



step
UP PROJECT

HUMAN RIGHTS VIOLATIONS REPORT

2017

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When service users do not have the portable sharps containers provided by the Step Up Project, they often still make an effort to keep their used needles secure in whatever containers they do have available.

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MAINline
amfAR
MAKING AIDS HISTORY

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Back cover: Urban heroes. CANPUD members make a difference by helping to keep the public safe and clearing discarded used needles.

The individuals photographed in this report are not those whose stories are reported.

Introduction



Staff from the Step Up Project and other programmes celebrate the values and goals of the project.

The Step Up Project has provided a needle and syringe programme (NSP) and other core HIV and health and wellness services to people who inject drugs (PWID) since June 2015. Since February 2014 Step Up project staff have consulted intensively with people who use drugs (PWUD) in order to better understand their lived realities and needs.

PWUD have consistently reported stigmatisation and frequent human rights abuses by law enforcement agencies, service providers, and the general public as a major challenge of daily life. Human rights abuses against PWUD contribute to HIV risk and present a significant barrier to accessing health and HIV related services. The Step Up team therefore secured funding in 2015 from Mainline and AmfAR to conduct a project responding to these rights abuses. This work has two components:

1. Documentation of human rights violations: The development of a human rights recording mechanism for rights advocacy purposes.
2. Project ACE (Advocacy, Communication, Education): Use of the data collected to advocate for the human rights of PWUD and to sensitise organisations and institutions such as law enforcement agencies and health service providers to the needs of PWUD, while promoting integration between these stakeholders.

This report aims to give an overview of the human rights landscape for PWUD in the cities served by the Step Up Project and of key project activities. It includes:

- A letter from the South African Network of People who Use Drugs (SANPUD) Chairman, Shaun Shelly.
- An overview of human rights violations recorded in 2016.
- Brief narrative reports on Step Up Project activities related to human rights in the three cities.
- The results of a questionnaire conducted with Step Up service users, which assessed under-reporting.
- Stories from survivors of human rights violations.

Step Up services include a needle and syringe programme, HIV counselling and testing, screening for TB and STIs, basic health services and referral for treatment including ART, peer education, provision of condoms and lube, and support in accessing treatment for substance use disorders where appropriate.



Letter from Shaun Shelly

The marginalisation and almost universal disregard for the rights of people who use illicit drugs goes virtually unchallenged. Indeed, violations of the rights of people who use drugs are not only ignored, but are sanctioned, either explicitly or tacitly, by numerous national laws, as informed and obligated by the Conventions on Narcotic Drugs. The conventions refer to the “evil of addiction” and ask nations to ensure “adequate punishment, particularly by imprisonment or other penalty of deprivation of liberty” for those that commit offences.

The classification of drugs as legal or illegal is arbitrary and has little relation to science. And so while the majority of people are free to enjoy the use of alcohol, caffeine, nicotine, sugar and a variety of dangerous pursuits, those that follow the universal drive for altered states, or who socialise or medicate or practice ancient cultural traditions through the use of drugs deemed illegal, are criminalised. It is this hypocrisy that lies at the heart of the human rights violations so many people who use drugs and their families and communities suffer.

This injustice is justified by the very results it itself causes. Drugs are dangerous, therefore they are illegal, yet even relatively benign drugs are rendered dangerous because they are illegal. People who use drugs are labelled criminal, but they are often criminal only because they use drugs. Drugs are described as the cause of all manner of social wrongs and billions of dollars are spent on policing and incarcerating people who use drugs, while the drivers of increased dependent drug use such as inequality, social exclusion, the impact of incarceration for non-violent drug-related offences and lack of opportunity are largely ignored. Things must change.

The people who both operate and use the services of the Step Up Project are confronting these

issues. Through the recording of the human rights violations they suffer, the flawed logic of current policy is being exposed. By writing down events, as documented in this report, they are showing the world that they too are human. That they too suffer injustice.

What is also apparent from this report is that it is not only the law enforcement officers on the ground that are responsible. It is those who hold political power that influence the levels of abuse people suffer on the streets and in the alleys. It is them we should hold accountable. It is not sufficient to remain passive, but decisive action is needed.

In this report we hear not only of these abuses, some seemingly benign and others acts of intentional cruelty, but we also see that there are ways of reducing the levels of abuse. These

initiatives need further research and need to be reported on.

As a representative of SANPUD, I am also grateful that this report describes the shortfalls and failings apparent in this project and process. It means that we can try harder, do more and create a greater impact. I look forward to the implementation of the recommendations made in this report.

On behalf of the people who use drugs, I thank all of those involved in the Step Up Project. TB/HIV Care, OUT Wellbeing, the Urban Futures Centre at the Durban University of Technology, Mainline, AmfAR and the Open Society Foundation and their staff deserve special mention. But mostly I thank those who have suffered these injustices and are brave enough to speak out. It is only through collective action and a united voice that we will be able to create a world where the violation of human rights is seen as universally wrong, and can in no way be justified by whether or not someone does or doesn't use drugs of any legal status.

