



UNIVERSAL
DECLARATION
OF HUMAN
RIGHTS

Dignity and justice for all of us

DIGNITY AND JUSTICE FOR ALL OF US

60th Anniversary of the Universal Declaration of Human Rights

Reflecting On Human Rights In Africa Today

Human Rights Lecture and Roundtable Discussion, 10 December 2007



Foreword

Human Rights Lecture and Roundtable Discussion on Dignity And Justice For All Of Us

When the General Assembly of the United Nations adopted the Universal Declaration of Human Rights on 10 December 1948 its members foresaw a future in which justice and equality for all would be realised.

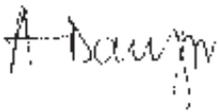
Sixty years on, this dream is still to be actualised in many of the world's countries that adopted the Universal Declaration. While many states have laws and principles setting out legal human rights frameworks that are to be commended, in reality, these frameworks all too often remain just that, and

human rights are not translated into a reality that is lived or experienced on a daily basis by the citizens these frameworks set out to protect.

The world in the early 21st Century still has much work to do before the vision of those founding drafters is achieved. The first step is in being self-critical – something the Dignity and Justice For All: Reflecting on Human Rights in Africa Today Human Rights Lecture And Roundtable Discussion held at the South African Human Rights Commission on December 10, 2007, sought to achieve.

We hope you enjoy reading through the proceedings.

Achmat Dangor, CEO, Nelson Mandela Foundation



David Johnson, Regional Representative, United Nations Commissioner for Human Rights



Tseliso Thipanyane, CEO, South African Human Rights Commission



Launch of a Year-long Celebration of the 60th Anniversary of the Universal Declaration of Human Rights



The Campaign

The Universal Declaration of Human Rights (UDHR) turns 60 on December 10, 2008. Today, on Human Rights Day 2007, the United Nations launches a year-long UN system-wide advocacy campaign to mark this important milestone. The campaign, an initiative of the United Nations Secretary-General, will be led by the High Commissioner for Human Rights, and supported by UN agencies, departments and funds, and other international and local partners, to celebrate the Declaration and the promise that has made this document so enduring: “Dignity And Justice For All Of Us”.

The year-long commemoration, culminating on Human Rights Day 2008, aims to continue to raise awareness of the Declaration and its relevance to people around the world. The campaign aims to engage the wide participation of individuals and institutions – from global organisations to grassroots advocacy groups – to make the Declaration a reality for all. The Declaration opened the door to much progress but there is no room for complacency, as the almost daily litany of human rights violations around the world demonstrates.

The Logo

The anniversary campaign is symbolised by the UDHR60 logo, which depicts a human shape standing with arms wide open. The yellow and red symbol represents liberation and equality. The yellow is a sign of peace and warmth. The symbol is set on a solid block which represents the foundation of human rights. The earthy red colour of the block reinforces human

rights as a foundation stone and as humankind’s common heritage.

The UDHR60 logo, in full colour or as a single colour, is available with text in Arabic, Chinese, English, French, Russian and Spanish and will be used during the anniversary period; from December 10, 2007 to December 31, 2008. The logo is available on the OHCHR website. Please contact us on 60anniversary@ohchr.org for guidelines on its usage.

The Theme

The UDHR60 logo comes with words that encapsulate the promise of the Declaration: “Dignity And Justice For All Of Us”. It reinforces the vision of the UDHR as the first international recognition that fundamental rights and freedoms are inalienable and inherent to all human beings, that every one of us is born free and equal. The phrase also serves as a rallying call, for the promise of dignity and justice is far from realised for everyone.

The UDHR is a living document that matters not only in times of conflict and in societies suffering repression, but also in addressing social injustice and achieving human dignity in times of peace in established democracies. Non-discrimination, equality and fairness – key components of justice – form the foundation of the UDHR. And no matter where you live, how much money you have, what faith you practise or political view you hold, all the human rights in the Declaration apply to you, everywhere, always.

www.knowyourrights2008.org

The United Nations Regional Information Centre (UNRIC) in Brussels has created a new website, www.knowyourrights2008.org, as a repository of ideas to commemorate the year of human rights. The highly interactive website enables people all over the world to upload and download multimedia files and share their projects and initiatives on the Universal Declaration. The website www.knowyourright2008.org was launched on December 10, 2007.

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The text contained in this booklet is an edited version of transcripts of the Human Rights Lecture and Roundtable Discussion on Dignity And Justice For All Of Us: 60th Anniversary of the Universal Declaration of Human Rights, which took place on December 10, 2007 at the South African Human Rights Commission in Johannesburg, South Africa.

We would like to thank all the panellists, (pictured below from left to right) Commissioner Bahame Tom Nyanduga, Raenette Taljaard, Achmat Dangor (facilitator of the discussion), Jacqueline Nzoyihera and Jody Kollapen, for their participation.



Welcome and Introductions

Jody Kollapen

Chairperson, South African Human Rights Commission

I'd like to welcome you not just in the name of the South African Human Rights Commission, but also in the name of the two organisations that are jointly hosting this roundtable: the Nelson Mandela Foundation, which is represented here by its Chief Executive Officer Mr Achmat Dangor – it's been a pleasure to work with the Foundation – and then the United Nations Office of the High Commissioner for Human Rights, with whom we've really developed a good working relationship over the last few years.

On a day like this [December 10, 2007, the anniversary of the Universal Declaration of Human Rights in 1948], we ought to take time out to reflect on 60 years of the Declaration and what it really means. Few people can argue against the notion that in some ways, we've made remarkable progress. There's a charter, treaty and convention that deals with virtually every aspect of human existence. And if a litmus test was done on how well we've progressed in terms of setting standards, then we would pass that test very easily.

But the reality is that we can't use that as the basis to judge progress, important as it may be. We have to look at the reality of the lives of the citizens of this world in terms of making an assessment. And if the truth be told, we haven't done as well as the founding fathers and mothers envisioned. The fact of the matter is that almost every month, something like 250 000 children die as a result of illness and disease that could have been avoided.

I attended a lecture not long ago, and an Indian human rights activist said that the dream of an Indian farmer is to die and to be reincarnated as a cow in Europe or America – because \$2 a day is being spent on cows in Europe and America whereas millions of people in the world have to live on less than \$1 a day. Now that's the reality of the world in which we live, and it's

Almost every month, something like 250 000 children die as a result of illness and disease that could have been avoided.



Jody Kollapen.

that reality that these international instruments must address. Clearly from that perspective, people may be cynical in asking, well, have democracy and human rights really changed the lives and reality of people?

A United Nations Development Programme survey done in Latin America about three years ago found that a large majority of people polled said they would not mind a return to totalitarian rule, if it meant that the material conditions in their lives improved.

I think we must take seriously those kinds of sentiments that people reflect and articulate from time to time. Certainly in the context of our own country, those challenges are real. Indian economist and Nobel Prize laureate, Amartya Sen, spoke about the two perspectives of democracy in the context of

poverty and inequality during a visit to South Africa. One was what he called the “public ballot perspective of democracy”. That’s reasonably self-explanatory: the ability to hold public elections and to ensure citizens are able to elect the leaders of their choice. I think if we look at what’s happened in South Africa and in many parts of the world, most societies are able to pass that test, reasonably well – the “public ballot perspective of democracy”.

But then he went on to say that there’s a second and more important perspective of democracy, something he called the “public reasoning perspective of democracy”. By that he meant the ability of governments to respond to public reasoning, and what he called “government by discussion”.

With respect, that perspective of democracy is often lacking in many of the world’s democracies. It may well be lacking in this country as well, if we look at how citizens don’t use democratic institutions but use other means to get the attention of their government. It’s an area of concern.

So, with that reflection I’d like to welcome you all to this roundtable, and to the lecture that will be delivered on the occasion of the celebration of 60 years of the Universal Declaration of Human Rights. We’ve been particularly privileged to have been able to convince Bahame Tom Nyanduga, who is a commissioner on the

African Commission on Human and People’s Rights, to come to South Africa at this time.

Bahame is a lawyer by training, a judge in Tanzania, and has certainly distinguished himself both in his country, and also on the continent. He also serves as the Special Rapporteur on Refugees and the Rights of Asylum Seekers and Internally Displaced People. His reputation on the continent amongst human rights activists is well known.

I was pleasantly surprised when we attended a meeting in Kigali in which nominations for positions on a committee were made. My colleagues and I sat there politely, hoping that someone would nominate us. The first hand went up, and it was Country A, and they nominated themselves. And before we knew it, all the seats had been filled. But when Bahame came to speak during a session later that day, he said “You know, I hope we can revisit what we understand by democracy and how we participate in these decisions! I mean what happened this morning was simply unacceptable.”

I don’t think people liked that, but I think it was refreshing, honest and frank. People had not wanted to create the best committee, but were more concerned about their own self-interest.

So Bahame, welcome, it’s been great to have you here, and we certainly look forward to listening to



Chairperson of the South African Human Rights Commission, Jody Kollapen, introduces the lecture and roundtable discussion while other panellists look on.

The Legacy of the Universal Declaration of Human Rights to Africa

Lessons, challenges and prospects

Bahame Tom Nyanduga

Commissioner with the African Commission on Human and People's Rights and Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa

It gives me great pleasure to be here today, as the guest speaker on the occasion of the anniversary of the Universal Declaration of Human Rights.

I feel honoured and privileged to be here, in my capacity as a member of the African Commission on Human and People's Rights, to celebrate an important milestone for humankind, the adoption of the Universal Declaration. The occasion presents us with an opportunity to reflect on the legacy of the Universal Declaration to humanity.

The anniversary of the Universal Declaration is an opportunity for the international community and humanity to take stock of its achievements, challenges, and failures in our common pursuit of the realisation of human rights. The adoption of the Universal Declaration in 1948 constituted a major achievement in the codification of the basic rights and fundamental freedoms in the modern era. Yet the full realisation of the rights enshrined in the Declaration remains elusive for many peoples across the world.

