

ADDRESS BY PRESIDENT CYRIL RAMAPHOSA AT THE NATIONAL CONFERENCE ON 30 YEARS OF HUMAN RIGHTS IN SOUTH AFRICA, BIRCHWOOD CONFERENCE CENTRE, EKURHULENI

Monday, 18 March 2024



Programme Director;
Minister of Justice and Correctional Services, Mr Ronald Lamola;
Honourable Justices of the Constitutional Court;
Speaker of Parliament, Ms Nosiviwe Mapisa-Nqakula;
Chief Justice Raymond Zondo
Chairperson of the National Council of Provinces, Mr Amos Masondo;
Judge-Presidents;
Members of the Judiciary and Magistracy present;
Representatives of constitutional bodies and Chapter 9 Institutions;
Members of the legal fraternity;
Representatives of international bodies;
Traditional leaders present;
Officials;
Guests;
Ladies and Gentlemen,

It is an honour to be part of this conference, which is a reflection on 30 years of the promotion of and respect for human rights in South Africa.

The adoption of our Constitution with its Bill of Rights by the Constitutional Assembly on the 8th of May 1996 was a great moment in our struggle to achieve a free and equal society.

As I said at the time, it marked the day our country and our people came of age. I referred to our constitution as the birth certificate of our nation.

On that occasion, we proclaimed to the world that we are a society committed to democracy, to the rule of law and to the protection of human rights.

The Constitution came to be as a result of a great many sacrifices by many people in our country and in other countries as well.

Before the advent of democracy, our country was defined by racism, segregation and discrimination.

The country's black majority were deprived of their land, their freedom and their basic human rights. Apartheid tore the social fabric of our communities apart as it violated and degraded the basic humanity of many of our people through humiliation and oppression.

Families were broken up as heads of households had to leave their families behind, to work in the mines or move to towns to earn a livelihood. Generations of children were denied the right of having the

presence of one or both parents as they grew up with their parents working far away.

Our indigenous and customary legal systems were up-ended. They were suppressed and dismissed as harmful and uncivilised.

Given all these destructive effects, the negation and denial of the human rights of millions of people, we can be justifiably proud of how far we have come in advancing our constitutional, human rights-based order over the past 30 years.

As the former chairperson of the Constitutional Assembly that steered the drafting of the Constitution, it is a privilege to be here to reflect on the state of human rights in South Africa today.

Since 1994 we have prioritised the advancement and fulfilment of the Bill of Rights as a cornerstone of our democratic order.

Human rights are the basic rights that all human beings should have. Human rights embody the key values of our society such as equality, dignity and fairness, and define our nationhood.

Human rights should manifest themselves through protection for vulnerable groups, freedom of speech and expression, religious freedom, freedom to love and other rights that promote the well-being of people

Certainly there have been challenges and shortcomings over the past 30 years, and we have a long way to go towards completely fulfilling the promise of the Constitution. That said, we should not shy away from the immense progress we have made.

The Bill of Rights enjoins the democratic state to enact various pieces of legislation to promote human rights between and among people.

Amongst those we have put in place are the Promotion of Access to information Act, which gives effect to Section 32 of the Constitution; the Promotion of Administrative Justice Act which gives effect to section 33; and the Promotion of Equality and Prevention of Unfair Discrimination Act, which gives effect to section 9.

To give effect to section 9 (2) of the Constitution, relating to measures of redress for the previously disadvantaged, we passed the Employment Equity Act, Broad Based Black Economic Empowerment Act and others.

Our constitutional order is premised not only on building a non-racial society, but also a non-sexist society.

Over the past thirty years there have been significant changes in the position of women across society. Today, there are more women serving as leaders in both the public and private sectors.

We have passed a broad range of laws to protect women from all forms of abuse and to advance their rights. These include laws around domestic violence, sexual abuse, sexual harassment, and workplace discrimination.

Later this week, on Human Rights Day, we will commemorate the Sharpeville Massacre, where unarmed protestors who took a stand against the pass laws were mercilessly killed by the apartheid regime.

In a far cry from the days of influx control and the hated pass laws, in South Africa today every citizen enjoys the right to free movement.

To promote accountability, responsiveness and openness, we have established various institutions to strengthen constitutional democracy.

These include the South African Human Rights Commission, the Office of the Public Protector, the Commission for Gender Equality and others.

We are proud of these institutions supporting democracy. Their establishment ushered in a new era of accountability and respect for dignity.

Before the advent of democracy, our country was a pariah state that was infamous for violating the basic rights of the majority of its citizens. We lived in a country where racial discrimination was at the core of government policy.