SHAUN SHELLY

Representative of the South African Network of People who Use Drugs (SANPUD)



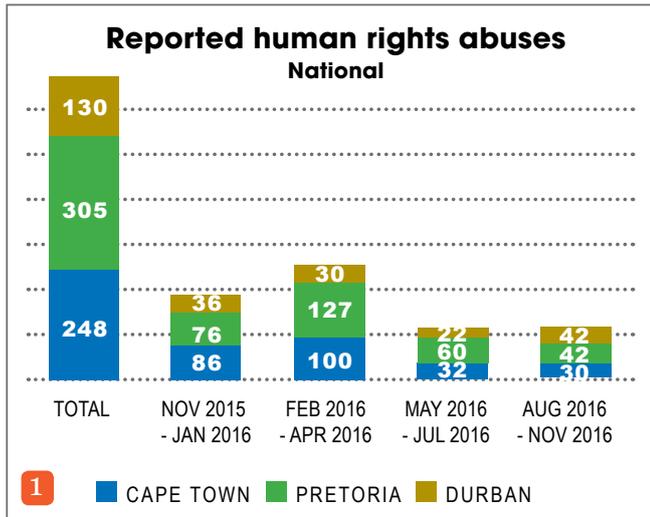
CANPUD representatives regularly remove discarded needles and syringes from public spaces as a way of protecting the community.



Step Up Project staff on an outreach where they offer service users sterile needles and syringes in exchange for used ones (below).



Human Rights violations recorded in 2016



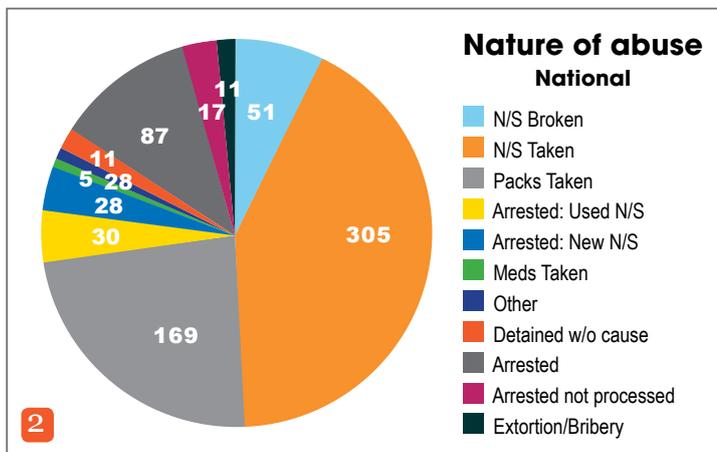
Key Findings

A total of 683 violations were recorded for the 2016 reporting period (November 2015 – November 2016). The majority of violations were committed by the South African Police Service (SAPS), with 59% of all violations reported nationally attributed to SAPS. SAPS were followed by Metro Police in Durban and Pretoria at 45% and 35% respectively. In Cape Town, SAPS were responsible for 65% of all reported violations, followed by private sector security forces (including Improvement Districts) at 25%.

Areas of particular concern were Bellville and the City Bowl, which respectively accounted for 47% and 28% of all reported violations in Cape Town, and Burgers Park and Bougainville, which respectively accounted for 52% and 24% of reported violations in Pretoria.

81% of reported violations involved the illegal removal of unused injecting equipment. This included two cases of a person being arrested for the possession of unused injecting equipment.

Reported violations for the 2016 reporting period can be seen in figures 1 and 2.

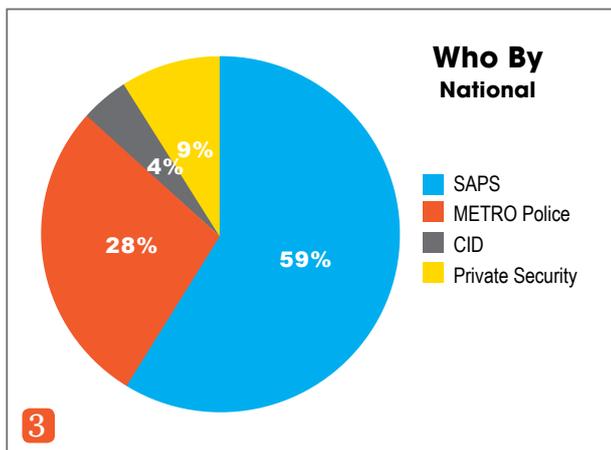


Recommendations

Advocacy activities should focus on reducing the number of violations by SAPS. SAPS command and officers should be made aware of the purpose of needle and syringe programmes. Internal standing orders should be put in place on a national level to prevent further actions that impede access to sterile injecting equipment.

