



HUMAN RIGHTS INSTITUTE OF SOUTH AFRICA

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Wednesday, 12 February 2020

President of the Republic of South Africa

His Excellency President Cyril Matamela Ramaphosa

C/O Office of The Presidency

Via Email

Dear His Excellency President Ramaphosa

Human Rights Institute of South Africa is honoured to address this letter to you for your kind consideration in your 2020 State of the Nation address on Thursday, 13, February 2020.

First and foremost, HURISA congratulate you Mr President on your inauguration as the Chairperson of the African Union. Indeed, this is a prestigious position which needs the country to rally behind you in ensuring achievement of the AU Agenda 2063 and complementary objectives during your tenor and to leave behind an insightful legacy that will take South Africa and the African Union to new high.

We also wish to express our admiration for the milestone South Africa achieved in becoming a Non-permanent Member at United Nations Security Council from 2019-2021 and for South Africa's Chairship at the UN SCR for one month in October 2019. We acknowledge the positive steps taken in the favourable vote on the Third Committee Resolution on Human Right Defenders for implementation of the United Nations Declaration on HRDs and protection of policies and mechanisms. Also for co-sponsoring the NHRI Resolution for the first time after a long advocacy of support.

Having acknowledged the outstanding milestones and distinguished roles South Africa assumes at both AU & UN, it is disappointing that our human rights



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performance at home remains a worrying concern. It seems the snare of corruption has deepened across board¹. Mechanisms and efforts to fight corruption are noted, however they seem weak and ineffective as to-date nothing has been done to prosecute the suspects of the state capture, while we praise ourselves for embracing a human rights environment which upholds the rule of law. There is a concern that despite the outstanding professionalism and integrity displayed by the State Capture Inquiry adjudication team, prosecutions remain outstanding.

Mr President, you denounced corruption and demonstrated a zero-tolerance toward its manifestation. However, we regret our confidence has been shaken by the lack of action by law enforcement to the highest court of law of the country where strong allegations have been levelled for trampling rights instead of protecting them. Law abiding citizens live in traumatic fear of victimisation, including the worrying shrinking civic space for independent functioning of human rights defenders' standing against corruption. We also witnessed instances of forced disappearances, extra-judicial killings, intimidation, including political intolerance, especially the regrettable ongoing incoherence and dissonance in the leading party.

Mr President, we acknowledge the great strides made in welcoming the Shut Down activists for characterising sexual violence as a crisis endured by women and children in the country over decades. However, as long as the majority remain the subjects of inhumane and degradation², the noble effort will be futile. Needless to say, all these conflict with the spirit and letter of the constitution and South Africa's international commitments.

¹Corruption in public sector costs South Africa an estimated 27 billion annually, according to report by Corruption Watch. This is a crippling effect on basic service delivery, especially for the poor and destitute of our communities . HURISA "25th Anniversary of human rights and democracy in South Africa", October 2019

² Public schools are in shambles, wracked by drugs, sexual violence, environmental degradation, learning face risks of dying when crossing dangerous bridges on the way to school, poor teaching and a general moral decay amongst both learners and teachers. *ibid*



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Mr President, among major problems facing the country is abject poverty, unemployment³, homelessness, especially the next generation⁴ are on the receiving end of the scourge. We were alarmed to learn of the non-payment of the December 2019 stipend of the EPWP youth interns placed for skills development at City of JHB local government. The Auditor General's Audit Reports have been consistent in highlighting fruitless expenditure, unauthorised expenditure, irregular expenditure year after year with no sign of action taken against perpetrators⁵. The country face a huge service delivery back-log which makes people take their frustrations to the streets through protests. This has led to South Africa being called the capital of protests and at war with its citizens. Meanwhile delivery of rights of vulnerable groups such as the elderly, people with albinism, people with disability, sexual orientation and gender identity and migrants confront delays.

Mr President, most people from disadvantaged communities rely on public transportation such as trains and taxis for commuting between work and home. Unfortunately the after-effects of corruption at PRASA, another important state-owned entity, impacts negatively on the needy as it results in unbearable delays and unsafe travels they experience daily between home and work. We continue to wait anxiously for institution of criminal charges against the suspects and former employees of PRASA. We have also noted the hopeless efforts made to overcome the inevitable collapse of some key state-owned entities. Taxpayers and innocent law-abiding citizens are expected to continue bailing out SAA. While Eskom is hopelessly limping in serving the country with electricity, its tariffs are unaffordable to the poor and average unemployed citizens.

