

Speech by Amb Lodewijk Briët on the occasion of the launch of the

Access to justice and promotion of Constitutional Rights Programme

Orange Farm – 10/12/2008

Honourable Deputy President Baleka Mbete,
Honourable Minister Surty,
Representatives of the South African Government,
Representatives of EU Member States,
Members of Civil Society Organisations.
Members of the media,
Ladies and gentlemen of the Orange Farm community,
Honoured guests ...

- Allow me to start off by saying how greatly honoured I am to be able to share today's event with you, Madam Deputy President, and you, Minister Surty. Not only because I believe that we share a deeply held conviction that justice and constitutional rights must be accessible to all, but because today we celebrate together the 60th anniversary of the Universal Declaration of Human Rights (UDHR), which represented the first step in establishing a comprehensive international framework for the protection of human rights.
- 60 years on, the Declaration remains as pertinent as ever. Furthermore, the Declaration is now widely accepted as part of customary international law – testimony to the genuinely universal nature of the rights it enshrines.

- As Louise Arbour, the previous UN High Commissioner for Human Rights recently stated: “In a post-war world scarred by the Holocaust, divided by colonialism and wracked by inequality, a charter setting out the first global and solemn commitment to the inherent dignity and equality of all human beings, regardless of colour, creed or origin, was a bold and daring undertaking, one that was not certain to succeed...”
- Today, available in 360 languages, the Declaration is the most translated document in the world – a testament to its universal nature and reach. It has inspired the constitutions of many newly independent states and many new democracies including South Africa. Though the declaration with its broad range of political, civil, social, cultural and economic rights is not a binding document, it has inspired more than 60 human rights instruments which together constitute an international standard of human rights.
- International Human Rights Day represents an invaluable opportunity to reflect on the persistent human rights challenges worldwide and to identify what further steps South Africa and the European Union can take, together and independently, to promote human rights both within our immediate spheres of influence as well as throughout the world.
- In this context I believe that it is pertinent to flag the issue of Zimbabwe where untold human misery, destitution and hunger are increasingly threatening to destabilise the wider region. Let me say just this: for how much longer can the world continue to stand by idly? We have pledged some €9 mil to help deal with Zimbabwe's

cholera epidemic now spilling over into South Africa and we stand ready to make available significant resources for reconstruction on the achievement of an internationally acceptable political solution in Zimbabwe.

- Human rights lie at the heart of the EU's external relations. The EU had learned from the horrors of the past that peace and prosperity can only be built through respect for human rights. The EU's vigorous campaigns worldwide against the death penalty and against torture bear testimony to this.
- Through the European Instrument on Democracy and Human Rights (**EIDHR**), ... you will see some banners in this regard here today ... the EU funds civil society actors worldwide working to promote human rights.
- The EU's **external representations** (some 135 worldwide) also play a central role in promoting human rights. The Commission has made sure that, in the mandate granted to its Heads of Delegation worldwide, human rights are given a prominent role. Heads of Delegation are tasked to maintain regular contacts with all civil society organisations active on human rights issues, to follow closely human rights issues – including the situation of individual human rights defenders – and to integrate a human rights perspective into all actions which they undertake. This may also include providing financial support to human rights defenders – in South Africa, through various initiatives, we have been privileged to support the **16 Days of Activism Campaign**, which draw to a close today.

- Allow me to make mention of two further initiatives we support: First, a programme on victim empowerment with the Department of Social Development in collaboration with the UN Office on Drugs and Crime and secondly, an important ongoing initiative through which we support the National Prosecuting Authority to fight human trafficking.
- On a multilateral level the EU has been extremely active in the creation of the new **UN Human Rights Council**. The EU works towards the enhancement of the Council as a credible, effective institution that should be able to address in a timely manner issues related to the protection and promotion of human rights all around the world.
- Furthermore, the EU welcomes the commitment of the **new UN High Commissioner for Human Rights**, a South African with a strong history in the fight for Human Rights, Ms Navi Pillay, to step up her efforts in the pursuit and worldwide advocacy for human rights.
- But back to South Africa - today, 14 years into your democracy, South Africa is asking itself: "How as a nation, can we close the gap, between the promise of political and social justice enshrined in the Constitution, and its delivery to all citizens?" This, without a doubt is a question that needs to be answered not only from the side of government but also by civil society.
- I strongly believe that the development of a human rights culture in South Africa is largely dependent on the development of a broader knowledge of human rights and of the mechanisms to access them.

It also requires a constant engagement to nurture respect and support for the protection of constitutionally guaranteed rights.

- In its revised Strategy Framework (2009-11), the Department of Justice acknowledges that, in the light of the prevailing socio-economic environment, 'it faces serious challenges in delivering justice services in the country'. That is why the new strategy specifically aims at addressing these challenges and improving access to justice services'. It also acknowledges that this cannot be done without the help of civil society.
- It is important in our view that government engages not just civil society as service provider and advocate but also the citizen in the triangular nexus of policy maker – service provider – citizen. In South Africa you already use citizen scorecards in certain fields; this is an excellent example of how end users of public service can provide feedback to policy makers.
- The European Union is a long-standing partner of the Department of Justice and Constitutional Development; this partnership goes back as far as 1996 with the creation under the auspices of the Department of Justice of the then called 'European Foundation for Human Rights' (which later became the South African Foundation for Human Rights), combined with support to many communities based organisations in the justice sphere over a ten year period. We have also collaborated with the department of justice more recently, on an important e-Justice programme that aimed to increase the effectiveness of the administration of justice.

- Together, the South African Department of Justice and Constitutional Development (DOJ&CD) and the European Union (EU) have decided to embark on a new programme entitled “Access to Justice and Promotion of Constitutional Rights”. The objective of the programme is to contribute to the strengthening of democracy by improving access to justice and promoting constitutional rights for South Africa's most vulnerable citizens, in partnership with civil society organisations.

- In line with the Paris Declaration on Aid Effectiveness (adopted in 2005) and Accra Agenda for Action of September this year, the European Union has agreed through the modality of sector budget support to provide €20 mil, or some R260 mil, to the department of Justice to support the implementation of its revised strategy. I reiterate the point that it is not our aim to support specific activities that we have a particular interest in – this money supports the implementation of the policy and strategy of the Department of Justice. In doing so, we respect the principle of ownership that is at the heart of our cooperation with the South African government.

- My hope is that by 2011, the Department of Justice and Constitutional Development will have achieved most of the goals it has set in its strategy. In other words:
 - that the poorest communities will have easy access to legal advice, both in the marginalised rural and township areas;

 - that equality courts, competent to address unfair discrimination will have been set up in all provinces;

- that the equality act will be known by most citizens,
 - that constitutional rights awareness programmes will flourish throughout the country;
 - that children at risk will visibly benefit from the restorative justice system,
 - that refugees, asylum seekers and migrants will have benefited from legal support services;
 - and that dialogue between government and civil society organisations on issues related to justice and human rights will be meaningful to the citizens....
- Through this intervention, the European Union is hoping to support the South African Government in its efforts to reach out to the most vulnerable and ultimately to help promote a better society in which all people can fully enjoy their rights. Empowering people to enrich the democratic process is key to South Africa's future. It must begin with tangible steps to ensure that justice is for all.
 - I have great faith that this programme will contribute significantly and I am honoured that as the European Union we can contribute to such an important cause.
 - I wish you well in this challenge of putting people first, or "Batho Pele" as the locals say.

Thank you