

Mr Vice President

Members of the Working Group,

My delegation and I convey to this, the 13th Session of the Working Group of the United Nations Human Rights Council on the Universal Periodic Review, the warm greetings of the government and people of South Africa.

Wish also to pay tribute to our colleague, friend and comrade, the late Mr Roy Padayachie, who as Minister of Public Service & Administration signed the introduction to our Second UPR Report. He passed away on 5 May 2012 in Addis Ababa while attending a meeting of the African Peer Review Mechanism. In the words of President Jacob Zuma, "he was to meet his destiny and fate in pursuance of a better Africa and a better world, a goal he dedicated his entire life for it to be realised and achieved."

Mr Vice President,

South Africa was amongst the very first group of countries to be reviewed under the UPR in 2008 and, therefore, it is with a deep sense of honour that, today, we are presenting our Second Report to this mechanism that is based on the purposes and principles contained in the Charter of the United Nations, including developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all.

Mr Vice President,

Earlier this year we celebrated the eighteen years of democracy that followed our first democratic elections on 27 April 1994 and also, the 15th anniversary of the entry into force of our Constitution on 4 February 1997.

We make this presentation on the 31st day of May, a day rich with significance for our nation and the matters under discussion here today.

On 31 May 1902, the war between the Boer Republics and the British Empire ended with the signing of the Treaty of Vereeniging.

Vereeniging is, ironically, an Afrikaans word which means "unity" or "coming together."

Ironically so, because this treaty laid the foundation for the Union of South Africa, established, eight years later, in 1910, also on 31 May.

And it was the Union of South Africa and its constitution, the South Africa Act of 1910, that formalised South Africa's statehood on the basis of the political oppression and social subordination and exclusion of the majority of South Africa's people, thus representing the legal and constitutional basis for what came to be characterised as colonialism of a special type, in which coloniser and colonised were located in a common territory, and of which Apartheid was a particular manifestation.

This reality was cast even more starkly after the establishment, under the leadership of HF Verwoerd, of the Republic of South Africa in 1961, again on 31 May.

It was the establishment of the Union of South Africa that gave impetus to the formation, on 8 January 1912, of the African National Congress that this year celebrates a century of struggle against oppression and for a society based on the values contained in our Constitution.

Significantly, Vereeniging symbolises both our deepest despair and highest hopes as a nation.

It was here at Sharpeville, the African location next the Vereeniging, that the apartheid security forces gunned down 69 unarmed men and women on 21 March 1960 while they were protesting against the laws which require Africans to carry passes. This day is commemorated in South Africa as Human Rights Day and internationally as the Day for the Elimination of Racial Discrimination.

But it was also here at Sharpeville that former President Nelson Mandela signed the Constitution of the Republic of South Africa 16 years ago, on 10 December 1996.

This Constitution represents the antithesis of everything that the Union of South Africa and the Sharpeville Massacre represented and sets out the framework within which to overcome their legacies, predicated on our collective desire to heal the divisions of the past and to establish a society based on democratic values, social justice and fundamental human rights and to progressively improve the quality of life for our people and to build a united democratic South Africa able to take its rightful place among the Community of Nations.

Some of its basic principles include multi-party democracy; the doctrine and practice of separation of powers in a constitutional democracy; equal human rights and access to opportunity; freedom of speech and of the media; equality of all before the law; respect for the rights of linguistic, religious and cultural communities; social equity and practical corrective action against racial, gender and other forms of discrimination.

Statutory institutions such as the Commission for Gender Equality, the Human Rights Commission, and the Commission for the Promotion and Protection of the Rights of Cultural and Linguistic Communities, have been created to assist in ensuring the realisation of these and other rights. Legislation has also been passed to combat discrimination, and give citizens access to equality courts in the event of suffering such discrimination.

Mr Vice President,

It bears testimony to the fact that, even though our democracy is young, our liberation struggle, even in the midst of bitter confrontation, developed moral values of human compassion and solidarity far beyond the narrow confines of its opposition to the apartheid social system. It represented something good, not just something better than apartheid. It asserted the humanness of the human spirit - the search for societies at peace within and among themselves

In our struggle for the realisation of this vision we acknowledge support we received from the family of humanity, the support by the Organization of African Unity, the Non-Aligned Movement, the Group of 77 and China and the global anti- Apartheid movement for their monumental contribution towards the demise of apartheid, which was declared a crime against humanity.