Organisations advocating for the rights of PWUD should seek to secure the cooperation and support of SAPS. It is possible that securing the cooperation of SAPS would have the additional benefit of the filtering down of these messages and practices to local community policing forums, improvement district security, and neighbourhood watches, whose management and patrol activities are closely linked to SAPS.

See Figure 3



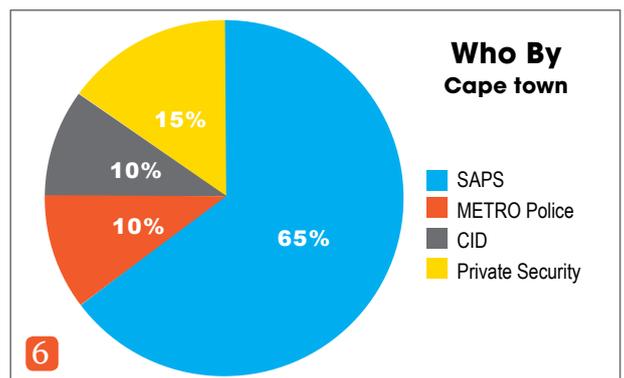
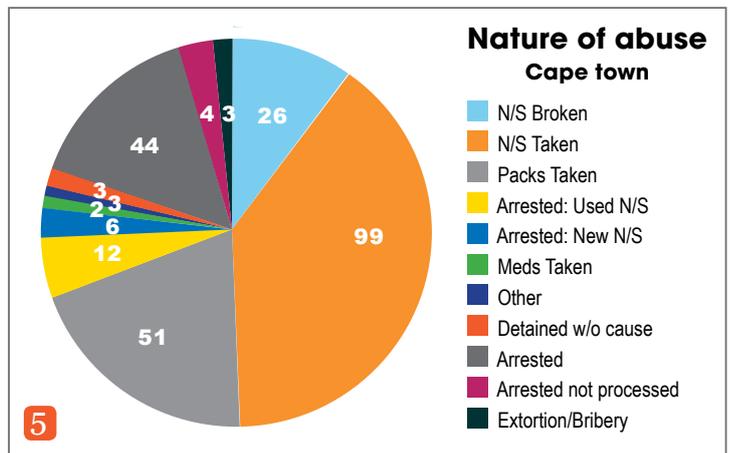
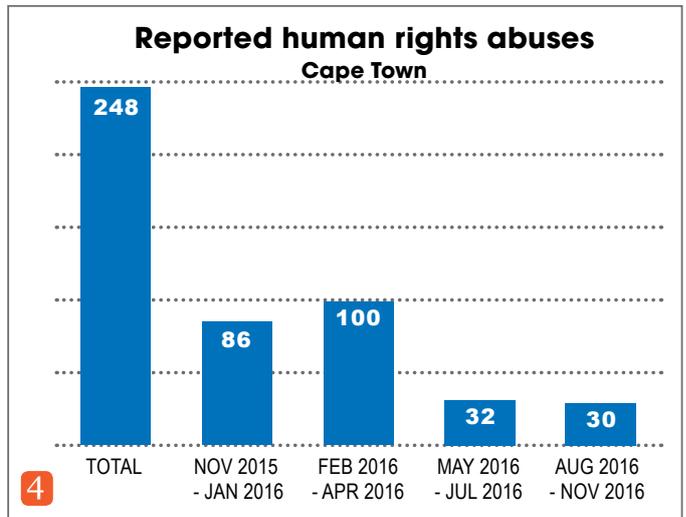
Narrative Reports: Step Up Activities and Lessons Learned

Cape Town

The Cape Town Step Up team have had a contentious relationship with law enforcement. This included attempts by a local councillor to block project activities and threats of arrests of Step Up staff by a station commander of one of the key outreach areas in late 2015. These efforts to negatively impact on project activities were stopped by the Cape Town Mayoral Committee and the then SAPS national head of visible policing. In 2016 communication broke down completely with the station commander who had previously threatened arrests of staff and the laying of criminal charges were planned in partnership with a neighbourhood watch. However, the Step Up Project was invited to attend a meeting of another neighbourhood watch and this led to strengthened relationships with neighbourhood watches and their eventual decision not to pursue criminal charges. Subsequently, Step Up team members were invited to conduct workshops with neighbourhood watch members on how better to manage issues related to drug use and inappropriately discarded injecting equipment.

Experiences in Cape Town have illustrated the value of both high-level and grassroots advocacy in managing attempts to disrupt services to people who use drugs.

See Figures 4, 5 & 6.



Durban

In Durban, Step Up Project staff have made strides in securing the buy-in of SAPS, Metro Police, and Law Enforcement through a process of workshops and dialogues.

