



The Republic of South Africa

**Opening Statement
to the 64th Session of the Committee on Economic, Social and Cultural Rights (CESCR)**

October 2018

Madam Chairperson, Ms. Maria Virginia Bras Gomes,
Vice-chairperson and members of the Committee,
Distinguished guests,

1. Thank you for the privilege to present South Africa's Initial Report to this Committee. Our report indicates progress since South Africa's accession to the International Covenant on Economic, Social and Cultural Rights on 12 January 2015.
2. Our accession to the Covenant represented an important step forward, giving the Covenant greater force in domestic law and will continue to deepen the enforcement of socio-economic rights in our country.
3. The Covenant and its sister covenant, the ICCPR were designed to give legal force to the Universal Declaration of Human Rights.
4. As such, the ICESCR has been a major source of influence for the inclusion of economic, social and cultural rights in our own Constitution. The value of the Covenant is that it helps us to measure whether our domestic laws, policies and programmes comply with our international obligations.
5. Before the birth of our Interim Constitution, in 1990, the Legal and Constitutional Committee of the ANC published a draft Bill of Rights for discussion and comment. The explanatory note stated -

"We do not feel that it is necessary to make a constitutional choice between having freedom or having bread.

We do not want freedom without bread, nor do we want bread without freedom."

6. The language and obligations of our Constitution, to a large extent, mirror the socio-economic norms and standards of the ICESCR. The Constitution of the Republic of South Africa is one of the few Constitutions in the world that contains a wide range of **justiciable socio-economic rights**.

Challenges:

7. South Africa is a country divided into two nations – the one being relatively prosperous and white; the other being black and poor, living under grossly underdeveloped conditions. It takes time to erode this divide.

8. Despite enormous progress over the last two decades in reviewing progress on transformation at all levels and the achievement of substantive equality, dignity and human rights there is an acknowledgment that more still needs to be done.
9. After enduring a pernicious effort of apartheid, which the UN declared as a crime against humanity that systematically privileged the few at the expense of the majority, the legacy of decades of colonialism and apartheid is still acutely felt today. South Africa remains a highly unequal society where too many people live in poverty and too few work.
10. The apartheid spatial divide continues to dominate the landscape. A large proportion of young people feel that the odds are stacked against them. And the legacy of our history continues to determine the life opportunities for the vast majority of our people.
11. Our National Development Plan mentions the pervasive effects of apartheid, even after more than 20 years, regarding poverty, inequality, weak economic growth and unemployment.
12. Budgetary constraints are a reality – like in many developing nations. Despite this, the growth of our non-interest expenditure continues to outpace inflation. Government has slowed the growth of other areas of expenditure – whilst spending on social priorities such as health, education, social protection and housing and community amenities has indeed been maintained and continues to take up a large proportion of the consolidated government budget. In short, our spending priorities follow our socio-economic priorities.

Achievements:

13. There have been many achievements - as a nation we have made very real and very significant progress. Access to services has been broadened immensely.
14. We have succeeded in the de-racialisation and unification of the delivery of services. Millions who were previously excluded now have access to education, water, electricity, health care, housing and social security.
15. Government has produced 4 million new housing opportunities through its subsidy programme for the poorest South Africans. Some 88% of South African households had access to piped water in 2017. The percentage of households connected to an electricity supply stands at 84% in 2017. This is no small feat – given that the majority of our people were excluded from these services and opportunities for decades.

16. Government's free basic services programme currently supports more than 3.5 million indigent households.
17. More than 17 million social grants are paid each month, benefiting nearly a third of the population.
18. We know that if we are to break the cycle of poverty, we need to educate the children of the poor. We have insisted that this should start in early childhood. Today we have nearly a million children in early childhood development facilities.
19. We have near universal access to schools for children between the ages of 7 and 15 and we are now focussing our attention on improving the quality to education. Out of 12,9 million learners, more than 9,2 million benefit from the national school nutrition feeding scheme.
20. In December last year, Government announced that it would be phasing in fully subsidised free higher education and training for poor and working class South Africans over a five-year period.
21. Starting this year, free higher education and training will be available to first year students from households with a gross combined annual income of up to R350,000 (about 20 770 Euro).
22. South Africa's policy on social justice and socio-economic development for all derives from the South African Constitution, national legislation and policies. Our Bill of Rights states that, with the exception of 4 sections, the majority of rights are guaranteed to everyone within our borders.
23. Over the past two decades many ground-breaking court decisions were handed down during what may be termed as the golden era of South Africa's constitutional jurisprudence.
24. In essence, the judgments of our courts are continuously being factored into the policies of Government to ensure the strengthening of a human rights culture in the country.

