement also took the really tough decision to strip Aung San Suu Kyi of its highest honor – the Ambassador of Conscience Award. Suu Kyi was presented the award in 2009 in recognition of her peaceful and non-violent struggle for democracy and human rights. We explain why we took this decision.

This year our annual report takes on a new much more inspiring format. Titled *Rights Today*, the report is in a less is more design and is powerful and easy on the eye.

At AISA we launched the report on the same day as our Write for Rights campaign. This is one of Amnesty International's flagship campaigns where we encourage people to write a letter and change a life. Women human rights defenders was the focus this year and included Nonhle Mbuthuma, a South African activist, who has been harassed and threatened for protecting her Ancestral land.

In October, South Africa was reviewed by the UN Committee on Economic, Social and Cultural Rights (CESCR) in Geneva. Amnesty International made a submission to the review. We share a summarized version in this edition. We also share our analysis on the Right to Quality Education.

The Right to Safe Abortion has been one of the main areas of work for AISA. We have been part of

a coalition of organizations that work on Sexual and Reproductive Health Rights (SRHR). We have also participated in a campaign, spearheaded by Global Health Strategies, called My Body, My Choice. In this edition we showcase an interview with one of the warriors of SRHRs Dr. T, Dr. Tlaleng Mofokeng.

Sixteen Days of Activism Against Gender-Based Violence has come and gone and one of our interns, Jennifer Wells, challenges President Cyril Ramaphosa on his call to citizens to become champions of the fight against this scourge.

No edition of *Lesedi* would be complete without the Youth, and we highlight our National Youth Summit where art was used as a powerful tool for inspiring, protesting and bringing change.

The AISA Transitional Advisory Board is also introduced to you in this edition. This is a group of highly talented and committed individuals who will work closely with me to take AISA to Section Status.

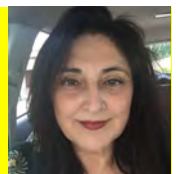
From the region we focus on a powerful piece of research conducted by our colleagues in the Regional Office which focuses on pre-trial detention in Madagascar.

I hope you enjoy reading about our work and that you are inspired to become a member or supporter of AISA. To find out more about how you can do this please visit our website www.amnesty.org.za.

Have a wonderful and safe holiday and please do join us in our fight for a safe and more just world. We need to work hard to ensure that 2019 is a better year for human rights in South Africa and globally.

Aluta Continua! 🇱

Shenilla Mohamed
Executive Director
Amnesty International South Africa



WHO IS KUMI NAIDOO?

Kumi Naidoo, a life-long social justice campaigner, hailing from our very own South Africa, took the helm as Amnesty International's Secretary General in August.

Kumi Naidoo is a life-long social justice campaigner hailing from South Africa. Born in Durban in 1965, Kumi's first taste of activism came at age 15 when he organised and took part in an anti-apartheid protest that saw him expelled from his school.

From there he became deeply embedded in activism in his local community, organising mass mobilisations against the apartheid regime.

In 1986, at the age of 21, Kumi was charged for violating the state of emergency regulations. He was forced to go underground, before deciding to live in exile in the UK where he stayed until Nelson Mandela was released and liberation movements were unbanned.

As the apartheid regime crumbled, Kumi returned to South Africa in 1990 to work with the African National Congress. There, he took up a cause close to his heart: education, specifically adult literacy campaigns, and voter education efforts to empower historically and systematically disenfranchised communities.

Kumi has held multiple leadership roles, but his time as Executive Director of Greenpeace International cemented his reputation as a bold activist who championed civil disobedience, most notably when he was arrested for scaling a Greenlandic oil rig to hand deliver a petition in protest of drilling in the Arctic in 2011. A year later he occupied a Russian oil rig in the Barents Sea in the Russian Arctic.

Kumi's most recent role has been as a co-founder and interim chair of the pan-African organization, Africans Rising for justice, peace and dignity. The group, which has forged partnerships across trade unions, religion and civil society, aims to change the fact that while the Africa as a continent has benefitted from economic growth, Africans themselves have not shared in that increasing wealth and power. [\[6\]](#)

It was seeing a letter that Nelson Mandela had written to Amnesty International in 1962, thanking the organization for sending a representative to observe his trial, that inspired Kumi to apply for the role as global head of Amnesty. Here he is signing a letter calling for the protection of human rights on his very first day.

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“BIGGER, BOLDER AND MORE INCLUSIVE.”

Kumi Naidoo, Secretary General of Amnesty International, sets out his vision for human rights.

The human rights movement needs to be bigger, bolder and more inclusive if it is to tackle the challenges that people face today, said seasoned activist Kumi Naidoo as he officially started his role as Secretary General of Amnesty International in August 2018.

“Our world is facing complex problems that can only be tackled if we break away from old ideas that human rights are about some forms of injustice that people face, but not others. The patterns of oppression that we’re living through are interconnected,” said Kumi Naidoo.

“You cannot talk about the climate change crisis without recognising that it is also an inequality and race issue; you can’t address sexual discrimination without recognising that it is bound up in the economic exclusion of women; and you can’t ignore the fact that people’s civil and political rights are often suppressed exactly when they are trying to demand basic economic justice.”

Amnesty International has repeatedly warned that we are living through some of the most divisive times in modern history, with prominent leaders offering a nightmarish vision of society blinded by hatred and fear. Only if we come together under the common values that unite us, like human rights, can we overcome this adversity, said Kumi.

“I want to make clear that Amnesty International is now opening its arms wider than ever before to build a genuinely global community that stretches into all four corners of the world, especially in the global south.

“I want us to build a human rights movement that is more inclusive. We need to redefine what it means to be a human rights champion in 2018. An activist can come from all walks of life – a trade union, school, faith group, government

or, indeed, business,” said Kumi Naidoo.

“I want young people to know especially that we are open to you and need you to challenge us to do better by you. It is my abiding belief that young people are not the leaders of tomorrow, but the leaders we need here and now.


“The Ahd Tamimis, the Elin Erssons, the Sibongile Ndashes, and every single person that has not shied away from civil disobedience or being called naïve or idealistic are the bold role models we need today.

“Amnesty International was built on the idea that people, regardless of where they are or who they are, take the injustice that other people face personally. And it has proved time and time again that when strangers come together to fight for people that they have never met across the other side of the world, change is possible.”

“Now, more than ever, we need people to come together and stand up to oppressors.

“I invite people who care about the present and future, for people who care about their children and grandchildren, for people who take injustice personally, to join us. Amnesty International needs your voice, your participation and your presence in our movement to make human rights a reality.”

On the eve of taking up his new role at Amnesty International, Kumi returned to where his story began, by paying a visit to Chatsworth Secondary School in Durban, where he was expelled from in 1980.

Speaking to the children at the morning assembly, Kumi said: “Do not accept your voice does not matter, do not wait until tomorrow to exercise leadership since if you wait, there will be no tomorrow. And remember that service to humanity brings you the greatest happiness.” 