Today our country is revered as a country that upholds, protects and advances the basic human rights of the people who live in South Africa. Following our country's admission as a fully-fledged member of the community of nations, the democratic state has signed, ratified and acceded to various international human rights law treaties.

The many treaties we have signed, ratified and acceded to deal, among other things, with economic, social and cultural rights and the elimination of racial discrimination and of all forms of discrimination against women. They include conventions on the rights of the child and conventions against torture and other cruel, inhuman or degrading treatment.

Alongside our Constitution, these treaties bear testimony to the fact that our democratic government is irrevocably committed to respect, protect, promote and fulfil the rights in our Constitution.

Not only are we committed to the rights of all in our country, we are also committed to global peace and will fight all forms of oppression.

In January 2024, South Africa appeared before the International Court of Justice as an applicant against the State of Israel on the grounds that, through its conduct in Gaza, Israel violated the Convention on the Prevention and Punishment of the Crime of Genocide.

At the heart of South Africa's case is the blatant violation of the human rights of Palestinians by the state of Israel.

Having noted that the Genocide Convention was the first human rights treaty adopted by the General Assembly of the United Nations, on 9 December 1948, an act which signified the international community's commitment to the respect of human rights of all people, we felt duty bound to support the Palestinians in the quest not only for nationhood but also to have their basic human rights protected, respected and advanced.

The Court ordered several provisional measures, including that Israel must take all measures within its power to prevent the commission of all acts within the scope of Article II of the Genocide Convention. These acts include killing or causing serious bodily or mental harm to Palestinians in Gaza.

While the Court still has to hear South Africa's main application, the provisional measures that it ordered has reaffirmed the centrality of international law and the responsibility we all carry for the protection of the rights of all.

Our commitment to advancing the human rights of our people should motivate us to address the challenges that many of our people face such as poverty and unemployment.

To quote Madiba's words: "Overcoming poverty is not a gesture of charity: it is an act of justice. It is the protection of a fundamental right, the right to dignity and a decent life."

The social protection measures we have put in place to lift our people out of poverty have made a tremendous difference over the past thirty years. However much more still needs to be done.

The social protection measures we have put in place go far beyond the provision of grants for the elderly, children, people with disabilities and military veterans. It goes beyond the work of the Unemployment Insurance Fund, which provides income support for unemployed workers, or the Compensation Fund, which supports those involved in workplace accidents.

Our social protection measures include spending up to 60 percent of the country's budget on a significant social wage, expended on health care services, free water and electricity for the indigent, fee-free schools, public housing, school nutrition, early childhood development and expanded financial support for students.

These measures have contributed significantly to fulfilling the most basic human right of all, namely the right to dignity.

Certainly we know that social protection is no substitute for decent work. It is our role as government, working in partnership with business, labour and civil society to create an enabling environment for more jobs and opportunities to be created, allowing our people to fulfil their potential and improve their lives.

We also know that our progress continues to be hindered by delays and lack of diligence on the part of government entities in fulfilling their constitutional obligations.

We continue to be plagued by poor service delivery, especially in our municipalities. Corruption deprives citizens of the fulfilment of their rights.

Whilst we are rightfully proud of how far our constitutional, rights-based order has come, we know that much still has to be done to fulfil the promise of the full enjoyment of the basic human rights of all our people.

The creation of employment for our people and promoting the rights that are enshrined in our Constitution are necessary to improve lives and lift millions out of poverty and despair.

We are duty-bound, not just as government but as all who have a stake in the future progress and prosperity of this great country, to work harder, sparing neither strength nor courage to fulfil the basic human rights of our people.

The South Africa of today is a vastly different place to what it was thirty years ago.

The fundamental freedoms that were denied to so many, including the heroes who lost their lives at Sharpeville, are enjoyed by South Africans today.

We have expanded access to basic services and education, improved our nation's health outcomes, and provided opportunities where there once were none.

All this progress has been anchored in our deep and abiding commitment to the protection and advancement of human rights as espoused in our Constitution.

This Constitution, this birth certificate of a new nation, will continue to be our lodestar as we work even harder.

Our people expect no less, and our people deserve no less.

As we look ahead, we need to determine what steps must be taken to give greater meaning to the Constitution and the Bill of Rights.

We need to continue to contribute towards building a culture of human rights globally, which is our moral obligation as a country emerging from such a bitter past.

I wish this Conference all the best in its deliberations.

It is our expectation that it will come up with tangible resolutions that will further foster respect for and promotion of our hard-won human rights.

I thank you.