Mr Vice President,

We welcome the ongoing support of the international community, including through mechanisms such as this UPR, as we deal with the legacy of our painful past.

Naturally, over time, as with others, our internalisation, grasp and general understanding of the UPR process and its requirements have significantly improved from our initial experience and interaction with the first session of this Working Group on 15 April 2008.

We are grateful that the South African civil society in its broad formations as stakeholders active in the human rights sector, have also found this process useful by lodging their own independent reports, reflecting their own experiences of human rights enjoyment in the country.

We acknowledge and appreciate the quality of the recommendations generated for South Africa during the first session of this Working Group for deeper reflection and consideration for their implementation at the national level.

These recommendations received serious consideration across all relevant government departments as reflected in the Report.

Mr Vice President,

As is clearly discernable from the structure, form and content of our second national UPR Report, most of these recommendations have been implemented while others are in the process of being implemented through policy development initiatives and programmatic interventions.

Our Constitution enjoins the State to respect, promote, protect, and fulfil all the universally recognised human rights and fundamental freedoms, which are enshrined in the United Nations Bill of Rights. Furthermore, these rights must be substantiated through the enactment of relevant national legislation, the details of which were sufficiently covered in our first UPR Report.

Beyond these parameters, our Constitution recognizes the inextricable link between justiciable economic, social and cultural rights on the one hand and civil and political rights on the other.

Through its adjudication of economic, social and cultural rights, our Constitutional Court has given impetus to the development of international human rights jurisprudence, the impact of which we are in the process of evaluating.

Mr Vice President

All efforts of government continue to be aimed at redressing the inequalities, imbalances and historical injustices and to restore social justice to our people and to build united, democratic, non-racial and non-sexist society.

In this regard, President Zuma identified five national priorities during his State of the Nation Address in 2009: These are the creation of decent work and sustainable livelihood, education, health, rural development and food security as well as the fight against crime and corruption.

While the Apartheid regime provided for the well-being of a mere 5 million White people, the new democratic government was immediately faced with the mammoth task of providing for the wellbeing of the total population - in excess of 40 million people. The implication of this task entailed, among others, ensuring the progressive realisation to food security, access to health services, quality education, social security, adequate housing, water and sanitation, rural development, land reform and land restitution, electrification of rural and peri-urban areas - with very limited resources.

Mr Vice President,

More recently, our country has also felt the global financial and economic crises that have also affected our development plans and programmes.

In this context, in his State of the Nation Address, on 09 February 2012, the President of the Republic of South Africa announced 2012 as the year of infrastructure development to grow the economy and create decent jobs.

Mr Vice President,

I wish to now turn my attention to highlighting key achievements, challenges and constraints to implementation of the recommendations, which are covered in detail in the main Report.

In our efforts to give effect to socio-economic rights, Government, working with the people, has over the years expanded the delivery of social services.

Since 1994, the national housing programme has delivered 2.8 million new housing units. This has provided shelter to additional 13.5 million people, approximately 25 % of the population, making the programme one of the world's largest subsidized housing programmes. By December 2011, we had provided 87% of the rural households with clean water, and 75% with access to sanitation.

Furthermore, the Constitution specifically mentions social security as a human right. In this context, Government provides social grants to more 15 million people, approximately 30% of the population, mainly vulnerable groups such as children,

persons above the age of 60 and people with disabilities. Importantly, these benefits are now extended to non-nationals with permanent residence status and documented refugees.

Mr. Vice President,

Access to basic education has been broadened through increasing access to schooling for children from poor households by removing the payment of school fees, benefitting eight million children, and through the conversion of tertiary institution loans into bursaries for qualifying students.

One of the major achievements in education is the doubling of the foundation phase enrolment from 300 000 in 2003 to 705 000 in 2011. By 2009, 98,5% of children aged 7 to 15 and 98,8 percent of children aged 7 to 14 were enrolled in our schools. We remain poised to meet our target of one hundred percent enrolment by 2014.

