

# Friedrich Naumann Foundation - Let's Talk Human Rights Podcast Episode 1- Transcript

[00:00:00] **Nangamso Kwinana**

: [00:00:00] Perhaps the worst continent in the world to be is here in a continent that is steeped in patriarchy. It is quite sad that enough has not been done in order to ensure that females enjoy the equality that they should enjoy, from the enlisting of child soldiers by armed groups, to the abduction and demeaning of civilians, especially women and girls.

[00:00:32] Awesome. Innovation days. There have been reports of journalists and political opponents in Zimbabwe being tortured. The journalists have had to go into hiding for fear of being arrested over their critical reporting.

Welcome to the "Let's talk human rights" podcast, a podcast that explores human rights issues in Africa.

[00:00:53] I'm your host Nangamso Kwinana. Did you get an education? Do you know, police violence [00:01:00] and racism only from the news? Were you free to decide who you want to marry or with whom you want to associate? Are you able to criticize grievances? Do you have access to a health system and a right to physical integrity? If your answer is yes to the questions above, you belong to a very privileged group of people.

[00:01:22] Human rights are violated every day in so many countries across the world. Even in democratic constitutional states, human rights violations occur on a regular basis. However, emerging and developing countries, such as African countries are particularly affected. Over the coming weeks, we would like to invite you on a journey through sub-Saharan Africa. Together, we will meet experts from Southern Africa, West and East Africa who will shed light on the current situation on the ground and share their stories.

[00:01:58] Today we start our journey in South [00:02:00] Africa, more specifically on Constitutional Hill in Johannesburg. This iconic building is a place that imprisoned world-renowned men and women, such as Nelson Mandela, Mahatma Gandhi, Joe Slovo, Albertina Sisulu, Winnie Madikizela-Mandela and Fatima Meer. These and many other detainees shall not fall into oblivion and have even been given a permanent reminder inside the Constitutional Court, but listen for yourself.

[00:02:29] **Audio Clip:** [00:02:29] Oh, these tablets behind me here are by the conceptual artist Willem Boshoff. And he had the very remarkable idea of getting a kind of black marble and scratching on it the number of days, weeks, months, years, that Nelson Mandela and the other Rivonia trialists spent in jail. Prisoners are supposed to mark off the days [00:03:00] on the walls.

[00:03:01] He's the artist marking off the prisoners, marking off the days on the walls. And it's such a simple testament to their endurance and their courage and their vision. And idealism. It's not triumphalist. We won long, the victory long live. The struggle hurts compact. It's very intense. It's very moving.

[00:03:24] **Nangamso Kwinana**

: [00:03:24] If you want to find out more about the Constitutional Court, have a look at our video, "A home for justice - touring South Africa's Constitutional Court [00:03:34] with Albie Sachs. You can access the link in the show notes of this podcast. Prisons are often cases of human rights violations. Mandela said, "you have to go to jail to discover what the real policy of the government is."

[00:04:04] "It was June and it was very cold and our clothing was a short pair of trousers and a khaki shirt and a cotton jacket. And then open-toe sandals. And our work was to crush stones and we were outside and it was very cold. Without any protection. Very cold. So cold that you felt it in your bones." Today, Constitution Hill is a living museum that tells the story of South Africa's journey to democracy.

[00:04:43] It is a great honour and privilege to have Judge Cameron as our guest for the very first episode of "Let's talk human rights, the FNF Africa podcast exploring human rights issues." Judge Edwin Cameron is a South African [00:05:00] lawyer and retired judge from the Constitutional Court of South Africa. He's well known for his human rights activism, especially HIV and AIDS and gay rights and was hailed by Nelson Mandela, [00:05:14] and I quote, "As one of South Africa's new heroes" and rightly considered as one of the greatest legal minds this country has ever seen.

He has received numerous awards, such as the Nelson Mandela Award for Health and Human Rights, the San Francisco AIDS Foundation Excellence in Leadership Award and the Brudner Prize from Yale University.