The invitation reached me a few days after the African Commission on Human and People's Rights had completed its 42nd Ordinary Session, which took place in Congo, Brazzaville, from November 14 - 28 2007. I had no hesitation in accepting the invitation, for two reasons. The first is that conferences such as this form part of the African Commission's mandate of promoting human and people's rights in Africa. The African Charter on Human and People's Rights enjoins the African Commission to "encourage national and local institutions concerned in the promotion and protection of human and people's rights" in their work.

This occasion therefore allows me to extend the



Commissioner Bahame Tom Nyanduga.

African Commission's support and encouragement to both the South African Human Rights Commission and the Nelson Mandela Foundation, for the work they are doing in ensuring that the basic rights and freedoms of the people of South Africa are not only attainable but achievable.

My participation in this conference confirms the emerging partnership between the national

and continental stakeholders, such as civil society organisations, the national human rights institutions, and organs of the African Union, in the work that each one of us does in the promotion and protection of human rights, as stipulated by the African Charter of Human and People's Rights, the objectives and principles of the Constitutive Act of the African Union, and other relevant human rights instruments.

The South African Human Rights Commission, as is the case with other national human rights institutions across Africa, enjoys affiliate status with the African Commission. During the 42nd Ordinary Session, the African Commission deliberated on the need to further enhance its relationship with national human rights institutions.

The African Commission looks forward to an enhanced collaboration with the South African Human Rights Commission in the better protection of human rights. The work currently being done by your commission with regard to improved access to economic, social and cultural rights in South Africa is an inspiration to the African Commission and other African states.

I wish to pay tribute to Nelson Mandela for his foresight in establishing the Foundation. Mr Mandela and the Foundation have steadfastly directed their attention to critical human rights issues, in particular the welfare of children and the fight against HIV/AIDS. Article 18 of the African Charter enshrines the right to health, and the protection of the rights of children. I therefore take this opportunity to congratulate the Nelson Mandela Foundation and encourage its staff in their work. To Mr Mandela, I wish him good health and long life.

My second reason for accepting the invitation is closely related to this anniversary. November 2 2007 marked the 20th anniversary of the African Commission of Human and People's Rights. The African Commission took the opportunity to examine its successes, achievements, challenges and failures. These are many, some of them specific and peculiar to the African situation.

One of the major challenges facing the African Commission has been resource constraints, thereby impacting its capacity to carry out its mandate.

The adoption of the Universal Declaration in 1948, coming in the wake of the United Nations Charter in 1945, was a major accomplishment, at a time the world had just emerged from the scourge of the Second World War.

The United Nations Charter, adopted in 1945,



Commissioner Bahame Tom Nyanduga: "The African Commission looks forward to an enhanced collaboration with the South African Human Rights Commission in the better protection of human rights."

The United Nations Charter, adopted in 1945, reaffirmed its "faith in the fundamental human rights, and the dignity and worth of the human person, in the equal rights of men and women and of all nations large and small".

reaffirmed its "faith in the fundamental human rights, and the dignity and worth of the human person, in the equal rights of men and women and of all nations large and small".

When we look at the Charter, we see that from the outset the founding fathers of the United Nations were inspired by human rights ideals and principles. The United Nations adopted as one of its purposes and principles the promotion and encouragement of "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion".

Articles 55 and 56 of the United Nations Charter enjoin member states and the United Nations to create conditions for higher standards of living, full employment, conditions of economic and social progress, and development; the promotion

The equality and non-discrimination principles, which were eloquently and elaborately enshrined in these historical instruments, were deemed by the colonial powers as non-realizable rights for the people living in colonial non-governing and trusteeship territories.

of international co-operation to find solutions to economic and social problems, and the promotion of universal respect for and observance of human rights and fundamental freedoms without distinction. The member states pledged to take joint and separate action for the achievements of those purposes.

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly three years later in 1948, based on the principles already established by the United Nations Charter.

The Universal Declaration recognised the inalienability of the inherent dignity and equality of members of the human family as the foundation for freedom, justice and peace in the world. The member states of the United Nations pledged to proclaim the Universal Declaration as the common standard for the achievement by all peoples and nations, every individual and every society, to promote respect for the rights and freedoms, and to progressively secure their universal and effective recognition and observance.

The United Nations was at the time a monopoly of the colonial powers, and the victorious powers of World War II. At San Francisco in 1945, during the adoption of the United Nations Charter, Africa was grossly under-represented. Only two states, Ethiopia and Liberia, out of the 53 African states, participated in the San Francisco conference. The United Nations Charter, in conformity with its principles, imposed obligations on colonial powers administering non-governing territories, to “accept as a sacred trust the obligation to promote to the utmost ... the well-being of the inhabitants of these territories ..., to ensure, with due regard for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment and their protection from abuse”.

With regard to trusteeship territories under the International Trusteeship System, the UN Charter obliged the trusteeship powers “to promote

the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self governance or independence”.

And: “to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion and to encourage recognition of interdependence of the peoples of the world”.

The Universal Declaration was adopted at the time of the popular anti-colonial struggles, and when the demand for freedom and independence by the people in the colonial territories was gaining momentum. The freedom movement in Africa was greatly inspired by the ideals and principles for equality and respect for human rights enshrined in the UN Charter and the Universal Declaration. Yet the colonial powers continued to administer the non-self-governing and trusteeship territories without regard for the rights enshrined in the UN Charter, nor the pledge they made towards the Universal Declaration.

The equality and non-discrimination principles, which were eloquently and elaborately enshrined in these historical instruments, were deemed by the colonial powers as non-realizable rights for the people living in colonial non-governing and trusteeship territories.

It is not a coincidence of history that the United Nations adopted a number of instruments in the 1960s and later, giving concrete content to the principles



Human rights lawyer Advocate George Bizos (left) in discussion with Verne Harris of the Nelson Mandela Foundation.



Commissioner Bahame Tom Nyanduga of the African Commission on Human and People's Rights delivers his address.

contained in the Universal Declaration. The changed international political environment dictated by the Cold War, the decolonisation process and non-alignment, meant that the major imperial powers no longer had a monopoly over international affairs or the perception of human rights.

The emergence of new states on the international political landscape gave practical content to the UN Charter and the Universal Declaration, the two most important instruments in international affairs. The idea that the peoples in the metropolitan colonial powers were superior to the subjects in the colonies could no longer be justified or sustained.

The involvement of new states in the work of the United Nations shaped international human rights law and the territorial scope of protection by the international human rights system. The new states participated in the treaty-making process, unlike the process in the 1940s. Hence, the emergence of numerous international human rights instruments and institutions dedicated to the promotion and protection of human rights gave the Universal Declaration broader recognition and legitimacy. New member states joining the United Nations pledged to abide by the principles enshrined in the UN Charter and the Universal Declaration.

At the international level various international instruments such as the 1965 International

Convention on the Elimination of all Forms of Racial Discrimination, the International Covenants of 1966 (which comprised the International Covenant on Economic, Social and Cultural Rights, the International Covenant of Civil and Political Rights and the International Covenant on Elimination of All Forms of Racial Discrimination), the 1979 Convention on the Elimination of all Forms of Discrimination against Women, and the 1989 Convention on the Rights of the Child were all inspired by the Universal Declaration and were adopted through the effective participation of former colonies, in particular the African states.

Notwithstanding the fact that all these instruments have universal application, they address issues of immediate relevance and impact to African peoples. The policies of apartheid and racial discrimination

were critical to the adoption of the International Convention on the Elimination of all Forms of Racial Discrimination. We may wish to note that in spite of the ideals and inherent values of freedom, justice and peace, many powerful states have not ratified major human rights instruments.

As we celebrate the adoption of the Universal Declaration, we are celebrating Africa's contribution to the evolution of international human rights law. We have seen that colonial powers and the apartheid and other racist regimes (prior to their

As we celebrate the adoption of the Universal Declaration, we are celebrating Africa's contribution to the evolution of international human rights law.



Jacqueline Nzoyihera, United Nations Office of the High Commissioner for Human Rights.

international isolation) claimed to respect the UN Charter and the Universal Declaration, but in reality they systematically violated the human rights of the colonial subjects in Africa and elsewhere. Independence and democratisation for the people of Africa are inextricably linked to the realisation of human rights.

The impact of the Universal Declaration at the regional and national levels in Africa

At the dawn of African independence in the late 1950s and early 1960s, many African states were beset by major human rights challenges, ranging from poverty and disease to political instability associated with military coups, totalitarianism, ethnic conflict and civil war.

The ideological divide during the Cold War led to many conflicts in Africa, which caused massive human rights violations, such as war crimes and crimes against humanity, wars of aggression and apartheid throughout the second part of the 20th Century. The Rwanda genocide marked the gravest violation of human rights since Africa had emerged from colonialism.

The end of apartheid and the Cold War witnessed many African

states adopting political and economic reforms which have brought stability to a large part of the continent. However, there are pockets where the human rights situation remains critical.

When the Organisation of African Unity (OAU) was established in 1963, it derived inspiration from key objectives and principles contained in the UN Charter and the Universal Declaration of Human Rights. The preamble of the OAU Charter reaffirmed that these principles “provide a solid foundation for peaceful and positive co-operation among states”.

The Constitutive Act of the African Union went further than the OAU Charter, by stipulating as one of its objectives that it shall “encourage international co-operation taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights”.

I explained earlier the positive contribution by African states in the articulation of international human rights standards through the United Nations. I must state, however, that the implementation of human rights obligations by many African states has not been very encouraging.

The African Commission has observed that in spite of the universal ratification of the African

In spite of the ideals and inherent values of freedom, justice and peace, many powerful states have not ratified major human rights instruments.

Charter on Human and People's Rights by all AU member states, the enjoyment of the rights enshrined in the African Charter is not fully guaranteed. This amounts to a negation of the Universal Declaration. The African Commission, established to monitor the implementation of the Charter, faces severe human and material resource constraints. Its capacity to address the human rights challenges facing the continent is limited. Other African human rights bodies such as the African Court on Human and People's Rights and the African Committee of Experts on the Rights and Welfare of the Child face similar or worse situations.

