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### **Human Rights Day – 21 March**

Theme for Year 2020: Unity, Socio Economic Renewal and Nation Building

21 March is acknowledged as a National Human Rights Day in South Africa. This day has contributed immensely to the history of human rights in South Africa. The historical impetus of this day is dedicated to the freedom fighters that sacrificed their lives against the apartheid regime and segregated system that divided people by race & colour. Their bravery was demonstrated 60 years ago, on 21 March 1960 when police open fire and massacred 69 people and 150 injured for peaceful protests against “pass laws” which violated their human dignity. This law enforced severe restrictions of movement of African people, then referred to as the *natives*, required to carry passbooks- known as “dom pass” whenever found outside the homelands or apartheid designated areas. This became the first state of emergency to be declared in South Africa amid violence, arbitrary arrests, police shooting and tear gassing in *black townships* throughout the country. This massacre made international headlines as the ANC and former President Nelson Mandela were banned from speaking in public. It was only in 1994 when Constitutional democracy guaranteed the citizens freedom of association, assembly and expression. Human Rights Institute of South Africa – HURISA will join the rest of the country to remember the huge price paid by the Sharpeville freedom stalwart’s for our hard earned democracy. The Constitution also safeguard economic and social rights which unfortunately still remain a major struggle of the poor even in the new human rights dispensation.

The country started the year 2020 with many economic and social problems affecting the majority, ranging from education, corruption, gender based violence, crime, health, water, sanitation, housing and lack of jobs, particularly for youth and women.

As demand for service delivery remain high, the country is overblown by global tragedies of the spread of Coronavirus –COVID19 pandemic. The government is commended for the drastic measures it placed for preventing the spread of virus in the country. The government is also demonstrating commitment to achieve commitment of the theme of the year 2020. For example, extensive awareness raising conducted about the virus and the inroad made to reach diverse communities, townships, shack dwellers, informal settlements, commuters in taxi ranks and train stations for example, as well as public and private sector, media, and good leadership shown in working together with political parties for wide dissemination of educational information about Coronavirus for effective prevention of the spread. Responsive Attempts demonstrated within a short period of time for protection of citizens from infecting Coronavirus, is also

noted. This is what every citizen expect to see, a listening government and addressing human rights problems. The Constitution allows limitation of rights in certain circumstances, and to be done in a fair, just and reasonable manner. It also provides exception to the general limitation rule, especially during the state of emergency. These rights are protected and not subjected to any limitation, the right to human dignity, the right to life, not to be tortured, punished in a cruel inhuman and degrading way, and subjected to medical or scientific experiment without informed consent. Children are protected from maltreatment, neglect, abuse or degradation, and protection from exploitative labour practice, among others. Arrested persons, inmates and the accused must always be informed promptly for reason of being detained and to a fair trial.

However, unfortunately the government has shown double standards in addressing human rights problems in the country. In view of the methods and strategies coordinated to combat coronavirus, the government has not shown the same spirit, vigour and diligence in respect of protecting and addressing the multifaceted economic and social ills affecting communities, which are long overdue.

It is worrying that the government has done little to render basic services to the poor such as water, sanitation, housing. The living environment in communities continue to depict squalor, inhuman and degrading conditions. Poverty, unemployment, crime, especially murder, gender based violence and femicide is disproportionately high. This is because the government failed to uphold the constitution, promote accountability, the rule of law that contribute to inundated service delivery protests across the country. Citizens have lost confidence and trust to a weak, ineffective law enforcement embroiled in corruption

As the government implement stringent preventative measures to contain coronavirus from, the theme of the year can impact meaningfully if strengths are doubled and coordinated for addressing the long overdue economic services in communities. The high health risk standards and low access to adequate medication/health care services and other basic facilities contribute to poverty, high crime, gender based violence, and general lack of hygiene, particularly littering and pollution which is normalised. With the new restrictive measures placed to combat coronavirus, more people are losing jobs, salaries. The same spirit and efforts employed in the fight against coronavirus can be applied for securing outstanding economic and social rights. The opportunity to create jobs to boost and sustain the country's economy should be practically realised. How does the government plan to address the 2, 5 million unemployed youth of age between 15 and 24 years and 3, 9 million of between 25 and 34 years. Can these citizens afford to pay the high testing fees for coronavirus or even undertake self – isolation.

The continuous problem faced in public schools characterised by shambles, wracked by drugs, environmental and infrastructural degradation, violence, poor teaching and a general moral decay amongst both learners and teachers need multifaceted approaches to achieve the objectives of 2020, including the global Agenda 2030, as well as the AU Agenda 2063. The fight against the spread of coronavirus is believed to introduce new paradigm shifts, especially, in respect of the rule of law and accountability. However addressing economic and social rights depend on consistent commitment, political will and accountability. If the government employed the same stringent measures to tackle the brutal crime that is ravaging the country we would have made great strides in ensuring societies live in safe and just communities.

Furthermore, the President has promised the country to search for the country's stolen funds wherever it's hidden, and especially, ensuring prosecution of the suspects of the State Capture. The public hear traumatising evidence of corruption which has psychosocial effect and citizens are anxious to see the mighty hand of the law taking its course one day to all responsible for depleting the country's resources. Corruption Watch estimated that the country lose about 27 billion annually as a result of corruption. This is a crippling effect on basic service delivery, especially for the poor and destitute of our communities. There are already serious measures placed in this area to tackle corruption but the lack of political will impede the country from seeing justice, and holding suspects accountable. As for local municipalities, they have ignored several audits reports of Auditor General highlighting irregular expenditure. For example the 2017/2018 Audit Report exposed a loss of 29.7 billion and 25.2 billion during the 2016/2017 Audit Reporting. While the 2017 / 2018 Audit Report, revealed fruitless and wasteful expenditure that only 18 out of over 278 municipalities in the country scored a clean audit and emphasised attention to be paid to water and sanitation infrastructure.

For unity and successful impact of renewal economic and social rights and nation building, the government need to mend a broken relationship with non-state actors functioning as community based organisations, civil society activist, human rights defenders that contribute meaningfully to promotion and protection of human rights in the country. The culture of impunity that existed , including intimidation, harassment as well as forced disappearances and extra judicial killing of citizens for speaking truth and exposing corruption in a human rights climate should be exposed and investigated. Clearly, this human rights month should not only focus on tackling coronavirus which we believe the President that it will pass. We are concern that the government had not done enough in tackling crime, gender based violence, corruption, water, sanitation, unemployment that continue to be a major problem for South Africa's democracy.

We are calling the government to foster relations with civil society, including community based organisations, unemployed youth, women, human rights defender's in finding solution for coronavirus, as well as covering citizens fees for testing of coronavirus. The government should also ensure that all citizens receive fair and equitable treatment in enforcement of preventative measures on the coronavirus. So far it is not very clear if cost for quarantine or isolations is covered by affected citizen (s) or government. The government should also do more to find a solution to increase the visibility of law enforcement and accountability in communities, as well as protection of commuters using taxi's in taxi ranks, train stations which are often left without remedies. All officials that are not fit to conduct their public duties in line with the Constitution and progressive laws of the country, especially advancing corruption, should be removed from serving the public, be charged and prosecuted to make economic and social rights realisable and effective.

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