[00:05:40] Welcome Judge Cameron. It's great to have you with us today.

**Judge Cameron:** Really pleased to be here with you, Nangamso, and looking forward to our fascinating discussion.

**Nangamso:** You're a lawyer, have been a human rights lawyer and judge at the Constitutional Court. Can you explain to us non-lawyers what we mean by [00:06:00] human rights and what they mean to you personally?

[00:06:04] Why is the protection of human rights so important for people and for living together?

[00:06:09] **Judge Edwin Cameron:** [00:06:09] Thank you very much. Nangamso. It's a fascinating question you ask. And really, human rights came into full force uh, after the Second World War, about 60, 70 years ago. But the basic idea is that you, as a human being have certain entitlements, certain claims against the government, which aren't given to you by government, they're not given to you by the King or queen or by some exterior, uh, ultimate part.

[00:06:38] They come to you just because you are human, that by virtue of being human, you're entitled to dignity, you're entitled to respect. For certain Liberty rights and certain, the fulfillment of certain basically needs of yourself as human. So human rights were a big step forward are thinking about human needs and [00:07:00] fulfilling them because they put

government where it was to be, which would be as [00:07:06] a servant of people's needs and entitlements rather than as the master that gives the people what might be coming to them.

**Nangamso:** I definitely like how you bring it in. I particularly, I'm intrigued by what you mentioned about human rights being a natural birth given right. And I guess it takes us into understanding, in your experience, which group of people is particularly at risk in terms of human rights violations.

**Judge Cameron:** [00:07:36] Well, uh, in, in the run-up after the Second World War, Nangamso, uh, there have been the genocides in Nazi, Germany, which affected mainly Jews, but also people like myself, gay men who were persecuted and done to death and, uh, Roma people as well, wandering people in certain communities in Eastern Europe [00:08:00] and they were extinguished, they were treated as sub-human.

[00:08:04] And that cast a very intense spotlight on the apartheid government that came into power in South Africa in 1948. We'd always had white supremacy in South Africa after van Riebeeck landed here in 1652, but the apartheid government from 1948, systematized and refined and brutalized the system of white superiority through minute legal regulation.

[00:08:32] So we've had racism. Women were also subordinates. If you were a white male, like I was under apartheid, you had many more privileges and a bigger voice and more civic par than you would have had as a black woman. Nowadays, uh, let us think who are the most vulnerable groups in our society. And I often ask audiences when I'm talking to them about when I talk to school children or [00:08:57] business people or [00:09:00] popular civic groups and in my view, Nangamso, the, the, the most vulnerable people at the moment are sex workers. Sex workers do the most dangerous, reviled and stigmatized job anywhere in history. It is a job that provides sexual services, mostly to heterosexual males, under circumstances of terrible risk to themselves.

[00:09:24] And of course there's a gender profile. They are victimized and treated with contempt because they are women offering sexual services. In South Africa there's a very particular group who are terribly at risk and have been in our democracy, particularly since 19, 2008, when the first set of phobic violence occurred.

[00:09:47] And these are cross border migrants. Uh, I, as a South African born South African, a proud South African, a proud South African democrat can really say I feel ashamed of how we treat our [00:10:00] cross border migrants. It is shameful. How we have treated them. It's partly a class issue. It's partly a race issue. It's partly a simple violence issue.

[00:10:09] The police in South Africa, like to present this as simply an issue of criminal violence. I think that oversimplifies the issue. I think there's also race and class. It's black people, are more stigmatized as cross border migrants than a white person in Sandton. For example. And then of course, I'm sorry. I would add LGBTIs. Lots of middle class

[00:10:33] gay men like myself. But lesbians in the townships are at terrible risk of persecution and discrimination. And then I would say women, generally women in South Africa, despite 26 years of hard work to assert the dignity and equality of both genders, are still ordained, raped, abused, paid less, uh, [00:11:00] regarded less.

