

# HUMAN RIGHTS

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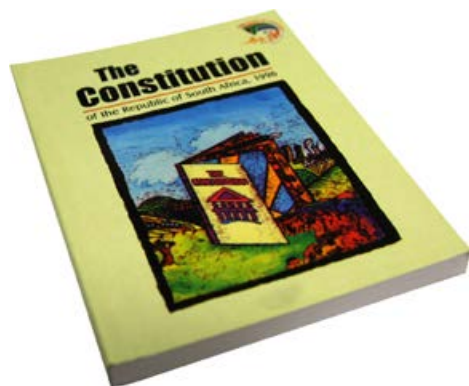
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## WHAT ARE HUMAN RIGHTS?

As the name suggests, human rights are rights that everyone must enjoy, by the mere fact that they are human beings. These rights are inalienable, which means that it cannot be taken away from you except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law and is sentenced to serve time in jail. Human rights are also interdependent and indivisible. The one right affects the other, and no one human right is more or less important than another human right. These rights also come with certain obligations, for example the obligation to respect the human rights of others.

## PARLIAMENT AND HUMAN RIGHTS

Parliament is the custodian of the Constitution of the Republic of South Africa, 1996 (Constitution), and as such subscribes to the culture of human rights. Parliament established the South African Human Rights Commission (SAHRC) in terms of Section 184 of the Constitution. The mandate of the Commission is to promote, protect and monitor the development and observance of human rights in our country.

## PARLIAMENT'S ROLE IN PROMOTING HUMAN RIGHTS

The Constitution lays the foundation for our democracy in South Africa, which has recently celebrated its 20th year. The Constitution which was passed into law by Parliament, binds the State to "Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights," (Preamble, Constitution).

Parliament has also passed laws that promote a culture of respect for human rights, and has repealed those laws which have undermined this. The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) of 2000 is one such piece of legislation. This law aims to promote equality (as per Section 9 of the Bill of Rights), and importantly, it ensures that Magistrates Courts become Equality Courts where cases of unfair discrimination can be tried.

## HUMAN RIGHTS INSTRUMENTS

South Africa is a signatory to a number of conventions which seek to protect the human rights of everyone globally and locally especially those who are most vulnerable including women and children. Firstly, the Universal Declaration of Human Rights is a predecessor to our Bill of Rights. Secondly, South Africa signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child (CRC) and the International Convention on the Elimination of all forms of Racial Discrimination (ICERD).

## THE BILL OF RIGHTS

The human rights of all South African citizens are protected by the Bill of Rights contained in chapter two of the Constitution. The Bill of Rights is a cornerstone of democracy in South Africa and protects our rights pertaining to:

- Equality
- Human dignity
- Life
- Freedom and security
- Slavery, servitude and forced labour
- Privacy
- Freedom of religion, belief and opinion
- Freedom of expression
- Assembly, demonstration, picket and petition
- Freedom of association
- Political rights
- Citizenship
- Freedom of movement and residence
- Freedom of trade, occupation and profession
- Labour relations
- Environment
- Property
- Housing
- Health care, food, water and social security
- Children
- Education
- Language and culture
- Cultural, religious and linguistic communities
- Access to information
- Just administrative action
- Access to courts
- Arrested, detained and accused persons

## WHAT IS HUMAN RIGHTS DAY?

March 21 was declared Human Rights Day in South Africa to commemorate the 1960 Sharpeville massacre. This was the incident when unarmed people who were protesting against the carrying of the humiliating and discriminatory "pass book", also referred to as a "dompas", which was meant only for Black South Africans, were massacred by the apartheid regime's police. This day has now also been declared International Day for the Elimination of Racial Discrimination by the UN.

## SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Parliament, as the custodian of the Constitution which is highest law in the land, strives to promote a culture of human rights in our country. Chapter 9 of the Constitution lists the State institutions supporting constitutional democracy of which the South African Human Rights Commission (SHRC) is one. These institutions report to Parliament.