The African Commission's special mechanisms, responsible for the rights of indigenous peoples, refugees and internally displaced persons, human rights, freedom of expression, and the rights of women, are supported by external donors, without which these activities would not have been accomplished. The Commission appreciates the extra budgetary support extended to it by the government of the Republic of South Africa.

Secondly, a considerable number of African states have not ratified various human rights instruments adopted by the African Union. The protocol establishing the Africa Court on Human and People's Rights is one of them. Article 34(6) of the Protocol requires state parties to deposit declarations accepting that NGOs and individual victims can access the court. Without such a declaration, the court cannot exercise jurisdiction in cases of violations of human and people's rights. So far only one AU member state, Burkina Faso, has deposited the declaration.

The Protocol entered into force on January 24, 2004, and the judges of the court were sworn in in June 2006. The court is currently setting up its registry and finalising its rules of procedure. The court and the commission must harmonise their rules of procedure, to allow for the complementary relationship provided for under the protocol, and access by NGOs and individuals. Unless all these measures are put in place, the court is likely to remain redundant for some time to come.

The Protocol on the Rights of Women in Africa, adopted in July 2003 and entered into force on

The struggle to establish a human rights culture in Africa cannot be won unless Africans address the causes of massive human rights violations.



Commissioner Bahame Tom Nyanduga: "African states have the duty to ensure that their people enjoy the basic rights and fundamental freedoms."

November 25, 2005, is also yet to acquire broad ratification. The protocol is an important instrument for guaranteeing the equality of women. It recognises the inherent dignity in a woman and the right to participate in public affairs and in making decisions in matters affecting women, protects women against harmful traditional practices and protects the right of widows, and rights to economic and social welfare, among others. The protocol complements the groundbreaking gender parity principle enshrined in Article 4(1) of the Constitutive Act of the African Union.

The struggle to establish a human rights culture in Africa cannot be won unless Africans address the causes of massive human rights violations. In spite of the setbacks I have recounted above, the conflicts, the poverty and the despair we see in places like Chad, Central African Republic, Darfur, Somalia, the north-east Democratic Republic of Congo, and Zimbabwe, the Universal Declaration continues to inspire many people in Africa and beyond, to aspire for attainment of equality, peace and justice.

African states have the duty to ensure that their people enjoy the basic rights and fundamental freedoms, in accordance with their democratic constitutions and the obligations under regional and international human rights instruments. The citizenry must be able to freely participate in the public affairs of each state. States must ensure the equitable distribution of resources so that economic, social and

cultural rights, and the benefits of their economic and natural resources, reach every individual and communities. To do otherwise is likely to lead to the marginalisation of sections of the population.

Among the causes contributing to the violation of human rights in Africa are civil wars, economic mismanagement and deprivation, and bad governance. The refusal or failure by some African states to take responsibility for massive human rights violations continues to concern the African Commission. Freedom, justice and peace, proclaimed in the Universal Declaration of Human Rights, remain very important elements for sustaining a culture for human rights.

Africa must re-examine its priorities if it is to come out of the culture of conflict and poverty. It must decide to work for freedom, justice, peace and development, or perpetually continue to suffer the scourge of wars and conflicts, and attendant massive human rights violations. Africa has historically allowed its rich resources to become causes of conflict. African states adopted the African Charter and enshrined the right to dispose of their natural resources in the interest of the people, as well as the rights to peace, development and a safe environment.

The efforts of the African Union and individual African states through the New Partnership for Africa's Development's (Nepad) and the African Peer Review Mechanism's good governance, human rights and economic development programmes must be consolidated in order to address development problems

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such as corruption, misallocation of resources, conflicts and poverty.

I wish to end here by highlighting the recent report, *Africa's Missing Billions: International Arms Flows and the Costs of Conflict*, by Debbie Hillier, of Oxfam, for the International Action Network on Small Arms and Oxfam International, published in October 2007. The report highlights the annual economic costs of conflicts to Africa, whereby Africa spends US\$18-billion on armaments annually. This is equivalent to the annual foreign aid received by Africa. The report illustrates in stark reality the economic consequences of conflict, which when translated into human rights terms indicates the scope of violations of human rights in Africa. The report states as follows:

“Africa is further from attaining the Millennium Development Goals (MDGs) than any other region, and armed conflict is one important factor in this. Compared to peaceful African countries, African



Commissioner Bahame Tom Nyanduga and Raenette Taljaard of the Helen Suzman Foundation.

countries in conflict have an average 50 percent more infant deaths; 15 percent more undernourished people; life expectancy reduced by five years; 20 percent more adult illiteracy; 2.5 times fewer doctors per patient and 12.4 percent less food per person.

“Of course, costs are not borne equally across the population, and inequalities often arise as many conflicts are fought along regional, social, religious and ethnic lines.”

What we see in real terms through this report is that conflicts have perpetuated poverty and underdevelopment, which constitute grave violations of human rights. Conflicts have diverted resources, which could have been utilised to enhance the rights to life, the right to food, the right to mental and physical health, the right to education, and the rights of women and children, who are most vulnerable during conflicts.

President Ellen Johnson-Sirleaf of Liberia, in her foreword to the report, put it more graphically: “As an economist, I am acutely aware of the devastation to African economies due to armed violence ...”

Referring to the US\$18-billion spent on the arms trade by Africa, she continues: “This is money Africa can ill afford to lose. The sums are appalling, the price that Africa is paying could cover the cost of solving the HIV and AIDs crisis in Africa, or provide education, water and prevention and treatment of TB and malaria.

Literally thousands of hospitals, schools and roads could have been built, positively affecting millions of people. Not only do the people of Africa suffer the physical horrors of violence, armed conflict undermines their efforts to escape poverty.”

The report concludes: “Our rough estimate is that armed conflict alone has cost Africa around \$300-billion since 1990, or \$18-billion per year – costing each conflict country an average 15% of its GDP.”

In other words, unless Africa decides to bid farewell to conflicts and armament, and decides to respect and protect the human rights of its peoples, peace and development are not likely to be fully realised. Africa must begin to invest in the human security of its people instead of the destruction of its most valuable asset. We must stop being caught up in the proverbial “vicious circle” of poverty, conflict, and massive violation of human rights.

What this means is that by continuing to embrace conflicts, corruption and bad governance, Africa will

not have changed the colonial master plan, whereby the Universal Declaration of Human Rights was perceived as inapplicable to the native. Instead we will continue to languish in poverty, while blaming others for our own misdeeds.

The post-independent African state has therefore the duty and responsibility to ensure that the African people enjoy the basic rights and fundamental freedoms enshrined in the Universal Declaration, which they have pledged to respect, together with all other international and regional instruments they have ratified, instead of being the violators of the rights of its subjects.

In so doing, Africa shall have contributed to making the Universal Declaration of Human Rights the reality that it ought to be and a bastion of hope for all.

Compared to peaceful African countries, African countries in conflict have on average:

- ❑ 50 percent more infant deaths
 - ❑ 15 percent more undernourished people
 - ❑ life expectancy reduced by five years
 - ❑ 20 percent more adult illiteracy
 - ❑ 2.5 times fewer doctors per patient
 - ❑ 12.4 percent less food per person
- **Oxfam International**

ABOUT THE SPEAKER

Bahame Tom Nyanduga, LLB (Hons), UDSM, LLM (LSE, London) PGD, Int Law (The Hague), is a Tanzanian lawyer and advocate of the High Court of Tanzania, based in Dar es Salaam. He was elected to the African Commission on Human and People's Rights (ACHPR) in July 2003. Between 2004 and 2006



he served as president of the East Africa Law Society and was president of the Tanganyika Law Society from 2000 to 2001. He served as a legal consultant on the Secretariat of the Burundi Peace Negotiations from December 1998 to August 2000, and previously worked in Tanzania's diplomatic service. He is currently the a commissioner and ACHPR's Special Rapporteur for Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa. He is currently Commissioner with the African Commission on Human and People's Rights and Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa.

Panel Discussion

Raenette Taljaard

Director, Helen Suzman Foundation

Iwould like to indicate that I took an open architecture to the topic and you will see that in some of the comments I will be offering to you today.

It is indeed a great honour to be with you on this important day of celebration, reflection and contemplation. I received this invitation whilst at the John F Kennedy School of Government at Harvard with a group of Young Global Leaders of the World Economic Forum, sharpening our thoughts on leadership in the 21st Century, and was extremely honoured.

During our last evening we had a memorable dinner at the Kennedy Library and I was struck by Senator Robert Kennedy's words in his address to the young people of South Africa at the University of Cape Town on June 6 1966:

"Few of us will have the greatness to bend history itself, but each one of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation.

"Each time a man stands for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. And crossing each other from a million centres of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

It is particularly poignant to celebrate the 60th year of the Universal Declaration of Human Rights with the theme "Dignity And Justice For All Of Us", and to do so under the auspices of the Nelson Mandela Foundation – a foundation that celebrates the very values of dignity and justice for all that were both the focus of Mandela's struggle for liberation in South Africa and the moral compass of his authentic leadership.

"Dignity And Justice For All Of Us" has resonance both globally and locally. Globally, the inequalities that persist in an era of globalisation hinder the cause of dignity and justice for all. The increase in various levels



Raenette Taljaard addresses the audience.

of religious intolerance and the "war on terror" also create tensions between security and civil liberties both at home and abroad.

And locally, persistent levels of inequality endanger the objectives of liberation from poverty, and HIV and AIDS have created a new generation of silent divisions that hampers dignity and justice for us all.

It is fitting, therefore, that we dwell very briefly on the global and local vision of the theme of "Dignity And Justice For All Of Us".

As United Nations Secretary-General Ban Ki-Moon has indicated in launching the celebratory theme for

"As United Nations Secretary-General Ban Ki-Moon has indicated in launching the celebratory theme for next year: it is our duty to ensure that these rights are a living reality – that they are known, understood and enjoyed by everyone, everywhere."

next year: it is our duty to ensure that these rights are a living reality – that they are known, understood and enjoyed by everyone, everywhere.