[00:11:00] So those are the groups that I would single out.

**Nangamso:** [00:11:03] Thank you so

[00:11:04] **Nangamso Kwinana**

: [00:11:04] much, Judge Cameron, definitely the years that you've mentioned are years that predate my birth. Um, I definitely am not familiar with, um, the incidents that you've mentioned, but I certainly appreciate the varied groups that you've highlighted as those that are particularly at risk in terms of human rights violations.

[00:11:25] You've so far mentioned women. As being vulnerable, you've mentioned the LGBTI community, and you've also touched on the sex workers. Judge Cameron, how can we as humans protect human rights and how can we invest in a more equal world as we move forward together?

[00:11:47] **Judge Edwin Cameron:** [00:11:47] I think there are a combination of things we've got to do. Uh, as a lawyer, I do believe in the law. People say, other people say, well, you've got to start with, social attitudes, work in [00:12:00] communities. You've got to start with institutions. I think it's a combination of law, leadership, social institutions and community attitudes. And a good example is people's attitudes towards LGBTI people.

[00:12:16] We managed to secure equality for gays and lesbians in 1994 constitution. It was a world first, the only constitution, anywhere in the world ever to have included sexual orientation at that time was the South African constitution. And 26 years later, I'm very proud to say that our authoritative surveys show

[00:12:38] That more than half of all South Africans, black and white, township, rural, urban, everyone, suburban. They say that LGBTI people should enjoy the same rights as everyone else. Not all South Africans approve of LGBTI. You don't have to approve of me, to give me my dignity as a proudly gay man, [00:13:00] but I'm really pleased to use that as an example of what your question is about, how do we protect human rights.

[00:13:07] Now, taking that as an example, you have to lead with the law. You've got to say it is unacceptable. There will be institutional remedies. We will be able to take you to the equality courts. Sue you for defamation will sue you for an apology or sue you for reparations. If you treat me as a woman or as a sex worker within dignity.

[00:13:30] So I think that the law is plays a part. But the more difficult part of your question is what do we do in our own communities? Uh, I think each of us in our own communities, whatever they might be, have got work to do. As a white person I have got work to do in my own community about white racism, for example, uh, I think many communities have got other kinds of work to do.

[00:13:56] And I think that's the longest slower [00:14:00] slog with human rights prediction. Once you've got the laws in place, once you've got the institutional remedies and protections you have to start changing people's minds and attitudes and actions. And that takes time

[00:14:12]

[00:14:12] **Nangamso Kwinana**

: [00:14:12] You've definitely touched on some really sensitive points there, which are also

relevant and valuable for both myself [00:14:21] and I would hope our listeners too, um, and you've led in quite well into our next question to you. You grew up during a dark time in South Africa and you've witnessed how the legal system suffered abuse under apartheid. What was it like for you as a white man? And you've already mentioned that you are also, um, a gay man.

[00:14:45] What was it like for you as a white gay man to grow up in this apartheid system?

[00:14:50] **Judge Edwin Cameron:** [00:14:50] Well, that's a really interesting and generous question, Nangamso, and I'm very pleased to answer it. I didn't grow up affluent, I grew up [00:15:00] poor. My parents couldn't care for me. I came from a fractured family and I spent nearly five years of my very early childhood in a children's home in Queenstown.

[00:15:10] So I grew up in poverty. I know what it's like to feel hungry. I know what it's like to feel disadvantaged, not to have shoes. And I don't say that because I'm seeking to elicit pity. I'm saying it because I want to make the next point. That's right. That's class. The important thing that I realized under apartheid was that our white skin could take me out of poverty.

[00:15:34] And my big break came when I was 14 years old in the second year of high school. And I got into an excellent high school in Pretoria and those four years were pivotal, but it was an all white high school, the white people as a race were privileged. So if you were a poor white. You had the opportunities.

[00:15:55] And that's why I think education is so important in our country. And why I think again, that we've [00:16:00] failed our people in the last 26 years through the destruction and dysfunctionality of our education system. Because for me as a privileged white, I could be going to all white school and all whites university Stellenbosch.

