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UPR INFO : PRE – SESSION 41 UPR

**PRESENTATION : VULNERABLE GROUPS
(elderly persons, persons with disability,
LGBTIQA+ and sex workers)**

29-31 August 2022

Geneva, Switzerland



BACKGROUND

The 3rd Cycle of the UPR process noted

- Vulnerable groups continue to exist at the periphery of society
- Receive little protection from the government, law, and justice system.
- Experience challenges in accessing basic services.



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PREVIOUS RECOMMENDATIONS

- *139.89 Enhance the prevention, investigation, and prosecution of violent crimes against individuals belonging to vulnerable groups (United Kingdom of Great Britain and Northern Ireland);Source of position: A/HRC/36/16/Add.1*
- *139.97 Engage non-governmental organizations on the lesbian, gay, bisexual, transgender and intersex task team and update and implement the national lesbian, gay, bisexual, transgender, and intersex strategy (United States of America); Source of position: A/HRC/36/16/Add.1*
- *139.141 Continue to ensure effective access to social protection for vulnerable groups (Madagascar);Source of position: A/HRC/36/16/Add.1*
- *139.145 Continue its endeavours on development and poverty alleviation throughout the community, notably for vulnerable groups, such as women and children (Islamic Republic of Iran);Source of position: A/HRC/36/16/Add.1*



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CONSTITUTIONAL & LEGISLATIVE FRAMEWORK

The Constitution and legal frameworks are progressive in promoting protection of vulnerable groups in the society. But there are barrier impeding sexual minorities, elderly persons, sex workers, persons with disability among others to enjoy their safeguarded rights.



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LGBTQA+ Persons

- LGBTQA+ persons, campaigners and defenders live and operate in a hostile environment characterised by verbal abuse, discrimination, bullying, that escalate to violence , primarily targeting gays and transgender students , including death threats and killings. Delay in passing legislation developed over decades with role of CSOs continue to be a grave disappointment
 - For example, LGBTQI+ activist Lindokuhle Cele was stabbed and killed on 6 February 2020 in the township of Umlazi near Durban, KwaZulu Natal province. In March 2021, the Durban High Court qualified the killing as a hate crime and sentenced Mvuyisi Noguda to 25 years in prison for Cele's murder.
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Older Persons

- Older persons live in constant fear of being targets of crime, particularly women in rural areas who stay alone or in old age home centres.
- They face brutal murder, robbery, verbal insults, rape, stigma of being associated with witchcraft, burdened as caregivers of grandchildren, children with disabilities, and ill family members.
- These atrocities are rampant in Eastern Cape, Free State and KwaZulu Natal Provinces, where reports of elderly women murdered by their own sons (serving as police), relatives and or by unknown persons are high.
- The justice system has also been inconsistent in sentencing the perpetrators of these crimes (murder committed by police offer to his mother, and relates that accused older persons for being involved in which craft and serial killer / robber).



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Older Persons 2006 Act



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- Older Persons 2006 Act, a legal framework adopted to maintain promote the status, wellbeing, safety and security of older persons.
- Although community is encouraged by the act to care for older persons, it lacks concrete actions for its realisation.
- This include public awareness raising and sensitisation interventions mainly targeting officials, impedes the objective and purpose of the Act that is resulting with adverse impact on their vulnerability in the society

Serial Killer

A serial killer had targeted several elderly women of ages between 70 years and 90+ years unabatedly at old age homes since he was out on bail in 2015.

Justice was finally dispensed with appropriate conviction and sentence, only in 2022. This was late, after the traumatic impact of the several brutal murders committed to these vulnerable persons could have been prevented by not granting bail to the suspect.



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South African Human Rights commission Report (2015)

SAHRC, identified barriers depriving older persons from enjoying their constitutionally guaranteed rights. Some of these include: The right to health care, despite safeguarded in the Constitution .

Older persons living in rural areas were identified as adversely impacted when they try to access health care services.

They experience shortage of emergency vehicles, costly transportation from rural areas to urban health facilities, waiting in long queues at public health facilities and possible lack of medicine.

- They also reported the negative attitudes of health care professionals and disrespect of older persons.
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Sex Workers

- Sex work continues to be a criminal act which makes it hard for sex workers to access essential services leading to a disproportionate increase in sexual related infections especially HIV.
- GBV is also rampant in this demographic as sex workers are not able to report cases of GBV without further exposing themselves to victimisation from the police.



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Persons with Disabilities



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- While the South Africa government has made commendable strides in creating an enabling environment for people living with disabilities through legislative and policy framework, implementation remains a challenge which in turn deny the affected citizens full enjoyment of their rights.
- The situation is even more dire for persons with disability living in rural areas, those with mental health challenges and children. It is estimated that close to 600 000 children with disabilities are on

Recommendations

LGBTIQA+

- Guarantee the safety and protection of all LGBTQI+ members in the country as enshrined in the constitution.
 - Fast track the passing into law of the Hate Speech and Hate Crimes Bill.
 - Invest in gender sensitisation workshops to foster harmony and understanding of the LGBTQI+ community.
 - Ensure an enabling environment for LGBTQI+ rights organisations and human rights defenders to operate.
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Older Persons



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Implement SAHRC 2015 report recommendations, which include awareness raising, sensitisation of responsible government departments, officials, community on the Older Persons Act for effective monitoring and protection of older persons in private and public spheres

Improve skills and capacity of personnel in frail care facilities so that proper assistance is rendered to older persons.

Sex workers

- Enact a policy or legislation to protect sex workers.
- Decriminalise sex work.
- Put measures in place to ensure that sexual and reproductive health services are easily accessible to sex workers.



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Persons with a Disability

- Develop a single piece of legislation to specify, coordinate and govern services for children with disabilities and developmental delays.





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End of Slides

Many thanks for your attention
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