Mr. Vice President,

With regards to health, amongst many improvements, in addition to the existing 385 public hospitals, a total of 29 hospitals in rural and urban areas are under construction, while 17 others are in the planning and design stage. These facilities will also provide services for people with HIV and AIDS. In addition, over 3 000 primary health care clinics are now able to provide counselling and testing and treatment for people with HIV and AIDS. This has resulted in an increase in the number of patients accessing Antiretroviral Therapy, from 500 000 in 2008 to 1.9 million in 2012. Access to HIV Testing and Treatment, for mothers and children, have improved, resulting in a more than 50% reduction in HIV transmission from mothers to children, from 8% in 2008 to 3,5% in 2010. In terms of the Maternal Mortality Rate, there has been a notable reduction from 2005 and 2010. With increased eligibility to HIV treatment since April 2010 for women and children, additional reductions in maternal and child mortality are expected.

Mr. Vice President,

Government declared 2011 the year of job creation. In collaboration with its social partners, namely, business, labour and the community sector, government implements the New Growth Path strategy. As a result the rate of unemployment has come down from twenty-five percent (25%) to 23,9% as a result of new jobs. During 2011, a total of 365 000 people were employed. This is the country's best performance since the recession of 2008. It must be mentioned that all the new jobs are in the formal sector of the economy, such as mining, transport, community services and trade, amongst others.

Mr Vice President,

South Africa has prioritised the issues of gender equality and the advancement of the rights of women, the promotion and protection of the rights of the child and people with

disabilities. Historically, these vulnerable segments of our society suffered multiple forms of discrimination. In recognition of this, government established, in 2009, a fully-fledged Department for Women, Children and People with Disabilities (DWCPD) with the core mandate of advocacy for mainstreaming and monitoring of government's policies and programmes with respect to these targeted groups. In this regard, the DWCPD is leading the development of comprehensive legislation on Gender Equality and Empowerment of Women.

Furthermore, discrimination on the ground of sexual orientation is prohibited by our Constitution. Given the recent spate of violence that targeted LGBTI persons, government has established a National Task Team comprising representatives from government and civil society to advise on measures to ensure maximum protection, adequate remedies and combating impunity. Our Courts have set an important precedent and sent a strong signal that crimes of this nature will not be tolerated. Recently, four perpetrators of the so-called "corrective rape" of lesbians were sentenced to 18 years.

Mr Vice President,

We recognize that the legacies of Apartheid and other historical injustices in our country which take the form of social exclusion, economic marginalisation, underdevelopment, xenophobia and related intolerance. These remain major impediments to the full attainment of our ideal of a non-racial, non-sexist, democratic and prosperous society.

Notwithstanding the above challenges, our government remains undeterred in its pursuit of a nation united in its diversity, by creating platforms for social dialogue to strengthen and deepen acceptance, tolerance, and racial harmony. To this end, specialised institutions, provided for by our Constitution, have been established to promote and protect cultural, linguistic, religious rights and practices of our people.

These values also constitute our vision towards the creation of a better Africa in a better World based on the principles of social and universal justice.

At a global level, South Africa has also hosted the UNCTAD, NAM and Commonwealth Summits, and in 2001 the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), the 2002 WSSD, the FIFA World Soccer Cup in 2010, and the 17th Conference of the Parties on the Framework Convention on Climate Change in 2011 as a demonstration of its commitment to multilateralism, and accepting its global responsibilities, as well as promoting a fair, just and equitable world order.

In pursuit of this vision, our Government has hosted and played a significant role at a regional level at the 2002 African Union Summit where the Constitutive Act of the African Union was ratified in pursuance of a common vision of a united and strong Africa in order to strengthen cohesion and solidarity among its peoples.

In addition, South Africa hosted the recently concluded Global African Diaspora Summit on 25 May 2012, which resolved to establish the African Diaspora Volunteer

Programme, which aims to link the Diaspora with the development efforts of the continent, and to give concrete meaning to the concept of one African family.

South Africa has also contributed towards the establishment of mechanisms to end the political, social and economic marginalization of the African continent, such as the NEPAD.

Mr Vice President,

Our Government will continue to pursue its key priorities as set out in the Medium Term Strategic Framework for the period 2009 to-2014. These include the establishment of the National Health Insurance with the objective to ensure universal health coverage.

