

FREEDOM CHARTER - SECTION 6: "ALL SHALL ENJOY EQUAL HUMAN RIGHTS".What are Human Rights?

If the question is put to us like that it is probable that most of us would not be able to give an answer. If, however, we are asked what actions of our rulers are preventing us from attaining all the objects set out in the FREEDOM CHARTER, we would be able to answer immediately. Surely it is that the Government is able to ban our meetings, to ban and deport our leaders, to make our organisations illegal, to raid our homes, to confiscate and ban our literature, to silence our speakers, to split and destroy our trade unions, to instruct us where to live and where not to live, to bind us with the chains of the Pass Laws, to educate our children for slavery, to deny us the right to strike or to protest by peaceful defiance under pain of the most savage and inhuman penalties. It is these powers of the Government which are holding back the political weapons of the people, the Congress Movement and the Trade Unions, from developing into the mighty force which will end White domination or 'baasskap' in our country for ever.

All such actions of the Government conflict with the fundamental human rights and freedoms which have been accepted by the vast majority of the nations of the world. This acceptance has been expressed, for all to see, in the United Nations Universal Declaration of Human Rights. Needless to say the South African Government has never put their signature to this document but it is necessary for us to know its contents and to understand how an official Declaration of this kind could appear in a world in which the oppression of peoples and individuals is still widespread.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

The last great World War which ended, about ten years ago, in the defeat of the Fascist tyrants who gained the mastery of Germany, Italy and Japan, aroused millions of people throughout the world to defend themselves from the fascists who threatened to destroy the fruits of a 100 years of struggle and to cut off the advance of those who were struggling for their national independence. Everywhere, particularly in the Far East and Europe where the people lived under the heel of the Fascists, great strides were made by the democratic organisations of the people which led the armed struggle for national liberation. There was a great upsurge of the people who emerged from the war strengthened by their experience of struggle and unity and determined to end the oppression of nations and individuals because of their colour, race, beliefs or backwardness. Of course, there were some leaders, especially in Britain, France and the United States, who feared this development but they were forced to accept it because the war could not have been won, and their profits safeguarded, without the united efforts of the common people. In order to gain this support the United Nations published, at a critical stage of the war, the Atlantic Charter which became the official Aims of the War against Fascism and which proclaimed many of the human rights which were later put into the Universal Declaration of Human Rights, and accepted by the United Nations Assembly as the measure of freedom everywhere.

So we see that this Declaration was really the result of the struggle and strength of the people. And so it was with other famous declarations of the freedom of ordinary people such as the Bill of Rights of the United States Constitution which was a result of the American War of Independence from British domination; the ideas of 'Liberty, Equality and Fraternity' which arose out of the French Revolution; the Constitutions of the Soviet Union and New China, and our own FREEDOM CHARTER.

Unfortunately the mere existence of these Declarations is not sufficient to safeguard the freedoms which were won so dearly. It is necessary for the whole strength of the people to be mobilised in the struggle to achieve or defend the rights described in the Declaration. The actions of the South African Government; of the British Government in Malaya, Kenya and Cyprus; of the French Government in Indo-China & North Africa where the national liberation movements are being ruthlessly attacked, and the worldwide attempts of the United States to foment a new and terrible war show that the United Nations Organisation is making no real effort to implement the Universal Declaration of Human Rights.

It is not possible to quote the whole of the Declaration but let us

see what rights a man must have to be considered free by the United Nations Assembly. At the same time we will compare these with section 6 and other sections of the FREEDOM CHARTER and with the powers contained in the Laws passed by South African Parliaments.

THESE ARE HUMAN RIGHTS.

1. The Universal Declaration of Human Rights (UDHR) starts off by saying that 'It is essential if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by Rule of Law.'

The FREEDOM CHARTER says almost the same thing:-'that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people.'

Although Minister of Justice Swart has shown by the Laws he has introduced and by the actions of his police force that he is the last one who would grant to the non-White people the right to rebel against tyranny (even by peaceful defiance), he nevertheless has claimed this right for himself. In 1953, during a debate in Parliament, he said "There was a time when I was in prison, in gaol, during the rebellion of 1914. Judge me today by that: I do not mind. In the circumstances of that time I should probably act the same way if circumstances arose. But I am not going to say today that I was wrong then. I know I took part in the rebellion and was put in gaol." He was referring to the armed rebellion of Afrikaners against British domination which took place in 1914 in the Transvaal and Free State when South Africa was at war with Germany for the first time.