One of the first things Kumi did was go back to the very school he was expelled from with a strong message to the youth. Watch what happened [here](#).

WRITE A LETTER, CHANGE A LIFE

Write for Rights is about people together taking action. When tens of thousands of Amnesty activists take action, writing letters, signing petitions, and sending solidarity cards, we know that we can create change.

Every year in December, millions of Amnesty International supporters from around the globe take part in the world's biggest human rights event, Write for Rights.

Write for Rights sees people come together to write letters for those whose basic human rights are being attacked. Last year alone, our supporters took over 5 million actions, and in doing so, helped right some of the world's biggest wrongs.

The idea of Write for Rights was born in Poland when a young man, Witek, tried to impress a young woman, Joanna, at a festival in Warsaw. She told him about the 24-hour events she had been to in Africa, where people wrote letters to protest governments.

Inspired by her experience – and of course wanting to see Joanna again – Witek organised for his local Amnesty group to host a letter writing marathon, and in turn sparked a global letter writing phenomenon.

Now 16 years later, the campaign still captures the essence of the movement by telling the powerful stories of individuals who have been persecuted for speaking out for their rights, their communities, families, loved ones, and even for you and me.

This December and ongoing, we have written for women human rights defenders facing persecution. This includes women like Nonhle Mbuthuma, a South African activist leading the fight for her community to protect her ancestral land from being mined for titanium. In doing so, she has been harassed and threatened and even survived an attempt to kill her; but she won't back down.

The more people who stand alongside Nonhle and her community, the more pressure we can place on government to ensure she is protected from further intimidation and harassment, and that the voices of her community are heard.

Join us! **YOUR words have power.** 📧



NONHLE MBUTHUMA

HUMAN RIGHTS DEFENDER, SOUTH AFRICA

HARASSED FOR DEFENDING

HER ANCESTRAL LAND

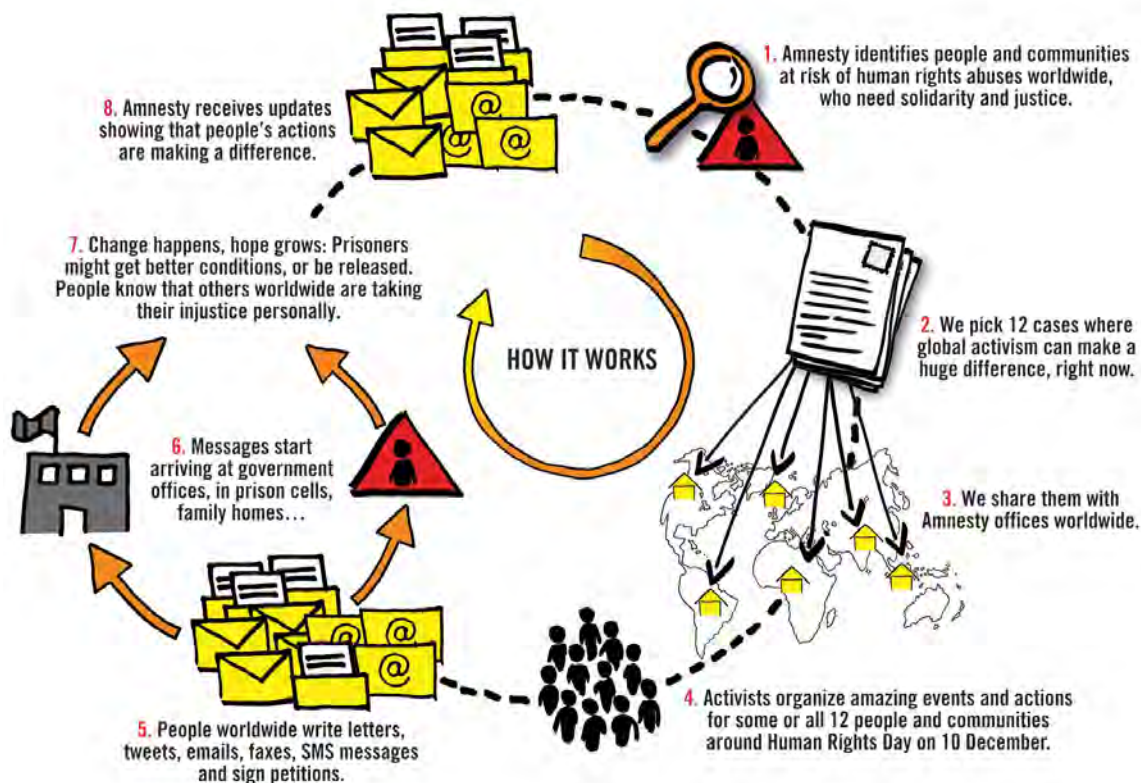
Watch a video on
Nonhle
and her community's
fight for justice [here](#).



All photos: © Amnesty International



HOW DOES IT WORK & HOW CAN YOU TAKE ACTION?



Click [here](#) to sign letters or host an event.

NATIONAL YOUTH SUMMIT: THE POWER OF ART

Amnesty International South Africa volunteer Diego Galvez finds that art is a powerful tool for inspiring, protesting and – ultimately – bringing change.



© Amnesty International South Africa

In July Amnesty International South Africa hosted its first-ever National Youth Summit (NYS).

The summit was hosted by the Amnesty Chapter of the University of Cape Town in collaboration with Amnesty International South Africa (AISA). The summit brought together Amnesty activists from across South Africa to debate on the topic of Sexual and Gender-Based Violence (SGBV) at universities, calling for a zero tolerance approach. The NYS was my first event as an AISA volunteer.

In 2010, the rate of homicides of women was more than five times higher than the world average. Statistics South Africa estimates that 68.5% of victims of sexual crimes reported were against women.

Additionally, Africa Check reported a rape rate of 70.5 per 100,000 people and the Foundation for Personal Development (2016) states that South Africa has one of the highest incidences of reported rape in the world, with an average of 110 rapes being reported to police every day.

The summit was an opportunity to personally reflect on SGBV as being an entrenched and widespread form of violence. The fact that the high SGBV rates persist reveal that strategies to confront this problem should not be limited to traditional policing and judicial actions.

The NYS showed me that art plays a crucial role in teaching people about the complexity of many human rights issues. For example, a theatrical dance by the AISA Vaal Community Chapter addressed the right to protest and spoke to many social injustices

facing South African society. Overall, the NYS reinforced both solidarity and collective consciousness, creating spaces where more young people could reject violence against women and fight for gender and identity rights.

The artistic activities at the NYS were a powerful inclusion in the day, particularly to provoke feelings and insights into the way society deals with SGBV.

