



**MINISTRY OF JUSTICE AND CORRECTIONAL SERVICES
REPUBLIC OF SOUTH AFRICA**

**SPEECH DELIVERED BY MINISTER RONALD LAMOLA VIRTUALLY
ON THE 25 ANNIVERSARY OF THE CONSTITUTION 10 DECEMBER
2021**

Deputy Minister of Justice and Constitutional Development, John Jeffery;

Justice Albie Sachs;

**Chairperson of the South African Human Rights Commission,
Advocate Bongani Majola;**

**United Nations High Commissioner for Human Rights in Southern
Africa,**

Ms Abigail Noko;

C.E.O of the Nelson Mandela Foundation, Ntate Sello Hatang;

**Director of Access to Chapter 2 and Deputy Chairperson of South
African National Aids Council, Ms Steve Letsike;**

Founder of Lawyers against Abuse, Professor Bonita Meyerfeld;

The 10th of December is a day of great significance in our country. Although it is not designated as a holiday, it represents a moment we should never be shy of celebrating, no matter the challenges of the day.

Our history is too gruesome for us not to mark the day in which we set a new path into motion.

As we mark this day, I would admit that we are certainly not where we want to be as a nation, but we can also say we are not where we were in 1994.

If you had said to my mother and father, farm workers, in a Bantustan in the Eastern Transvaal as it was called then, that in just over two decades, one of their children would be serving a democratic government as a minister, they would have probably not believed that.

Equally, if we had said to Oliver Tambo, Nelson Mandela, Walter and Albertina Sisulu, Dorothy Nyembe, Lillian Ngoyi and Ruth First amongst others, that after 25 years of democracy, our society would still have the hallmarks of an untransformed society, they too would struggle to believe that.

Despite our challenges today, our democratic society is different from a society that was characterised by oppression, racism and human rights violations.

Ladies and Gentleman

A careful reading of history reveals that South Africa as a nation state has had a special relationship with this day.

In the same year in which the National Party fully endorsed and implemented colonialism of a special type, the world stood up and appalled Elenor Roosevelt when she stood in the General Assembly of United Nations and said the following, and I quote, "***We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind. This Universal Declaration of Human Rights may well become the international Magna Carta of all men everywhere.***"

Of course, we now know that this great day in the history of mankind had no impact on the apartheid regime.

Chief Albert Luthuli when accepting his Nobel Peace Prize on the 10th of Decemeber in 1960, said the following and I quote, **“it is idle to speak of our country as being in peace, because there can be no peace in any part of the world where there are people oppressed.”**

As the world marks international human rights day, it is hard not to think that very statement by Chief Albert Luthuli echoes loudly in the streets of occupied Palestine and right here on our continent. Western Sahara’s independence is still a matter of conflict, and the Tigray region remains volatile.

Ladies and Gentlemen:

I am citing these examples to show that inspite of progressive intentions, if these are not followed by concerted actions by all of us, our best intentions remain hollow.

In the same way, our constitution remains hollow to survivors of gender based violence;

In the same way, our constitution remains hollow to those who idle in poverty and unemployment.

These by and large, are issues which are in our direct control as a government, citizens and the private sector.

The Constitution has to be a catalyst for equality under these circumstances. Socio-economic rights must become a reality.

In this vein, we need to be unapologetic in pursuing the goals which the Constitution has set us.

Since 1994, we have seen a substantial body of new laws which have emerged from all levels of government, to fulfil the mandate of the constitution.

We have created new institutions and in some instances, we have given them even more powers informed by the learnings of our journey as we continue to reform the state. To this end the reforms to the Auditor General come to mind.

In pursuit of democratising land reform, we passed the land restitution act, strengthened security of tenure and facilitated access to housing and the provision of social assistance for those need.

We firmly believe that land reform should be anchored on the restitution of land rights that has been dispossessed in terms of colonial laws; improvemet of security of tenure for those whose land rights were weakened by apartheid laws; and land redistribution.

We equally advocate for multiple land ownership in South Africawhich will mirror our social and economic construct. It should facilitate economic and social participation by any land holder. Through land reform, we want to restore the dignity and the economic power of those dispossessed by the partied regime and change ownership patterns.

We will ensure that the National Assemble adopt the Expropriation Bill, Land Court Bill and produce a Redistribution Bill which will lead to equitable redistribution of land in the interest of every South African.

These are some of the bills we are finalizing and producing to address systemic inequalities and unfair discrimination that manifested in the institutions of society and the practices and attitudes of South Africans.

To date we have put in place legislation directed at advancing human rights, the Promotion of Equality and Prevention of Unfair Discrimination Act, the Promotion to Access of Information act and Promotion to Administrative Justice Act.

In recent times, pieces of legislation have featured heavily in our courts with the intention to hold those with executive powers accountable for their decisions and also holding individuals accountable for various forms of discrimination.

We also have a considerable amount of work being done to transform both the philosophical ethos of the state as well as institutions within the state.

As we look at the judiciary today, it is no longer white and male dominated. Although the gender composition of it has room for improvement, progress is both tangible and visible.

Today as opposed to 25 years ago out of 241 judges, 116 judges are 69 percent are black.

When one looks at our jurisprudence as a nation, one can see a significant departure from legal positivism which permeated the apartheid era. With cases like *Bhe v Magistrate of Khayelitha*, we saw gender equality being entrenched in African customs at the instance of the Constitution.

Even most recently, we saw the Constitution prevailing over individuals who occupied very high offices in the state.

When one reviews the Constitution over a period of 25 years, we certainly do find progress. This should tell us one thing, as a nation, our Constitution can be a document that binds us together towards a better life for all.

For our nation to prevail, we dare not lose our robust human rights culture which has grown from strength to strength in the past 25 years.

This human rights culture must be even more prominent now by all role players in society in a period where COVID-19 pandemic has had an impact on people's livelihoods and more broadly the economy. The worlds richest nations continue to be on the wrong side of equality through unjust hoarding of vaccines.

Our biggest threat to our democracy and its institutions is not only the politicians and big private companies amongst us who seek to override its foundations, but also citizens who chose to withdraw their participation.

Our democracy and Constitution does not come alive only at the ballot:

It is with us in the shareholders meetings where millions are dispersed for the executive at the expense of workers.

It is with us in the school governing bodies and University councils where exclusionary policies are adopted.

It is with us in the forums where men slut shame women and treat them like personal properties.

It is with us in the community when we chose to discriminate on our fellow humans on the grounds of race, gender, sexual orientation and even nationality.

Our constitution is a living document and it lives with us. We have the responsibility to keep it alive.

As we celebrate it s quarter century existence let us pledge to keep it alive in all facets of society.

I thank you!