³ Unemployment rate stands at 37% (up from 16% in 1994) 6. 7 million people or 29% of the labour active population is unemployed. Ibid

⁴ 2, 5 million of this is youth, aged between 15 and 24 years while 3, 9 million is aged between 25 and 34 years.

⁵ Year after year the Auditor General reported irregular expenditure at 29. 7 billion in 2017/2018 audit report & 25. 2 billion by the 2016/2017 audit report. Fruitless and wasteful expenditure, the 2017 / 2018 Audit report revealed that only 18 out of over 278 municipalities in the country scored a clean audit and the lack of attention is paid to water and sanitation infrastructure



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Mr President we are also dismayed possible access of public pension monies for rescuing Eskom.. As for us Mr President, we are astonished that it was not long ago when Saudi Arabia invested \$10 at Eskom in July 2018 and in the same month Eskom signed a loan of R33 billion from China Development Bank. In November same year Eskom announced it needed R5 billion bailout. Mr President where did these investments and loans from foreign countries go to. It is important to be informed of the current Eskom debt from all the loans and investment obtained.

Furthermore, Mr President we kindly call upon your attention in ensuring proactiveness of key departments and officials, especially if some the issues are not incorporated on the SONA 2020,

1. Initiate the arrest of suspects of the State Capture Corruption and endeavour to recover all looted funds hidden inbound or offshore back to South Africa and provide timelines for the exercise for public participation
2. Promote and protect the functioning of Human Rights Defenders without fear of reprisals, through enactment of policy and in line with UN Declaration of HRDs , ACHPR Reprisals Resolution 273
3. Task a portfolio committee on Justice & Constitutional Development to investigate reprisals, forced disappearances, extra judicial executions, arbitrary arrest of human rights defenders, as well as women human rights defenders, CSO activists, journalists, trade unionists, academicians, as well as the public servants and politicians vilified for refusing to validate corruption, or to speak truth without fear in upholding the constitution
4. Put in place a leadership induction programme, capacity building aligned to Section 41 of the Constitution for inculcation of accountable values and set standardised precedent for promotion of good governance, rule of law, accountability, loyalty to the people of South Africa, the Republic and the continent
5. Continue with the fight against gender-based violence, femicide crimes, by continually soliciting innovative strategies guaranteed in national,



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- regional and international human rights mechanisms promoting women as well as programmes for determining the root cause of these crimes, restoration of confidence, healing and rehabilitation of suspects as well as survivors and families
6. Ensure local municipalities function effectively and constitutionally in creation of a healthy, safe, enabling environment for SMME's, public transport facilities, such as taxi ranks, support campaigns against littering as one of the target for successful delivery of SDG
 7. Ensure dismissal from public and private institutions of incompetent professionals involved in advancement of corruption and condoning its manifestation across the country
 8. Find innovative strategies and solution to destroy corruption from bottom up, including law enforcement on duty, including the police, municipal police, traffic officers among others
 9. Encourage restoration of national pride and dignity, through moral regeneration partnership programmes with CSOs and HRDs
 10. Immediately provide feedback on research findings on assignment of schools' conditions for public engagement and finding of innovative solutions to address the plight of our children in learning institutions as well as in crèches.
 11. Ensure effective functioning of the School governing bodies.
 12. Holding your administration without fear and favour for the benefit of SA and for defence of the Republic with integrity
 13. Ensure eradication of all laws discriminating women implemented contradictory to the Constitution, regional and International instrument protection women.
 14. The launching of the National Action Plan of UN S Resolution 1325 on WPS was halted , we call for progress in launching of the national Plan, as we commemorate the 20th Anniversary of Resolution 1325
 15. We noted submission of the state report on CEDAW, however we are behind with regional instrument protecting women and hereby call for



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the fast tracking of the state overdue report on Maputo Protocol and African Charter for compliance with AU regional human rights instruments

Thank you for attending to our intervention and best wishes in your SONA 2020

With Kind Regards

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Executive