[00:16:16] I could fight my way out of poverty. Now what we should be doing is to offer all people those opportunities, but you ask me what my experience of apartheid was. And of course my experience of apartheid was that it privileged me as a white person. And that privilege still subsists in my life. I'm now retired from twenty five years as a judge in a democratic South Africa.

[00:16:40] But my white privilege in those early years has kept with me and it has sustained me in ways that it would be quite wrong to deny.

[00:16:48] **Nangamso Kwinana**

: [00:16:48] What would you say were the cornerstones of your experiences? What would you say motivated you to become a lawyer and to stand up for the rule of law [00:17:00] and human rights for all persons. You've touched on your upbringing.

[00:17:04] You've also introduced us to, um, some of your experiences during the dark days of South Africa. Could you share with us what motivated you to become a lawyer and to stand up for the rule of law? And human rights.

[00:17:20] **Judge Edwin Cameron:** [00:17:20] I'd left South Africa on a Rhodes scholarship, Nangamso, and I was still battling with the fact that I was gay, but hadn't come to terms with it.

[00:17:30] Let alone come out as a proudly gay man. And while I was at Oxford in 1977, a terrible thing happened, which is that the South African police beat Steve Biko to death in September 1977. And that was quite an important part of my awakening because I read what Steve Biko had written and I think he wrote enormously insightful things about, uh, black pride, about white and black [00:18:00] relations about responsibility for, for, for racial assertiveness, many things, which what we see on our television screens, even in this week, uh, I think.

[00:18:11] made much of what Steve Biko said, pertinent. So it brought me to quite a penetrating perhaps in some ways, even radical political consciousness. And I decided that when I came back to South Africa in the early 1980s, after finishing at Oxford, that I would use my skills as a lawyer in the anti-apartheid struggle.

[00:18:35] And may I say that that was because apartheid law was itself complex. It was used systematically to try to degrade and subordinate black people, but at the same time, because it was a legal system and the legal system that tried to take itself seriously, there were loopholes and people like Mandela and Tambo who founded that [00:19:00] famous law firm called Mandela and

[00:19:01] Tambo in, in, uh, Fordsberg in, Johannesburg, people like Arthur Chaskalson, George Bizos, Sidney Kentridge, and others. They used the legal system to fight apartheid. I was part of the second or third generation of young lawyers in the 1980s who took that work further.

[00:19:21] **Nangamso Kwinana**

: [00:19:21] And thank you, judge, for lending your skills to the advancement of human rights for all in South Africa.

[00:19:29] I mean, you've just reminded me of something that Nelson Mandela once said, which was that you have to go to jail to discover what the real policy of a government is. And I was reminded of this quote, when you were mentioning about Steve Biko, whom of course we are familiar with, uh, spent his last days in a prison in South Africa.

[00:19:54] In fact, he, he died in Johannesburg and in, in, in police custody. [00:20:00] And I wanted to find out from you Judge, uh, What are the implications for society as a whole when a section of the population is systematically discriminated against. Does this possibly also affect the discriminating alleged elites, perhaps ?

[00:20:20] **Judge Edwin Cameron:** [00:20:20] the answer is yes. And it's worth exploring why? Uh, if you take human dignity seriously and human equality seriously, you cannot use the law or use social institutions or social attitudes to belittle other people, to marginalize them, to exclude them systematically, to deprive them of opportunities and social means. And of course the worst effects are on the people who are sidelined and marginalized and subordinated and excluded in that way.

[00:20:54] But it affects all of us. Interestingly, you asked me about [00:21:00] discrimination. One of the important things I think we should be talking about increasingly in the world is wealth discrimination, where we have a tiny elite that is super wealthy, uh, and a diminishing middle class. And then, uh, about 40% in many societies like ours, who are living on the

poverty line, who have to struggle every week to, to make sure that they've got enough to eat.