“It is often those who most need their human rights protected,” he suggests, “who also need to be informed that the Declaration exists – and that it exists for them.”

Our own Bill of Rights puts it equally beautifully in placing a positive obligation on the state to respect, protect and promote the rights enshrined: “The Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.”

These are the goals and objectives we have set ourselves.

But as we know, institutional hurdles often get in the way of visions and I would like to highlight some of these hurdles, both at the global level and local level.

Firstly, some key institutional challenges globally.

One of the sterling achievements of former UN Secretary-General Kofi Annan’s term of office was the adoption of the active “responsibility to protect” doctrine as a key new cornerstone of the UN’s role in the maintenance of international peace and security. Whilst much remains to be done to develop both the concept and key actions that can be triggered around it – and we can already point to some manifest problems

We need to ask ourselves how far have we have moved from the conceptualisation of the “responsibility to protect” doctrine towards actually operationalising and acting in accordance with it?

– this new thinking heralded a watershed which requires more work.

Equally, the adoption of the resolution on Darfur – creating a joint African Union/UN mandate for a mission that combined Chapter 7 and Chapter 8 Charter actions, heralded a new form of doing business and actioning a vision of a world hallmarked by dignity and justice for all.

Similarly the scope for an AU-EU agreement in Lisbon that looks at ways in which the EU can help AU peace missions is a key step to making the protections in the Universal Declaration real for millions who still suffer the dehumanising effects of conflict.

We need to ask ourselves how far have we have moved from the conceptualisation of the “responsibility to protect” doctrine towards actually operationalising and acting in accordance with it?



A participant at the Human Rights Lecture and Roundtable Discussion on Dignity And Justice For All Of Us: 60th Anniversary of the Universal Declaration of Human Rights listens to one of the speakers.

Some of the efforts that have been made to create new joint Chapter 7 and 8 mandates in response to the Darfur situation have certainly grappled with how one moves forward in operational terms, but there is much more that needs to be done.

As we gather here, new commitments have also emerged in Lisbon between the European Union and the African Union with respect to joint peacekeeping operations under these new joint Chapter 7 and Chapter 8 mandates.

But even within UN structures, there is a desperate need to review the performance of the new United Nations Human Rights Council – one of the institutional changes that followed the debates and discussions of Annan’s “In Larger Freedom” document that called for key UN reforms. As was the case with its institutional predecessor, the UN Human Rights Commission, there are clear signs that the new structure is not living up to the vision of the Universal Declaration of Human Rights and that some soul-searching is required.

Whilst the new structure has only been up for a year and it may be early days to judge its operation and performance, I think it’s emerging quite clearly that some of the challenges confronting the UN Human

Eternal vigilance is therefore required to protect the dignity and justice of all, both in the developing world and the developed world, where we may believe these objectives have been achieved.

Rights Commission have transmogrified into the performance of the UN Human Rights Council. Some of the stresses and strains are certainly evident, not only in South Africa’s own voting patterns, but indeed in both the composition and the operation of the structure.

This has implications for the precedents that are set that we may also be following on our continent. It is crucial that we do not rest in parts of the world where we believe the Universal Declaration’s vision has been adopted and institutionalised, as new forms of threats to human dignity can always be present. The so-called “developed world” is under increasing strain, both by virtue of its response to global migration, but also due to the pressures placed on civil liberties under the banner of the “War on Terror”, to adhere to the Universal Declaration on Human Rights and not invoke doctrines of exceptionalism to actually undermine civil liberty doctrines.

In an era of growing securitisation under the banner of terrorism, it is possible for key tenets of the declaration to be undermined, as civil liberties are gradually eroded.

These may seem distant issues when one confronts countries that are emerging from conflict on our continent, but they are certainly germane in the way in which they can potentially infect the ethos of the human rights culture that we want to bequeath to the world.

Eternal vigilance is therefore required to protect the dignity and justice of all, both in the developing world and the developed world, where we may believe these objectives have been achieved.

Here at home, a number of challenges also present themselves en route to ensuring dignity and justice for all.

First and foremost is the challenge of making rights real in a society with ongoing and persistent inequality and poverty, and the new, dehumanising effects of HIV/AIDS. It remains a key challenge to ensure that the dividends of dignity and justice follow the victory of freedom over adversity.



The Human Rights Lecture and Roundtable Discussion on Dignity And Justice For All Of Us: 60th Anniversary of the Universal Declaration of Human Rights was held at the South African Human Rights Commission’s offices in Johannesburg.

It remains a key challenge to mainstream the fight against HIV and AIDS as a new arena of struggle in the human rights arena. Millions of South Africans suffer the daily indignity of stigmatisation and marginalisation. I was delighted to see the extent of civil society movement in this arena on World AIDS Day in South Africa, as this involvement will help to shift the conceptual parameters of this debate squarely into the human rights arena.

It remains a key challenge and a core calling for the South African Constitutional Court to provide influential, life-altering jurisprudence in the field of human rights law, particularly regarding socio-economic rights, and to assist in the progressive realisation of key rights in order to further the core objectives of the Universal Declaration at home and abroad.

It also remains an important challenge for our country's institutional human rights machinery to strengthen its resolve to assist millions of South Africans in growing an awareness of their rights enshrined in our Bill of Rights, which draws on the Universal Declaration's vision, and to assist them in realising these rights. This is no small challenge.

It remains incumbent, in a time of turmoil and succession, to ensure that our pronouncements and actions do not undermine the vision of human rights in our Constitution or the rule of law, and to ensure that the principles that have been enshrined in our jurisprudence are respected and protected. As Professor Kader Asmal remarked in the past weekend's *Sunday Times* with reference to recent pronouncements by ANC succession candidates: "In the South African arena, particularly, these ideas diminish the importance of the Constitution, the institutions established to implement the Constitution and the struggle waged to secure such a Constitution, of which opposition to the death penalty was always a key principle. The Constitution is the basic safeguard of our democracy. Tamper with it, and you put our freedom in peril. Real leadership demands

In this century our bold and solemn undertaking to bring dignity and justice for all under its protection cannot be diminished. But we must muster the courage to rise to this challenge both at home and abroad in our actions, words and deeds.



Raenette Taljaard: "We can only teach by example if we consistently fight and maintain our reputation as protectors and defenders of human rights."

that leaders do not play to the gallery."

A recent visit to South Africa by a delegation of UK parliamentarians serving on a committee on a Bill of Rights allowed for a moment of self-reflection on how far we have come in our journey to localise the vision in the Universal Declaration in our Constitution. We have much to be proud of and have achieved great things. But we must remain robust in asking whether our institutions are living up to the Constitution and to the liberation transition blood still coursing through our veins. It is enormously important that any generational change or change in leadership continues to protect and nurture our national project in building and expanding our Constitution and Bill of Rights, as we have much to offer and teach the world from our experience.

But we can only teach by example if we consistently fight and maintain our reputation as protectors and defenders of human rights. This is particularly crucial in the international arena, where questions have been posed about our role and voting patterns at the UN Security Council, General Assembly and Human Rights Council. Even if we have serious and correct points to make and arguments to offer about institutional adherence to rules and broader UN reform, we may win little skirmishes in our institutional contestations but lose the longer-term war for UN reform as well as our reputation for a foreign policy based on human rights – as it was under Mandela's presidency – in the process.

We must not place our own human rights reputation on a permanent knife-edge at the UN.

South Africa has the opportunity to proactively budget for the progressive realisation of human rights. Whilst arguments can cogently be made that we are doing so given the scale of expenditure on socio-economic rights areas, it would be a novel approach to craft new methodologies to highlight how we are budgeting for progressive realisation of rights and for specific compliance with Constitutional Court rulings in rights-related areas.

This would, in some cases, pose a challenge for budget reporting formats – where allocations are already being made – but may pose even greater challenges in highlighting areas where necessary but perhaps not sufficient provisioning can be made for progressive realisation.

In case we think the pressures of inequality, the global “War on Terror” or new forms of intolerance pose near insurmountable barriers to a vision of “Dignity and Justice for All”, it is worth quoting the words of UN High Commissioner for Human Rights Louise Arbour about the unwelcoming and hostile world that witnessed the birth of the Universal Declaration 60 years ago in 1948:

“It is difficult to imagine today just what a fundamental shift the Universal Declaration of Human Rights represented when it was adopted 60 years ago. In a post-war world scarred by the Holocaust, divided by colonialism and wracked by inequality, a charter setting out the first global and solemn commitment to the inherent dignity and equality for all human beings, regardless of colour, creed or origin, was a bold and daring undertaking.”

I think that when we shy away from the sheer scale of the challenge we confront, we sometimes forget the



City Press editor Mathathatha Tsedu (left) with human rights lawyer Advocate George Bizos.

scale of the challenge that was confronted in 1948. In this century our bold and solemn undertaking to bring dignity and justice for all under its protection cannot be diminished. But we must muster the courage to rise to this challenge both at home and abroad in our actions, words and deeds. Only then can we claim, as South Africans, to be living the values of Mandela and the Universal Declaration – values that are indeed interchangeable.

I would like to also refer to the issues raised here with respect to conflict. If one looks at the extent to which conflict is interchangeable with the global flow of arms, I think one of the greatest failures in the global community, ironically, doesn't lie in the Universal Declaration, but in the absence of an international treaty on the arms trade.

If one looks at the countries that have been standing in the way of this, it's rather predictable which some of the countries may have been, particularly those which adhere to a doctrine of exceptionalism. One of the potential hopeful signs is that the US Supreme Court is currently reviewing the constitutional provision on the right to bear arms and America may be in for a minor revolution in that regard if the court finds that this right does not refer to individuals.

If that happens, we all hope, we may live in a world where the US will not stand against an international arms trade treaty and we may fix one of the problems that doesn't lie in the Universal Declaration, but in a different arena for a different fight.

