PRESS STATEMENT

AFTER 23 YEARS, WORKING TOGETHER IS STILL NEEDED TO SECURE THE RIGHTS OF ALL SOUTH AFRICANS

26 April 2017

The Centre for Human Rights joins the rest of South Africa to celebrate Freedom Day 2017. On 27 April 1994, there was a major shift in South Africa's trajectory with the first non-racial post-apartheid election being held in the country. Twenty three years ago, by this symbolic exercise, apartheid and oppression were formally rejected and South Africa resolved to ensure democracy and equality. This Freedom Day milestone was preceded by the struggle, bloodshed, purposefulness, hard work and the resilience of the people of South Africa. However, it is pertinent to note that the celebration of Freedom Day is South Africa's victory just as much as it is the victory of Africa and the world. In Nelson Mandela's speech at the 1995 Freedom Day celebration, he stated that Freedom Day marks a 'transition from a history of oppression to a future of freedom.' While revelling in our glorious past on a day like today, South Africa's present and tomorrow are equally to be reflected upon and attended to.

The Freedom Day elections were not just a political exercise of slipping ballot papers into ballot boxes. They were, and still are symbolic of the recognition of the human rights to equality and non-discrimination. This recognition is contained in the South Africa's Constitution, the Promotion of Equality and Prevention of Unfair Discrimination Act as well as the African Charter on Human and Peoples' Rights to which South African became party to in 1996 not long after celebrating its first Freedom Day. These legal standards are unanimous that the rights of everyone, including sexual and gender minorities, are deserving of state protection, promotion and fulfilment. This is to effect that the human rights to equality and non-discrimination are the very foundation on which post-apartheid South Africa is being built.

However, there are still recurrent cases of violence and hate crimes targeted at sexual and gender minorities at all levels: gay men are still targets of brutal attacks; lesbians, transgender and gender non-conforming persons are victims of attacks and corrective rape. Intersex persons are still subjected to intersex genital mutilation at birth, and demeaning treatment by service providers. Sexual and gender minorities are still largely unprotected in their neighbourhoods, the schools, places of worship, public spaces, online social platforms and even at home. Looking at 2017 from the optimism of 1994, this *status quo* would have seemed an unlikely nightmare. This is especially as South Africa is the first country in the world to constitutionally prohibit discrimination on the grounds of sexual orientation. These are some of the issues that both state and non-state actors have to reflect upon and attend to as part of our celebration of Freedom Day 2017.

Agreeing with Nelson Mandela, there is really no short cut to realising our dreams for South Africa. State and non-state actors need to work harder and together at all levels to ensure that our values and visions of human worth, human rights and *Ubuntu* are realised. Freedom Day was not handed to us on a silver platter and preserving it will not be easy. All hands must be on deck to fight these unfounded prejudice and attacks on sexual and gender minorities and to align attitudes with the law.

The Centre for Human Rights is of the view that, in as much as the state authorities, laws, policies and structures have an invaluable role in ensuring that the human rights, particularly those of sexual and gender minorities, are protected, non-state actors, individuals, schools, worship places and civil society have their parts to play in realising equality and non-discriminations further. We are all in this together.

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