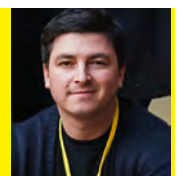
The Amnesty Garden provided a dynamic space for staff, activists and volunteers to commit to creating a future where youth are included at all levels of the movement.

The NYS was an inspiring event that engaged young people within the movement to demand university environments that are free from SGBV.

Achieving this will not be easy and team work will be essential. Fortunately, AISA is committed to working alongside our university chapters to secure a safer future for our university campuses. [\[8\]](#)



Diego Galvez
Volunteer
Amnesty International South Africa



Amnesty International South Africa Executive Director Shenilla Mohamed and Amnesty International Secretary General Kumi Naidoo at the Amnesty Garden.
© Amnesty International South Africa

BRINGING FRESH PERSPECTIVE TO OLD DEBATES

Empowering young people to bring their fresh ideas, fresh perspectives, and fresh possibilities to light will change the world. By Kuvaniah Moodley

Fresh, adjective. Meaning not previously known or used; new or different.

Synonyms include; new, brand new, recent, latest, up-to-date and modern, modernistic.

There are an estimated 7 billion people on the world, an estimated 3.1 billion of them young people like us.

That's an estimated 3.1 billion you and I's out there with 3.1 billion different stories, lived experiences, and issues we face. But also, an estimated 3.1 billion of us with 3.1 billion possibilities to change our worlds with an estimated 3.1 billion fresh ideas.

We recently welcomed Kumi Naidoo to the Amnesty movement. Kumi is Amnesty's first ever South African Secretary General, and he began his new role here in South Africa on a listening tour – listening to the lived realities of human rights defenders in South Africa as well as the continent.

Throughout the tour, Kumi's message was clear: his vision is a bigger, bolder, and more inclusive human rights movement that will take action and mobilize against human rights violations on the continent and the world at large.

The group of people he believes most equipt do be the agents of this change is us, the 3.1 billion young people around the world... 226 million of us being young Africans.

Kumi's listening tour culminated in Amnesty International South Africa's first National Youth Summit held at the University of Cape Town on Saturday 18 August 2018.

The summit invited dynamic young people from

our seven South African university chapters to debate issues we face, to tell the world what we wish for, and to plant the seeds of a new tomorrow.

Kumi, along with our Executive Director Shenilla Mohamed, both attended, not as keynote speakers but rather as listeners and mentors. Kumi's advice, after he had spent the day engaging with us, was 'based on his observations':

"The biggest contribution young people can make right now is to bring the freshness of perspective to old debates. If I'm being brutally honest, I think the that the older generation, which I am sadly now part of, has run out of fresh ideas to a large extent. What this world needs is fresh thinking, fresh perspectives. As young people on this continent, you have to foster this and advocate for greater social, economic and political integration... If the EU can have a Euro, why can't Africa have an Afro? I want you to sing with me 'Phambili Afrika' (Forward Africa)."

This may seem like a tough ask, but there are 3.1 billion of us, 226 million living in Africa who have the opportunity to unite, mobilize and take action. We have dynamism and innovation on our side. This, coupled with our energy and understanding of the interconnected world, we can teach generations before and after us to formulate modern ideas of activism that can be galvanized into action.

Youth activism through #FeesMustFall here in South Africa, #MarchForOurLives in the US and The Umbrella Revolution in China has shown that young people are not apathetic or disengaged.

Continue...



Rather, we are savvy enough to know when to and how to change our approach to get older generations to listen to us.

We must work with older generations to not only “address the dispiriting abyss of youth unemployment”, but ensure that we, the young, drive the discussions that shape our lives and communities. The estimated 3.1 billion us needs to make it fresh and keep it fresh.

As a young African, I see the changes we are making and the potential we can harness. We are the youngest continent in the world – 60% of us are under 25. By adding our voices to the narrative, making meaningful engagement, empowering one another, supporting one another, participating and engaging with one another we are realizing our human rights.

And Kumi is on board: “I want young people to know especially that we are open to you and need

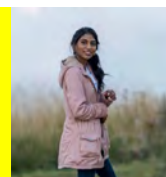
you to challenge us to do better by you. It is my abiding belief that young people are not the leaders of tomorrow, but the leaders we need here and now.

The Ahd Tamimis, the Elin Erssons, the Sibongile Ndashes, and every single person that has not shied away from civil disobedience or being called naïve or idealistic are the bold role models we need today.”

We are an estimated 3.1 billion, 226 million of us live in Africa.

Amnesty is a global movement of 7 million people, one third of those under the age of 25. With our fresh ideas, fresh perspectives, and fresh possibilities, we can change our world. ¹

Kuvaniah Moodley
Media and Digital Content Intern
Amnesty International South Africa



REFUGEE RIGHTS NETWORK

In August, Amnesty International South Africa (AISA) launched the Johannesburg Refugee Rights Network and we are excited to welcome this new team of activists to the AISA family.

The network is working with us to devise a national campaign for refugee and asylum seeker rights in South Africa. This is a new approach to campaign development at Amnesty but an exciting and necessary one if we are to see real change in this space.

Every second Saturday we come together to work on various aspects of the campaign – from exploring our vision to hitting the streets and asking questions that will help us understand the people, trends and

technologies shaping the current discourse around refugee and asylum seeker rights in South Africa and how we can harness this energy into positive action.

We believe by placing people at the centre of the campaign we can enable and inspire countless individuals to take an active role in change-making. ²

If you are interested in joining us or starting a **Refugee Rights Network** in your province or area, email us [here](#).



The Refugee Rights Network: (L-R) Cedrick, Kaylin, Tee, Lesego, Maurice, Jennifer, Jaclyn, and Alicia.
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UN ECONOMIC, SOCIAL & CULTURAL RIGHTS REVIEW

On 2 October 2018, South Africa was reviewed by the UN Committee on Economic, Social and Cultural Rights (CESCR) in Geneva, Switzerland. Amnesty International made a submission to the review, summarized below.

South Africa ratified the International Covenant on Economic, Social and Cultural Rights in January 2015. This is the first time the country was reviewed before the Treaty Body's Committee.

Article 11 of the ICESCR protects the right of everyone to adequate housing.

Article 12 of the ICESCR protects the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The Right to Adequate Housing

The government has failed to enforce corporate responsibility within the extractive industry and ensure Social and Labour Plans – which require provision of safe and affordable housing – are delivered, and left thousands to live in appalling conditions.

In 2017, Amnesty International found that only 7% of the country's public health facilities offered abortion services.

Residents in mining-affected communities, such as Nkaneng informal settlement near Marikana, do not have access to adequate shelter, sanitation, water, or electricity.

Nationally, millions of South Africans are living in inadequate housing with growing numbers left in informal and unsuitable accommodation, as provincial and municipal authorities have failed to spend budget allocations for Human Settlements.

Migrant workers remain highly vulnerable to poor housing conditions.

