**Opening Statement**

**by the Deputy Minister of Justice and Constitutional Development of the Republic of South Africa, the Hon JH Jeffery, MP**

**on the occasion of the Republic of South Africa’s Response on the Universal Periodic Review**

**at the 41st session of the Human Rights Council's Universal Periodic Review (UPR) Working Group, held at the Palais des Nations,**

**Geneva**

November 2022

The President of the Council,

The 4 Vice-Presidents of the Council,

Excellencies,

My delegation and I convey to this 41st 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.

The Universal Periodic Review allows South Africa to share what steps we have taken to improve human rights in our country and to fulfil our human rights obligations. Currently, no other universal mechanism of this kind exists and we therefore welcome the opportunity to engage with you at this level.

We have also noted the positive developments in respect of strengthened resources and capacity to make the UPR an even more impactful human rights instrument for all. We regard the UPR process as an experience that enriches our country and its people and once again commits us, as a nation, to the advancement of human rights in our own country, on our continent and the world over.

Our Constitution provides that “human dignity, the achievement of equality and the advancement of human rights and freedoms” are some of the foundational values of our democracy.

These foundational values play an important role in our society. They inform and guide Government on how to interpret the Constitution and the obligations it imposes; they set positive standards to evaluate the laws, policies and conduct of Government; they help foster accountability, and they help strengthen the foundations of our democracy.

In addition to these foundational values, our Constitution places an obligation on the State to “respect, protect, promote and fulfil the rights in the Bill of Rights.” In other words, all human rights!

In the past 28 years, and particularly since South Africa was last reviewed four years ago, our Government has been hard at work to deal with and reverse the stubborn legacy of three and a half centuries of colonialism, racial discrimination, the denial of rights, apartheid, and economic, social and political exclusion of the great majority of our population.

It has been a challenging task, but also a rewarding one. Because every step we take – no matter how small – gives us the hope that we are moving in the right direction of giving real meaning to the commitment we have made, as a nation, to advance human rights.

We are therefore pleased that, in this review session, we shall be reporting on progress made in our quest to promote and fulfil human rights since our last session four years ago, following the Report of the Working Group.

We shall focus on some highlights in this regard and the details of our presentation are in the Report that we have submitted.

South Africa, like the rest of the world, continues to deal with current and future challenges post the Covid-19 environment. As in many other developing countries, our economy was severely affected by the pandemic.

There is a need to rebuild our economy, equip our people with the necessary skills and unlock those opportunities both in government and the private sector that will ensure that we leave no one behind.

We have had to battle the unpredictable surge of Covid-19, find solutions to protect lives and livelihoods and keep the system running in the service of our people.

There is no denying that Covid-19 has had a significant impact on human rights all over the world – when any country goes into lockdown it affects many fundamental rights, such as freedom of movement or limitations to access to services. We too have tried to find that very delicate and difficult balance between keeping people safe whilst not unfairly infringing on their human rights.

Mr President,

South Africa has noted the recommendations made by the Working Group previously. The overwhelming majority of these recommendations we support. Where we have noted recommendations we can assure you that they are receiving the ongoing attention of Government.

Many of the recommendations made to South Africa have focused on the elimination of hate speech, hate crimes, racism and other forms of discrimination.We are pleased to report that the *Prevention and Combating of Hate Crimes and Hate Speech Bill* is currently before Parliament and is at an advanced stage of the legislative process.

The South African Government is fully committed to eliminating racism in all its forms. We are fully aware of incidents of violence that appear to disproportionately target foreign nationals. Much of this discrimination and violence stems from frustrations within sections in South African communities that feel that they are competing with migrants for scarce resources, whilst they too are struggling socially and economically.

The South African government does not condone these actions and where people have engaged in unlawful conduct, including acts of violence against foreign nationals, Government has sought to ensure that those responsible are held to account through the criminal justice system. South Africa has a comprehensive legal and policy framework which guides how the rights of migrants and their families are managed by the Government of South Africa.

The elimination of xenophobia and the protection and promotion of the rights of migrants remain an absolute priority.

Government has implemented various interventions, including partnerships with agencies such as the UNDP, the IOM and the UNHRC to develop an Early Warning System complimented by a Rapid Response Mechanism to detect conflicts related to racism and xenophobia in communities. With regards to refugees and asylum seekers, an online system was introduced during the Covid pandemic to offer services to them.

We will be providing you with further details on other measures which are taking to prevent xenophobia. It is, once again, worth highlighting that the Bill of Rights in our Constitution guarantees the same human rights to everyone who finds themselves within our borders – there are only four rights, which pertain to rights like voting, citizenship and freedom of trade, occupation and profession, which apply to citizens only. Save for these four provisions, foreign nationals enjoy the same human rights protections as citizens do.

Many of the recommendations also focused on the elimination of discrimination and violence against women. Government remains extremely concerned about the continuation of this scourge.

You may be familiar with a number of high-level and priority interventions which Government has made - including two Presidential Summits, a new National Strategic Plan and three new laws - to prevent and combat gender-based violence and femicide in all its forms.

We have provided details of these interventions in our report and can give more details during our responses if necessary.

We have also taken a number of measures to protect the rights of Persons with Disabilities including processes towards the ratification of the African Union’s African Disability Protocol.

With regards to the protection of whistleblowers and human rights defenders, Government has commenced with a review of the *Protected Disclosures Act* and the *Witness Protection Act* to, amongst others, ensure that whistle-blowers and witnesses receive greater protection. This legislative review will be completed by the end of April 2023.

Mr President, there are a myriad of legislative, policy and other measures in place to ensure the achievement of socio-economic, political and civil rights for all who live within our borders. Some of the key issues we want to address through these measures relate to, amongst others, improved access to housing, water, sanitation, education, and other means of supporting the livelihoods of communities, particularly those of vulnerable groups.

Concerted efforts are also constantly being made to ensure that South Africa remains committed to our obligations in terms of international instruments.

In this regard, I am pleased to advise that the South African Parliament has, last week, completed its approval of the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

Members of the Working Group,

These are but some of the many areas of progress and interventions made. We remain fully committed to ensuring that South Africa remains a peaceful, stable, productive and thriving nation - focused on improving the quality of life for all who live in it as well as the protection and promotion of human rights of all. In addition, our commitment to the attainment of the Sustainable Development Goals remains unwavering.

We thank the various delegations, and the members of the Troika, for their valuable contributions and we look forward to having a constructive and fruitful engagement with you.

I thank you.