2. The UDHR says 'Everyone has the right to freedom of opinion and expression, of assembly and association...'

The FREEDOM CHARTER says 'The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children;'

Have the people of South Africa these rights? No, they have not. The Suppression of Communism Act gives the Government the right to ban organisations and their leaders, to take away from people (not only communists) the right to speak at or attend meetings. The Riotous Assemblies Act allows the Government to ban meetings, books or pamphlets etc. Where these are considered to create feelings of hostility between Whites and non-Whites. And, of course, anyone who campaigns against Apartheid is considered to create such feelings! The Customs Act enables the Government to stop 'objectionable' literature from entering the country. In their eyes 'objectionable' describes any book or pamphlet which exposes Apartheid or which may help the struggle of the Congresses for national liberation. The Bantu Education Act puts the education of African children entirely in the hands of a Minister who believes that 'There is no place for them in the European community above the level of certain forms of labour' and that 'The school must equip him to meet the demands which the economic life of South Africa will impose upon him'. None of these powers of the Government can be challenged in the courts.

3. The UDHR says 'All are equal before the law and are entitled without any discrimination to equal protection of the law and to effective remedy by competent national tribunals...'

The FREEDOM CHARTER (Section 5) says 'No one shall be imprisoned, deported or restricted without fair trial.'

Have the people of South Africa this right? No, they have not. The Notives' (Urban Areas) Act, the Native Administration Act, the Suppression of Communism Act the Pass Laws and the Native Land Act all give the Government wide powers to ban, deport and restrict millions of South Africans without trial. The Public Safety Act empowers the Government to declare a state of emergency during which the Minister can virtually do as he pleases and there is no provision for control by Parliament.

4. The UDHR says 'No one shall be subjected to interference with his privacy, family, home or correspondence...'

The FREEDOM CHARTER says 'The privacy of the house from police raids shall be protected by law.'

Have the people of South Africa these rights? No, they have not. Using the Pass Laws the police are constantly raiding the homes of the African people at all hours of the day and night. Thousands of arrests are made for petty offences - families are terrorised and homes turned upside down. The Criminal Law Amendment Act of 1955 allows any policeman to enter any home at any time without a warrant if he considers that a crime is being committed.

5. The UDHR says 'Everyone has the right to freedom of movement and residence within the borders of each state, and the right to leave any country, including his own, and to return.'

The FREEDOM CHARTER says 'That all shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad.'

Have the people of South Africa these rights? No, they have not. The Pass Laws, the Native Land Act and Native Administration Act, the Group Areas Act the Suppression of Communism Act, and the Immigration Act which restricts the movements of Indians, all deny to millions of South Africans the right to live where they please and to travel where they please. In addition the Passport Act prohibits anyone from going abroad without the consent of the Government. These restrictions are naturally imposed on their political opponents who dare to criticise Apartheid. Again there is no appeal to the courts.

There is no end to the examples of the destruction of human rights and civil liberties carried out by this and previous Governments of South Africa. Millions of South Africans have never enjoyed such rights and others, including all White South Africans, enjoy them only if they bow the knee to the 'baasskap' racialism of the Nationalists which is one way of saying that they do not enjoy them at all.

#### CONCLUSIONS.

1. We need no more proof of the importance of human rights or of the need to include these in the aims of the people for a free South Africa. Section 6 of the FREEDOM CHARTER is essential for the achievement of national liberation. The other aims of the FREEDOM CHARTER cannot be enjoyed or even attained if fear is not banished from our Land.

2. Democracy, or the rule of the majority, depends on the right of each one of us to join with others in order to criticise and protest against acts which we consider are not in our interests. We must have the rights which enable us to fight back against any powerful minority which may arise among us and threaten the wellbeing and progress of the majority of the people.

3. It is also true to say that with the right to freedom must go the duty of loyalty to the people as a whole. No one can expect to be free to do what he likes regardless of the interests of the majority of the people or their representatives, which are therefore democratic decisions, must bind those who wish to live in our free society, otherwise there would be chaos and strife. For instance, in a land which upholds racial equality, no individual will be free to stir up racial hatred. This is so obvious that it need hardly be mentioned.

4. Lastly, the FREEDOM CHARTER, with all the fine ideals contained therein, is not worth the paper on which it is printed unless the will to achieve those ideals is planted deep in the hearts of the millions of oppressed South Africans. Too little has been done to defend those rights which have been destroyed by the present Government and it will need the united and strenuous effort of all democrats to regain that ground and press on to the goal set out in the FREEDOM CHARTER.

F R E E D O M F O R A L L !

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**TREASON TRIAL, 1956 1961**

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