The Right to Health

South Africa's Choice on Termination of Pregnancy Act (1997) led to a 90% reduction in abortion related deaths and injuries once enacted. Yet, two decades later, unsafe abortions occur frequently in the country, contributing to high rates of avoidable maternal mortality and morbidity.

Over a quarter of abortions in South Africa take place in the second trimester of pregnancy.

In 2017, Amnesty International found only 7% of the country's public health facilities offered abortion

services. The Department of Health's response to the request for information from Amnesty International confirmed that 505 facilities are designed to provide termination of pregnancy services and of these, only 264 health facilities are providing first and second trimester termination of pregnancy services.

The national department of health has failed to maintain accurate information regarding which public health facilities provide abortion services and at which gestational ages. And such information is unavailable to the public.

The government has failed to tackle pervasive stigma towards women and girls seeking abortion services, or to ensure accountability for health professionals who refuse to uphold their ethical responsibilities to provide abortion care.

The dire lack of health facilities providing abortion has resulted in large distances and high costs of transport, disproportionately impacting women and girls living in poverty.

Amnesty International is also concerned by high rates of unplanned pregnancies, including among school learners in South Africa. The organisation documented the failure of the authorities to ensure that information about sexual and reproductive health and rights is adequately disseminated, including through comprehensive sexuality education.

In 2014, Amnesty International reported breaches of the right to privacy and confidentiality, including the lack of informed consent around HIV testing during antenatal care.

This was found to have serious consequences of deterring pregnant women and girls from seeking timely antenatal care and essential HIV treatment where needed.

High numbers of births continue to take place outside of health facilities, reflecting catastrophic transport costs and a lack of emergency medical transport in rural areas.

Criminalization of sex work in South Africa has increased the risk of human rights violations, including the right to health, including protection and treatment of HIV.

Criminalization of sex work is also a barrier to police protection and access to justice for sex workers who experience high rates of violence.

Read Amnesty International's written submission on South Africa to the CESCR Committee [here](#). ■

MY BODY, MY CHOICE: AN INTERVIEW WITH DR T

Q&A with sexual and reproductive rights activist Dr Tlaleng Mofokeng by Ntombi Nkiwane

Dr Tlaleng Mofokeng always knew that she was going to become a doctor. Affectionately known as 'Dr T', she trained as a medic at Nelson Mandela School of Medicine, in Durban, in the early 2000s. Her training coincided with an upsurge in campaigns around the prevention and treatment of HIV and AIDS. Inspired by this activism, and by professors dedicated to providing abortion services, she took an interest in sexual and reproductive health.

During her medical training, she set up a youth friendly clinic in rural Matatiele, KwaZulu-Natal (KZN). At the clinic, she observed that adolescent girls required comprehensive reproductive health services, including contraceptive options.

After working in government health systems for seven years, she now runs DISA Health Clinic in Sandton. The clinic provides a range of sexual and reproductive health services.

Dr T has dedicated her medical career to advancing sexual and reproductive health rights (SRHRs) for women and children.

🔗 What do you think is the biggest challenge facing SRHRs in South Africa?

Dr T: The issue around safe and legal abortion access remains simply because we are just not making the right types of health system responses. The National Department of Health (DoH) is still falling short of training and ensuring that there is continuous medical education for postgraduates. The issue of making sure that women have information is a big one. I spend a lot of my time, online, providing people with information firstly that's accurate, and evidence based, but secondly, that links them to safe abortion services. The other work includes advocacy and clinical training young medical people, not just doctors, but other allied professionals. These include nurses, pharmacists and psychologists.

Even African traditional medicine doctors have been part of the training. I train them to become champions and to advocate for safe and legal abortions within their contexts. This means that if, for example, we also show pharmacists and pharmacy students why it is important for them to assist in terms of procuring medicines, including ensuring there are no stockouts. We also train them on advocating for generics to be registered, and how they can impact and add on to ensuring that more and more people can access services safely.



Dr Tlaleng Mofokeng. © Amnesty International

The training that I'm doing currently is called 'advocacy in practice', for safe and legal abortion. We are trying to make sure we have as many people who are involved in service delivery be aware of the human rights of people, be aware of how their work and their profession links to better outcomes at the end of the day.

And of course, the other thing I'm involved in, globally, is the resistance to the Global Gag Rule (GGR). This is something that has been influencing my interest in terms of global health politics: The issue of foreign funding, and how much of that is allowed to influence the NGOs, which receive this funding. But also, in South Africa unfortunately, because of the way our health system is designed, you have a lot of USAID recipients which have partnerships with the Department of Health (DoH). And those relationships are impacting on their ability to give information to ensure services are accessible and available for women.

I went to the United States, and held a briefing at the Senate on Capitol Hill, where I gave a brief on what or the impacts of the GGR, with what happens in South Africa despite our Constitution and the Choice on Termination of Pregnancy Act (CTOPA), but also historical perspective on the experience of South Africa under George W. Bush. And now, with Donald Trump, what does it look like and how does this impact our ability, even as private doctors, to offer services that are safe and ethical? I also discussed breaking down the relationships between civil society because, people have to choose between providing HIV management and services, or giving comprehensive sexuality services inclusive of abortion information, referrals and procedures. This is unethical but also unconstitutional. So, our work on that global sphere has been around resistance of

the GGR and to coming up with ways to end unilateral implementation of restrictions and hopefully one day soon, end the Gag Rule that comes with health aid.

We must all be asking very specific questions around foreign aid, and how much of that should be allowed to influence our national healthcare delivery.

🗣️: Do you have a solution to this challenge?

Dr T: It's difficult for me because I can only do so much as a person who is a private health practitioner. But I think the big opportunities lie in collaborations and partnerships across sectors and across society. That way, we can amplify each other's work and each other's message. And I think the issues for me, daily, are not limited and cannot wait for a campaign that happens once a year.

Women's Month in August tends to allow for issues to be given a bit more attention but it is a fact that these issues are ongoing, and how do we help people take up these causes on a day-to-day basis? And they manifest themselves in terms of women's healthcare and women's rights, but these are everyone's health rights.

It's more than just about cisgender heterosexual women, it's about the Black lesbian women in the townships, for example, who are still victims of hate crimes. It's about transgender women who are trying to access services and hormone therapy. It's about having proper medical emergency centres that can assist in rape survivors and victims. All these issues, because of the country that we live in, cannot wait for Women's Month. But there is obviously this vigour around the month. And we need to take advantage of that. For me, it's about partnerships, collaborations and, obviously, bringing these issues up and sustaining them throughout the year.

"It's about partnerships, collaborations and, obviously, bringing these issues up and sustaining them throughout the year."

🗣️: So, there is still a long way to go?

Dr T: I think you've got pockets of excellence but, unfortunately, that's not the standard. And because it's not the standard, the quality of service that people get is very varied. You cannot say for certain once you've referred someone to a different facility, or for a step-up in care, that they will receive comprehensive care. And I think we still, as medics, deal with structural determinants as

outsiders looking in and not enough time on advocating for patients' rights, accountability from NDOH.