[00:21:24] So I would talk about wealth discrimination and there are interesting studies that show that the more equality you have in society, the happier everyone is. I would be happier if I didn't live in a society where at every street corner in Johannesburg, I was reminded of my privilege and of the dispossession and marginalization of people who are begging because they haven't got any food to eat.

[00:21:51] So a properly ordered society in which everyone has got opportunities, where everyone has got the basic [00:22:00] means to feed themselves and their family, the basic shelter, that does my dignity as a, as one of the privileged people in our current society,, that also enhances my dignity. I don't do that for the other people as a favor to them.

[00:22:14] I do it because they're entitled to it, to go back to your first question about human rights. And I do it also because it enhances everyone.

[00:22:23] **Nangamso Kwinana**

: [00:22:23] What I'm, what I'm hearing Judge, is that an equal opportunities society allows all of us to live in a dignified manner. Um, in your opinion, would you say that South Africa right now in 2020 has the legal system that may have fully recovered from the dark chapters of the past?

[00:22:50] **Judge Edwin Cameron:** [00:22:50] We've certainly got the laws. We've got the constitution, we've got the constitutional values. We've got the constitutional aspirations, [00:23:00] but I think we're falling very, very far short. I don't think we're anywhere near what we should be. I don't think we're anywhere near what we hoped we would be 26 years ago.

[00:23:12] I've already mentioned. Uh, the persecution of migrants, cross border migrants. I've mentioned the persecution of sex workers and women, marginalization of, of, of, of lesbian women. Uh, I've also mentioned the educational system where I think we are failing township and rural kids in ways that I wasn't failed by the apartheid privileged white [00:23:38] educational system. So the aspirations are there, the constitutional structures of it. And I'm proud of our constitution, that our implementation of it is what is so terribly lacking. Just a year ago, if I may mention an anecdote, exactly a year ago last week [00:24:00] on the 20th of August, 2019, I stepped down [00:24:03] from the constitutional court after 11 years on it. And after, as I've mentioned a total of 25 years as a judge in South Africa, and the last judgment that I had delivered from that bench was in a case concerning a Mr. Molase, who was a laborer on a farm in KwaZulu Natal who benefited from an extraordinary Mandela era statute.

[00:24:29] The Mandela era statute said that if you are living on a farm and the farm belongs to someone else and you've got your habitation on the farm with your family, and you've got some crops and maybe some cattle and, and chickens. Two things come to you from this labor, labor tenancy act. The first is that you can no longer be chased off the farm. For 350 years [00:24:57] you could be chased off the farm at will, get out, go. [00:25:00] And of course that was a highly racialized sub, subordination because most landowners were almost exclusively white and most people in that vulnerable position almost exclusively, though not entirely, black. But the second thing that the statute promised, it said put in an application,

to the Land Affairs Department, and you will be able to get transfer of your piece [00:25:28] of that farm, the plot that you live on and the plot that you cultivate. And if the farmer disputes it, it'll go to the labor court for adjudication. And tens of thousands of people applied for this. It was a wonderful thing. It was the Mandela era. Embodied in this wonderful and very fair. It was, it couldn't be disputed as fair because some of those families had lived for multiple generations on those farms. And what [00:26:00] happened, nothing. The Land Affairs Department subsided into chaos and corruption and dysfunction and inefficiency and lack of leadership.

[00:26:14] It was a terrible catastrophe. This was not the fault of apartheid. This was not the fault of land owning whites. This was not the fault of the constitution or the law. This was the fault of democratic practical follow through. So to me that illustrates, uh, where deficiencies lie. What the court did in the, in the Molase case.

[00:26:40] It gave an order that. I directed the Land Affairs Department to get itself into order. It appointed a special master, uh, to see that this was properly done, that those tens of thousands of people who had applied would be granted, or in some cases, maybe not [00:27:00] granted what they were entitled to. Uh, but that illustrates how difficult it is.