ABOUT THE SPEAKER

Raenette Taljaard, director of the Helen Suzman Foundation, holds a BA in Law, a BA (Hons) *cum laude* in Political Science, an MA *cum laude* in Political Science and an MSc *cum laude* in Public Administration and Public Policy. Taljaard is a Yale World Fellow, a Fellow of the Emerging Leaders' Programme of the Centre for Leadership and Public Values (UCT's Graduate School of Business and Duke University) and a Young Global Leader of the World Economic Forum. She lectures both locally and abroad and publishes regularly.



Panel Discussion

Jacqueline Nzoyihera

UN Commissioner for Human Rights Louise Arbour issued the following statement to mark Human Rights Day, which is commemorated on 10 December. The statement was read out at the Human Rights Lecture and Roundtable Discussion by Ms Jacqueline Nzoyihera, of the United Nations Office of the High Commissioner for Human Rights (UNOHCHR).

As we jointly celebrate Human Rights Day also launch the year-long campaign leading to the 60th anniversary of the Universal Declaration of Human Rights, we have cause to celebrate the accomplishments made, since 1948, on the road to ensuring fundamental freedoms for each one of us.

The Universal Declaration and its core values – inherent human dignity, justice, non-discrimination, equality, fairness and universality – apply to everyone, everywhere, always.

In all parts of the world, individuals, groups, organisations and governments have striven to transform into reality the promises contained in the Universal Declaration. Many have died in the pursuit of these ideals.

Today is also the day to reflect upon our individual and collective failures to stand up against violence, racism, xenophobia, torture, repression of unpopular views and injustices of all sorts. In today's growing divisions between the rich and the poor, the powerful and the vulnerable, the technologically advanced and the illiterate, the aggressors and the victims, the relevance of the Declaration and the universality of the enshrined rights need to be loudly reaffirmed.

In the course of this year, unprecedented efforts must be made to ensure that every person in the world can rely on just laws for his or her protection.

In advancing all human rights for all, we will move towards the greatest fulfilment of human potential, a promise which is at the heart of the Universal Declaration.



Jacqueline Nzoyihera.



Raenette Taljaard (left) and Achmat Dangor.

ABOUT THE SPEAKER

Jacqueline Nzoyihera is a human rights lawyer from Burundi. She has worked for the United Nations in Geneva and New York and elsewhere around the world. She is currently based in Pretoria.



Jacqueline Nzoyihera, United Nations Office of the High Commissioner for Human Rights, Mothomang Diaho, Nelson Mandela Foundation, Commissioner Bahame Tom Nyanduga, Commissioner with the African Commission on Human and People's Rights and Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, and Victoria Maloka, South African Human Rights Commission.

Message from the Secretary-General of the United Nations on Human Rights Day, 2007

On this Human Rights Day, we launch a year-long commemoration of the 60th anniversary of the Universal Declaration of Human Rights. The entire UN family will take part in a campaign to promote the Declaration's ideals and principles of justice and equality for everyone.

The campaign reminds us that in a world still reeling from the horrors of the Second World War, the Declaration was the first global statement of what we now take for granted – the inherent dignity and equality of all human beings.

The extraordinary vision and determination of the drafters produced a document that for the first time set out universal human rights for all people in an individual context. Now available in more than 360 languages, the Declaration is the most translated document in the world – a testament to its universal nature and reach. It has inspired the constitutions

of many newly independent states and many new democracies. It has become a yardstick by which we measure respect for what we know, or should know, as right and wrong.

The Declaration remains as relevant today as it was on the day it was adopted. But the fundamental freedoms enshrined in it are still not a reality for everyone. Too often, governments lack the political will to implement international norms they have willingly accepted. This anniversary year is an occasion to build up that will. It is a chance to ensure that these rights are a living reality – that they are known, understood and enjoyed by everyone, everywhere. It is often those who most need their human rights protected who also need to be informed that the Declaration exists – and that it exists for them. May this year reinvigorate us in that mission. Let us make the Universal Declaration of Human Rights an integral part of everyone's life.

Panel Discussion

Jody Kollapen

Chairperson, South African Human Rights Commission

Thank you very much Commissioner Nyanduga, for that inspiring lecture. The question we must ask is: have human rights become convenient slogans that we often attach and add on as an afterthought?

I am reminded of a story about a former minister who became quite notorious in his attempts to deal with crime. He said, “You know, we’ve got to get these criminals and we’ve got to bash them and beat them up and kick the hell out of them!”

So his advisor, who had come from a human rights background, said, “Look Minister, the next time you go public, you can’t speak in that way. We have a Constitution; we have a Bill of Rights.”

At the next occasion, true to form, the minister said, “We must get these guys and we must bash them up, and then lock them up!” His advisor shot him a look and he said, “And of course, we must do all this within a human rights framework!”

So one sometimes wonders whether indeed we’ve internalised the human rights values that we hold so dear. I ask the question, coming at the end of 16 Days of Activism to deal with gender-based violence, do we associate ourselves with gender equality because the law says women are equal? Or do we do so because, as a matter of belief and principle, we believe women are equal? It’s quite different. If you need the law to tell you people are equal, then there’s something fundamentally missing. But if you believe it as a matter of principle and if it’s internalised then it’s quite different. Your approach to dealing with gender issues should not be shaped by the law, not that I’m not undermining the importance of the law.

I think we still have a long way to go. If the Human Rights Commission of South Africa were to close tomorrow, would people of South Africa march down the streets and say, “You cannot close the commission!” That’s the kind of litmus test I think we should have for institutions like ours. People say human rights are universal, indivisible and



Jody Kollapen.

interdependent, without unpacking what that means.

If you look at the current international debates around human rights, there’s a quarter that argues that human rights are about constraining the power of the state. Those who argue that line would argue that issues like fighting torture and abuse, and allowing people to participate freely in the political life of the nation, are absolutely important, and that the human rights machinery should simply ensure that the state doesn’t unduly interfere in that process.

Others, however, would argue that human rights are both about constraining the power of the state on the one hand, and on the other, creating obligations on the state to ensure the development of human potential and the individual in a society. This means that you’re not simply saying that human rights are about blocking the power of the state, but human rights are about creating obligations on the part of the state as well as non-state actors, in order to fulfil human rights. And that’s often where the debate comes unstuck.

If you look at the resolutions of the United Nations Human Rights Council, you will find that many developing countries oppose resolutions that seek to

There is also the problem of what I call “the commodification of human rights”: the reality is that more and more, human rights are becoming commodities that you buy and sell.

constrain the power of the state, and many developed countries oppose resolutions that seek to create obligations on the part of the state. For example, a very innocent resolution of the Human Rights Council two years ago said that globalisation is a reality. But could we pass a resolution to try and infuse a commitment to development in the process of globalisation? The resolution was passed, but the developed world voted against that resolution, and the developing world voted for the resolution. And I’m not saying they’re the bad guys and the others are the good guys. Certainly, at the international level there isn’t quite a common understanding.

Perhaps this is captured most eloquently by a Scandinavian human rights expert, Asbjorn Eide, who asked: “What good would we have achieved if we save someone from death by arbitrary execution, only to see the same person die as a result of poverty or disease that could have been avoided?”

So, we may pat ourselves on the back and say, “We’ve saved this guy from a repressive government in Africa,” but we don’t ask ourselves whether



Jody Kollapen.

our trade policies or whether the policies of the pharmaceutical companies have contributed to the same guy’s death. That’s a different issue.

But it’s not just at the international level that I’m not sure whether we have a common understanding of human rights.

In South Africa, we pay tribute to the work of our Constitutional Court, and of course it’s wonderful work it does. But the reality is that in South Africa, for millions of people, there’s a disjuncture between what the court says and what they feel. So when the court pronounces on gay and lesbian marriage, a large majority of South Africa says, “We don’t want that.” It doesn’t mean that the court’s wrong, but it means that there’s a very different reality between the kind of jurisprudence and the kind of values you want to create, and the reality on the ground. That’s not the fault of the court; that could be the fault of broader society and institutions like ours.

You will recall that when Tony Yengeni was released from prison in 2007 and wanted to perform a customary, traditional function of thanking his ancestors, there was an outcry with regard to the slaughtering of a cow. That outcry manifested quite clearly the divides in our own country. By and large white people said “That’s cruelty to animals, we need to get the SPCA to prosecute Tony Yengeni but please, we’re going hunting this week, don’t worry us!”

And many black people said, “That’s so insensitive, what you’re doing is taking human rights and you’re interpreting them within the context of your own mindset and your own culture and that’s so wrong as well.”

There is also the problem of what I call “the commodification of human rights”: the reality is that more and more, human rights are becoming commodities that you buy and you sell. For example in South Africa, an enquiry we did into access to healthcare found that 60% of the health spend in South Africa goes on 15% of the population, and 40% of the health spend goes on 85% of the population. So you have two healthcare systems running parallel in the country. It’s so bad that South Africans who are on medical aid, *pro rata*, have more CAT scans, MRI scans, whatever scans, all these tests, than the wealthiest people in Western Europe. I don’t doubt that those 15% of our people are as ill as that. But you need to ensure that the private healthcare system continues to work.

In the area of education we did an enquiry, and I know that the Nelson Mandela Foundation did an

enquiry as well into education in rural communities (*Emerging Voices: A report of education in South Africa*).

If you go to a rural school or a township school – with some exceptions – the chances of your receiving a quality education and being able to take advantage of the opportunities in this society are quite small. The question people have asked is, “Are we going to have to use affirmative action to deal with the consequences of an unequal education system now?”

In the area of justice as well, we find poor women languishing in jails, having stolen a bar of soap, or an item of food from a supermarket, while someone like Sir Mark Thatcher, who’s convicted of being involved in quite a serious offence – part of a coup in Equatorial Guinea – is able to negotiate from the luxury of his Constantia home a plea bargain agreement. So how do we deal with this issue that rights belong to all of us, and they belong to all of us equally, when we know in truth and reality that our ability to enjoy rights invariably depends on the resources we have? I can’t imagine that the fact that some can buy more rights was the vision of those who developed the Universal Declaration, and the African Charter ...

