

# HUMAN RIGHTS

PACSA FACTSHEET

28



## What are Human Rights?

*“Civil rights consist of a cluster of individual and group rights which together with political rights (the right to vote and hold office) constitute the institutional framework of liberty in society.”*

*— Professor Tony Mathews.*

Central freedoms are the freedom of expression and information, freedom of movement and association and the right of assembly. These freedoms are instrumental in that they are the means by which members of a society work for the good life as they conceive it.

It is important that human rights and freedoms are seen in positive as well as negative terms. Freedom is also freedom from imposed poverty and bad health and this presupposes access to educational and occupational skills and health care facilities. Hence the vision of the Freedom Charter that there shall be work and security, that the doors of learning and culture shall be opened, that there be houses, security and comfort, and that there be peace and friendship.

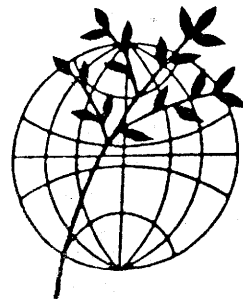
## Historical Background

Although the term human rights is of recent origin, certain rights of people are found in the Old and New Testaments, in the works of Greek philosophers and playwrights, in Catholic and Protestant theologians, jurists, the humanist and liberal philosophers of the eighteenth century and the writers of many constitutions since the French Revolution.

However, although such rights were expressed in general terms, they were often assumed to have no application to slaves, serfs, women, blacks or colonials.

On 10 December 1948 the Universal Declaration on Human Rights was signed by 48 member countries of the United Nations. Countries which did not sign it included Saudi Arabia, the U.S.S.R., Yugoslavia and.....South Africa. In not signing the then new Nationalist government was aware that many of their policies ran counter to provisions such as:

- \* the right to freedom of movement and residence
- \* the right to nationality
- \* the right to own property
- \* the right to freedom of opinion and expression
- \* the right to work and earn equal pay
- \* the right to education
- \* the right to take part in government



PACSA

PIETERMARITZBURG AGENCY FOR CHRISTIAN SOCIAL AWARENESS  
P.O. BOX 2338, 3200 / 170 BERG STREET, PIETERMARITZBURG

## Human Rights in South Africa

We can trace a systematic attack on personal freedom back to the Suppression of Communism Act of 1950 although there were human rights abuses before this. This was followed by a series of detention laws in the early 1960's and culminated in the indefinite detention provision of the Terrorism Act of 1967. The powers of banning and detention provided by these Acts were retained in the Internal Security Act of 1982.

This has been exacerbated by the current State of Emergency which:

- \* allows the detention of people for a period of 30 days which can be indefinitely extended by the Minister of Law and Order,
- \* gives the police and security forces legal immunity for acts committed "in good faith."
- \* severely restricts the reporting of incidents involving the security forces.

Behind such human rights abuses one can see the basic system of apartheid as a primary abuse of human rights. Patricia Derian, U.S. assistant secretary of state for human rights and humanitarian affairs in 1980, said: "South Africa's policy of institutionalised and legalised racism is one of the cruelest forms of human rights abuse in the world today."

## Amnesty International's Call

In March 1986 Amnesty International, an international, non-partisan human rights organisation, launched a campaign against human rights abuses in South Africa. Their call, which is all the more urgent in the light of the current State of Emergency, is for the government to:

- \* release all prisoners of conscience
- \* abolish all legislation that leads to imprisonment on the basis of race
- \* release all political detainees unless they are brought to trial
- \* curb the powers of arbitrary arrest and detention without trial
- \* stop torture and ill-treatment of detainees and other prisoners by withdrawing the immunity given to police and security forces
- \* guarantee that all trials be conducted by recognised standards of fair trial
- \* establish an independent judicial commission of inquiry into torture and ill-treatment and to investigate deaths in custody
- \* extend clemency to people under the sentence of death and to abolish the death penalty (see PACSA factsheet on Capital Punishment)
- \* establish an independent judicial inquiry into allegations that recent attacks on, "disappearances" and killings of government critics have been carried out by agents of the government
- \* investigate thoroughly all cases of killings of civilians by police



## A Christian Response

A Christian concern with human rights is based on the belief that all people are created in the image of God. As such they are accorded a certain reverence which needs to be protected – hence the need for the institutionalised provisions of human rights.

However a Christian concern goes beyond talking about human rights in the negative sense of freedom from torture, arbitrary arrest etc. to talking about them in the positive sense as providing freedom for a meaningful existence. The Christian vision is the fulfillment of God's kingdom of Shalom spoken of by Isaiah:

*"They will build houses and live in them, they will plant vineyards and eat their fruit. They will not build for others to live in, or plant for others to eat; for the days of my people will be like the days of a tree, and my chosen ones will themselves use what they have made."*

—Isaiah 65: 21-22.