In April 2016, Step Up team members, in collaboration with the Urban Futures Centre from the Durban University of Technology, brought together members of SAPS, Metro Police, the Provincial Department of Health, and eThekweni municipality to discuss drug use, health and law enforcement. The aim of the discussion was to jointly consider ways of creating safer

and healthier communities while taking into consideration the reality of problematic drug use.

A trusted Metro Police officer subsequently joined the Step Up fieldwork team for a day of outreach, in order to experience the day to day operations of mobile health services for PWID and to better understand the PWID community.

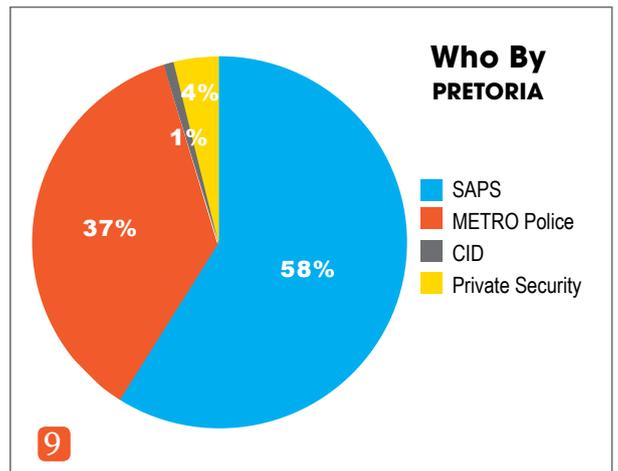
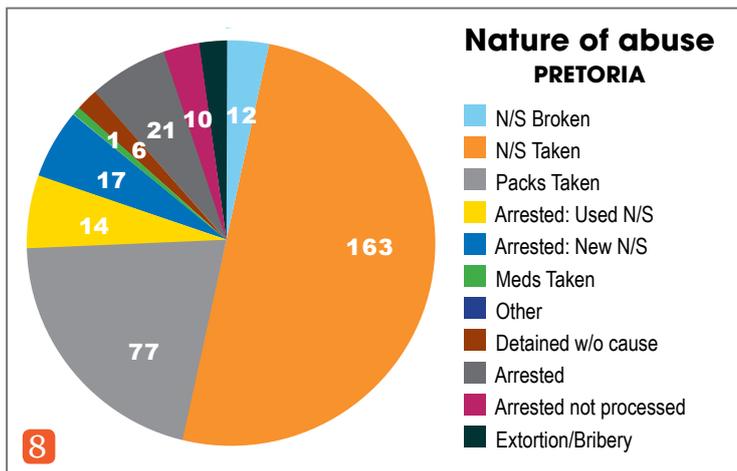
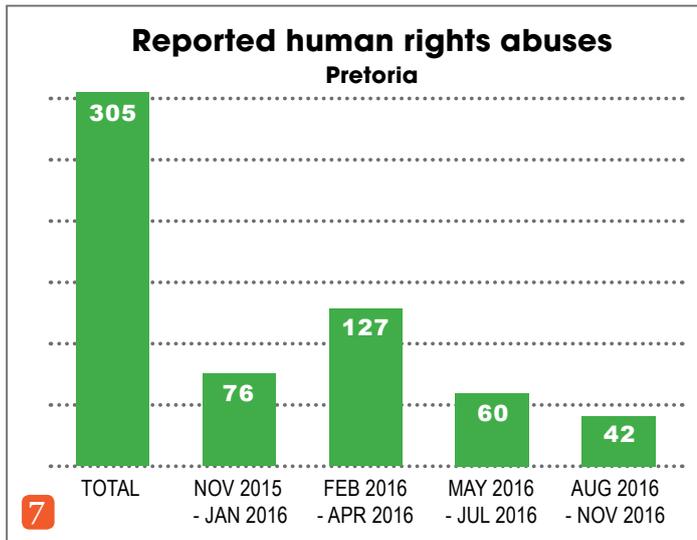
In June 2016, the Urban Futures Centre and the Step Up Project hosted an event as part of the global "Support. Don't Punish" campaign (<http://supportdontpunish.org/>). Activists,

members of the drug using community, and law enforcement members were present and participated in the event. The mobile health clinic was present, and provided members of the public with health and harm reduction services.

Experiences in Durban have demonstrated the value of well-planned and collaborative engagement with police and other stakeholders in developing mutual understanding and cooperation between service providers, law enforcement, and the drug using community.

See Figures 7, 8 & 9.

