

KEYNOTE ADDRESS BY THE MINISTER OF JUSTICE AND  
CORRECTIONAL SERVICES, ADV MICHAEL MASUTHA, ON THE  
OCCASION OF HUMAN RIGHTS DAY COMMEMORATIONS IN  
UITENHAGE, NELSON MANDELA DISTRICT, 21 MARCH 2015.

Programme Director, Minister Mthethwa, the Premier of the Eastern Cape, Mr Masualle, the Executive Mayor of the Nelson Mandela Bay Metro, Mr Fihla, Cabinet Ministers present, all MECs present, members of the national and provincial Parliaments, all district and local mayors and councilors present, honourable members of the diplomatic community, traditional leaders, government officials, esteemed guests, ladies and gentlemen,

May I take this opportunity to especially welcome all the survivors of the Uitenhage massacre and survivors of all other massacres and the families of victims who are our guests today.

The month of March is a very significant month in the history of South Africa.

It was during March that 56 unarmed people were mowed down by the apartheid police in Sharpeville during the anti-Pass protests in 1960.

On March 21, 1960 (1960?) events were planned in many parts of the country for people to protest against the pass laws. In Sharpeville thousands of people gathered at the police station demanding to be arrested. They were met by 300 police officers who, after a scuffle opened fire, killing 69 people. 180 more were injured.

It was also on this day in 1985 that 12 people were gunned down by the apartheid police down the road from here while on a march to KwaNobuhle to commemorate Sharpeville day. A lot more were shot, but survived the massacre.

That is the reason why today we are gathered at this sports field which is close to the venue of the 1985 massacre.

The democratic government led by the ANC took the decision to make the 21<sup>st</sup> of March a public holiday during which we reaffirm the human rights of all the people of South Africa.

On this day, we remember the sacrifices of the people of Sharpeville, the people of Uitenhage, the people of Duncan village and all the people who sacrificed their lives so that we can enjoy the fruits of a free and democratic South Africa.

We have heard from a survivor of the massacre how a group of unarmed people on their way to a commemoration were suddenly shot and killed by the police here at KwaLanga 30 years ago.

This year government is asking all of us to use the Human Rights month as a vehicle to foster social cohesion, nation building, national identity, socio economic development and an end to xenophobia and homophobia.

People within communities should care for one another. We should go back to the tradition of caring for each other's children and young people. We should go back to the tradition of caring for each other's aged grannies.

In terms of xenophobia, we need to root out from our communities the new habit of looting and destroying shops owned by immigrants. These shops render services to the very communities that end up looting and destroying them.

In instances where we have complaints about activities that are illegal from immigrant communities, I encourage that these be reported to your councillors or the police. Please do not loot and destroy any property to vent out your grievances.

The month of March incorporates the International Woman's Rights Day held on 8 March. On that day we focussed on the plight of women all over the world and recommitted ourselves into making South Africa a better place for our women.

Apart from hosting stadium events on human rights' **day**, what have we done to restore and protect the human rights of the majority of South Africans?

Our theme for this event says celebrating the freedom charter, enjoying equal human rights for all.

Our Constitution's preamble contains the bill on human rights taken from the Freedom Charter. The human rights in our Constitution are the basis of all our legislation and are the ideal towards which we are striving as a government and as a country.

## THE SOUTH AFRICAN CONSTITUTION, 1996

### Chapter 2: Bill of Rights

#### EQUALITY

You cannot be discriminated against. But affirmative action and fair discrimination are allowed. Everyone is equal before the law and may not be discriminated against.

#### HUMAN DIGNITY

Your dignity must be respected and protected. Everyone has a basic human dignity which must be respected.

#### LIFE

You have the right to life. Everyone has the right to life.

#### FREEDOM AND SECURITY OF THE PERSON

You cannot be detained without trial, tortured or punished poorly. Domestic violence is not allowed. You may not be physically detained without trial or abused in any way.

#### SLAVERY, SERVITUDE AND FORCED LABOUR

Slavery and forced labour are not allowed. You may never be subjected to slavery or forced labour.

## PRIVACY

You cannot be searched or have your home or possession searched. Your right to privacy includes your body, home and possessions.