Current issues:

25. Since the submission of our initial Country Report there have been other important human rights and governance matters, some of which you may be aware, such as the debate around section 25 of our Constitution which relates to property rights and expropriation without compensation.

26. Land inequity and its adverse impacts are a risk to future political stability and needs to be addressed. The 2017 Land Audit reported that out of 76% of national agricultural land, 72% thereof is owned by white South Africans, 15% by Coloured persons, 5% by Indians, 4% by Africans and 3% by others. Women own only 13% of farmland. This is a reflection of the systematic dispossession of land. Today, land ownership in South Africa is still skewed along racial and patriarchal lines.
27. The challenge of land reform is that the pace is slow. In 1994 government had set itself a target to transfer 30% of the total productive land by 2014. This was not achieved. To date, 8.4 million hectares of land has been acquired for land reform purposes; 4.9 million hectares through the land redistribution and tenure programme; and 3.5 million hectares through the land restitution programme. This equates to 10% of total agricultural land.
28. The use of “market value” principle over “just and equitable” in the compensation of land owners is the major contributing factor.
29. Parliaments’ motion on Land Expropriation without Compensation called for an investigation by the Parliament’s Constitutional Review Committee into the necessity to amend Section 25 of the Constitution to enable the state to expropriate land without compensation.
30. An inter-ministerial committee (IMC) on land reform has been established to coordinate and implement measures to accelerate the redistribution of land. In addition, a 10-person advisory panel has been appointed to suggest models for Government to implement a fair and equitable land reform process that redresses the injustices of the past, increases agricultural output, promotes economic growth and protects food security.
31. With regards to fighting corruption, the Judicial Commission of Inquiry into allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State was appointed to investigate allegations of state capture, corruption and fraud in the Public Sector and is chaired by our Deputy Chief Justice. The Commission held its first hearings last month.
32. Nowhere is the reality of our country being one of two nations more evident than in the area of health care: with expenditure on private health care - totalling R235 billion - spent on 9 million people, while government spends R201 billion on the remaining 44-million.
33. Our National Health Insurance Bill was gazetted In June, bringing us a step closer to achieving the government’s aim of universal healthcare for all. The NHI is a health financing system that pools funds to provide access to quality health services for all South Africans

based on their health needs and irrespective of their socio-economic status. It will need a massive reorganisation of the current health system, both public and private.

34. Most recently, in September, following its adoption by Cabinet, President Ramaphosa announced a new economic stimulus and recovery plan. This plan, along with the Jobs Summit and an upcoming international investor conference will strengthen South Africa's investment environment and create jobs.

Madam Chair,

45. We look forward to a very fruitful dialogue with the Committee. Interactions such as these provide us with a real opportunity for both inspection and introspection.
42. We also appreciate the inputs and reports from civil society bodies. We value their inputs. That is why since the ICESCR entered into force in South Africa, various meetings and consultative workshops have taken place between government, the South African Human Rights Commission and civil society organisations in preparation for the depositing of this Initial Report.
43. As we commence our deliberations, it is important that acknowledge that we all want the same thing: a better life for all, in a world in which all its people can enjoy their human rights – a world in which no one is left behind.
44. As, this year, we celebrate the 70th anniversary of the Universal Declaration of Human Rights as well as the centenaries of Mama Albertina Sisula and former President Mandela, we echo Mabida's words when he said, with freedom comes responsibilities, and we dare not linger, for our long walk has not ended.

I thank you.