A full report on the dialogues between the Urban Futures Centre, TB/HIV Care and Durban Law Enforcement, *Dialogues with Durban Law Enforcement: An overview of discussions on the policies, approaches and effects of the policing of street level drug use* is available on request. These dialogues informed a peer reviewed paper: Monique Marks, Simon Howell, Shaun Shelly; *The Fluidity of 'Police Culture': Encountering the Contextual Complexity of Policing Street-Level Drug Use. Policing 2016 paw048. doi: 10.1093/policing/paw048*



Pretoria

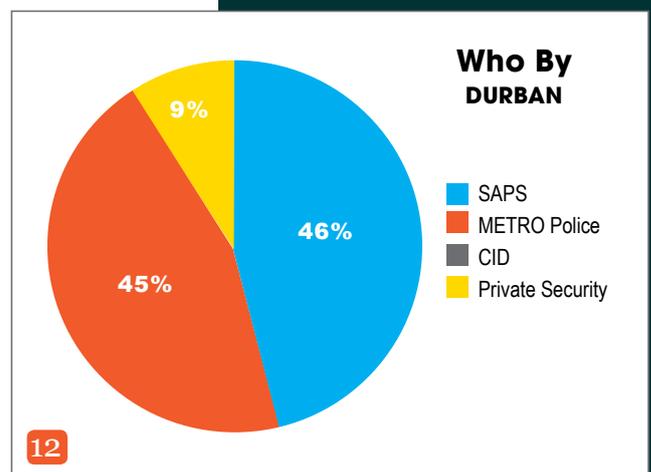
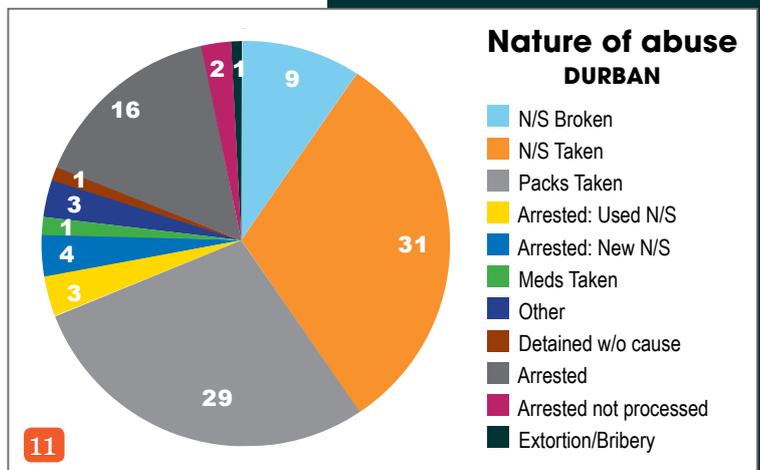
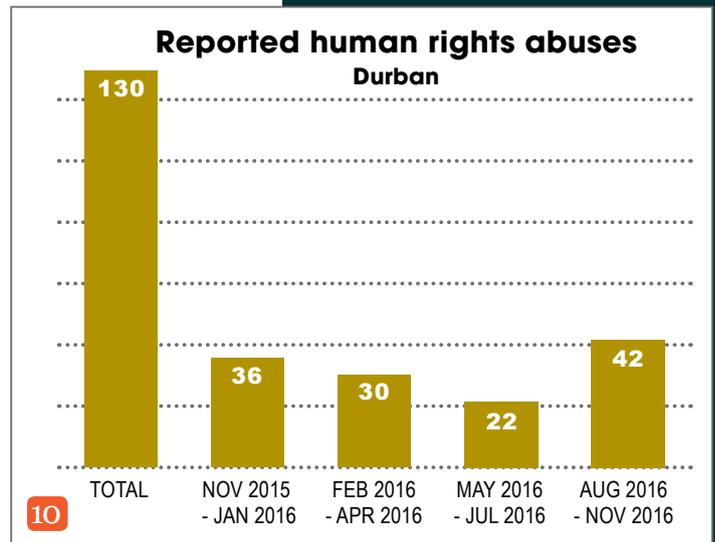
Service users from a particular outreach location in Pretoria reported increased harassment, arrests, and assaults by SAPS and members of the local Community Policing Forum (CPF). Step Up team members attempted to schedule meetings with those involved, but were unsuccessful. Service users in this area were interviewed and asked for their input on how project staff could assist, or alleviate these human rights violations without the hoped for dialogues.

When approached by members of the Step Up team, CPF and SAPS members in the field reported that increased policing actions against PWID were motivated by concerns around the incorrect disposal of injecting equipment. Service users suggested that the Step Up team temporarily implement needle exchange at this location in lieu of the regular distribution of full harm reduction packs.

By changing service delivery to a needle exchange model at this location, project staff were able to reduce the number of inappropriately discarded needles in the community. This, combined with informing SAPS and CPF that Step Up team members would be recording human rights violations, corresponded with a reduction in human rights violations in the area. The Step Up team was then able to initiate dialogue with local SAPS, Metro Police, and other relevant stakeholders. Key stakeholders were encouraged to visit the sites with the outreach team.

Experiences in Pretoria have demonstrated that when community and law enforcement concerns are clearly addressed, even in cases where these stakeholders have previously refused dialogue, it is possible to improve relations between the project, service users, and law enforcement agencies to the point where collaboration becomes possible.

