



Foreword by President JG Zuma

I am greatly honoured, as Head of State and Government of the Republic of South Africa, to endorse our country's 2nd Report to the Second Universal Periodic Review (UPR) of the United Nations Human Rights Council. It is most propitious that the submission of this Report coincides with an extraordinary moment in the history of our country and its people's struggle for national liberation, human rights and fundamental freedoms.

This year, 2012, marks the celebration of the Centenary of our country's ruling party and our continent's oldest modern liberation movement, the African National Congress, which, in 1923, adopted a Bill of Rights in which it demanded that;

"the peoples of African descent have, as an integral and inseparable element in the population of the great Dominion of South Africa, and as undisputed contributors to the growth and development of the country, the constitutional right of an equal share in the management and direction of the affairs of this the land of their permanent abode, and to direct representation by members of their own race in all the legislative bodies of the land, otherwise, there can be 'no taxation without representation.'"

Another Bill of Rights, also known as the African Claims, adopted in 1943, categorically stated that: 'We, the African people in the Union of South Africa, urgently demand the granting of full citizenship rights such as are enjoyed by all Europeans in South Africa'.

This Bill of Rights drew upon the Atlantic Charter of August 1941, inspired by some of the key provisions that 'all peoples had a right to self-determination'; that 'there was to be global economic cooperation and advancement of social welfare'; and that 'the participants would work for a world free of want and fear'.

In 1955 we played a leading role of the Congress of the People, which was a culmination of a national campaign that gave birth to the Freedom Charter which was adopted by delegates at Kliptown on 26 June 1955. The Freedom Charter declared that;

'South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people; that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality; that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities; that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief'.

I must, at once, admit that naturally Governments experience a measure of trepidation when they subject themselves to external political scrutiny and examination on the extent to which they measure up in terms of respect for, promotion, protection and fulfilment of all human rights and fundamental freedoms.

Undoubtedly, the exercise is daunting, but provides an excellent and equal opportunity for all members of the United Nations to place themselves under a uniform mechanism to review their performance in respect of their upholding of human rights and making the realization of rights a reality for all.

As can be gleaned from our history of struggle and since the dawn of democracy in our country in 1994, the primacy of the South African Constitution as the cornerstone of the new dispensation is predicated on the achievement of human dignity and human equality, the advancement of human rights, the upholding of the rule of law and accountable governance.

All these core values and principles, taken jointly, have irreversibly placed our democratic Government and Constitutional dispensation on a path towards the constant and progressive improvement of the quality of life for all our people, including non-citizens who, for various reasons, find themselves within the jurisdictional territory of the Republic of South Africa.

South Africa fully subscribes to the core principles underpinning international human rights law and the totality of the letter and spirit of international human rights protection and the notion of the progressive realization of human rights, in particular economic, social and cultural rights. As reflected in the South African Constitution, we fully understand the inextricability of economic, social and cultural rights from civil and political rights, and that a holistic approach is required to advance all of them as human rights.

We have also embraced the letter and spirit of the 1993 Vienna World Conference on Human Rights and the universality, indivisibility, interdependence and inter-relatedness of all human rights and fundamental freedoms. We also fully believe in the realisation of the right to development for all as encapsulated in the Millennium Declaration of 08 September 2000 adopted by United Nations General Assembly.

Since 1994, the South African Government has made significant strides towards the realization of our country's promise of a better life for all our people. Government, through social contract with multi stakeholders, continues to treat with ardent eagerness the triple challenge of poverty, unemployment and inequality as the democratic South African Government.

Based on the track record of our Government and the positive trajectory since our 1st Universal Periodic Review Report, I am confident that the Government of South Africa has all the political will and the commitment necessary to overcome these challenges.

Our Constitution is informed by the principle of the universality, indivisibility, interdependence and inter-relatedness of all human rights and fundamental freedoms and directs Government's efforts to ensure an appropriate interplay between economic and social policy objectives. To this end, in the State of the Nation Address on 09 February 2012, consistent with national priorities, Government declared 2012 as the year of massive infrastructure development to enable us to realize economic growth for the achievement of social progress.

The programme of infrastructure development will be a key economic driver which is aimed at creating decent quality jobs. A carefully balanced interplay between social and economic policy initiatives has laid a firm foundation for South Africa to become a Developmental State.

In its foreign policy priorities, South Africa seeks to remain a responsible international citizen. To this end, Government decided to subject itself to a plethora of external scrutiny and examination by actively participating in other inter-governmental review mechanisms.

In this regard, our country has undergone the following external reviews: (a) African Peer Review Mechanism (APRM) on 28 January 2011 in Addis Ababa; (b) United Nations Convention against Corruption (UNCAC) Review Mechanism on 24 – 28 October 2011 in Marrakesh; and (c) the MDGs Country Review and subsequent 2010 MDGs Country Progress Report submitted to the United Nations in September 2010.

The Minister for Public Service and Administration has been designated by Government as the coordinator at the political level of South Africa's Review Processes to the APRM, UNCAC and MDGs. Our Government is fully cognizant of the urgent and imperative need for South Africa to become a State Party to key Human Rights Instruments in the context of the African Union (AU) and the United Nations (UN).

In this regard, our Government is in the process of ratifying the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) as well several instruments for protection under International Humanitarian Law.

Meanwhile, owing to the guarantee under our Constitution of all human rights and fundamental freedoms set out in the ICESCR and the OPCAT, and the recognition accorded therein to their universality, indivisibility, interdependence and inter-relatedness, all these rights are fully justifiable in our law and appropriate remedies are provided for in the event of any proven instances of violation against the fundamental freedoms.

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His Excellency Dr Jacob Gedleyihlekisa Zuma
President of the Republic of South Africa