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Human Rights Institute of South Africa (HURISA) Calls South Africa to end the killings of individuals and citizens participating in assemblies and ensure realisation of their right to life, through enabling environment as constitutionally guaranteed.

The Right to Freedom of Assembly, Demonstration, Picket and Petition is a public participatory mechanism, guaranteed in Section 17 of South Africa's Constitution. HURISA is outraged by the inconsistent management of law and order by Public Order Policing within the South African Police Services (SAPS), particularly, in dispersing protesters in gatherings. The random firing of stunt grenades to people in protests is not a new phenomenon in South Africa. It is persistent in the past and even in a democratic dispensational environment.

Before 1994 demonstrations were prohibited in South Africa. While Regulations of Gathering Act passed in 1993 is the first legislative regime to recognise the people's right to expression of frustrations, through gatherings. However, the Act contains certain provisions that restrict number of people participating in a gathering to 15. It also requires advance notification of a gathering less than 15 and to obtain authorisation for a gathering intending to have more than 15 participants. The RGA has brought little change to the aspired freedom enabling citizens to express their frustration and demand change through government attention to their pressing needs. Most peaceful protests in South Africa often turn violent mainly to among others, POP enforcement of restrictive legislative provisions. However, HURISA has noted double standards in managing certain political protests convened for big crowds that POP seem to manage well without undue violence or protesters being forced to disperse. This is witnessed even during this difficult era of the pandemic, where health protocols are blatantly breached. Understandably, convenors of these kind of protests notify municipalities in advance.

HURISA is perplexed by this inconsistency and sees history in repetition where, gatherings, assemblies, protests were prohibited during the dark apartheid era. This unequal and discriminatory practice resulted terribly with the Sharpeville Massacre on 21 March 1960, left over 68 people murdered and 189 injured across the country.

As we observe the 61st Anniversary of the Sharpeville Massacre a review of impact of Human Rights Month observed over 27 years and how to deliver the suppressed rights during the

past laws. How do we justify respect of human rights in commemoration of Human Rights Month, when foundation of our democracy is constantly undermined, especially in the unfair treatment of the poor and historically marginalised with impunity?

South Africa is a State Party to the African Charter on Human and Peoples' Rights which observe its 40th Anniversary of adoption on 28 June 2021. South Africa has also contributed immensely towards adoption and entry into force of the African Union Charter on Elections, Democracy and Governance, which promotes consolidation of democracy, human rights, and public participation. The African Charter safeguard the people's right to freedom of assembly under Article 11. The African Commission on Human and Peoples' Rights adopted Guidelines on Freedom of Association and Assembly in 2017, encouraging Member States to develop progressive legislative frameworks aligned to promotion and protection of right to assembly.

HURISA is calling the Government to review restrictive provisions contained in the RGA as handed by the progressive Constitutional Court Judgement in 2018 and do the following:

- Protect the individual and citizens right to life in the country, by ending the brutal killings of individual and citizens, ensuring their attainment of the right to freedom of assembly, the right to picket and present petitions through development of progressive legislative framework founded on human rights-based approaches, harmonising the constitutional dispensation and the African Commission on Human and Peoples' Rights Guidelines on Freedom of Association and Assembly.
- Compliance with the AU Charter on Elections, Democracy and Government, the African Charter on Human and Peoples' Rights by ensuring creation of enabling environment for public participation, freedom of expression and assembly without fear of reprisals.
- Utilise the Human Rights Month to honour the sacrifices of our heroes and herons for their bravery in fighting against brutal regime that constantly fired guns to most of the people protesting against impunity and human rights violations.
- Sensitise law enforcement, including SAPS, POP, Municipal Police from local provincial to national level and stakeholders involved in public order management with national, regional, and international human rights mechanisms promoting freedom of assembly.
- Promote education and safeguarded right to life as non derogable in the Constitution and create enabling environment for individuals and citizen participation in democracy, decision making processes without fear of reprisals, arbitrary arrests, extra judicial killings for demanding implementation of constitutional rights.
- Ensure IPID and any other national institution investigating impunity, brutality and misconduct of officials conduct their constitutional and legislative mandate independently without fear, favour, and prejudice.
- Arrest, prosecute the suspects of human rights violations of individuals and citizens exercising rights to freedom of assembly and ensure victims and survivors of these violations are adequately compensated from enduring these heinous atrocities.