See Figures 10, 11 & 12.



HRV Questionnaire: Under-reporting & Service User Perceptions

In November 2016, 50 Step Up service users from each of the three cities where the project was implemented were asked to fill out a simple questionnaire (Figure 16) about their experience of the human rights reporting process. The aim of the process was to gather information about possible under-reporting and the factors that contributed to this.

Questionnaire responses

In Durban, 70% of respondents agreed or strongly agreed that they did not report all human rights violations that they experienced. The perception that reporting violations would not lead to beneficial outcomes was a main contributing factor to under-reporting. A total of 48% of respondents agreed or strongly agreed with the statement that reporting violations was pointless. 38% disagreed or strongly disagreed with this statement.

In Cape Town, 56% of respondents agreed or strongly agreed that they reported all human rights violations they experienced.

In Pretoria, 25% of respondents agreed or strongly agreed that they reported all human rights violations they experienced. 55% of respondents agreed or strongly agreed with both the statement that there was no point in reporting violations in general, and the statement that there was no point to reporting a violation if they had already reported a violation of a similar nature.

The full results of the questionnaire can be seen in figures 13,14 &15.

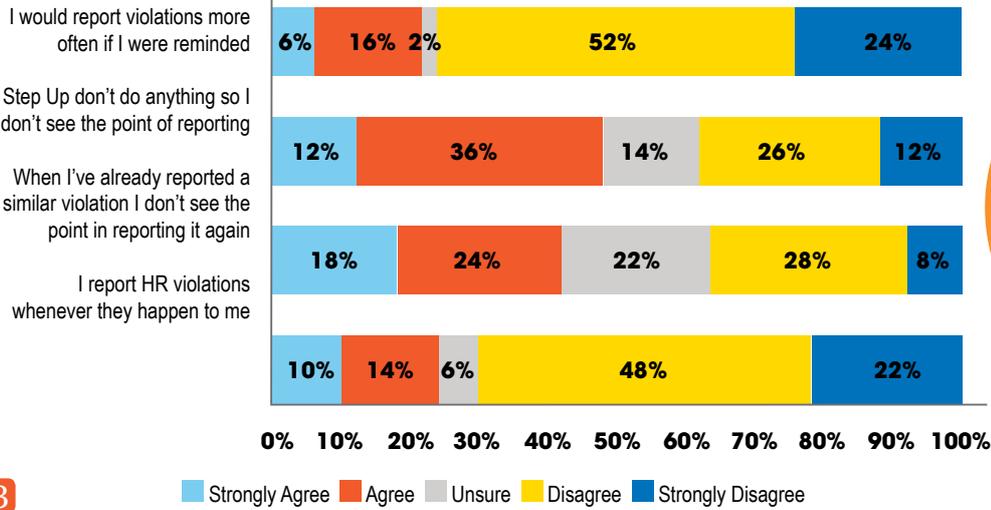
Comments from clients

In Cape Town and Pretoria a number of respondents requested more consistent messaging related to recording of human rights violations during service delivery. Some respondents reported that they were unaware of the reporting initiative. Many respondents also expressed a desire to learn more about their human rights and what constitutes a human rights violation. Several service users in Durban indicated that they would like more information about their rights. Others asked for support in laying criminal charges related to rights violations or requested that Step Up team members intercede with the police on their behalf.

Recommendations

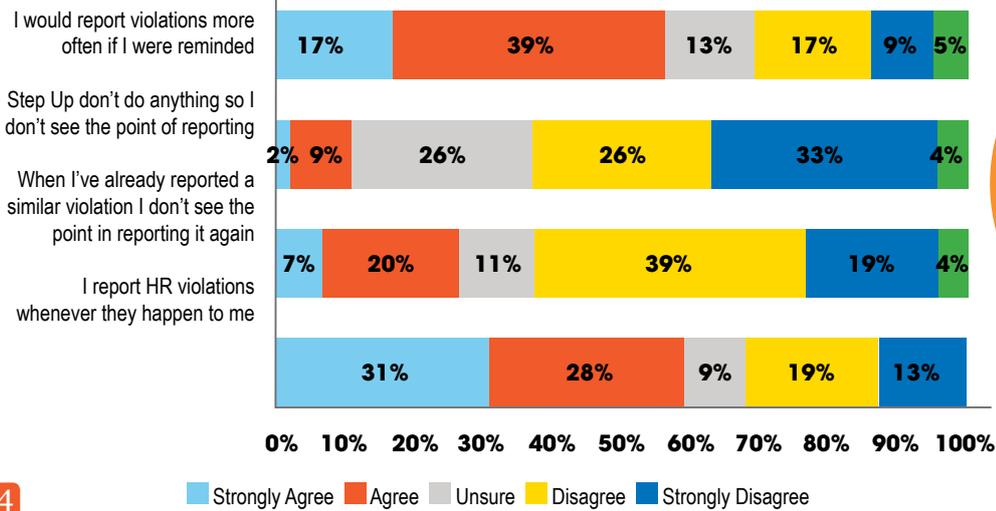
The Step Up Project team should do more to educate service users about their rights and to promote reporting of human rights violations. The value of reporting violations must also be established and communicated to service users. Service users must be made aware of the positive impact of reporting these violations when the recording of violations contributes to positive changes in the environment. The project team should establish links with other organisations that provide legal service to key populations so that serious individual cases can be pursued.

