

THIS INTERNATIONAL HUMAN RIGHTS DAY: REMEMBERING THE MOST VULNERABLE

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The Centre for Constitutional Rights (CFCR) celebrates international Human Rights Day but also calls for the protection of society's more vulnerable groups.

Noluvo Swelindawo lived openly as lesbian in Khayelitsha until she was brutally murdered - supposedly, because of her sexual orientation - joining a growing list of such horrific incidents in South Africa. Despite the fact that the Constitution prohibits unfair discrimination on grounds including 'sexual orientation' - and further that the State is obliged to respect, protect, promote and fulfil the rights in the Bill of Rights - there are simply too many reported incidents of such intolerance. The proliferation of such attacks occurs despite the observance of international Human Rights Day, which day also marks the end of the 16 Days of Activism against Gender-Based Violence Campaign.

South Africa already suffers one of the highest rates of rape in the world - and with women such as Noluvo Swelindawo, their sexual identity adds an extra layer of vulnerability. The 16 Days of Activism against Gender-Based Violence Campaign is meant to address gender-based violence, including the type of violence directed against women who identify as lesbian, gay, bisexual or transgender.

As with similar campaigns, the hype will eventually die down and the public interest will move to the next campaign. Hence it is important that human rights values - which include affording others those same values - be internalised so that the most vulnerable are adequately protected beyond State mechanisms.

The Bill of Rights enshrines the rights of all South Africans and affirms the fundamental values of human dignity, equality and freedom. The State is obliged to respect, protect, promote and fulfil the rights in the Bill of Rights. The State is further obliged to prevent gender-based discrimination and to protect the dignity, freedom and security of women.

The respect, protection and promotion of the values in the Bill of Rights should not end with the State - those same values need to be lived and reflected in the day-to-day lives of ordinary South Africans. That way, the most vulnerable citizens can safely live and achieve their highest potential. It is only when human rights values and freedoms - including dignity - are internalised that harmful and discriminatory practices, often borne out of ignorance and reinforced by cultural practices and social values, can be eliminated.

South Africans across the spectrum are called to observe the rights enshrined in the Bill of Rights in order that its citizens see the society to which they are entitled. This requires all South Africans to be more value-laden, open-minded and more democratic. Ultimately, *that* is how individuals such as Noluvo Swelindawo will find protection.