



**STATEMENT BY THE DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL  
DEVELOPMENT**

**THE HONOURABLE MR ANDRIES NEL, MP**

**ON THE OCCASION OF THE ADOPTION OF SOUTH AFRICA'S UNIVERSAL  
PERIODIC REVIEW REPORT**

**FRIDAY, 21 SEPTEMBER 2012**

**HUMAN RIGHTS COUNCIL, GENEVA**

**Check against delivery**



Madame President

Members of the Human Rights Council

Excellencies

Distinguished delegates of the Human Rights Council

My delegation and I convey to this 21<sup>st</sup> Session of the Working Group of the Human Rights Council on the Universal Periodic Review warm greetings from the government and people of South Africa.

We would like to use this opportunity to convey to our brothers and sisters of the Republic of the Gambia our congratulations on the 57<sup>th</sup> anniversary of their admission to the United Nations as a sovereign nation on 21 September 1965.

We address this Council at a time national sadness and concern regarding the tragic events that occurred in the recent past at the Lonmin Mine in Marikana in North-West Province. We recall the words of President Jacob Zuma, when he addressed the Nation on 17 August 2012, and said, I quote:

"The events are not what we want to see or want to become accustomed to, in a democracy that is bound by the rule of law, and where we are creating a better life for all our people. We assure South African people in particular, that we remain fully committed to ensuring that this country remains a peaceful, stable, productive and thriving nation that is focussed on improving the quality of life of all, especially the poor and the working class. It is against this background that we uncover the truth about what happened here. In this regard, I have decided to institute a Commission of Inquiry. The Inquiry will enable us to get to the real cause of the incident and to derive the necessary lessons".

In this regarding, and in thinking also of those who lost their lives on 7 September 1992 during the Bisho Massacre, we recall the words of President Nelson Mandela,

"Each one of the people [...] was a unique human being. The daughter or son of some mother, the father or mother to some child, a person linked to a home, to a community of relatives, and friends who had loved, cherished and nurtured her or him for many years in the hope of a continuing and shared future".

Madame President,

We thank you and the Human Rights Council for choosing 21 September, the International Day of Peace as the day upon which you consider South Africa's Second UPR report.

The theme for this year is "Sustainable Peace for a Sustainable Future", significantly for us as it was on 21 September 1994, that the first elected democratic government of

South Africa released its White Paper on the Reconstruction and Development Programme (RDP).

We said in this document that, "No political democracy can survive and flourish if the mass of our people remain in poverty, without land, without tangible prospects for a better life. Attacking poverty and deprivation must therefore be the first priority of a democratic government".

These are themes and perspectives that continue to inform our quest to build a united, non-racial, non-sexist, democratic and prosperous nation in which all can enjoy a better life.

Since we presented our Country Report to the Working Group on 31 May 2012 the Government of South African adopted a National Development Plan 2030 at the beginning of this month.

The adoption of this Plan followed extensive research, consultation and national dialogue under the auspices of the National Planning Commission that culminated in the handing over of the Plan to the President during a joint sitting of Parliament.

The National Development Plan aims to eliminate poverty and reduce inequality in South Africa by 2030.

We are confident that South Africa can realise these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society.

Indeed, South Africa has made remarkable progress in the transition from apartheid to democracy. This transition has been peaceful despite the country's history of violent conflict and dispossession.

In nearly every facet of life, advances are being made in building an inclusive society, rolling back the shadow of history and broadening opportunities for all. South Africa has been able to build the institutions necessary for a democratic and transformative state.

The Constitution enshrines a rights-based approach and envisions a prosperous, non-racial, non-sexist democracy that belongs to all its people.

Healing the wounds of the past and redressing the inequities caused by centuries of racial exclusion are constitutional imperatives.

Access to services has been broadened, the economy has been stabilised and a non-racial society has begun to emerge.

Millions who were previously excluded have access to education, water, electricity, health care, housing and social security.

About 3 million more people are working today than in 1994, the poverty rate has declined and average incomes have grown steadily in real terms.

However, we are acutely aware that eighteen years into democracy, South Africa remains a highly unequal society where too many people live in poverty and too few work.

The quality of school education for most black learners is poor. The apartheid spatial divide continues to dominate the landscape. A large proportion of young people feel that the odds are stacked against them. And the legacy of apartheid continues to determine the life opportunities for the vast majority.

The National Development Plan 2030 is premised on the understanding that these immense challenges can only be addressed through a step change in the country's performance.

To accelerate progress, deepen democracy and build a more inclusive society, South Africa must translate political emancipation into economic wellbeing for all.

This plan envisions a South Africa where everyone feels free yet bounded to others; where everyone embraces their full potential, a country where opportunity is determined not by birth, but by ability, education and hard work.

Realising such a society will require transformation of the economy and focused efforts to build the country's capabilities. To eliminate poverty and reduce inequality, the economy must grow faster and in ways that benefit all South Africans.

In particular, young people deserve better educational and economic opportunities, and focused efforts are required to eliminate gender inequality. Promoting gender equality and greater opportunities for young people are integrated themes that run throughout this plan.

Madame President,

South Africa welcomes and has given careful and systematic consideration to the 152 recommendations made by Member States during the discussions that followed the presentation of our country report to the Working Group on the Universal Periodic Review on 31 May 2012.

Our Addendum to the Human Rights Council together with Annexes represents the official response of the South African Government to the 152 recommendations.

The methodology and format followed in this Addendum follows a thematic clustering of the recommendations having due regard to both their inter-sectionality as well as the established domestic implementation mechanisms.

These recommendations and the proposed responses to them were discussed extensively at various levels of Government, culminating their adoption by Cabinet before being transmitted to the Human Rights Council.

During this process the Government of South African continued to work with the State Institutions Supporting Constitutional Democracy established in terms of the

Constitution, such as the SA Human Rights Commission, the Public Protector and the Commission of Gender Equality, amongst others.

It is important to note that the Government of South African will, in future, be issuing periodic reports on the status of implementation of the recommendations as required.

Madame President,

Having regard to the aforesaid, South Africa accepts the many recommendations made in relation to the promotion, protection and fulfilment of economic, social and cultural rights and the attainment of the millennium development goals (MDGs), the attainment of social cohesion and social transformation, empowerment and protection of vulnerable groups: marginalization, social exclusion and economic disparities, elimination of racism, racial discrimination, xenophobia and related intolerance, combating incitement to hatred and punishing hate crimes, violence against women and children, manifestations of domestic and social violence and human trafficking, criminalization of torture and other cruel, inhumane or degrading treatment and punishment and ratification of international human rights law instruments and compliance with treaty obligations.

We are pleased to inform the Council that the Prohibition of Torture Bill has been introduced into Parliament and is presently before the Portfolio Committee on Justice and Constitutional Development.

We are also pleased to inform the Council that Government is at an advanced stage of acceding to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and also that processes are underway to ratify the Optional Protocol to the Convention against Torture.

Regarding the recommendations detailed in the Annex (124.95, 124.97 to 124.107 and 124.25) which relate to legislation before Parliament, the South African Government is not in a position to accept or reject these as they are the subject of extensive and ongoing consultation and national debate which characterize legislative processes of our Parliament. We wish, however, to reiterate that all legislation passed by Parliament must conform to the provisions of our Constitution.

Given the inappropriateness of the recommendation contained in 124.96, South Africa is not able to accept it and will pursue the matter bilaterally with the concerned Member State.

Madame President, my delegation is ready and willing to listen to delegations at this stage.

We thank you!