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FREEDOM DAY - IS THERE ANYTHING TO CELEBRATE?

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As with other historical events, many South Africans still remember 27 April 1994 very well. A day of long voting queues and goodwill, the feeling of a new beginning. It was the birth of the “New South Africa”.

After that, many Freedom Days followed. Numerous South Africans, especially those who experienced 1994, will regard this year’s Freedom Day as the lowest point of all Freedom Days.

Why? Because we see what is happening to us in the political, economic and social arena. There is great tension in the ruling party - about the current President, but also in the leadership struggle for a new President. There is talk of corruption and state capture by government leaders and officials. We see the economy stagnate and that our country’s financial system has basically been downgraded to junk status. We experience racial tension and an apparent total lack of reconciliation and shared values.

This is all true. But that is not all that is true.

Former President FW de Klerk has said many times that South Africa today is still a better place than it would have been had we not reached the negotiated settlement in the early 90s and accepted our Constitution.

Why? Because many of the freedoms we gained as a nation are still protected. The concept of freedom is central to the Constitution. It appears in the Preamble, and many times in the Bill of Rights.

Freedom, together with human dignity and equality, is described as one of the democratic values of our country. According to the Bill of Rights we have the following freedoms:

- Freedom and security of the person, and freedom from all forms of violence (section 12). Freedom of the person is also one of the non-derogable rights when a State of Emergency is declared (section 37)
- Freedom of religion, belief and opinion (section 15)
- Freedom of expression (press, media), as well as freedom to receive and impart information, academic freedom and freedom of scientific research, as well as freedom of artistic creativity (section 16). In sections 58 and 117, freedom of speech is specifically guaranteed in Parliament and the National Council of Provinces
- Freedom (the right) to assemble peacefully and present petitions (section 17)
- Freedom of association (section 18)
- Freedom of political choice, and the right to free elections (section 19)
- Freedom of movement and residence (section 21)
- Freedom of trade, occupation and profession (section 22)



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The 2017 Human Rights Report Card of the Foundation's Centre for Constitutional Rights provides a good grade for most of these freedoms. Two of the above-mentioned freedoms are awarded an A ("excellent", section 15 and 18), three get a B ("good", section 17, 19, 21) and three get a C ("average", section 16, 22). It is clear that compared to other rights that are less freely enjoyed, South Africans (still) enjoy these freedoms.

And it is important to realise that it is precisely these freedoms and the fulfilment thereof that try to counteract the negative trends in South Africa. The freedom of speech gives us the right to criticise, freedom of association affords South Africans the right to organise themselves, freedom of assembly leads to marches against the transgressions of our leaders - and it is freedom of political choice and the right to free elections that give us the opportunity to vote in 2019 about what is happening in our country today, but especially about what we want to happen in the future.

With this perspective, Freedom Day 2017 need not be viewed negatively. We cannot be totally elated, that is true. However, there is the understanding that we are freer than we were, that we can use our freedoms to oppose the problems in our country, and that many South Africans (across race, language and religion) already stand together for a better future.

We have *these* reasons to be grateful for our status as a free country and as free citizens. We *can* celebrate Freedom Day 2017.