

**16.26 RAPPORT DEPUTATE EKUMENISITEIT – OWERHEID – CHRISTELIKE KONSEP VAN FUNDAMENTELE REGTE (Artt 126, 277, 321, 332)**

**16.26 REPORT DEPUTIES ECUMENICITY – AUTHORITIES – ON A CHRISTIAN UNDERSTANDING OF FUNDAMENTAL RIGHTS (Arts 126, 277, 321, 332)**

- A. Ds C Aucamp stel die Rapport.  
Rev C Aucamp tables the Report.
- B. **Besluit:** Verwys na die Ordekommissie om 'n ad hoc kommissie saam te stel om die Sinode oor pt 3.2.12 te adviseer.  
**Decision:** Referred to the Order Commission to appoint an ad hoc commission to advise the Synod on 3.2.12.
- C. Ds C Aucamp rapporteer namens die ad hoc kommissie.  
Rev C Aucamp reports on behalf of the ad hoc commission.
- D. **Besluit:** Verwys ad hoc kommissie 4.  
**Decision:** Referred to ad hoc commission 4.
- E. Ds N Boy rapporteer namens die ad hoc kommissie 4.  
Rev N Boy reports on behalf of the ad hoc commission 4.
- F. **Besluit:** Die Rapport word na ad hoc kommissie 4 terugverwys om die formulering reg te stel.  
**Decision:** Report is referred back to ad hoc commission 4 to fix the formulation.
- G. Ds N Boy rapporteer namens die ad hoc kommissie 4.  
Rev N Boy reports on behalf of the ad hoc commission 4.

**H. RAPPORT / REPORT**

<p><b>1. Opdrag</b> Acta 2015:132, 16.13.2.1: “Die Deputate ontvang ‘n mandaat om ‘n studie te loods oor fundamentele regte vanuit ‘n Christelik-Reformatoriese perspektief”.</p> <p><b>2. Opdrag</b></p> <p>2.1 Die opdrag is spesifiek gefokus op ‘n Christelik-Reformatoriese perspektief op fundamentele regte. Onder Christelik-Reformatories word verstaan ‘n teologiese benadering in ooreenstemming met die Gereformeerde Belydenisskrifte en Drie Formuliere van Eenheid.</p> <p>2.2 Fundamentele regte word verstaan as subjektiewe, konkreet omskrewe en juridies-afdwingbare bepalinge wat opgeneem is in ‘n Grondwet om individue te beskerm teen kollektiewe magmisbruik deur ‘n Staat of ander instellings en groepe. Dit poog om eienskappe van die mens wat tot die essensie van menswees hoort te definieer en juridies te beskerm.</p> <p>2.3 Omvattende amptelike studies oor menseregte is binne die Gerefor-</p>	<p><b>1. Mandate</b> Acta 2015:132, 16.13.2.1: “The Deputy receives a mandate to do a study on fundamental rights from a Christian-Reformed perspective”.</p> <p><b>2. Mandate</b></p> <p>2.1 The resolution specifically focusses on a Christian-Reformed understanding of fundamental rights. We understand Christian-Reformed as a theological approach that stands in the tradition of the Reformed Confessions and the Three Formulae of Concord.</p> <p>2.2 We understand fundamental rights as subjective, concretely defined and juridical enforceable stipulations that are incorporated in a Constitution to protect individuals against collective power abuse by the State, other institutions or groups. Bills of Rights are designed to define those characteristics of the human person that belong to the very essence of human nature and to protect them legally.</p> <p>2.3 Comprehensive studies on human rights have been lodged within the Reformed</p>
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<p>meerde tradisie geloods, terwyl Gereformeerde teoloë ook uitvoerig oor die onderwerp geskryf het. Die Deputate beperk hulleself daarom tot die vernaamste teologiese beginsels ter sprake (kyk WARC, 1976; RES 1983; Helberg, 1984; Du Toit 1988; Van Wyk 1987; Vorster N, 2003; Vorster J.M, 2004).</p>	<p>Tradition, while various reformed scholars have researched the topic extensively. The Deputy therefore limit themselves to the most important theological principles at stake (see WARC, 1976; RES 1983; Helberg, 1984; Du Toit 1988; Van Wyk 1987; Vorster N, 2003; Vorster J.M, 2004).</p>
<p>2.4 Dit moet duidelik wees wat met Fundamentele Regte bedoel word: The Department of Justice and Constitutional Development sê die volgende oor Fundamentele Regte: "It enshrines the rights of all people in our country and affirms the democratic values of <b>human dignity, equality and freedom</b>". Hierdie is egter nie wat ons as Fundamentele Regte verstaan nie. Daarom word die Rapport van die Deputate as perspektief of getuienis daargestel.</p>	<p>2.4 It must be clear what is meant by Fundamental Right from a legal perspective: The Department of Justice and Constitutional Development says the following on Fundamental Rights: "It enshrines the rights of all people in our country and affirms the democratic values of <b>human dignity, equality and freedom</b>". This however is not what we understand as Fundamental Rights. Therefore the Report of the Deputies is presented as perspective or witness.</p>
<p><b>3. Skrifbeskoulike en Teologiese Beginsels</b></p>	<p><b>3. Scriptural and Theological Principles</b></p>
<p>3.1 Regte vloei voort uit die status wat God aan die mens toeken deur die mens na sy beeld te skape, in 'n verhouding met die mens te tree; en skeppingsgawes aan die mens te skenk. Elke mens ontvang lewe van God (Gen 2:7) en die Gees van God is in alle mense teenwoordig (Gen 6:3).</p>	<p>3.1 Rights emanate from the status that God awards to human beings by creating them after his image, entering into a relationship with them, and bestowing to them his creational gifts. Every human person receives life from God (Gen 2:7), while the Spirit of God is present in all human beings (Gen 6:3).</p>
<p>3.2 Alle mense is geskape na die beeld van God en besit daarom inherente menswaardigheid en verantwoordelikheid (Gen 1:26). Die sonde skend die mens se beeldskap van God en korrupteer alle aspekte van die menslike bestaan, maar vernietig nie die mens se geskapeheid na die beeld van God nie (Gen 9:6; Efes 4:24; Kol 3:10).</p>	<p>3.2 All human beings are created in the image of God and therefore possess inherent dignity and responsibility (Gen 1:26). Sin distorts the image of God and corrupts all aspects of human existence, but does not destroy the human's createdness in the image of God (Gen 9:6; Ephes 4:24; Col 3:10).</p>
<p>3.3 Dat die mens steeds die beeld van God is, is te danke aan God se algemene genade en voorsienige regering waardeur Hy die mens as sy skepsel handhaaf en verder Sy skepping teen wetteloosheid en anargie beskerm (Calvyn, Inst 2.1.8; 2.2.12; NBG, art 14).</p>	<p>3.3 That man is still image of God, is due to God's general common grace and providential reign whereby He maintains the human being as His creature and furthermore protects His creation against lawlessness and anarchy (Calvin, Inst 2.1.8; 2.2.12; BC, art 14).</p>
<p>3.4 God se Wet is die norm en maatstaf vir geregtigheid. Dit geld vir alle mense en omskryf die wederkerige pligte van mense teenoor mekaar. As Bron van</p>	<p>3.4 God's Law is the norm and measure for justice. It applies to all human beings and circumscribe the duties that human beings owe to each other. As the Source</p>