Furthermore, we will continue to improve the quality of basic education. As part of this effort, we will pursue the objective of universal access to early childhood development complemented by universal access to the child support grant, and an integrated nutrition programme in order to ensure positive learning outcomes and to provide food security.

Mr Vice President

Our government has come a long way towards fulfilling gender parity. In this regard, we are implementing a Gender Equity Strategy to assist government in reaching its target of a minimum of 50% women representation at all levels of government.

To date, representation of women in the Legislature stands at 44% as compared to 25% after the first democratic elections in 1994, while the number of women in Cabinet increased from 18% in 1994 to 40% post the 2009 elections. We shall not rest until we have achieved the target we have set for ourselves. In this regard, a new Gender Equity Bill is in the pipeline that aims to enforce gender parity measures across all sectors of society.

In addition to our pursuit of gender parity, our government has also adopted a Comprehensive Rural Development Strategy that among others, targets the empowerment of rural women. This initiative is designed to unlock the economic potential of the rural economy with women playing a central role in order to improve the quality of life of the rural communities. This will be complemented by a Local Government Turnaround Strategy that is intended, among others, to accelerate service delivery to rural communities.

Further to our successes in providing housing as previously mentioned, we have now undertaken a paradigm shift to build houses in the context of integrated human settlements where provision is also made for essential social services and economic opportunities. We are fully conscious of the fact that the development of such settlements alone would not be sufficient for the full enjoyment of peace and tranquillity, unless we deal decisively with the issues of crime and safety.

Mr Vice President,

In this regard, I am happy to report that the crime statistics released during September 2011 confirm that the tide against crime is turning. We have seen reduction in the reported crime statistics across all categories of crime. Importantly, the 2011 National Victims of Crime Survey findings supported trends that show a decrease in the South African crime levels.

We have also established a number of mechanisms to fight corruption, maladministration and the inefficient use of public resources such as the Special Investigating Unit, anti-corruption hotlines, whistle blowing legislation, specialised units in the South African Police such as the Hawks as well as the Office of the Public Protector.

Mr Vice President,

All the above are examples of key priorities we are pursuing towards the realisation of the aspirations of our people and the fulfilment of our international obligations of the respect for, promotion, protection and fulfilment of human rights and fundamental freedoms. Our government will continue to work tirelessly towards the development of our country as a developmental state that responds to the needs and aspirations of its people. To this end, we are striving to strengthen the public sector to improve the provision of services within a Developmental State.

In order to achieve this objective, our government has established the Public Administration Leadership and Management Academy (PALAMA) to provide training and support to various levels of management in the Public Service to ensure that we deliver effectively on priorities as set out in the Government's Programme of Action.

Mr Vice President,

As I conclude, I would like to assure the Working Group that the level of awareness of human rights issues has significantly improved. For this reason, Government has decided to place human rights at the centre of the work programmes of the highest decision making bodies of our administration in order to ensure that we comply with all our obligations, both local and internationally.

Government is committed to work with independent institutions created to support our constitutional democracy such as the Human Rights Commission, the Commission on Gender Equality, Office of the Public Protector, without compromising their independence. We have a political responsibility to support these institutions. It is for this reason that we will do every thing required of us by the law and the Constitution to assist in ensuring the proper, effective and efficient functioning of all these institutions.

Government also pledged its commitment to do all in its power to sign and ratify, before the end of 2012, all outstanding instruments in the area of international human rights and humanitarian law. We remain committed to serving our highest ideals, that is, the eradication of poverty and underdevelopment, the promotion of social and economic inclusion, the attainment of social cohesion and freedom from fear and want and

become a society based on the full enjoyment of all human rights and fundamental freedoms.

Mr Vice President,

We conclude by stating that, whilst we have made extraordinary progress over the past eighteen years, there is much left to be done and we are every mindful of these words of our former President, Nelson Mandela:

"I have taken a moment here to rest, to steal a view on the glorious vista that surrounds me, to look back on the distance I have come. But I can rest only for a moment, for with freedom come responsibilities and I dare not linger for my long walk has not yet ended".

I thank you!!