[00:27:06] We can't live, you cannot fill a tummy on rhetoric and on aspiration and on constitutional rights, you can only do that with hard practical day to day work, building up institutions through honesty, through repelling corruption, through denouncing corruption, through doing it for those people who are the most vulnerable, like the labor tenants, Mr.

[00:27:30] Molase, who very sadly died before we could give judgment in his favor. Uh, but I still believe that we have, uh, this beautiful framework of aspirations, which we must fulfill. It's up to us to do so, it's up to, you spoke about generational differences, Nangamso. I would say it's, it's, it's up to my generation.

[00:27:54] And it's up to your generation to ensure that these wonderful aspirations and

[00:28:01] **Nangamso Kwinana**

: [00:28:01] You have definitely left me with goosebumps there, Judge Cameron. And I mean, as a young African, as a young South African, I cannot pass this moment. I cannot pass the opportunity to appreciate [00:28:14] men and women like yourselves who have laid the path for us to continue that baton. I definitely do assure you that I will be doing my job best to contribute to the advancement of an equal society and also the advancement of a society that respects human rights for all.

Coming back to South Africa and in particular its constitution.

[00:28:41] South Africa is considered to be one of the most liberal countries in Africa, especially with regards to homosexuality. The constitution promises equal rights for all. Homosexuals are allowed to adopt children and it is one of the few countries in the world where same [00:29:00] sex marriage is allowed.

[00:29:01] Nevertheless, there are alarmingly high numbers of so called corrective rapes. How would you explain the discrepancy between this reality and the law?

[00:29:17] **Judge Edwin Cameron:** [00:29:17] It's a complex and heartbreaking answer Nangamso, uh, on the one hand we have achieved what exists nowhere else on the African



continent, we've achieved the fact that a majority of all South Africans, ordinary South Africans support equal protection for LGBTI people.

[00:29:34] That is a very great achievement. But we have to look at the difficulty that homosexuality presents to male hierarchy. The, idea of two lesbians together who don't want a man? The idea of two men together who aren't. Uh, conducting pro generative, uh, opposite sex relations is very challenging. [00:30:00] When I tell you I'm a proudly gay man, I'm not telling you that I'm left-handed.

[00:30:04] I'm telling you something about my innermost self. I'm telling you about my vulnerabilities, my desires, my erotic, uh, my erotic yearnings. So it's very challenging to male dominated, to gender subordinated societies across Africa to have this. And that's, that's why I think lesbians are attacked. How dare you be a lesbian.

[00:30:28] Women are supposed to be available for to, to men. Uh, and, uh, women whether lesbian or not, are supposed, to provide sex when men want it. I'm caricaturizing it. But of course there are some men who actually think and say that, they are the ones who attack them, these fields. But the good news is I think that across Africa, the, the, the important thing with changing people's minds is visibility.

[00:30:57] It starts with your best friend. You say to [00:31:00] your best friend, Son or daughter, your parents or, or your brother or your sister? I'm bisexual. I'm married. But in fact, I have also had feelings for another woman or another man. It starts with visibility with what is called politically, coming out, coming out.

[00:31:20] Doesn't have to be getting onto a grand stage, giving a speech of gay pride coming out is when you tell your best friend or your son or daughter, or your parent or your sibling. I'm gay, I'm queer and lesbian, gay or bisexual I'm transgender. And once that happens, people understand because every single family across every part of Africa, Muslim, Nigerian, Kenyan, Sudan, South Africa, Venda speaking, it doesn't matter. Round about five to 10% of all of humanity, Orthodox Jewish, observant Islamic.

[00:32:00] [00:31:59] Every society and culture in the world has got a tiny minority of people who are gender diverse. And once they are able to start identifying themselves, even in very confined circumstances, like the family, or like a very close friendship or relationship, then things start to change. And that's what's happening in Africa just a few weeks ago, we had pride preek, which was a continent wide celebration.

