

Open Letter to the Constitutional Court of South Africa



Entry to Constitutional Court should be Free to the Public and Accessible to All Working Class People in SA

To: Constitutional Court of SA

From: Participants at the KC Winter School 2023

On 27 July 2023, more than 70 participants of the 24th Annual Khanya College Winter School (WS) organised and held a silent picket at the Constitutional Court of SA in Braamfontein, Johannesburg. The theme of this year's Winter School was 'Arm yourself with knowledge! Organise!' The protest action was part of the training of activists to understand the Constitutional right to

peaceful protest; to raise awareness amongst activists of the different kinds of peaceful protests and how to organise a peaceful protest. WS Participants (which included KC staff) chose to focus the protest on the water crisis facing working class people around the country. They were divided into groups and given time to organise the logistics, the programme, the placards, the conduct of activists in a peaceful public protest, and theatre piece that was performed outside the Con Court.

The participants walked from Pritchard Street in the Fashion District to the Con Court in Braamfontein. They walked silently in small groups of 10 to 15 activists, holding protest placards and handed out awareness-raising flyers to the public. Maintaining a healthy distance, everyone met and held a silent picket in front of the Con Court. Participants then performed and watched a short play on the water crisis in SA. After the picket, participants walked through Braamfontein to the Workers Museum where the action ended.

Entry excluded

We could not enter the Constitutional Court building as visitors must pay R180 to enter and access the building known as the physical representation of South Africa's Constitution. Though our protest action was completely silent and peaceful, the security management of the Con Court attempted to shutdown the silent picket because they were worried about the tourist shops situated just next to the Con Court building and how their business might be affected. Both these experiences speak to the everyday experiences of exclusion and repression of ordinary working class people in South Africa.

Rights on paper

South Africa's Constitution is often praised for being the best in the world. Our rights to freedom of movement, expression, association and political affiliation sit side by side next to our right to protest, safe working conditions, fair treatment by employers and our rights to free and quality education, healthcare, water supply and sanitisation services.

Yet for the majority of citizens in SA these rights only exist on paper. These rights are not accessible or freely afforded to poor and working class people in this country and it has resulted in further exploitation, inequality, poverty and gender based violence.

The Con Court is an extension of the Constitution, and is regarded as "the highest court in the land". Just like the Constitution, it is not accessible or freely available to the majority of citizens in South Africa to visit. In a country where more than 15 million people are estimated to live below the poverty line, visitors must pay R180 to enter the Con Court.

This is yet another example of how public resources, services and institutions that are funded and built through the taxes of all citizens in SA, are privatised. This policy of privatisation is pervasive in all spheres of society, from education and healthcare, to legal assistance, and social services, and it is the working class who suffers the most because of privatisation.

Struggles of working people

The Con Court is a public institution that was forged and given its power through the struggles of the Black working class of South Africa; part of the victories of the anti-apartheid struggle. Yet, today working class people are kept out. The Constitution is supposed to protect its citizens from all forms of unfair discrimination such as racism and sexism. Yet it does the opposite.

By imposing an entrance fee to visit the Con Court, it is Black people, and especially Black women and youth, who are excluded because they cannot afford to pay the entrance fee. This is because Black people – women and youth – make up the majority of the poor, unemployed, marginalised and exploited working class in South Africa.

How can the Con Court expect poor working class youth, of whom more than 60% are unemployed, and who face many other social ills, to know, understand and act upon their Constitutional rights when they cannot afford to even enter the building that represents these rights? How can the Con Court expect the working class to empower itself and realise the hard-won rights enshrined in the Constitution, when it creates such barriers to public access?

On top of this, though the right to protest is enshrined in the Constitution, in practice working class people's right to protest continues to be trampled on daily by government law enforcement services, government departments, public institutions, and big corporations and companies who employ private security. Instead of reinforcing this institutionalised repression by trying to shutdown a silent and peaceful picket, the Con Court should be promoting the values of democracy (peaceful protest, tolerance, freedom of expression etc) that it claims to stand for.

Demand

We, as Participants of the 24th KC Winter School believe this is a great injustice and we demand that it be rectified so that poor and working class people can access the Con Court – **Entrance to the Con Court must be made FREE to the Public!!** Doing this will be a small but significant step in a concrete process towards making the Constitution of SA more accessible, and making our Constitutional Rights a reality for all.

This demand was taken as a resolution by participants in the 2023 Winter School during a reflection and debriefing session after the picket.

As working class activists based around the country, we will continue to fight for the rights of our people and communities and will continue to engage the Con Court until we receive

a response that shows that we are being taken seriously and that the Con Court is shifting its orientation towards the majority, not the minority.