<p>geregtigheid eis God dat die mens geregtigheid sal nastreef (Jer 23:6; Ps 129:4, Eks 20:5, 6).</p> <p>3.5 Liefde tot God en die naaste is die sentrale gebod. Christelike liefde strek nie net tot die onmiddellike naaste nie, maar alle mense ongeag ras, geslag en status (Matt 5:44, Luk 6:31; Gal 3:28).</p> <p>3.6 God se soewereine heerskappy begrond en begrens alle aardse mag. Owerhede is instellings van God wat reg en orde in verantwoordelikheid teenoor God moet handhaaf. Wanneer owerhede hulle gesag misbruik deur onderdane op 'n onmenslike wyse te behandel, tree hulle buite hulle mandaat op en word God se eer as Skepper aangetas (kyk Rom 13:1-7).</p> <p>3.7 Jesus Christus is die volmaakte beeld van God. Aangesien Christus die heerlijkheid van God uitstraal word die mens opgeroep om gelykvormig aan die beeld van Christus te word. Die vernuwing van die mens se beeldskap vloei voort uit die genadige werking van die Heilige Gees wat in die hede begin en in die toekoms met die Voleinding voltrek word. Navolging van Christus vereis dat gelowiges soos Christus o.a. omsien na die regte van die weerloses (Deut 24:17-22; Efes 5:2; 2 Kor 3:18).</p> <p>3.8 Die Koninkryk van God vorm die raamwerk waarbinne die gelowige geregtigheid najaag. As burgers van God se Koninkryk het Christene 'n plig om die Godgegewe regte van hulle medemense te respekteer, beskerm en te bevorder; verantwoordelikhede na te kom, vrede na te streef; kerk en samelewing te reformeer; en sosiale ongeregtigheid aan te spreek (Matt 5:1-12).</p> <p><b>Besluit: Rapport goedgekeur (wysigings reeds aangebring – Deputate Handeling).</b></p> <p><b>Bronne</b>  Calvyn, J. 1992. Institusie van die Christelike godsdiens 1559. Boek 2. Uit die Latyn vertaal deur H.W. Simpson. Potchefstroom : Calvyn Jubileum Boekefonds.  Du Toit, D. 1988. Die mens en sy regte: geloof en praktyk in Suid-Afrika. Kaapstad :</p>	<p>of righteousness God demands that humans enact righteousness and justice in their lives (Jer 23:6; Ps 129:4, Ex 20:5, 6).</p> <p>3.5 Loving God and our neighbors are the central command of God's Law. Christian love does not only extend to the immediate neighbor but to all people irrespective of race, gender or status (Matt 5:44, Luke 6:31; Gal 3:28).</p> <p>3.6 God's sovereign reign gives the foundation and limits for all earthly power. Authorities are institutions of God who ought to maintain law and order in obedience to God. When authorities abuse their power by treating their subjects inhumanely they act outside their mandate and violate God's glory as Creator (see Rom 13:1-7).</p> <p>3.7 Jesus Christ is the perfect image of God. Since Christ exhibits the glory of God, the Gospel calls on human persons to conform to the image of Christ. The renewal of the human's image is due to the gracious work of the Holy Spirit who starts his sanctifying work in us during the present, and will bring it to full fruition at the Consummation. Following Christ requires that believers among others, guard the rights of the vulnerable as Christ did (Deut 24:17-22; Ephes. 5:2; 2 Cor 3:18).</p> <p>3.8 The Kingdom of God forms the framework within which the believer ought to search for justice. As citizens of God's Kingdom; Christians have a duty to respect, protect and promote the God given rights of their fellow human beings, to fulfill responsibilities, to search for peace, to reform church and society and to challenge social injustice (Matt 5:1-12).</p> <p><b>Decision: Report approved (amendments already added – Deputies Acta).</b></p> <p><b>Sources</b>  Calvin, J. 1992. Institusie van die Christelike godsdiens 1559. Boek 2. Uit die Latyn vertaal deur H.W. Simpson. Potchefstroom : Calvyn Jubileum Boekefonds.  Du Toit, D. 1988. Die mens en sy regte: geloof en praktyk in Suid-Afrika. Kaapstad :</p>
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<p>Zebra. Helberg, J.L. 1984. Die Ou Testament oor menseregte. <i>In die Skriflig</i>, 18(72):4-12. Reformed Ecumenical Synod. 1983. Testimony on human rights. Grand Rapids, Mich. : RES. Van Wyk, J.H. 1987. Etiek en Menseregte. <i>In die Skriflig</i> 21 (81):31-40. Vorster, J.M. 2004. Ethical Perspectives on Human Rights. Potchefstroom: PTP. Vorster, N. 2003. Kerk en Menseregte binne 'n Regstaat. Potchefstroom: PTP. World Alliance of Reformed Churches. 1976. Theological Basis of Human Rights. Geneva: WARC.</p>	<p>Zebra. Helberg, J.L. 1984. Die Ou Testament oor menseregte. <i>In die Skriflig</i>, 18(72):4-12. Reformed Ecumenical Synod. 1983. Testimony on human rights. Grand Rapids, Mich. : RES. Van Wyk, J.H. 1987. Etiek en Menseregte. <i>In die Skriflig</i> 21 (81):31-40. Vorster, J.M. 2004. Ethical Perspectives on Human Rights. Potchefstroom: PTP. Vorster, N. 2003. Kerk en Menseregte binne 'n Regstaat. Potchefstroom: PTP. World Alliance of Reformed Churches. 1976. Theological Basis of Human Rights. Geneva: WARC.</p>
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#### I. RAPPORT VAN AD HOC KOMMISSIE / REPORT OF THE AC HOC COMMISSION