[00:32:27] Of LGBTI pride, uh, black people, white people, uh, Arab people, North African people, uh, West Africans, East African, Southern Africans. And I don't think that that GED of LGBTI visibility of queer visibility can ever be put back into the bottle in Africa. Again.

[00:32:49]

[00:32:49] **Nangamso Kwinana**

: [00:32:49] Thank you. Thank you very much for those insights. Judge, you've captured the situation in South Africa, quite eloquently, and in my interaction with many [00:33:00] Africans and even peers across the globe, South Africa is considered as a beacon of light. And South Africa is considered to be one of the most instrumental actors in how we may advance

the continent. Now looking at, beyond the borders of South Africa, looking at sub-Saharan Africa, what is the current state of human rights in sub-Saharan Africa?

[00:33:27] And where would you advise human rights to be heading? If we look at the continent at large.

[00:33:36] **Judge Edwin Cameron:** [00:33:36] I think we're in trouble, Nangamso I think that we've got the phenomenon of predatory elites, which we see in America at the moment. This is not a black African thing. We've got a predatory elite in America that is seeking re-election right now.

[00:33:53] Africa has been cursed by predatory elites. First, they were colonial. In the postcolonial period, we had [00:34:00] predatory elites who were extracting rent extraction from poor people. So I think we've got a great deal. I would have, I was much more optimistic 10 years ago in Africa than at the moment. Just North of our borders

[00:34:15] we've got Zimbabwe where President Mnangagwa is cracking down, reminding everyone that he was foremost amongst the, uh, the Gukurahundi, crack down in the Ndebele speaking parts of Zimbabwe, 35, 36 years ago. We've got, uh, the president of Zambia who's a, uh, an outspoken homophobe. We've got President Magufuli of Tanzania

[00:34:40] who's an outspoken homophobe. So, uh, and then of course we've got Rwanda where president Paul Kagame, he gets 98% of the vote. Isn't that wonderful? Wouldn't you like to receive 98% of the vote? It's like the guy in Belarus, President Lukashenko. I wonder if [00:35:00] he's met Paul Kagame. So, uh, w w w to, We need to reassert the entitlement to human dignity, to democracy, to freedom of speech, to freedom of movement, to freedom of association, to privacy, to intimacy, to intimacy rights, uh, in December, just eight or nine months ago, two men who were spied upon in a private, uh, in a private room.

[00:35:32] Uh, were convicted of, of homosexuality and sent to jail in Zambia for 14 years. It's the most terrible human rights abuse. Even the American ambassador to his eternal credit said he was horrified by the sentence and was eventually recalled because the Zambian government objected so strongly to what he said.

[00:35:51] So, uh, with regard to women's rights, with regard to poor and marginalized people, with regard to efficient [00:36:00] systems, with regard to a repelling corruption, we have got a far way to go, but at the same time, I think that Africans have got more assertiveness. They've got more pride and I still hold the belief that we can, that we can make progress in all these areas.

[00:36:17] If we are determined enough.

[00:36:19] **Nangamso Kwinana**

: [00:36:19] Thank you so much for all you have generously shared with us. Judge Cameron. In, in, in closing, I'd like to ask perhaps the final two questions. Why do you think it's important for everyday people to care about human rights?

[00:36:37] **Judge Edwin Cameron:** [00:36:37] Well, it's because of our, it's a corny answer, but it's a truthful answer. It's because of our humanity, when, and every major ethical system in the world of Christianity and Buddhism and Islam, Hinduism Judaism, they all focus on this idea of our shared humanity [00:37:00] and the shared compassion that that should

evoke from us. When I see someone on the street corner, when I'm in my warm car and I've just had a nice meal. So we should care about human rights because we want to live in societies

[00:37:14] in which everyone is free from hunger, free from oppression, free from discrimination, free from marginalization, free from being exposed to the elements and not having food to eat. So I think it is because of our shared humanity. That is the very idea of human rights, that our shared humanity gives rise to entitlements against ordered government.