## FREEDOM OF RELIGION, BELIEF AND OPINION

You can believe and think whatever you want and can follow the religion of your choice. You have the right to think, believe and worship whomever you may choose.

## FREEDOM OF EXPRESSION

All people (including the press) can say whatever they want. You have the right to say, read and study whatever you choose but hate speech is not allowed.

## ASSEMBLY, DEMONSTRATION, PICKETT AND PETITION

You can hold a demonstration, picket and present a petition. But you must do this peacefully. You have the right to peacefully assemble, demonstrate and protest.

## FREEDOM OF ASSOCIATION

You can associate with whomever you want to. You have the right to associate with anyone.

## POLITICAL RIGHTS

You can support the political party of your choice. If you are citizen, and at least 18 years old, you can vote. You may form a political party, run for office and vote for any party in free and fair elections.

## CITIZENSHIP

Your citizenship cannot be taken away from you. No citizen may be deprived of citizenship.

## FREEDOM OF MOVEMENT AND RESIDENCE

You can go and live anywhere in the Republic of South Africa. You have the right to enter and leave the Republic at will.

## FREEDOM OF TRADE, OCCUPATION AND PROFESSION

You can do whatever work you choose. You have the right to choose any legal trade or occupation freely.

## LABOUR RELATIONS

You may join trade unions and go on strike. Every worker and employer has the right to organise and negotiate to further their aims.

## ENVIRONMENT

You have the right to a healthy environment. You have the right to live in a protected, healthy environment.

## PROPERTY

Your property can only be taken away from you if the proper rules are followed. No-one may be deprived of property, except in terms of law of general application.

## HOUSING

The Government must make sure that people get proper access to housing. You have the right to access adequate housing.

## HEALTH CARE, FOOD, WATER AND SOCIAL SECURITY

The Government must make sure you have access to food and water, health care and social security. You have the right to health care, adequate food and water and social security.

## CHILDREN

Children under the age of 18 have special rights, like the right not to be abused. Every child has the right to a name, nationality and protection from abuse and exploitation.



## EDUCATION

You have the right to basic education, including adult basic education, in your own language (if this is possible). You have the right to a basic education in the official language of your choice.

## LANGUAGE AND CULTURE

You can use the language you want to, and follow the culture that you choose. You have the right to use the language of your choice and practise your own culture.

## CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES

Communities can enjoy their own culture; practice their own religion; and use their own language. You have the right to form, join and maintain cultural, linguistic and religious grouping of your own choice.

## ACCESS TO INFORMATION

You have the right to any information which the government has. You may access any information held by the state for the protection of your rights.

## JUST ADMINISTRATIVE ACTION

Actions by the government must be fair. You have the right to administrative action that is lawful, reasonable and fair.

## ACCESS TO COURTS

You can have a legal problem decided by a court, or a similar structure. You have the right to resolve legal disputes in a court or another impartial tribunal.

## ARRESTED, DETAINED AND ACCUSED PERSONS

This right protects people who are arrested, imprisoned or accused. When arrested, you have the right to remain silent, to be brought before a court within 48 hours and the right to legal representation.

Let me briefly touch on the right to land. Many communities have had their land restored to them. A further        more communities have opted for financial compensation. As we speak, Government is restoring the human rights of the people of District Six in Cape Town by returning the land to its rightful owners.

Government has reopened the land claims window to allow communities who feel left out to submit their claims for land restitution. We all know that land rights are human rights.

Lastly our government has restored the dignity and human rights of our leaders, Moses Kotane and John Beaver Marks, whose mortal remains were repatriated from Russia.

Moses Kotane was reburied at his home in Pella on the 14<sup>th</sup> of this month and JB Marks was reburied on the 22<sup>nd</sup> at his home in Ventersdorp.

These two leaders were liberation fighters and leaders of both the Communist Party and the African National Congress. They both died in exile in Moscow and were buried there. By restoring the dignity of their mortal remains we are affirming the human rights of our children and our grandchildren.

We need to use today to reaffirm our commitment to the protection of each other's human rights.

May every day be a Human Rights day.