And so this brings me to the last point: can we really have a serious discussion about rights when we don’t take stock of the architecture and the context within which those rights exist?

South Africa has been hailed across the world as being the miracle nation – the miraculous transition. But if truth be told, the transition left much of the *status quo* in place. Land ownership, the judiciary, the economy: not much changed there. And with that background you have a wonderful Constitution and Bill of Rights that you have to implement. But how can you in truth implement it without revisiting that architecture? The only way is to create unbearable pressure on the state to make good. And the state is not going to be able to change the healthcare system and the education system, unless we revisit the architecture and the context. That’s very painful; no-one wants to do it, because we say “We’ve been there already, we’re not going back there.”

But if we don’t, then we don’t really have much chance of giving effect to the wonderful vision of this Constitution and the Bill of Rights. It becomes convenient simply to say that the primary party responsible for this is government, whereas we know that they are not going to be able to do it. In this country, the inequalities that exist are not going to be addressed through the rights framework. I don’t think we should assume we have a flourishing democracy with a strong



Panellists Commissioner Bahame Tom Nyanduga and Raenette Taljaard.

rights framework. Indeed, it is very fragile.

If you heard recent statements with regard to those who have offered themselves as leadership for the country, there are areas of concern – whether we have a referendum on the death penalty for example. So we should be concerned. But we should also be concerned that the majority of people that live in our country are not really as excited about this Bill of Rights as you and I are. And the simple reason for this is that it hasn’t meant too much in their lives as yet. And if it continues to mean very little to them, what motive is there for them to defend it? Hardly any.

ABOUT THE SPEAKER

Commissioner Jody Kollapen joined the SAHRC in 1996, after five years with Lawyers for Human Rights, where he co-ordinated the Political Prisoners’ Release Programme. As a practising attorney, Kollapen worked on historically significant political cases such as the Sharpeville Six, the Delmas Treason Trial, and the failure of the Medical and Dental Council which enquired into the behaviour of the doctors who treated Steve Biko.

Kollapen is responsible for Gauteng Province and oversees the work of the SAHRC relevant to Civil and Political Rights. He serves as a member of the National Council on Correctional Services, and chairs the South African Law Commission’s Project Committee on Sentencing. He is the chair of the Legal Resources Trust and serves on the board of the Centre for the Study of Violence and Reconciliation.



Discussion and Questions

Achmat Dangor, CEO, Nelson Mandela Foundation:

I just want to make a few comments to capture what people have said. It seems to me there's a thread running through this: that human rights can remain a theory enshrined in law books and upheld by courts, but as long as human rights do not lead to the overcoming of inequalities that are endemic, then human rights culture will always be under pressure.

How would South Africans here in this room vote, I wonder, if it came to the point where there was a referendum on the death penalty?

I can tell you instinctively that some would vote "yes", simply out of fear, and a knee-jerk reaction: "We can overcome crime by killing the criminals." So I think that is one aspect of it.

We also need to ask: at what stage do people opt for the bullet instead of the ballot box because they perceive it to be failing? These are some of the things that our panellists and keynote speaker have raised. Now let's open the discussion to the floor.



Raenette Taljaard and Achmat Dangor.



Tamsanqa Sithole.

Tamsanqa Sithole, Webber Wentzel Bowens:

I feel that we emphasise the state's role in promoting human rights, and we don't translate that discussion to what we as individuals must and should do to translate those principles into reality.

I think of John F Kennedy: "We should not ask what our country can do for us, but what we can do for our country." I think we should apply that message to ourselves. What are we doing to make human rights a reality? Primarily because people at grassroots level don't know what human rights are.

I'm reminded by a statement that was made today: that the people who really need those rights don't really know about them. I think it's ignorance, and because of that people are genuinely apathetic about it, people just don't care. Those who do have the power, those who do have the means to help those understand those rights, don't.

This may be because they are partly benefiting from withholding those rights. So I think the discussion should now shift from what the state is doing or not doing, to what are we doing as individuals, and as people, to make those rights a reality?

Honourable Muhammed Waller, South Sudanese Legislative Assembly:

Let me take this opportunity to extend our warm thanks to the South African Commission for Human Rights for inviting us to this important seminar.

I concur with all that's been said regarding human rights, especially in Africa. But I want to reflect on an issue Bahame Nyanduga raised – that the right to peace is part of human rights. He talked about this issue in Darfur.

We have had a problem in the southern Sudan. We have just signed a peace agreement, but there are a lot of problems which are hindering its implementation.

I don't know whether you have seen or heard about what happened in Sudan. Some southerners were participating in the Government of National Unity, but then pulled out. I would like to know: how does the African Commission, and the commissioner, see that issue? I would like to know what the role of the African Commission is in this, and also the role of the other African people who are now here with us in this hall. Thank you very much.



Members of the delegation from southern Sudan.



Hassan Lorgat.

Hassan Lorgat, South African National NGO Coalition

The issue for me about the indivisibility of human rights comes to the discussion about how we deal with power. I think that individuals really have very little power, unless they are organised into some formation.

We've ignored for a long time that the dominant power has been corporate power. For a very, very long time – pre-United Nations. This power includes stealing the oil resources all over the world, etcetera. That issue predates the enactment of the Universal Declaration, and it remains the issue that bedevils us now. How can we justify, when we talk about dignity and equality for all, to go after the small thugs in the neighbourhood, such as Milosevic – and we leave Bush? Because Bush has got bigger guns than us. It's always a victor's justice.

One part of the global architecture is about economic infrastructure. But the other part is just about who carries guns. The states that carry big guns make things happen. And this discussion is a bit hollow in that regard. I also think we should revisit this issue: that states have a right to look after their most vulnerable people. They all say it, but they don't act on it. And I just want to ask you guys, why don't we go after the big crooks first?

Advocate George Bizos:

Thank you. I'm very pleased to be here, to mark Human Rights Day. I was brought up in the culture in which the apostle of apartheid, John Vorster, said that human rights were getting out of hand in South Africa. It had a very chilling effect.

It permeated the thinking of many of us who should've known better. After this statement in 1979, when a very brave speech was made by Chief Justice Corbett in Cape Town, some of us decided to form Lawyers for Human Rights.

At our first meeting, attended by Arthur Chaskalson, Sidney Kentridge and a few other giants of the legal profession, we discussed how we'd heard about Human Rights Day, and shouldn't we perhaps, as a respectable human rights organisation which would not easily reach the security police of John Vorster, try and mark it in some way? Believe it or not, none of us knew the date, and we had to phone John Dugard at Wits University, who fortunately knew that it was December 10.

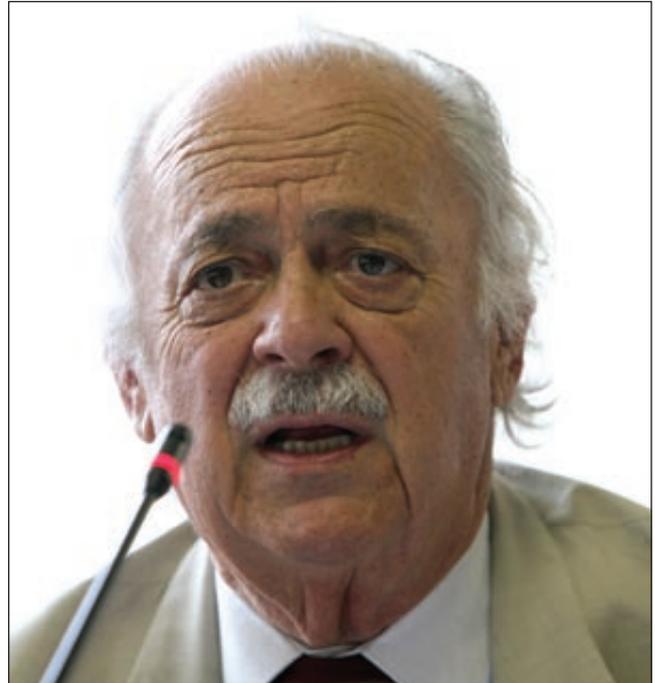
(By the way, the Universal Declaration of Human Rights was not signed, it was adopted by a resolution. It was a mistake that I made in another forum, and I was corrected.)

Nevertheless, we tried to make use of the little space that there was in the judicial system, as oppressive and loaded as it was, to try and protect some of the fundamental rights. We were not very successful.

I want to agree with the commissioner, when he said that the African states' implementation of the International Declaration of Human Rights is not encouraging. I will start with ourselves in South Africa before briefly going over to the rest of Africa.

I have problems with us and the other countries. There are people who should know better, in and out of Parliament, who from time to time tell us we have too "liberal" a Constitution. I have no apologies for using the word liberal in a non-pejorative sense. It means a lover of freedom, and we should respect all lovers of freedom, whatever our political party differences may be.

I ask – you want a more liberal Constitution, or a less liberal Constitution, or leave it as it is? If you want a less liberal Constitution, what would you introduce? Detention without trial? Torture? Banning orders? Forced removals? What else? What do you want to make less liberal about it? Introduce the death penalty? I have a simple answer that really shuts people up about this.



Advocate George Bizos.

*In relation to other African countries, I am concerned about the number of times that we hear that the International Charter of Human Rights is a "Eurocentric document which is not suited for African countries."
It's actually an implied allegation that the people of Africa are not fit yet to be democrats, which I reject out of hand.*

Whenever anybody tells me, "Let's introduce the death penalty" I say, "Do you own property?" Because it's mostly people who do own property that tell us we should introduce the death penalty.

I say, "Well, have you read Section 25 of the Constitution?"

They say, "Well, what does that say?"

"It says that you cannot take anybody's property away without due compensation. Just compensation. Are you prepared to ask for a referendum before the South African citizens as a whole, to vote whether we should scrap that? If the majority of all the people of

South Africa vote in that referendum, the result would be you may lose your property!”

