



SOUTH AFRICAN STATEMENT

15TH SESSION OF THE FORUM ON MINORITY ISSUES

“REVIEW. RETHINK. REFORM

**30TH ANNIVERSARY OF THE UN DECLARATION ON
MINORITY ISSUES”**

1 - 2 DECEMBER 2022

Chairperson,

My delegation thanks the Forum on Minority Issues for the opportunity to reply to comments made in the Forum.

Chairperson, given that this is the Forum on Minority Issues, it is important to contextualise the situation in South Africa. Under colonialism and Apartheid, the majority of South Africans were oppressed through law, by small white minority. This oppression and discrimination by law was inspired by the ideology of white superiority and had, as its objectives, the economic and social marginalisation of black people who were the majority. The democratic government in South Africa is still dealing with the horrendous social and economic consequences of one of the most pernicious abuses of human rights of the 20th Century, which was the system of apartheid.

Chairperson, it must be stressed that forms of discrimination under apartheid also extended to women who were treated as minors and the LGBTIQ community who had to live without any civil and political rights. The experience of this multiple and intersecting forms of oppression under apartheid gave rise to very specific protections under our constitution. Our Constitution, which came into effect 25 years ago, and notably its Bill of Rights espouses fundamental human rights and values, based on principles of justice, dignity and equality. In this regard, the Bill of Rights guarantees (a) equality before the law; (b) prohibits unfair discrimination; (c) guarantees human dignity and the freedom and security of the person; (d) and spells out the whole host of civil, political, economic, social and cultural rights enjoyed by all.

Our Bill of Rights expressly prohibits any form of discrimination based on race, class, religion, origin, gender, sex and sexual orientation. The constitutional protections are

explicated in policies and laws that ensure that government and other powerful institutions in our society do indeed promote, protect, respect and fulfil all the human rights for all people in our country without distinction of any kind.

Chairperson, given the systemic economic and social exclusion of black people under apartheid regime, the constitution provides for corrective measures to ensure that South Africans that suffered from land dispossession, exclusion from the economy the denial of qualitative education and other deprivations, to ensure that the substantive equality of all people becomes a shared goal of a new South Africa.

The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 and the Prevention and Combating of Hate Crimes and Hate Speech Bill. The Bill criminalises hate speech and provides for the prosecution of persons who commit hate crimes. Furthermore, South Africa has launched the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance in line with the provisions of the Durban Declaration and Programme of Action.

The justiciability of these provisions have been also been tested in our courts, by among others. organisations such as AfriForum.

My delegation wishes to reiterate that because of our history, South Africa is a highly unequal society and has high levels of poverty. The poorest South Africans are black, largely in rural areas. Statistical data on crime and violence indicate quite clearly that those who work and live on farms are not disproportionately targeted. Nonetheless, the South African government is committed to protecting all South Africans from violent crime. Indeed, numerous studies show that crime in farming communities is largely opportunistic. Contrary to the irresponsible claims of some lobby group, killings on farms are not ethnic cleansing. They are not genocidal. They are acts of criminality and must be treated as such. Nonetheless, the South African government is committed to protecting all South Africans from violent crimes.

The Government of South Africa remains committed to building social cohesion and has, in this regard, called on all citizens to remain resolute in building a better and more equal society.

Dismantling the edifice of apartheid has required more than the repeal of apartheid legislation and its replacement with legislation based on equality and the rule of law. It has required political will, all hands on deck through the participation of communities, resources, building new institutions to support constitutional democracy, and the progressive realization of the socio-economic rights of all people.

Chairperson, this forum should be disabused of the notion that seeks to revert back to a South Africa where the minority will strip the majority of their fundamental rights and freedoms.

I thank you