

# HUMAN RIGHTS DAY CELEBRATION

THURSDAY, 21 MARCH 2013

I S MFUNDISI

PRESIDENT: UCDP

VENUE: EMBEKWENI SPORTS GROUND

PAARL, WESTERN CAPE

I deem it a privilege to deliver the Human Rights Day speech here at Embekweni, Paarl in the Western Cape. I owe it to Minister Mashatile who is striving to live up to the dictum of Social Cohesion in the Republic.

The government has come to its senses and realises that we are all branches of the same tree. They should accept that in respect of human rights the majority is not the issue; all that matters that in life is that there will always be the first among equals. Majority votes do not make the incumbent party any better citizens compared to other parties including those that did not even gain a single seat.

The Human Rights Day holiday has been occasioned by the mowing down of innocent marchers in Sharpeville some 53 years ago.

We are grateful that when our country opted for democracy the Fathers and Mothers who scripted the constitution included the Bill of Rights in it.

Human rights are those rights which are inherent in human existence and belong to all human persons irrespective of gender, race, caste, ethnicity, religion etc. The Oxford Companion to Philosophy says that in their strongest sense, human rights are justified claims to the protection of the most important interests of people. Human rights are not a gift or bounty of any political superior. The laws are meant to reaffirm and recognise human rights and to provide the mechanism for their enforcement. The upholding of rights is essential for maintaining human dignity.

Rights are 'claims'; they are not appeals to charity. They are 'trumps' that set limits on state action whenever it encroaches upon individual liberty. It is for

this reason that Jack Donnelly pointed out that human rights are a new standard of civilization. All human rights for all should be the clarion call of the century and we must ensure that human rights are universally accepted and respected.

The most essential freedoms are:

- Freedom from discrimination – by gender, race, ethnicity, national origin or religion
- Freedom from want – to enjoy a decent standard of living
- Freedom to develop and realise one's potential
- Freedom from fear – of threats to personal security, from torture, arbitrary arrest and other violent acts
- Freedom from injustice and violations of the rule of law
- Freedom of thought and speech and to participate in decision making and form associations
- Freedom for decent work – without exploitation

Human rights are indivisible, inter-dependent and inter-related having a clear linkage with human development and both share a common vision with a common purpose.

The right to speedy trial is one that is invariably violated by the state and it should not; but equally members of the public also feel that incarceration is the panacea even when the guilt has not been proven. This cannot be right either.

Our people have to know that they have a right to privacy in telephonic conversation. There should be no eaves dropping while one speaks on the telephone; equally unauthorised tapping of telephone conversations are illegal. Domiciliary visits by police without authority or search warrants are a violation of one's freedom of movement.

Our people should not be hampered when they enquire or ask as it is their inalienable right to know and then to have freedom of speech and expression.

A common word used in the bill of rights is 'Everyone'. This refers even to refugees even before the recognition of their status.

My party, the United Christian Democratic Party, in recognising the bill of rights always has this to say; We must all love, respect, serve, consult and be tolerant of mankind as all human beings are created in the image of God.

We live in troubled economic times but by all means we should not engage in child labour nor should we exploit those who work for us by not paying them well or not paying them on the agreed upon time.

Those in government should ensure that they do not abuse their trust by providing services to those in their party only. The issue of producing the membership card of some party before one may be helped is inconsistent with the bill of human rights. It is irregular if state largesse is distributed among those who belong to the ruling party or their next of kin while other deserving people are left out simply because of who they are.

Corruption free governance is a human right. Corruption in the institutions of government derogates the human dignity of people and affects their human rights. The idea that those who were in the struggle should be the first to be considered even if they do not qualify defeats the ends of justice.

In a democracy the need is to practise self-restraint and to innovate or forge new tools only when that is the requirement of public good.

Let us always strive to avoid "ad hocism" – the ticket for one journey for certain people only because it may degenerate into tyranny.

I thank you