DURBAN



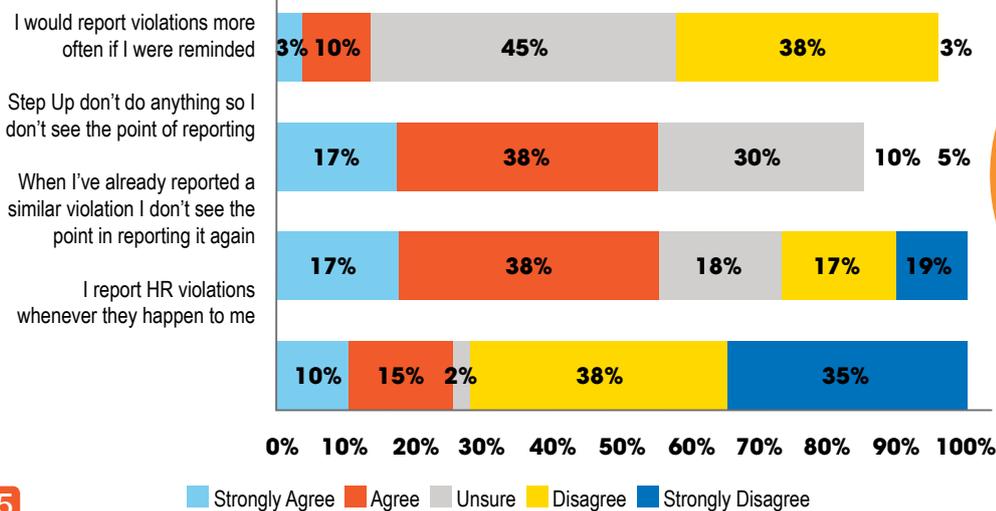
In Durban 70% of respondents agreed or strongly agreed that they did not report all human rights violations

CAPE TOWN



In Cape Town 56% of respondents agreed or strongly agreed that they reported all human rights violations

PRETORIA



In Pretoria 25% of respondents agreed or strongly agreed that they reported all human rights violations



Staff and service users participate in the global 'Support Don't punish' campaign, which advocates for drug policy reform.



Human Rights Reporting Questionnaire

We are assessing how Step Up addresses the human rights violations reported to us, and are looking at ways we could improve and streamline this process. We would really value your input in this process. This is a totally confidential questionnaire and your answers will not be personally linked to you.

1. 1. Please tick the box that best reflects your opinion about the below statements:	Strongly Disagree	Disagree	Unsure	Agree	Strongly Agree
1.1. I report HR violations whenever they happen to me.					
1.2. When I've already reported a similar violation on a previous occasion, I don't see the point of reporting it again.					
1.3. Step Up don't do anything about violations, so I don't see the point of reporting.					
1.4. I would report violations more often if I were reminded					
2. What could Step Up do encourage people to report human rights abuses?					

Demographic Data

Age: _____

Gender: _____

Race: _____

Staff Member: _____

Date: _____

Letters from Step Up service users

Service users were asked to provide letters or diary entries which could give insight into the daily realities of life on the street as a person who uses drugs. This was done with the support of Drug Users of Gauteng (DUG) and the Cape Town Network of People who Use Drugs (CANPUD). Selected letters are presented here. Some language has been edited for clarity and pseudonyms are used for all names to protect privacy. Overall these letters are illustrative of the continuous, pervasive and harsh nature of violations experienced.

“

Please, we have to go to school tomorrow

”

MARY, PRETORIA

At 2am the Pretoria North police came to my house and broke down my front door and safety gate. They found needles in the house, and my brother took the blame as we were looking after two children. They beat him up. One of the children was my 11-year-old son, and the other my 14-year-old little brother. Both of them were attending school the next morning, but the police didn't care. It was Pretoria North police. We asked them if there was a warrant, but they swore at us and said they didn't need one. They told us that we mustn't get smart with them. It went on for hours; they were searching everywhere and cutting up my furniture. They threw out [the contents of] all my cupboards.

My little brother asked one officer if he could go back to bed. The officer pointed a gun at his head. He told him to sit down and shut up, or he would hit him with the gun. Then he swung the gun at him. My son started crying and asked, "Please, we have school tomorrow, can we go?" The officer

The officer pointed a gun at his head. He told him to sit down and shut up, or he would hit him with the gun.

replied, "You will go when I say you can."