[We need to ask] What is their story? Yes, they may also have an STI, but what makes this case different from the next one that walks in, and what makes that one different? We're not giving tailored healthcare, we're giving generalized healthcare to people with very specific problems.

And I think again, just in terms of the curriculum and how medicine is taught, it is still very much colonised. This is visible even in the types of patient profiles that we are taught about in medical school. We don't go deep enough in understanding the history, and the racial and gender bias of medicine. We don't interrogate how we are perpetuating those same racial and gender biases in how we practice medicine. The photos of genitalia depicting sexually transmitted diseases in the books and lectures are of only black people, the biomedical developments are researched for an average 70kg white male, yet we know the profile of the majority of the patients we help do not fit the mold.

🗣️: The fight for SRHRs is not unique to South Africa, but an issue in many countries, Argentina being one of them. What do we, as South Africans, bring to the global fight for SRHRs?

Dr T: I know that for us in South Africa, one of the biggest lessons we're sharing is: despite a law that is over 20 years old, which is often used as an example worldwide of what good abortion laws look like, the DoH still can't translate that into integrated, timeous and dignified care for women.

And how do we move beyond legal frameworks, to ensuring that whatever we do results in lives being saved, and in women getting access without delay and stigma. Those were the biggest lessons for me.

Despite all these different legal frameworks, and different contexts, that people work in, all of us are grappling with the issue of stigma and the issue of literal access to service. 📌



Download Amnesty International's Body Politics Toolkit [here](#) and start reclaiming your SRHRs.

Ntombi Nkiwane
Women & Marginalized Groups Rights Intern
Amnesty International South Africa



WE'RE READY, MR. PRESIDENT. ARE YOU?

President Ramaphosa made a call to South Africans to become champions of the fight against GBV and to see this as the beginning of the journey to resolving this problem. We're ready, Mr President, are you? Asks Jennifer Wells.



© Amnesty International South Africa

2018 has been a year in which the issue of gender-based violence (GBV) has dominated mainstream media, the red carpet and streets of major cities around the world, looking to slogans of #MeToo and #TimesUp as calls to action and advocacy.

The year saw an increase in awareness around harassment, assault, coercive and abusive behaviour against women and girls, and sparked a new cultural awakening around the world with women driving the resistance against misogyny, patriarchy and sexism.

Riding on the wave of the #MeToo movement, women are reclaiming their power and exposing the daily human rights abuses they face.

However, whilst 2018 may be remembered for its women-led movements or the record number of women elected to congress in the United States (US), South Africa has taken little effective action to reduce its stunningly high rate of GBV.

Despite having the entire month of August, a public holiday and the 16 Days of Activism Against GBV campaign dedicated to women, South Africa continues to extreme levels of GBV. It pervades political, economic and social structures of society, cuts across all divides and impacts all aspects of life.

On August 1, 2018, women, girls and gender non-conforming people, in all their diversity, marched in protest against GBV under the banner of #TotalShutdown. The march culminated in the delivery of a memorandum to the state, detailing 24 demands to ensure an end to GBV in South Africa. In response, President Cyril Ramaphosa called for a National Summit against Gender-Based Violence and Femicide that was held from 1 to 2 November 2018 in Johannesburg.

Speaking at the summit, the president stated that “gender-based violence is an affront on our shared humanity as South Africans. The unrelenting murder of women in our country, for no reason other than that they are women is corroding our nation”.

Femicide – to which the president was referring – is the intentional killing of women and girls because of their gender. According to StatsSA, femicide is five times higher in South Africa than the global average with 2 930 women murdered in South Africa in 2017/2018.

This statistic was brought to life at the GBV and Femicide Summit through a young woman’s account of her mother’s brutal rape and murder by her adopted son. Similar stories of abuse and violence were shared by survivors at the summit,

highlighting the shocking torment and anguish women, girls and gender non-conforming people face daily in this country. The personal accounts bear testimony to the statistics, from StatsSA, quoted by Ramaphosa that an estimated 138 out of 100 000 women are raped every year in South Africa and, that in 2017/18, 40 035 cases of rape were reported to the South African Police Service.

One study across four southern African countries, including South Africa, found that 31.1% of women reported having experienced forced sex. Rates of intimate partner violence (IPV) are high in South Africa with 25-40 % of South African women experiencing sexual and/or physical IPV in their lifetime. These statistics don't live just on paper. They live in the realities of so many in South Africa.

Speaking at the summit, President Ramaphosa said that "the proposals that have been put forward are going to be acted upon" and that he is "relooking at how the budget and structure will deal with GBV".


He continued to explain that he is committed to working with civil society to produce an action plan in 2019, and will establish a central national coordinating structure for GBV.

He further stated that funds should be made available to improve the Thuthuzela Care Centres, which are found at public hospitals in communities,

and provide a holistic response to survivors of GBV, and ensure that their lay counsellors are adequately trained to best deal with the needs of the victims.

Ramaphosa made a call to all South Africans to become champions of the fight against GBV and to see this as the beginning of the journey to resolving this problem. Seemingly sincere in his words, Ramaphosa ended his speech with a pledge to all that "government is here and listening and will continue to respond to your demands".

We've heard you, Mr President. We are here and listening. We watched as you made your calls and pledges, and as a young woman living in South Africa, I'm listening even harder. As the 16 Days of Activism Against GBV campaign came to an end on 10 December 2018 (International Human Rights Day), we are ready to see action. How do we move beyond paying lip service to this scourge, through special days, months and campaigns, to realising the change we want to see in our world, Mr President? Rather than waiting for your action plan, we are ready to participate in designing an effective one with you and we want to see the allocation of requisite budget and human resources as part of this plan.

16 Days of Activism is a start, but by no means is it the sole solution. We're ready, Mr President. Are you? 

How well do you know your women's rights?
Take the **QUIZ** and find out!

Jennifer Wells
Justice & Accountability Intern
Amnesty International South Africa



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PRIVATIZATION OF EDUCATION IN SOUTH AFRICA

Introducing Amnesty International's research. By Ntombi Nkiwane



Amnesty International Secretary General Kumi Naidoo speaks with learners at Chatsworth Secondary School, Durban, his former school. © Amnesty International

One of the foremost challenges facing South Africa, is providing quality education to children.

Statistical indicators highlight the correlation between educational attainment and socio-economic advancement. Although spending more per capita on education in the region, South Africa has some of the poorest educational outcomes.

Despite a massive resource shift to former Bantu schools post-apartheid, the public education system remains ruinous. Quintile 1 and 2 schools, often display the poorest outcomes. Quintile 1 is the group of schools in each province catering for the poorest 20% of learners. Quintile 2 schools cater for the next poorest 20%, and so on.

