



Ubuntu Centre

SOUTH AFRICA

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The Ubuntu Centre, South Africa submission for:

13th Session of Human Rights Council Universal Periodic Review 21 May – 4 June 2012

The Ubuntu Centre South Africa is the only independent membership based Disabled People's Organization, run for and by people with psychosocial disabilities in South Africa. It is registered in the NPO Directorate in the Department of Social Services as a Non Profit Organization. The main activities of the organization are lobbying and advocacy for human rights and thus securing the dignity of people with psychosocial disabilities that remain a stigmatized, marginalized and discriminated vulnerable group in South Africa.

1. The Ubuntu Centre welcomes that the South African Government has ratified the United Nations Convention on the Rights of Person with Disabilities in 2008.

(a) However, we note with concern that the South African Government has failed to submit the initial Country Report that was due on 3 May 2010.

The South African Government is called upon to comply with its international reporting obligation as stated in Article 35 (1) of the CRPD.

(b) Furthermore, we note with concern that in terms of Article 33 (2) of the CRPD, the South African Government is yet to designate or establish an independent monitoring mechanism. The Ubuntu Centre, as the representatives of people with psychosocial disabilities regards this as an important requirement to the implementation of the CRPD. The South African Government claims that focal points/persons have been designated in Government Departments (Article 33 (1)) and that this is coordinated by the newly established Ministry of Women, Children and People with Disabilities. However, the relevant contacts or information in this regard in the Department of Health are not provided despite requests from civil society. This is especially relevant to persons with psychosocial disabilities as the Mental Health Care Act of 2002, which is not CRPD compliant and the Mental Health Care Policy are being currently reviewed. Participation and inclusion of the voice of people with psychosocial disabilities is in danger of being excluded in the consultation process as required by CRPD. An independent monitoring mechanism, which also guarantees DPO's and their representative organizations involvement and participation as required by Article 33(3), would contribute towards ensuring compliance by the South African Government in this regard.

We thus call on the South African Government to fulfil its international obligation and designate and establish an independent monitoring mechanism as stated in Article 33 (2) of the CRPD.

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2. The Ubuntu Centre welcomes that South Africa has signed the Convention on Torture in 2006.
 - (a) However we note with concern that South Africa has not yet criminalized torture as required by Article 4 and also that the Optional Protocol to the Convention on Torture is not ratified. This means that South Africa has no National Preventative Mechanism to effectively deal with torture. We are deeply concerned about conditions in psychiatric institutions where people are deprived of their liberty and therefore are vulnerable to human rights abuses that amount to cruel, degrading and inhuman treatment or punishment. Ubuntu receives numerous complaints of such human rights violations within these institutions. Ubuntu is also cognizant other institutions that deprive the liberty of persons such as those with intellectual disabilities and the elderly. Access by the public to these institutions is restricted. Media reports and anecdotal evidence strongly support claims that human rights violations that amount to torture are commonplace in these institutional settings.

Thus, the South African Government is urged take legislative measures to criminalize torture and to ratify OPCAT so as to establish a National Preventative Mechanism to ensure monitoring and prevention of cruel, inhuman and degrading treatment in institutions where persons are deprived of their liberty can be implemented.

And lastly:

3. It is noted that the Convention on the Elimination Racism Committee in 2006 recommended that the South African Government take measures to deal with hate crimes as stated in Article 4 of the Convention of the Elimination of all forms of Racism.
 - (a) As civil society we are as yet unaware of any steps taken to give effect to this recommendation. As representatives of a stigmatized and discriminated group, we are concerned at the rising levels of intolerance in South African society as evidenced in continuing xenophobic attacks against foreign nationals and refugees, corrective rapes of lesbian woman and violence against people accused of witchcraft.

We thus urge the South African Government, as a signatory to this convention, to take effective measures to combat rising levels of intolerance and crime against marginalized and discriminated groups.

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