They took my brother to the Pretoria North station, and locked him up until the next day. They were keeping him to try and get him to turn me in.

When I went to see why my brother wasn't in court, a lady officer asked me whether I had anything on me and I told her that I didn't. My mother was with me. The officer kept repeating that she knew I had drugs on me. I kept telling her I didn't and begged her to let me see my brother. She said, "Not before I search you," and took me into the station. Her name was 'Lisa'. She took me into the bathroom and told me to strip. She took photos of my naked body and showed it to all the other officers in the station, who were mostly men. My mom asked her to please be discrete about it, but she told my mom, "It's my house, I can do what I want."

Because of the track marks on my body, Lisa told me I had to give her my son or she would take him away. I ended up calling his father to come and get him.

They held my brother for three days. They made fun of us and threatened us. I felt so small and dirty and exploited.



Police vehicles stopped next to StepUp mobile clinic during a raid on an outreach location



People forced to lie on the ground during a police raid at one of Step Up's outreach locations



The 'Support Don't Punish' campaign promotes drug policies based on health and human rights



CANPUD members adhere to strict precautions when disposing of used needles and syringes in order to keep themselves, and the public, safe.

“

Almost dead for something I didn't do

”

JASON, PRETORIA

The following events happened to me personally, after the SAPS found out that I was using marijuana and heroin. I have been harassed on several occasions. I have been told that certain officers would not rest or leave me alone until the time that I have been arrested for good or until they get rid of me from the streets. Numerous times I have been arrested without them finding anything on me, and got detained just for blood test. I have been detained just as I exit court again, just for a blood test. I have on several occasions had drugs planted on me by officers after they searched me and found nothing on me.

Plenty, if not all, addicts can tell you about situations where police assaulted us with no reason and no case will ever be investigated if you are a known addict. Even in hospitals and some health facilities addicts are turned away because of their addictions.

These are just a few incidents of so many that happened over the years. Mostly in society being an addict deprives you of having the opportunity of being a normal human, and no rights are available

to [addicts].

In August 2016 I was assaulted by taxi drivers, 'cause security claimed that I stole or took walkie talkies (hand radios) from them. I never took anything from no-one. Security confronted me and insisted that it was me, then they took me to the taxi rank where the taxi drivers took further action. They beat the hell out of me for almost two hours. After beating me they decided to burn me inside a dustbin, which I used for recycling. After having a meeting on how they were going to kill me, I got a chance to escape. Otherwise I would be dead for something I didn't do.

“

Most of the members are former gang members with criminal records

”

DARREN, CAPE TOWN

On the 13th of April 2016, an organisation now known as the [redacted] Neighbourhood Watch, was founded. I don't know whether this organisation has been registered, but what I do know is that most of the members are former gang members with criminal records. This organisation was founded by a police officer known to the community as 'Herman'. He is well known for taking the law into his own hands, and people are afraid to testify against him.

The [redacted] Neighbourhood Watch has enforced a curfew; stating that all residents found on the street after 10pm shall be subjected to a public body

search. There are many stories of people being assaulted.

I will tell you about a recent incident. The person who was assaulted asked not to be named as he now fears for his life. The time was 9pm when he walked from his house to the shop, to buy electricity. A member of ██████████ Neighbourhood Watch pointed a firearm at him and told him to walk down the road towards a quiet lane. Once he was in the lane, he was assaulted by seven members of the neighbourhood watch and sustained head and back injuries.

The next day he went to the Woodstock police station to try and make a case. The officer on duty refused to take a statement.

.....
 While some of the service beneficiaries may sue the term "addict" TB/HIV Care and the South African and international networks of people who use drugs believe that the term is offensive and is often used to describe a stereotype that portrays people who use drugs in a negative or disparaging light. We do however respect the right of people to self-identify as they wish, and have therefore left the term "addict" unedited in direct quotations

'Herman' and another member of the neighbourhood watch have since been suspended from the organisation, as it has come to light that they took a substantial amount of cash from a member of the public during an illegal search.

People are being searched in broad daylight, assaulted, photographed, and have been branded as suspected drug dealers. The community now lives in fear, as this vigilante group operates above the law in conjunction with Woodstock SAPS.

The main leader of ██████████ Neighbourhood Watch is a retired citizen. He walks around assaulting members of the community, with his legal firearm pointed at people. The entire community lives in fear of him and his fifty-plus members. Their tactics are brutal and they do as they please. Anyone speaking out against them is targeted. How long will this continue?



Policies which criminalise drug use push some people into marginalised social spaces.



Step Up Project staff offer HIV counselling and testing as well as providing harm reduction packs.



By participating in the removal of used needles and syringes, CANPUD members not only remove a public health threat, but also reframe perceptions of drug users as people who can contribute positively to their communities.



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