“Oh”, they say, “that’s something else. We don’t want a referendum on that, we want a referendum on the death sentence.”

And in relation to other matters, I think that our practices in relation to refugees and asylum seekers require attention.

And I agree with the speakers who say that human rights in South Africa don’t provide much comfort to ordinary people. It was put very graphically to me: “I didn’t vote for the African National Congress in order to be able to use white toilets. I voted for a better life for myself and my people!”

I do agree that we cannot separate that from fundamental human rights and particularly the human rights enshrined in the Constitution; the socio-economic rights.

In relation to the other African countries, I am concerned about the number of times that we hear that the International Charter of Human Rights is a “Eurocentric document which is not suited to African countries.” It’s actually an implied allegation that the people of Africa are not fit yet to be democrats, which I reject out of hand.

If you have a look at the constituent document of the African Union, you’d be surprised by the signatures that have been appended to it. Alphabetically, the last two are Swaziland and Zimbabwe. And you wonder whether his majesty and the honourable president crossed their fingers when they signed it.

We hear rejections of the African Charter. If one studies it, of course there are some differences, but



Advocate George Bizos makes a point.

fundamentally, it’s tremendously influenced by the Universal Declaration of Human Rights. And we do not do much in order to put it into effect, other than finding excuses for not complying with its provisions.

I also agree with some of the speakers who have said that we actually find vacuous reasons for voting in international fora to condemn dictators, violators of fundamental human rights, and those who cling to power forever, and find clever legalistic arguments in order to support them.



Members of the panel and floor.



Participants at the Human Rights Lecture and Roundtable Discussion on Dignity And Justice For All Of Us: 60th Anniversary of the Universal Declaration of Human Rights.



**Achmat Dangor,
CEO, Nelson Mandela
Foundation:**

There are a number of questions ... I wonder if we should start with the more specific one, Mr Nyanduga, the question

about Sudan. But let me just group the others so that the panellists can respond to them.

There is one that deals with the issue of economic rights, economic equality, and whether indeed human rights are not a privilege of those with resources.

There's also the question of the obligation of the individual, as well as whether we should take into account power relations between the individual and the state, and, maybe the word "gangster" is too strong, but the issue of those "big guys", the "big guns". We need to take into account all those power relationships between countries as well.

There are political debates around very wonderful constitutions such as ours, and how there's constantly an attempt to question it and weaken it, because of perceived injustices or unfairness to different constituencies.

And there's one that I think somebody mentioned at the very end, which I think we should not forget in the African context: human rights relating to migration. This is a continent of migrants; people move across borders all the time, and what about the human rights in that aspect?

So let's start with you, Tom, if you wouldn't mind answering that specific question and any other one you want.



**Bahame Tom Nyanduga,
African Commissioner:**

Thank you again for the opportunity to respond to some of the issues. First of all let me start, according to African tradition, by giving deference to our senior eldest statesman.

When I met Advocate George Bizos before he came into the hall, I told him that for me it was an immense privilege. I grew up reading his name. Seeing him in the flesh is inspiring for me. I want to thank him for being here today, and for sharing with us his reminiscences and observations about the issues – both South African and international.

I'm very much convinced that the instruments, international, regional, and the Bills of Rights, still are the best hope of providing the realisation of human rights.” – Commissioner, Bahame Tom Nyanduga

Referring to what Mze Bizos said, how do we address the poverty issues? Yes, we may have the instruments to protect those rights, but what about their realisation? It's at this point that you look at the institutional make-up within each state. In many African countries, you will find that they have Bills of Rights, but the economic, social, and cultural rights are not attainable. There has always been the major challenge of getting states to undertake to implement human rights obligations, and to feel obliged by legal norms.

We have to make a choice as to which are the areas of priority. Regarding poverty, we have about 20% of the population owning about 80% of the wealth nationally. And internationally, 80% of the world's population owns just 20% of the world's wealth.

I come from Tanzania, where we have gone through phases where we experienced what we call in democratic terms the “one-party state”, which did not allow for a variety of views. When you look at the models, both political and economic, which are the foundations of how individuals benefit or derive their rights, the more democratic constitutions are probably the best upon which to build on the gains which we have already made.

Regarding the question about dealing with, or the failure to deal with, the “big boys around the corner:” it's not a question of the international community not understanding the power relations, or failing to deal with those power relations. It's the fact that the dynamic of international society leaves, or gives, these kinds of states the monopoly to divorce themselves from the obligations arising from these instruments.

The “War against Terror” is an example. The violation of rights attendant in the campaign against terror – the definition of what terror is – South Africa is very much familiar with that kind of definition in the sense that the fight for freedom was considered to be terror. And because of the peculiar situations of the 21st century, there's now a confusion of determining

who is the freedom fighter and who is the terrorist.

I'm very much convinced that the instruments, international, regional, and the Bills of Rights, are still the best hope of providing the realisation of human rights.

If I may address the specific question on Sudan ... Let me say that the African Commission has followed peace processes across Africa very closely, including the peace process in the Sudan – the southern Sudan from the time of the negotiations in Naivasha. With the adoption of the Naivasha Agreement, and if the parties in the conflict adhere to the obligations which they have assumed under those agreements, then the problems which we are seeing in southern Sudan should be resolved.

The problem, I think, arises when parties do not fulfil the obligations which they have assumed, or which they are supposed to assume under the various peace agreements. It's not a situation peculiar to southern Sudan alone. The experience of many peace agreements is that they will come to a point at which they tend to stutter ... but with the perseverance of the parties, particularly if the parties are committed to what they agreed upon, then I believe this should not be an insurmountable problem.

Because the experience of 30 years of civil war, one would hope that you do not go back to it. So again, it's an appeal to all the stakeholders in the southern Sudan issue, the government of Southern Sudan and the Government of National Unity, to adhere to what was agreed on in Naivasha.



Raenette Taljaard, Helen Suzman Foundation:

I think on the first question from our colleague from Webber Wentzel and indeed, to many of the questions asked by Advocate Bizos, you'll have to forgive me if I put the academic analyst in the closet for a moment and allow the closeted former politician out for a moment, on those two particular questions.

“It is going to take much more than a US presidential election for the global community to really confront what it means to effect multi-lateral reform.” – Raenette Taljaard



Participants at the Human Rights Lecture and Roundtable Discussion on Dignity And Justice For All Of Us: 60th Anniversary of the Universal Declaration of Human Rights.

On the first one, I think that when one looks at the delicate balance that there has to be between individuals both in a rights and obligations sense and individuals mobilised within the context of civil society, and the state adhering to the obligations that are vested in the Bill of Rights to also take positive action, there is a dynamic balance between those relationships, and one cannot exist in isolation of the other.

But I think perhaps the answer to your question lies more on a philosophical level – what can move South Africans out of their ghettos of distrust which they haven't quite dismantled 14 years into the transition, and allow them to create a space where they both get to know one another and actually realise that they are building a country together? I will die before I give up the idealism that that is possible and that is despite six years of cynicism in viewing politics.

On Hassan Lorgat's questions, you're all going to leave the room thinking I am an incurable idealist, perhaps. There are issues in regards to power relations that lie in the extent to which the global community will have to confront the unresolved issues of United Nations reform and the underlying multi-lateral power relations.

I am particularly concerned that whether you're

in the United States or whether you're travelling internationally, people believe that the US presidential election in 2008 is going to function as a rapid multi-lateral silver bullet that is going to cure everything that has happened, both in terms of the US Constitution and in terms of multi-lateral relations.

It is going to take much more than a US presidential election for the global community to really confront what it means to effect multi-lateral reform.

Unless those challenges are directly confronted by everyone in a community that understands the indivisibility not only of rights but of common destiny, it's going to be very difficult to make any multi-lateral institution survive, whether it's the International Monetary Fund, the World Bank, the World Trade Organisation or the UN system. I think we are on the cusp of that challenge and one single election in one country in the world is not going to bring the ultimate conclusion to that.



Jacqueline Nzoyihera, United Nations Office of the High Commissioner for Human Rights:

Is the Universal Declaration for Human Rights universal? I've heard people ask, "Isn't it Western?"

The drafting committee was composed of individuals from around the world: Australia, Chile, China, France, Lebanon, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics. I understand that some experts from Saudi Arabia and other countries also participated in the drafting of the Declaration.

John Humphrey, a Canadian, assisted the small drafting committee as a member of the United Nations Secretariat.

It is true that there was and still is a lot of discussion about the universality of the Universal Declaration for Human Rights but its principles concern all of us. The document puts forward what is now recognised as universal values: human rights are inherent to all; no one can state that this is a Western value.

With regard to the vote of the UDHR which took place in Paris on December 10, 1948, at the Palais de Chaillot, the 58 Member States of the United Nations General Assembly adopted the Universal Declaration of Human Rights, with 48 states in favour and eight abstentions (two countries were not present at the time of the voting).

Reflections

It was good to see people speak openly about the challenges we face, and how almost without exception, people defended the Constitution. Human rights will be the focus for all the Nelson Mandela Foundation's dialogue work into the future. – **Achmat Dangor, CEO, Nelson Mandela Foundation**



Working with the Nelson Mandela Foundation has been wonderful. The name Mandela is synonymous with human rights and converting human wrongs into human rights – he lived those rights. The roundtable was excellent; it wasn't just a celebration, but also a critical appraisal. – **Jody Kollapen, Chairperson, South African Human Rights Commission**



The African Institute of Corporate Citizenship (AICC) is a network of think-tank organisations working in partnership, with the focal point of human rights and business in Africa.

The discussion was interesting because usually we're the ones to put focus on business, but it was good to see other people analysing the role of business and international corporations. It's important to use opportunities to take stock and see where we are the gaps are – the human rights vulnerabilities. We would like more proactive engagement with business.

– **Tagbo Agbazue, African Institute of Corporate Citizenship**



It was an important event marking the adoption of the Universal Declaration of Human Rights.