[00:37:38] And so each of us should be concerned about the human rights or the human dignity of each of the rest of us.

[00:37:46] **Nangamso Kwinana**

: [00:37:46] One of the great pieces of advice that you've shared with me during this conversation is that we should all as individuals reassert our entitlement to human rights. And that leads me to my [00:38:00] final question to you this afternoon, whether it should be that as individuals [00:38:07] we should stand for human rights or should we rather leave it up to our politicians?

[00:38:15] **Judge Edwin Cameron:** [00:38:15] I can see you on my zoom feed that you've got a lovely smile, Nangamso because it's, it's a provocative question. And thank you for asking it and thank you for provoking me. No, we cannot leave it up to our politicians.

[00:38:29] There are many fine people in public life. Some of them in public institutions, some of them in political life, and I'm not making it a particularly party political statement. We need honest people, honest leaders, men and women of integrity leading us in public life. But we can't leave it up to them. We have to start.

[00:38:47] That's why civil society is so utterly important. One of the strong things we have in South Africa is civil society. We've got the treatment action campaign that forced President Mbeki through the courts [00:39:00] to make ARVs available when President Mbeki was denying the etiology of AIDS. We've got a section 27, which used to be the AIDS law project, we've got Siri, which is insisting on rights for people.

[00:39:15] We've got an outspoken democracy in South Africa, very loud, out spoken, often rude democracy, which I rejoice when people exercise their democratic rights in all these ways. So it's up to us. We know what happens. I'm not saying this is a clever approach to Zimbabweans. I'm only saying what I've heard Zimbabweans say to me, which is that for too long Zimbabweans have tolerated oppression.

[00:39:44] No, I think South Africans would be more difficult. I'm not speaking in any confidence. Uh, but I think that in South Africa we have a tradition going back to the beginning of the 20th century of questioning power [00:40:00] of questioning government, of questioning leadership. That's why we succeeded in overthrowing apartheid because ordinary people in South Africa said, this isn't what the law is for, this isn't what government is for.

[00:40:12] Why should we put up with it? And that is the answer to the question, which is that we need honest, visionary, uncorrupted leadership, but we need it to be underpinned

by effective civil society action by effective political involvement through political parties, through civil society organization, through welfare organizations at every level, and through very loud

[00:40:38] unapologetic outspoken Democrats at every level of our society,

[00:40:44] **Nangamso Kwinana**

: [00:40:44] You have certainly inspired the young African in me to continue advancing for equal rights for all and human rights for all. Thank you very much for joining us today, Judge Cameron, and most importantly, thank you very much for generously sharing these [00:41:00] highly interesting insights with us.

[00:41:02] **Judge Edwin Cameron:** [00:41:02] What a joy. Thank you very much for engaging so carefully, Nangamso. Thank you everyone. Bye bye.

[00:41:10] **Nangamso Kwinana**

: [00:41:10] Well, that was a fascinating interaction with Judge Edwin Cameron. Certainly my three take homes would be reasserting our entitlement to human rights as Africans. Advocating for equality and an open opportunity to society.

[00:41:30] Where all may live in dignity and lastly, to preserve and protect our most vulnerable persons, including the LGBTI community and women.

[00:41:44] This was the first episode of "Let's talk human rights, the FNF Africa podcast, exploring human rights issues." If you enjoyed the podcast, join us for our next episode. I can already reveal this much. The journey will take [00:42:00] us to West Africa.

The Friedrich Naumann foundation, sub-Saharan Africa is an independent German organization that is committed to promoting liberal ideals and politics in Africa, such as human rights, [00:42:15] the rule of law, democracy, innovation, digitization, and free trade. By conducting campaigns, media events, seminars, workshops, study tours, cultural happenings, and training courses, the foundation promotes human rights, including freedom of expression, freedom of the press, children's rights and LGBTQI plus rights and engages against violence [00:42:43] against women and capital punishment.

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It's been great talking human rights. See you next time. [00:43:00]