Honouring Kader Asmal
Proposal for
Annual Human Rights Awards

2013
1.1 BACKGROUND

Historical and contemporary questions about the place and role of Human Rights and Civil Liberties in South Africa continue to occupy centre stage in the national debate and psyche. Given the historical evolution of the South African nation state, these questions are better understood in the context of the South African Constitution which laid the foundation for the post-apartheid constitutional democracy.

The constitution is premised on an understanding of multiplicity of rights which are concurrent and promotes a non-hierarchical approach to rights and all freedoms. It is this balance between all forms of rights and liberties which lay solid foundation for a society that seeks not only to redress the inequalities of the past but also builds a future in which all forms of human dignity are realized and respected.

In South Africa, as in most societies, constitutionalism and its relationship between daily realities and choices – of government, the judiciary, the legislature, civil society (in its broadest sense) – continues to be a subject of interpretation and contestation in order to give meaningful understanding and access for all citizens. The constitution has to be understood by all people so that they can have a clearer sense of ownership and understanding and to minimize its vulnerability to inclinations of those in power.

There are many stakeholders, champions and civil actors in addition to the government and its institutions who are seized with the vexing question of what it means to live in a democratic constitutional state. What does it mean to have rights and liberties protected in the constitution? What are the implications of this on questions of governance, separation of powers, credibility of state institutions, the role of citizens and all those who live in South African society?

Attempts to answer these questions are found in the creative expressions of activism by South Africans, the choices and struggles of ordinary people as they seek to translate the constitution into a living and meaningful document in their lives. Of necessity, different actors emerge at different times to lay claim to aspects of the constitutional liberties and freedoms. These processes also lead to organic growth of organisations, civil actors and community leaders who educate, promote, and campaign for the advancement of the rights advanced in the constitution.

This is a proposal to affirm the importance of civil liberties in our society, by establishing an award recognising those who make a contribution to human rights and civil liberties in communities. This recognition must also go hand in hand with a concerted and strategic effort to make human rights a subject of interest particularly amongst young people, to stimulate their interest, nurture creative expression but also to offer a platform for their views and understanding to find recognition in the national and international spaces.

The Human Rights Award (as it is proposed the award should be called) will be named after Professor Kader Asmal. Kader Asmal devoted his life to securing, protecting and advancing human rights. His life as a freedom fighter concentrated on the questions of self-determination, the universality of human rights and all forms of human dignity.
In his rich and illustrious life, Asmal pursued academic rigour on Public International Law, Human Rights, Constitutional Democracy and promotion of all freedoms. He was also an activist involved within the national liberation movement and solidarity organisations, and later served in various capacities in government after 1994. His pre-occupation with constitutional liberties and freedoms never diminished and to all his portfolios, he brought these different aspects of his academic skills and humanitarian passion. He was also founder of the Irish Council for Civil Liberties.

Prof Asmal was an honorary member of the Council for the Advancement of the South African Constitution (CASAC), and one of the key protagonists in its establishment. It is proposed that this award forms part of the portfolio of activities managed by CASAC in support of its primary mandate – the realization of the progressive vision of the South African constitution, which was close to Asmal’s heart.

1. APPROACH

CASAC proposes an award that is primarily directed at civil liberties (i.e. civil and political rights). By focusing on civil liberties we do not under-estimate the importance of concurrent rights, socio-economic rights, environmental (3rd generation rights) and others. However, there is a danger that civil liberties may be taken for granted, as having been achieved and therefore not threatened.

- Contemporary experience reveals a somewhat complex and different picture. Civil Liberties are as contested as any other rights in society. Consequently, it is important to have a focused award – which is located within a concrete programme that promotes civil liberties. It is revealing that in many societies, including South Africa, civil liberties are often the most vulnerable and jettisoned when juxtaposed against socio-economic rights. Of course, a closer study of these patterns shows that more often than not, it is the lack of lack of attention to civil liberties that is often masked by supposedly hyper-stated commitment to socio-economic rights. Civil liberties are sacrificed at the altar of socio-economic rights yet this tends to be no more than a statement of intent rather than real commitment to the realization of those rights.

CASAC, through this award will show the interconnectedness of all rights and demonstrate that when civil liberties are undermined or not clearly understood, it is not possible to provide socio-economic rights in an environment where political rights are not secured.

Two components of the Award

The award is proposed to initially have two components to encourage inter-generational recognition and affirmation of contributions at different levels of society. The success of this programme will also depend on the extent to which CASAC is able to mobilize partnerships and encourage collaboration between stakeholders.

The award will also have a presence and a life before and after the actual events through effective and creative use of social media and CASAC’s website.
This aspect is elaborated more fully in the proposal below.

### 1.1 Public Forum on Constitutionalism, Human Rights and Civil Liberties

This is proposed to be a high profile event focusing on the state of South Africa’s constitutional democracy taking the form of a public lecture with one or two respondents. A suggested topic for discussion at this inaugural Forum is managing transitions in societies in periods of political re-alignment, and the role of democratic institutions of governance in addressing threats to human rights and civil liberties.

It is critical is to ensure that the Forum is consistent and trenchant in its engagement with the issues confronting the nation. It will be equally important is to ensure that there is broad public participation and that the event brings South Africans from different walks of life together to reflect and with engage each other. In this regard it will be very useful to secure the support of television and radio broadcasters to maximize the reach of the Forum.

It is proposed that this is organized as an annual event in March, and as close to the South African Human Rights Day as possible.

### 1.2 Essay Competition for students

The announcement of the competition will target fora and media that are most accessible and has a wide reach for young South Africans, including conventional print and electronic media that is relevant to young people. Social media platforms that are popular amongst young people of this age will also be used.

Students will be invited to write essays on issues pertaining to constitutionalism, human rights and rule of law – within the context of CASAC’s work. They will be encouraged to look beyond the obvious line of vision and write essays that contribute to the construction of thought processes and consciousness of Human Rights and Civil Liberties, and in particular the interface with broader issues of development and economic well-being.

Appropriate platforms of engagement will be utilized to ensure that the announcement and the discussion around the competition gain traction amongst students. The students may be encouraged to use the essays that have been submitted for publishing in relevant journals.

Of immediate interest for CASAC will be to set up the competition and encourage students to enter. CASAC will seek to work in partnerships for these awards. One of the strategic partners would be Students for Law and Social Justice (SLSJ).

Essay awards could be linked to a commitment to publish the essays through partnership with the print media.
For the student’s essay, the prize would be a trip to the Republic of Ireland where Kader Asmal spent 27 years of his life). This could be implemented in partnership with the Irish Embassy and the Irish Council for Civil Liberties.

The tertiary students’ prize could be a fellowship to Trinity College, Dublin where Prof Asmal taught for many years or a university in the UK In the latter regard, CASAC would explore collaboration with the Canon Collins Trust to co-sponsor and administer the fellowship award.

1.3 Award for services to civil liberties

This award will be made to individuals/organizations or communities who have made extraordinary contributions towards advancing civil liberties.

A specially constituted evaluation committee would be constituted to manage the adjudication and selection process.

The award for this category, it is proposed, should be R25,000 which the individual/organization or the community can put back in the promotion of the work they do. Partnerships with the media would be ideal for this to ensure advertising, informing the public and publishing the essays and individual / organization / community initiatives.