<p><b>1. Versoek van Sinode</b> Om na aanleiding van 'n opmerking van oudl Rob van der Kooy na te gaan of hierdie Rapport nie in stryd is met vorige Sinodebesluite nie. <u>Toeligting</u> 1. Sinode 1985 het geoordeel dat die Gereformeerde Ekumeniese Sinode se <i>Testimony on Human Rights</i> “'n unieke en waardevolle bydrae vanuit 'n suiwer Gereformeerde gesigspunt oor die veelbesproke tema van menseregte bevat. 2. GK Orania het 'n Beswaarskrif teen hierdie besluit gerig tot die Algemene Sinode van 2009 (p202). Die besluit van die Sinode: <i>Dat die beswaar nie gehandhaaf word nie</i> (p216). 3. Die huidige konsep wat voor die Sinode dien is in lyn met die <i>Testimony</i> van die GES waaroor Sinode 1985 hom positief uitgespreek het.</p>	<p><b>1. Request of Synod</b> In the light of a remark by elder Rob van der Kooy, check if this Report is not contrary to previous decisions of Synods. <u>Elucidation</u> 1. Synod 1985 judged that the Reformed Ecumenical Synod's <i>Testimony of Human Rights</i> is “a unique and valuable contribution from a pure Reformed point of view regarding the much discussed theme of human rights”. 2. GK Orania sent a Petition of protest against this decision to the General Synod of 2009 (p202). The decision of the Synod: “The Petition of protest is rejected” (p216). 3. The current concept on the table of the Synod is in line with the <i>Testimony</i> of the GES of which Synod 1985 spoke positively.</p>
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#### J. RAPPORT VAN AD HOC KOMMISSIE 4 / REPORT OF AC HOC COMMISSION 4