The Con Court of South Africa belongs to the poor and working class people of South Africa. Implement the Constitution of South Africa!

Kind regards,
Khanya Winter School 2023 Participants* *(names listed on following page)*
23 August 2023



Please visit Khanya College's Facebook Page to see more photos and videos from the picket - [@Khanya College-House of Movements](#).



List of WS2023 Participants Who Signed this Open Letter:

** This statement was endorsed by the following list of participants (including KC staff) who attended the 2023 KC Winter School. Endorsement was given in each participants' personal capacity as activists, though we have included the organisations that the participants represented at the School, for context.*

1. Ahmed Jama, Khanya College
2. Andrew Kubeka, Simunye Workers Forum
3. Annah Mokoma, Simunye Workers Forum
4. Bonolo Phoheli, People's Health Movement
5. Carmelicia Erasmus, Khanya College
6. Christine Matheko, Women on Farms Project
7. Crosby Moatse, Best Health Solutions
8. Dineo Motaung, People's Health Movement
9. Ellicuia Walters, Khanya College
10. Enrichia Smith, Khanya College
11. Felicia Lethese, Children's Resource Centre
12. George Mothebe, New Bronville
13. Gloria Kanedi, Arekopaneng
14. Janice Augus, New Bronville
15. Jo-Ann Johannes, Women on Farms Project
16. Justice Mpheti, Benchmarks
17. Kegomoditse Gomolemo, People's Health Movement
18. Kgaogelo Leso, Khanya College
19. Kholisile Khumalo, African Reclaimers Organisation
20. Lawrence Madonsela, Simunye Workers Forum
21. Lerato Tala, Khanya College
22. Maria Sibiyi, African Reclaimers Organisation -
23. Maria Van Driel, Khanya College
24. Masai Dabula, Habitat61 Creative Hub
25. Mathapelo Rampai, Benchmarks
26. Michel Mahlangu, Simunye Workers Forum
27. Monica Ndzakayi, Independent Komani Residents Association
28. Muelekhanyi Tshilande, Page to Stage
29. Nosipho Mdletshe, Khanya College
30. Blessing Ngwenya, Sisonke Revolutionary Movement
31. Mzwakhe Ntlakane, Page to Stage
32. Nelisa Nazi, Children's Resource Centre
33. Nhlanhla Makhatsane, Benchmarks
34. Searatoa Van Driel, Khanya College
35. Nelisa Nazi, Children's Resource Centre
36. Nkosinathi Sikakane, Ikageng Itereleng AIDs Ministry
37. Nkosinathi Mviko, Khanya College
38. Nokuthula Mamana, Water Crisis Committee
39. Noluthando Xaba, Rena Le Lona Creative Centre
40. Noluvuyo Lata, Khanya College
41. Nombuyiselo Zigana, Ekurhuleni Pride Organising Committee
42. Nomfundo Mgaga, Simunye Workers Forum

43. Nonstikelelo Mbadamana, Thlokomelo Child Care and Support Care
44. Nthabiseng Makhubo, Habitat61 Creative Hub
45. Pheliswa Sgqumo, Housing Assembly
46. Phindezwa Tose, Isikhalo Women's Movement
47. Puseletso Naha, People's Health Movement
48. Richard Buthelezi, Thlokomelo Child Care and Support Care
49. Ricky Bopape, Rena Le Lona Creative Centre
50. Sinalo Peyi, Isikhalo Women's Movement
51. Sipiwo Pula, African Reclaimers Organisation
52. Siphso Maboza, Unemployed People's Movement
53. Sisipho Pink, Childrens Resource Centre
54. Siyabonga Mviko, Khanya College
55. Sizakele Kabini, Ikageng Itereleng AIDs Ministry
56. Siza Milambo, Simunye Workers Forum
57. Stephen Maciko, Housing Assembly
58. Tebogo Tsweu, Best Health Solutions
59. Tebogo Mfikwe, Khanya College
60. Thandeka Nhlabathi, Khanya College
61. Thabile Ngobese, Simunye Workers Forum
62. Thandi Mkhatswa, Habitat61 Creative Hub
63. Thandiwe Tshaka, People's Health Movement
64. Tondani Khoadi, Page to Stage – 067 206 0087
65. Tsepang Sesoane, Kliptown Youth Programme
66. Tsepiso Raseboku, Khanya College
67. Tshepo Tebohane, Kliptown Youth Programme
68. Veronica Podile, Khanya College
69. Viwe Mazwana, Habitat61 Creative Hub
70. Vuyisile Sikani, Farm Workers Dialogue Movement
71. Zanele Chabalala, Sisonke Revolutionary Movement

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