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## **TRANSFORMATION OFFICE: EQUALITY PROMOTION AND SOCIAL INCLUSION PROJECT (EPSI) ||| CHAPTER TWO (2) OF THE SOUTH AFRICAN CONSTITUTION: BILL OF RIGHTS**

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### **INTRODUCTION**

This project is established as part of the **Equality Promotion and Social Inclusion Project (EPSI)** under the **Transformation Office** at Nelson Mandela University. This program seeks to promote the Bill of Rights and most importantly educate all stakeholders of the university about their responsibilities as active citizens and their rights as enshrined by Chapter two (2) of the Constitution of the Republic of South Africa. This campaign will focus on promoting equality and social inclusion in respect of human rights, without fear or favour. Training of key stakeholders will include, organised labour, Student Representative Council (SRC), House Committee Members, Student Political Organisations, Societies and students residing in on and off-campus accommodation.

### **THE BILL OF RIGHTS IN SOUTH AFRICA**

Prior 1994, the majority of South African citizens had been excluded from participating in government and subjected to a wide variety of human rights violations. The human rights of all South Africans, as expressed in the Freedom Charter, only received protection in our Bill of Rights after 1994. In our constitutional democracy the Bill of Rights is one of the most important documents which holds our government accountable to protect the rights and dignity of all South Africans. The constitution of the Republic of South Africa is the supreme law of the land; law or conduct inconsistent with it is invalid.

Our Bill of Rights is influenced by the Universal Declaration of Human Rights which enshrines the rights to equality, dignity, and justice for all people and the Freedom

Charter which encapsulated both the hopes and rights of all people in South Africa. This Bill of Rights was born out of the amalgamation of the universal fight against injustice that took place after the Second World War, and the fight against the inhumane rule of the Apartheid Government in South Africa. Today the Bill of Rights is the cornerstone of our democracy. It enshrines the rights of all people in our country and affirms the democratic values of equality, dignity, and freedom.

### OBJECTIVES OF INTERVENTION:

1. To highlight that SA as a signatory to the Universal Declaration of Human Rights (UN, 10<sup>th</sup> December 1948)
2. To create an awareness of the rights enshrined in Chapter 2 of our Constitution.
3. Protected/ absolute rights

Table of Non-Derogable Rights

| 1<br>Section number | 2<br>Section title                     | 3<br>Extent to which the right is protected  |
|---------------------|--|--|
| 9                   | Equality                               | With respect to unfair discrimination solely on the grounds of race, colour, ethnic or social origin, sex, religion or language.   |
| 10                  | Human Dignity                          | Entirely   |
| 11                  | Life                                   | Entirely   |
| 12                  | Freedom and Security of the person     | With respect to subsections (1)(d) and (e) and (2)(c).   |
| 13                  | Slavery, servitude and forced labour   | With respect to slavery and servitude  |
| 28                  | Children                               | With respect to: <ul style="list-style-type: none"> <li>– subsection (1)(d) and (e);</li> <li>– the rights in subparagraphs (i) and (ii) of subsection (1)(g); and</li> <li>– subsection 1(i) in respect of children of 15 years and younger.</li> </ul>   |
| 35                  | Arrested, detained and accused persons | With respect to: <ul style="list-style-type: none"> <li>– subsections (1)(a), (b) and (c) and (2)(d);</li> <li>– the rights in paragraphs (a) to (a) of subsection (3), excluding paragraph (d)</li> <li>– subsection (4); and</li> <li>– subsection (5) with respect to the exclusion of evidence if the admission of that evidence would render the trial unfair.</li> </ul> |

4. To explain that conditions under which there are limitation to rights
  - (i) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including—
    - (a) the nature of the right;

- (b) the importance of the purpose of the limitation;
  - (c) the nature and extent of the limitation;
  - (d) the relation between the limitation and its purpose; and
  - (e) less restrictive means to achieve the purpose.
- (ii) Except as provided in subsection (i) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.
5. Outline the relevance of Bill of Rights to Vision 2030 and the Statement of Commitment to an Inclusive Institutional Culture.
6. Link to listed grounds for unfair discrimination and according to the monthly themes (see schedule).
7. Create a reflexive space vis-à-vis relevance of Bill of Rights in contemporary lives of students and employees.

## **MODALITIES OF ENGAGEMENT**

Facilitated session will be conducted in the form of:

1. Critical conversations
2. Imbizo
3. Interactive seminars
4. Personal experiences shared as live ilizwi lam letters submitted via EPSI email address. These can be anonymised and shared on our website.

