

## GUEST COLUMN



# SA's Constitution embodies the Universal Declaration of Human Rights

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*As we commemorate Human Rights Day, our pledge and commitment should be premised on the pursuit to make rights practically realisable for all peoples, writes **Ndivhuwo Mabaya**.*

International Human Rights Day is observed every year on 10 December, the day the United Nations General Assembly adopted, in 1948, the Universal Declaration of Human Rights (UDHR).

This year's Human Rights Day marks its 70th anniversary but also the centenary of former president Nelson Mandela and Albertina Sisulu's lives. These icons embodied the UDHR.

The declaration, born from the ashes of two devastating world wars, consists of 30 articles affirming basic human rights and fundamental freedoms for all and emphasises that "all human beings are born free and equal, both in dignity and in rights".

Although the declaration is not legally binding, its articles have been elaborated in subsequent international human rights treaties, regional human rights instruments, national constitutions and other laws.

The declaration has significantly contributed to the centrality of human rights in our national jurisprudence. South Africa is a state party to all International human rights treaties that stemmed from the UDHR, most notably the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). These two core human rights covenants, taken together with the UDHR, have become known as the UN Bill of Rights.

The anniversary of the UDHR also coincides with the anniversary of South Africa's Constitution, which was signed into law on 10 December 1996 by President Mandela. The Constitution is predicated on the UN Bill of Rights and guarantees the rights enshrined in both the ICESCR and the ICCPR.

The international community was, at the time of the adoption of the UDHR and its two covenants, full of hopes and dreams that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy both sets of rights. The international community was encouraged and looking forward to fulfilling its obligations to promoting universal respect for, and observance of human rights and fundamental freedoms.



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Seventy years on, most of these dreams remain largely unfulfilled. This is due to the fact that we are still faced with the persistent challenges of racism, racial discrimination, xenophobia and related intolerance, as well as poverty and inequality. We can only eliminate them through collective effort and cooperation. South Africa is a believer in multilateralism, the rule of law and global solutions to global problems.

We commend the United Nations, in particular the Human Rights Council, on what it has accomplished but much more has to be done. In line with the two covenants, President Mandela believed that humanity cannot be free without achieving the right to self-determination. No human being can enjoy any human right without this right.

For South Africans, because of apartheid, this right is fundamental, hence our unwavering support for the people of Palestine and Western Sahara. Until they are free, we are also not free, and he would have hoped that we would finish the work of achieving self-determination.

As we commemorate Human Rights Day, our pledge and commitment should be premised on the pursuit to make rights practically realisable for all peoples through the respect for, promotion, protection and fulfilment of all the universally recognised human rights and fundamental freedoms. We also hope that today's commemoration offers an opportunity, in the context of the 70th anniversary of the UDHR, to rally us globally around common values that bind us in the human rights instruments that we have.

The UDHR and its concomitant UN human rights instruments are a good arsenal for use by states to ensure that their citizens are better placed to practically enjoy and realise their human rights. It is clear that humanity still has more to do to give effect to the original vision envisaged in the UDHR.

- Ndivhuwo Mabaya is spokesperson of the Department of International Relations and Cooperation.

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