<p><b>1. Opdrag</b> 1.1 Kommissie word versoek of die Rapport van die Deputate Ekumenisiteit – Owerheid – Christelike konsep van Fundamentele regte nie in stryd is met vorige Sinodebesluite nie. 1.2 Die Kommissie het na almal geluister wat oor hierdie Rapport wil praat. Die Rapport van die Deputate is in oënskou geneem. Daar is bevestig dat al die paragrawe met mekaar in verband staan en in samehang met</p>	<p><b>1. Mandate</b> 1.1 Commission is requested to investigate whether the Report of Deputies Ecumenicity – Government – Christian concept of Fundamental rights is not in strife with previous Synod's decisions. 1.2 The Commission heard all parties that wanted to speak on this Report. The Report of the Deputies were taken under consideration and it was confirmed that all paragraphs stand in relation to one another and are read in</p>
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<p>mekaar gelees word.  <b>Besluit: Punte 1.1 en 1.2 kennis geneem.</b></p> <p><b>2. Toeligting</b></p> <p>2.1 Sinode 1985 het geoordeel dat die Gereformeerde Ekumeniese Sinode se "Testimony on Human Rights" 'n <i>unieke en waardevolle bydrae vanuit 'n suiwer Gereformeerde gesigspunt oor die veelbesproke tema van Menseregte bevat.</i> Daar word egter rondom die <i>Declaration</i> en <i>Pastoral Letter</i> geen besluit geneem nie.</p> <p>2.2 GK Die Kandelaar het in 1988 teen hierdie saak beswaar gemaak. Die Sinode het hierdie beswaar met sy inhoudelike motivering afgewys.</p> <p>2.3 GK Orania het 'n Beswaarskrif teen dieselfde besluit van 1985 gerig aan die Algemene Sinode van 2009. Die besluit van die Sinode is dat hierdie beswaar nie gehandhaaf word nie.</p> <p>2.4 Dit beteken dat die Rapport van die Deputate in 16.26 nie in stryd is met vorige Sinodebesluite is nie.</p> <p><b>Besluit: Punte 2.1 tot 2.4 kennis geneem.</b></p>	<p>conjunction with one another.  <b>Decision: Points 1.1 and 1.2 noted.</b></p> <p><b>2. Elucidation</b></p> <p>2.1 Synod 1985 judged that the Reformed Ecumenical Synod's Testimony on Human Rights is "<i>a unique and valuable contribution from a pure Reformed view on the sensational theme of Human rights</i>". No decision is made on the <i>Declaration</i> and <i>Pastoral Letter</i> however.</p> <p>2.2 GK Die Kandelaar objected against this decision in 1988. The Synod rejected this Gravamen with its inherent motivation.</p> <p>2.3 GK Orania objected against the same decision by way of Gravamen at Synod 2009. The decision of the Synod is that this Gravamen does not succeed.</p> <p>2.4 This means that the Report of the Deputies in 16.26 is not in strife with previous Synod decisions.</p> <p><b>Decision: Points 2.1 to 2.4 noted.</b></p>
<p><b>3. Rapport Deputate Ekumenisiteit</b>  Al die veranderings is in die teks van die Rapport van die Deputate aangebring.  <b>Besluit: Goedgekeur.</b></p> <p><b>4. Sake waaroor die Sinode moet besluit</b></p> <p>4.1 Dat die wysigings in pt 3 van die Rapport goedgekeur word.  <b>Besluit: Goedgekeur.</b></p> <p>4.2 Dat die voorgestelde Rapport van die Deputate goedgekeur word.  <b>Besluit: Goedgekeur.</b></p> <p>4.3 Dat die Deputate bogenoemde prinsipiële raamwerk kan gebruik in openbare verklarings.  <b>Besluit: Goedgekeur.</b></p>	<p><b>3. Report Deputies Ecumenicity</b>  All changes were made to the text of the Report of the Deputies.  <b>Decision: Approved.</b></p> <p><b>4. Matters that the Synod to decide on</b></p> <p>4.1 That the changes in pt 3 of the Report is approved.  <b>Decision: Approved.</b></p> <p>4.2 That the proposed Report of the Deputies be approved.  <b>Decision: Approved.</b></p> <p>4.3 That the Deputies make use of abovementioned framework in public declarations.  <b>Decision: Approved.</b></p>