It is important to speak about the Bill of Rights and to

answer some of the unwarranted criticisms of our Constitution and its provisions, particularly in relation to crime and punishment. Blaming the Constitution isn't very helpful – the prevalence of crime should be addressed by the police and security services, and the administration of justice.

What would those who advocate the death penalty have us do? Would we want to allow detention without trial, torture, and so on? What would they want us to change?

Newspapers, TV, radio – the media – should not only give an opportunity to those advocating retrogressive steps, but have well-informed and suitably qualified people explain the importance of retaining fundamental freedoms the Constitution guarantees, and ought to emphasise the danger of retrogressive steps. – **Advocate George Bizos**





We are very thankful to the SAHRC for inviting us to this Human Rights Lecture and Roundtable Discussion and for their interest in the southern Sudan.

We are also grateful to the South African government for their continued support and look forward to working with them on issues pertaining to human rights. Having come here makes us live in hope that the African Commission will help us and that our “small” problem will no longer just be ours alone.

– *Margaret Peter Abudi, MP, Chairperson of the Southern Sudan Legislative Assembly Specialised Committee of Human Rights and Humanitarian Affairs*

The Human Rights Lecture and Roundtable Discussion was very apt and of course timely. The presentations made sense and helped me to reflect on the core issues of human rights. The frank discussion on the Universal Declaration of Human Rights was much appreciated, no-one copped out and it was very open.

– *Yaa-Ashantewaa Archer-Ngidi, Siyavaya Africa (advocacy group)*



“I realised that there are many challenges still facing human rights but it was heartening to see that the struggle is continuing. We will continue to work hard; we cannot say we have arrived.”

– *Lesedi Sojane, South African Human Rights Commission*

We’re very glad we came. The speakers were exceptional, the panel was excellent and the venue was excellent. – *Margaret Fish, Civicus*

For a change I had a different perspective on what human rights are and how to achieve the Utopian ideals of human rights. We have people saying, “human rights, human rights”, but not saying what they mean. I thought the speakers went into it on a different level, and I got a different perspective of what it means.



Representatives from civil society group Civicus.

– *Tselane Moleba, Civicus*

“I think it’s important that they touched on issues regarding human rights both internationally and locally. We still have a long way to go to move people from the culture of blaming the Bill of Rights and the Constitution for everything that goes wrong in the country. We need these kinds of dialogues to educate ourselves, in order to educate others about human rights.” – *Steven Ngobeni, South African Human Rights Commission*

This was a great partnership with the South African Human Rights Commission.

I thought Raenette Taljaard's input was very reflective, I liked her mention of living Mandela's values, as well as her articulation of the hurdles facing the attainment of human rights.

Having a representative from the United Nations Office of the High Commissioner for Human Rights was also very special. – *Naomi Warren, Dialogue Co-ordinator, Nelson Mandela Foundation*



“I appreciated the emphasis on obligations rather than rights. This emphasis on obligations is a far more useful tool to mobilise people.”

– *Chrystal Cambanis, Legal Aid Board*

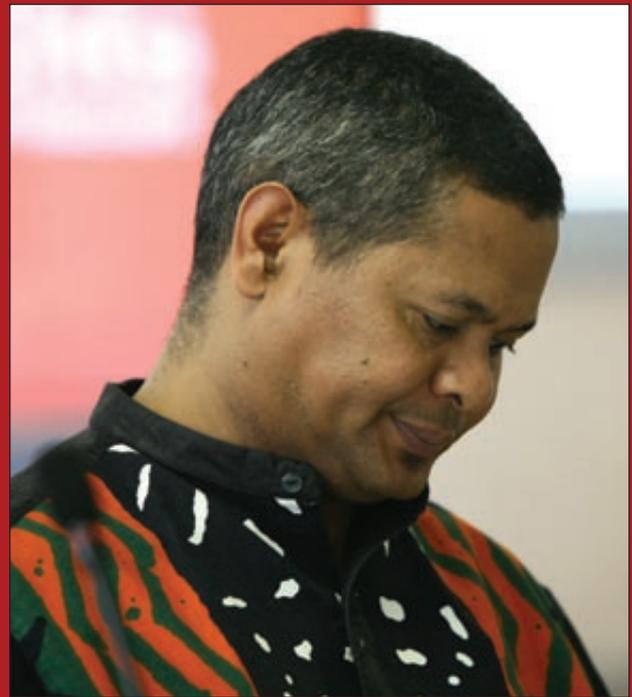
Dialogues are very important, especially when the angle is critical about our achievements. As long as we push those debates ... This particular Human Rights Lecture and Roundtable Discussion is the beginning of a more critical discourse on human rights; it's different from a kind of human rights idolatry, which is important. This kind of critical discourse is needed to cause conceptual shifts in our understanding of human rights. – *Dr André Keet, South African Human Rights Commission*



The African Commission is thinking about establishing a standard curriculum for primary and high school to establish the most basic principles of human rights. A

knowledgeable person contributes so much to the welfare of society. So if people are knowledgeable about human rights, and which rights accrue to you as a person, you'll know how to treat people.

Understandings of human rights are not the same. Dialogue between different people helps achieve a common understanding of what human rights are. It is important to agree on fundamental principles such as equality, for example. And dialogue is the process of doing that. – *Bahame Tom Nyanduga, Commissioner with the African Commission on Human and People's Rights and Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa*



“It was an interesting session. The time factor was a bit of a problem in terms of the issues that came through. People spoke broadly; maybe next time it would be better to focus on a specific topic.” – *Tanuja Munoo, South African Human Rights Commission*

The discussion was fruitful; the role of the African Commission became clear to me. I also liked the frank discussion about the problems facing human rights in the world. It is appalling that even though the Universal Declaration was signed 60 years ago, situations such as Darfur are still occurring. It makes you wonder if the Declaration is worth the paper it's written on. – *Moleshiwe Magana, Legal Resource Centre*



I thought it was very exciting, especially the frankness with which people spoke. The over-riding feeling I have is one of frustration – from every speaker. How on earth do we close this gap, between having human rights on paper, and practising them? It's the key question now, what strategies do we employ? It's opened up several issues for the Foundation to take forward. – *Verne Harris, Head of Memory Programme, Nelson Mandela Foundation*



The Human Rights Lecture and Roundtable Discussion helped me to reflect on the daily work we do, and how as individuals and through the institutions we work for, we are living and promoting the Universal Declaration. We need to make human rights a very significant issue in our daily lives. – *Mothomang Diaho, Head of Dialogue Programme, Nelson Mandela Foundation*



Naomi Warren of the Nelson Mandela Foundation thanks panellist Raenette Taljaard, while keynote speaker Commissioner Bahame Tom Nyanduga looks on.

Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly
Resolution 217A (III) of 10 December 1948

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicise the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories.”

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental

human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(Source: <http://www.un.org/Overview/rights.html>)

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference

with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special

care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

About the Organisations



South Africa's Constitution (1996) enshrines the supremacy of the Constitution and the rule of law. Everyone in South Africa, including the government, and all laws are subject to and must follow the Constitution.

The Constitution also contains the Bill of Rights, which it describes as the "cornerstone of democracy in South Africa" and compels the State to "respect, protect, promote and fulfil the rights in the Bill of Rights".

Recognising that the protection and promotion of human rights cannot be left to individuals or the government, Chapter Nine of the Constitution creates independent national institutions, subject only to the

Constitution and the law, to transform our society from its unjust past and to deliver the fundamental rights in the Constitution to all in South Africa.

The South African Human Rights Commission (SAHRC) is one such national institution, which derives its powers from the Constitution and the Human Rights Commission Act of 1994. It is also given additional powers and responsibilities by other national legislation. Since its inauguration on October 2, 1995, the Commission has taken up the challenge of ensuring that the noble ideals expressed in our Constitution are enjoyed by all in South Africa. The SAHRC works with government, civil society and individuals, both nationally and abroad, to fulfil its Constitutional mandate. For more information please visit www.sahrc.org.za



The Nelson Mandela Foundation is a not-for-profit organisation established in 1999 to support its Founder's ongoing engagement in worthy causes on his retirement as President

of South Africa. The Foundation is registered as a trust, with its board of trustees comprising prominent South Africans selected by the Founder.

The Nelson Mandela Centre of Memory and Dialogue was inaugurated by Nelson Mandela on September 21, 2004, and endorsed as the core work of the Foundation in 2006. The Nelson Mandela Foundation, through its Nelson Mandela Centre of Memory and Dialogue, contributes to the making of a just society by promoting the vision and work of its Founder and convening dialogue around critical social issues.

Memory For Justice

Memory resources documenting the life and times of Nelson Mandela are to be found in an extraordinary range of locations, both within South Africa and internationally. We believe that the vehicle for sharing memory effectively, for growing it, and for engaging it in the promotion of justice, is dialogue.

Dialogue For Justice

It is committed to utilising the history, experience, values, vision and leadership of its Founder to provide a non-partisan platform for public discourse on critical social issues. Achieving community participation in decision-making, even at policy levels, is prioritised.

The Centre aims to perpetuate and re-invigorate the culture of engagement using the examples set by Mr Mandela of inclusive and open dialogue that South Africa is famous for. For more information please visit www.nelsonmandela.org.

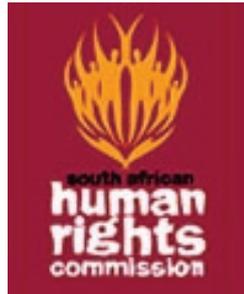


The Office of the United Nations High Commissioner for Human Rights (OHCHR), a part of the United Nations Secretariat, is the global authority on human rights.

It represents the world's commitment to universal ideals of human dignity and has been given a unique

mandate to promote and protect all human rights. Headquartered in Geneva, the Office is also present in some 40 countries.

Headed by the High Commissioner for Human Rights, a position established by the General Assembly in 1993 to spearhead the United Nations' human rights efforts, OHCHR offers leadership, works objectively, educates and takes action to empower individuals and assist States in upholding human rights. For more information please visit www.ohchr.org.



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