Private actors have captured the delivery of public services, including education. This has resulted in large commercial international and national actors, providing low-cost private education. However, low-fee schools pose concerns and are still not accessible to extremely poor families.

During the month of August, members of the economic, social and cultural rights (ESCR) team from the International Secretariat (IS) came to South Africa, on a second research mission.

In collaboration with the ESCR teams at Amnesty International South Africa (AISA) and Amnesty's Southern Africa Regional Office (SARO), the aim of the research is to assess the impact of the privatization of education in South Africa. The research also aims to assess the State's failure to provide adequate quality education to all children.

Whilst the first mission focused on speaking to NGOs and technical experts, the second mission focused on visiting schools as well as regulatory bodies. These included: The Independent Examinations Board, the National Association of School Governing Bodies, and various quintile 1 and 2 schools.

Colleagues started their mission by visiting the various regulatory bodies in Johannesburg and Pretoria. They then travelled to the Eastern Cape, where they visited schools in Port Elizabeth and central Eastern Cape. The team then returned to Gauteng, where they visited schools throughout the province. During their school visits, the team conducted one-on-one interviews, as well as focus group discussions. The discussants included: parents, learners, teachers, school authorities and community members. The findings will feed into a research report, to be launched in 2019.

More importantly, the research report will inform a nationwide advocacy campaign. It is our firm belief, at Amnesty International, that research can only be enabled through a deep connection to the needs of real people. The campaign will firstly create public awareness about low-cost actors. Although these actors are seemingly providing a solution to the dismal of public education, flags have been raised about their operating models.

Concerns around a lack of adequate teachers, additional charges and segregation have all been highlighted in previous research literature. The campaign will also call on the State to ensure free, quality education for all children in South Africa, as prescribed in our Constitution. To meet its human rights and Sustainable Development Goal (SDG) commitments, we believe the South African government should urgently re-evaluate the public education system. [\[1\]](#)



Learners write letters for Amnesty International's Write for Rights Campaign, bringing human rights into the classroom. © Amnesty International South Africa

Ntombi Nkiwane
Economic, Social and Cultural Rights Intern
Amnesty International South Africa



WHY AMNESTY INTERNATIONAL STRIPPED AUNG SAN SUU KYI OF ITS HIGHEST HONOUR

Leaders must never be allowed to violate rights with impunity, says Shenilla Mohamed



© Maxwell Photography

It was not an easy decision. But we had to stand true to our own values as a human rights organisation that takes injustice personally.

Since Aung San Suu Kyi became the de facto leader of Myanmar's civilian-led government in April 2016, her administration has been actively involved in the commission or perpetuation of multiple human rights violations. We believe she has lost her conscience and shamefully betrayed the values she once stood for.

The Ambassador of Conscience Award, Amnesty International's highest honour, was inspired by a poem written for Amnesty International by Nobel Laureate Seamus Heaney and recognises exceptional leadership and witness in the fight to protect and promote human rights. Past winners include Nelson Mandela, Mary Robinson and Peter Gabriel.

Aung San Suu Kyi was presented the award in 2009 recognition of her peaceful and non-violent struggle for democracy and human rights. At the time she was held under house arrest, which she was eventually released from eight years ago. She was only finally able to accept the award in 2012.

Amnesty International has repeatedly criticised the failure of Aung San Suu Kyi and her government to speak out about military atrocities against the Rohingya population in Rakhine State, who have

lived for years under a system of segregation and discrimination amounting to apartheid. During the campaign of violence unleashed against the Rohingya last year the Myanmar security forces killed thousands, raped women and girls, detained and tortured men and boys, and burned hundreds of homes and villages to the ground. More than 720,000 Rohingya fled to Bangladesh.

A UN report has called for senior military officials to be investigated and prosecuted for the crime of genocide. Although the civilian government does not have control over the military, Aung San Suu Kyi and her office have shielded the security forces from accountability by dismissing, down-playing or denying allegations of human rights violations and by obstructing international investigations into abuses. Her administration has actively stirred up hostility against the Rohingya, labelling them as "terrorists", accusing them of burning their own homes and decrying "faking rape". Meanwhile state media has published dehumanizing articles alluding to the Rohingya as "detestable human fleas" and "thorns" which must be pulled out.

Aung San Suu Kyi's failure to speak out for the Rohingya is one of reasons why Amnesty International can no longer justify her status as an Ambassador of Conscience.

Continue...

On 11 November, Amnesty International's Secretary General Kumi Naidoo wrote to Aung San Suu Kyi to inform her that the organisation is revoking the 2009 award. Halfway through her term in office, and eight years after her release from house arrest, Naidoo expressed the organisation's disappointment that she had not used her political and moral authority to safeguard human rights, justice or equality in Myanmar, citing her apparent indifference to atrocities committed by the Myanmar military and increasing intolerance of freedom of expression.

"As an Amnesty International Ambassador of Conscience, our expectation was that you would continue to use your moral authority to speak out against injustice wherever you saw it, not least within Myanmar itself," wrote Kumi Naidoo.

"Today, we are profoundly dismayed that you no longer represent a symbol of hope, courage, and the undying defence of human rights. Amnesty International cannot justify your continued status as a recipient of the Ambassador of Conscience award and so with great sadness we are hereby withdrawing it from you."

Her denial of the gravity and scale of the atrocities means there is little prospect of the situation improving for the hundreds of thousands of Rohingya living in limbo in Bangladesh or for the hundreds of thousands of Rohingya who remain in Rakhine State. Without acknowledgement of the horrific crimes against the community, it is hard to see how the government can take steps to protect them from future atrocities.


Amnesty International also continued to engage Aung San Suu Kyi on the situation in Kachin and northern Shan States, where she has failed to use her influence and moral authority to condemn military abuses, to push for accountability for war crimes or to speak out for ethnic minority civilians who bear the brunt of the conflicts. To make matters

worse, her civilian-led administration has imposed harsh restrictions on humanitarian access, exacerbating the suffering of more than 100,000 people displaced by the fighting.

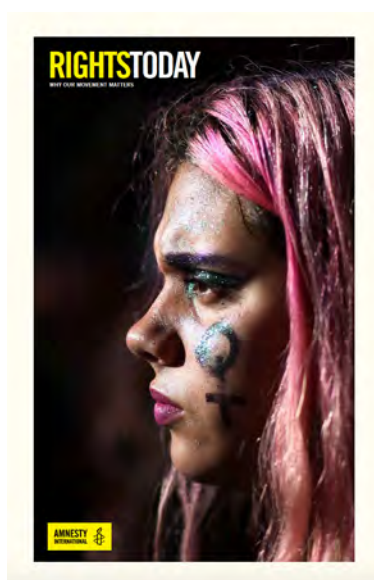
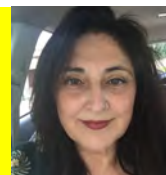
Despite the power wielded by the military, there are areas where the civilian-led government has considerable authority to enact reforms to better protect human rights, especially those relating to freedom of expression, association and peaceful assembly. But in the two years since Aung San Suu Kyi's administration assumed power, human rights defenders, peaceful activists and journalists have been arrested and imprisoned while others face threats, harassment and intimidation for their work. Aung San Suu Kyi's administration has failed to repeal repressive laws – including some of the same laws which were used to detain her and others campaigning for democracy and human rights.