## SCHEDULE

| MONTH     | THEME AND ACTIVITY   |
|-----------|--|
| APRIL     | <p data-bbox="416 353 715 385"><b>Theme: Freedom Month</b></p> <ol data-bbox="464 427 1182 595" style="list-style-type: none"> <li data-bbox="464 427 1046 459">1. Section 12, 15, 18 and 22 of the Constitution</li> <li data-bbox="464 495 1182 526">- ilizwi lam letters shared with both staff and students</li> <li data-bbox="464 562 839 593">- Dates: 21 and 27 April 2023</li> </ol>  |
| MAY       | <p data-bbox="416 640 1011 672"><b>Proposed Theme: Africa Month/ Workers Month</b></p> <ol data-bbox="464 714 1318 1016" style="list-style-type: none"> <li data-bbox="464 714 1054 745">1. Section 13, 20, 21, and 23 of the Constitution</li> <li data-bbox="464 781 1318 880">- ilizwi lam letters shared with both staff and students (5 and 19 May 2023)</li> <li data-bbox="464 916 1294 947">- Training with SRC and House Committee members (12 May 2023)</li> <li data-bbox="464 983 1054 1014">- Training with organised labour (26 May 2023)</li> </ol> |
| JUNE      | <p data-bbox="416 1066 676 1097"><b>Theme: Youth Month</b></p> <ol data-bbox="464 1140 1126 1308" style="list-style-type: none"> <li data-bbox="464 1140 975 1171">1. Sections: 17 and 29 of the Constitution</li> <li data-bbox="464 1207 1023 1238">- ilizwi lam letters (09 and 23 June 2023)</li> <li data-bbox="464 1274 1126 1305">- Seminar 06 June 2023 (Focus group: students)</li> </ol>   |
| JULY      | <p data-bbox="416 1346 715 1377"><b>Theme: Mandela Month</b></p> <ol data-bbox="464 1420 1206 1655" style="list-style-type: none"> <li data-bbox="464 1420 1062 1451">1. Sections: 10, 11, 34 and 35 of the Constitution</li> <li data-bbox="464 1487 935 1518">- ilizwi lam letters (17 and 31 July)</li> <li data-bbox="464 1554 1031 1585">- Imbizo with organised labour (14 July 2023)</li> <li data-bbox="464 1621 1206 1653">- Imbizo with students political organisations (28 July 2023)</li> </ol>   |
| AUGUST    | <p data-bbox="416 1693 722 1724"><b>Theme: Women's Month</b></p> <ol data-bbox="464 1767 1310 1935" style="list-style-type: none"> <li data-bbox="464 1767 1046 1798">1. Sections: 9, 19, 14 and 28 of the Constitution</li> <li data-bbox="464 1834 1031 1865">- ilizwi lam letters (4 and 18 August 2023)</li> <li data-bbox="464 1901 1310 1933">- Critical conversations with students in residences (25 August 2023)</li> </ol>   |
| SEPTEMBER | <p data-bbox="416 1973 1118 2004"><b>Theme: National Month of Deaf People / Heritage Month</b></p>   |

|                 |  |
|-----------------|--|
|                 | <ol style="list-style-type: none"> <li>1. Sections: 25, 30, 31, and 32 of the Constitution</li> <li>- ilizwi lam letters (8 and 22 September 2023)</li> <li>- Critical converstions with students in residences (29 September 2023)</li> </ol>   |
| <b>OCTOBER</b>  | <p><b>Theme: International Mental Health Awareness Month / Pride Month</b></p> <ol style="list-style-type: none"> <li>1. Sections: 16 and 24 of the Constitution</li> <li>- ilizwi lam letters (06 and 20 October 2023)</li> <li>- Seminar (26 October 2023)</li> <li>- Critical converstions with students in residences (27 October 2023)</li> </ol> |
| <b>NOVEMBER</b> | <p><b>Theme: National Disability Rights Awareness Month</b></p> <ol style="list-style-type: none"> <li>1. Section 26, 27 and 33 of the Constitution</li> <li>- ilizwi lam letters (03 and 17 November 2023)</li> <li>- Review and feedback on the campaign (24 November 2023)</li> </ol>   |

The following sections of the Bill of Rights are excluded from the schedule and shall be promoted throughout the year:

1. Section 7, 8, 36, 37, 38, and 39 of the Constitution of the Republic of South Africa.

The progress and impact of this project will be measured through participation, attendance, and reach using evaluation and monitoring tools.

## References

1. The Constitution of the Republic of South African, 1996 (the Constitution).
2. South African History: *Bill of Rights* (06 May 2014)  
<https://www.sahistory.org.za/article/bill-rights> (accessed 2023-04-06).