Instead, she has actively defended the use of such laws, in particular the decision to prosecute and imprison two Reuters journalists for their work documenting a Myanmar military massacre.

Aung San Suu Kyi was named as Amnesty International's Ambassador of Conscience in 2009 and when she was finally able to accept the award in 2012, Aung San Suu Kyi asked Amnesty International to "not take either your eyes or your mind off us and help us to be the country where hope and history merges".

Amnesty International took Aung San Suu Kyi's request that day very seriously, which is why we will never look away from human rights violations in Myanmar. We will continue to fight for justice and human rights in Myanmar – with or without her. 

Shenilla Mohamed
Executive Director
Amnesty International South Africa



**Amnesty International
released our
Rights Today:
Why Our Movement Matters
report on
10 December 2018.
A summary of the State of the
World's Human Rights,
you can read it [here](#).**

GETTING CAPE TOWN ACTIVATED FOR AMNESTY

Cape Town got activated for Amnesty in October by kicking off Write for Rights 2018!



© Amnesty International South Africa

On Wednesday 17 October we had our first Activate with Amnesty event in Cape Town – a wonderful evening of engaging with a diverse group of people passionate about protecting and defending human rights.

The evening also saw us kicking off our letter writing for the 2018 Write for Rights campaign – the cases we are working on are women human rights defenders from India, Kenya, Brazil and our own South Africa.

You can head to our [website](#) to find out more about the cases and how you can get involved.

Thank you to everyone who attended and a big shout out to the team at [Youngblood](#) – it was an amazing space and we look forward to coming back soon. Our Activate with Amnesty events are information sessions designed for people who are interested in joining the movement, whether as an activist, volunteer or member. 📧

Watch this space:

The next Activate for Amnesty will be in Pretoria.

THANK YOU TO ALL OUR SUPPORTERS!

Our 2018 Supporters' Assembly took place on Saturday, 8 December 2018, in the George Bizos Gallery at the Apartheid Museum.



Human rights defender Nonhle Mbuthuma spoke about the Xolobeni community's fight for the Right To Say No, the youth shared victories and challenges, our Refugee Rights and Volunteer networks talked about lived experiences, and we introduced our Transitional Advisory Group.

Coral Vinsen (above) was honoured for her decades-long dedication to human rights and Amnesty International. Thank you, Coral, for inspiring all of us! 🙏



All photos: © Amnesty International South Africa

INTRODUCING OUR TRANSITIONAL ADVISORY GROUP

After a vigorous application and interview process, six individuals were selected to serve on our Transitional Advisory Group, the aim of which is to support and guide us as we move towards section status. Here we have the pleasure of introducing them to you.

Alexandre Maaza works as a Junior Programme Officer for the Science and Technology Office at the Embassy of Switzerland.

He focuses on technology and social entrepreneurship initiatives that find solutions for socio-economic challenges. This has allowed him to marry his passion for youth empowerment and technology as a means for people-centric African development. He completed his undergraduate studies at the University of Cape Town in Economics, Finance with honours in Social Development. During this time, he immersed himself in the campus world of Amnesty International and the UN; where he co-founded a yearly Human Rights Youth Conference, co-organised a Model UN Conference and conceptualised 'AmnesTea' – a fresh twist to the panel discussion format.

A global citizen at heart, Alexandre hopes to be conversational in at least 3 more languages by the time he is 35 or starts greying – whichever comes first. 🇳🇵



Antoinette Ntuli has more than 40 years experience as a health and cultural activist. In the UK she was part of the 'Politics of Health Group', and the 'Racism Awareness Training Unit', a group that pioneered anti-racist training. After moving to South Africa in 1994 she worked for Soul City, and later the Health Systems Trust. Her passion for equity and justice was instrumental in the development of the 'South African Equity Gauge Project', the catalyst for the formation of several similar projects in countries in Africa, South America and South East Asia. In 2015 she helped set up the 'Sankofa Public Arts Trust' that supports the promotion of public art through the training and empowerment of young people from disadvantaged communities. She is currently a Trustee and project manager for the Trust, and a Board member for the Seriti Institute. Antoinette has co-authored a number of books and articles as well as editing several publications in the field of health promotion, health systems development, and the arts. 🇳🇵

Cynthia Stimpel is passionate about Corporate Governance with 40 years of experience in banking, risk management and treasury combined.

Cynthia is also a recently qualified director with the Institute of Directors in Southern Africa (IoDSA), loves her family, her yoga practice, Tai Chi and travelling. 🇳🇵



**Would you like to volunteer your time?
Sign up to our
Volunteer Network
[here.](#)**



Elena Agnello was born in Cape Town and grew up in a single parent household. She remembers not being represented in the books she read as a child and therefore published a children's book, *I am Alex* in 2016.

Elena has two daughters who fights the patriarchy alongside her and she believes: The most dangerous phrase in the human language is, 'We've always done it this way.'

She is a proud Humanist and hosts secular meetups in her area to create a sense of community and challenge stigmas and discrimination. She completed Higher Certificate Courses at AAA School of Advertising and AFDA School of Motion Picture. ^[1]

Lehlogonolo Muthevhuli is currently in her final year of studying for a degree in International Relations and Politics. She joined Amnesty International Wits in 2016 and was elected as the vice-chairperson for the term 2016/2017, and was re-elected as the treasurer for the term 2017/2018.

Her involvement with the Wits chapter gave her a desire to help eradicate human rights abuses on a national platform, and she aspires to one day be a diplomate and a human rights defender. ^[2]



Nicholas Maweni is the Founding Chairman of BRICS Fashion Week and Chairs the board of Valued Citizens Initiative. He is also the Marketing Director for SAP Africa and was the Chief of Staff for Ministry of Justice & Constitutional Development and the Ministry of Arts & Culture. He served as the MD of the Black Management Forum and previously held the position of VP/ Chief Marketing Executive at IBM Africa.

He has over 15 years in the Marketing, Sponsorship and Communications experience and served as the Group Marketing Director of Crossroads Distribution-Skytel Worldwide Express. He was also the Executive Head of Corporate Affairs at Virgin Mobile when it launched in South Africa. He has worked for a number of companies such as Vodacom, Edcon to mention but a few.

Nicholas has received various awards, including an award from the Institute of Marketing Management, Citizen of the Year from the City of PE and BMF Manager of the Year.

Nicholas has a Masters in Strategic Marketing and Masters of Law (Commercial Law). ^[3]



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MADAGASCAR: PUNISHED FOR BEING POOR

Unjustified, excessive and prolonged pre-trial detention keeps thousands in life-threatening prison conditions.



Prisoners sleeping in a cell at Manakara prison (Maison Centrale de Manakara), Madagascar, September 2018.
© Amnesty International (Photo: Richard Burton)

People who have not been found guilty of any crime are dying in Madagascar's prisons due to appalling conditions says an Amnesty International report highlighting how the Malagasy authorities' excessive use of pre-trial detention is harming the poorest people in society. The organization documented how, in 2017 alone, 52 out of the 129 detainees who died in Madagascar's prisons were in pre-trial detention. The report, [*Punished for being poor: unjustified, excessive and prolonged pre-trial detention in Madagascar*](#), is based on visits to nine prisons around the country, where more than 11,000 people have been arbitrarily placed in pretrial detention which often lasts for years. This has resulted in severe overcrowding which, coupled with lack of food and medical care and unhygienic facilities, is damaging the health of detainees and putting lives at risk.

"A catalogue of failures in Madagascar's criminal justice system means people are suffering in prison for years before they have their day in court. In the prisons we visited, many of those being held for extended periods without trial were accused of petty, nonviolent crimes. One man accused of stealing cattle had been in detention for three and a half years," said Deprose Muchena, Amnesty International's Regional Director for Southern Africa.

"None of the prisons we visited separated pre-trial from sentenced prisoners, as is required by international human rights law. This has meant in some cases that children were sharing cells with convicted criminals. The poorest, including women and children, with the least recourse to legal help, are those who suffer the most."

Madagascar's abusive pre-trial detention disproportionately affects men, women and children who are poor, not least because they cannot afford their own legal representation. Over the past decade, the rates of pre-trial detention amongst children and women have increased at a worrying rate, while men's prisons remain severely overcrowded. As of October 2017, pre-trial detainees comprised 70% of the total number of women in prisons, and 80% of the total number of children in prison.

Amnesty International documented how detainees are often held in lengthy pre-trial detention for petty, non-violent offences such as theft of chickens or mobile phones, or forgery. These offences do not warrant pre-trial detention at all, let alone prolonged detention in horrendous conditions.

International human rights law provide that pre-trial detention must not be the general rule and may not be used for punitive purposes.

The Malagasy authorities' use of unjustified and prolonged pre-trial detentions also violates their own laws, including the presumption of innocence.

Conditions of detention

Amnesty International visited nine prisons around Madagascar where pre-trial detainees are being held, and witnessed appalling living conditions. Cells are dark, filthy and extremely overcrowded, and lack air or light, posing serious risks to detainees' physical and mental well-being.

None of the prisons visited separated pre-trial and sentenced prisoners, with three not even appropriately separating children and adults.

The organization also documented poor sanitation,

absence of healthcare, lack of adequate food, and limited access for families across all prisons visited.

While the majority of pre-trial detainees are men, women and children are disproportionately affected by some of the conditions in detention.

For example, pregnant women and women with babies do not have access to appropriate healthcare, while children often have no access to any educational or vocational activities, in violation of both national and international law.

One man, who has been in pre-trial detention for three and a half years after he was accused of stealing a cow, told Amnesty International: “Forty-two of us sleep in the same room but there is no room to sleep, I sleep on the floor. A lot of people get sick. Some cough, some shiver, some get very cold. And people fight about food because there isn’t enough... I really want a trial because I really suffer here.”

Another man, who has spent more than a year in prison on charges of kidnapping and criminal association, said: “We sleep only one to two hours per night, it’s really bad... In November and December, it’s deadly, there’s no air. Once, I even collapsed and people had to take me out of there.”

All the prisons visited were holding detainees far beyond their official capacity. For example, in September 2018, approximately 700 people were detained in the Manakara prison, which had an official capacity of 121.

Compromised health

Pre-trial detainees, who were in visibly poor health during Amnesty International’s visit, complained about not receiving timely or appropriate medical care. While most of the prisons visited had an infirmary, nurses, medical supplies and facilities were in short supply.

Most cells did not have toilets or showers, and prisoners had to use plastic buckets as toilets during the night in their overcrowded cells. Prisons visited were not well ventilated and detainees complained about cells and dormitories being filthy, infested with rats and bugs and being extremely hot, conditions which can foster the transmission of diseases. Tuberculosis is one of the primary causes of death for detainees and prisoners in Madagascar.

Inadequate food supply

Malnutrition remains a critical threat to prisoners’ health and lives. Detainees who spoke to Amnesty International complained about meagre food rations, including one woman in Maintirano prison who said that a meal portion could fit in the palm of her hand.

According to the International Committee of the Red Cross (ICRC), almost half of the prisoners in Madagascar suffer from moderate or severe malnutrition. In 2015, the ICRC documented 27 deaths in the country’s prisons due to malnutrition.

“Nobody should be held in the life-threatening conditions we saw in Madagascar’s prisons, and certainly not people whose case is still being decided. As well as upholding the presumption of innocence, ending the abusive use of pre-trial detention could help ease the overcrowding which has made Madagascar’s prisons such miserable places,” said Deprose Muchena.

“We are calling on the Malagasy authorities to release pre-trial detainees whose detentions have been unjustified, arbitrary or prolonged – starting with those who are being held for petty offences, or simply because they are poor. The authorities must also provide reparations to victims of unlawful pretrial detention, and take steps to build an effective criminal justice system that respects human rights.”

Justice delayed

The biggest issue contributing to long pre-trial detentions in Madagascar is the limited allocation and infrequency of court sessions for criminal cases. Under the Code of Criminal Procedure, criminal court sessions are held twice a year, leading to serious delays and severe prison overcrowding. Additional sessions may be held if the number of cases calls for it, but only if resources are available.

Background


This report is the culmination of field research conducted in Madagascar in nine prisons in August 2017, and follow-up visits in September 2018, to investigate the practice and conditions of pre-trial detention. The nine prisons visited, which included eight central prisons and one maximum security prison, were in both inland and coastal regions.

The organization’s researchers interviewed, among others, men and women who had been held in detention for more than three years, and children for more than two years, without a trial.

Madagascar’s prisons hold more people who have not been tried, let alone convicted, than those found guilty. As of October 2017, 55% of the total prison population were pre-trial detainees.

Under international human rights law, people awaiting trial should not be detained unless there is an assessed risk that the suspected perpetrator may, for example, flee, intimidate a witness or tamper with evidence.

The Constitution of Madagascar similarly provides that pre-trial detention is an exception. Individuals awaiting trial or whose trials are still ongoing, and who have not been convicted, are presumed innocent.

They also have the right to access legal counsel and the right to be tried within a reasonable time, and to be detained separately from convicted persons among others. 

SOUTH AFRICA

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