

This file is being posted on the Rethinking Schools Web site (www.rethinkingschools.org) to accompany “A New U.S. Bill of Rights,” by Larry Miller, which appears on p. 70 of *Rethinking Our Classrooms, Volume 2*.

South Africa’s Bill of Rights (Abbreviated)

1. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth.
2. Everyone has inherent dignity and the right to have their dignity respected and protected.
3. Everyone has the right to freedom and security of the person, which includes the right --
 - a. not to be deprived of freedom arbitrarily or without just cause;
 - b. not to be detained without trial;
 - c. to be free from all forms of violence from either public or private sources;
 - d. not to be tortured in any way; and
 - e. not to be treated or punished in a cruel, inhuman, or degrading way.
4. Everyone has the right to bodily and psychological integrity, which includes the right --
 - a. to make decisions concerning reproduction;
 - b. to security in and control over their body; and
 - c. not to be subjected to medical or scientific experiments without their informed consent.
5. No one may be subjected to slavery, servitude or forced labor.
6. Everyone has the right to privacy, which includes the right not to have --
 - a. their person or home searched;
 - b. their property searched;
 - c. their possessions seized; or
 - d. the privacy of their communications infringed.
7. Everyone has the right to freedom of conscience, religion, thought, belief and opinion.
8. Everyone has the right to freedom of expression, which includes --
 - a. freedom of the press and other media;
 - b. freedom to receive or impart information or ideas;
 - c. freedom of artistic creativity; and
 - d. academic freedom and freedom of scientific research.

9. Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.
10. Every citizen is free to make political choices, which includes the right --
 - a. to form a political party;
 - b. to participate in the activities of, or recruit members for, a political party; and
 - c. to campaign for a political party or cause.
11. Every adult citizen has the right --
 - a. to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and
 - b. to stand for public office and, if elected, to hold office.
12. Every citizen has the right to choose their trade, occupation or profession freely.
13. Every worker has the right --
 - a. to form and join a trade union;
 - b. to participate in the activities and programs of a trade union; and
 - c. to strike.
14. Everyone has the right --
 - a. to an environment that is not harmful to their health or well-being; and
 - b. to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that --
 - i. prevent pollution and ecological degradation;
 - ii. promote conservation; and
 - iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.
15. The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.
16. A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.
17. A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.
18. Everyone has the right to have access to adequate housing.

19. No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.
20. Everyone has the right to have access to --
- a. health care services, including reproductive health care;
 - b. sufficient food and water; and
 - c. social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.
21. No one may be refused emergency medical treatment.
22. Every child has the right --
- a. to a name and a nationality from birth;
 - b. to family care or parental care, or to appropriate alternative care when removed from the family environment;
 - c. to basic nutrition, shelter, basic health care services and social services;
 - d. to be protected from maltreatment, neglect, abuse or degradation;
 - e. to be protected from exploitative labor practices;
 - f. not to be required or permitted to perform work or provide services that --
 - i. are inappropriate for a person of that child's age; or
 - ii. place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;
23. Everyone has the right --
- a. to a basic education, including adult basic education; and
 - b. to further education, which the state, through reasonable measures, must make progressively available and accessible.
24. Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account --
- a. equity;
 - b. practicability; and
 - c. the need to redress the results of past racially discriminatory laws and practices.
25. Everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.
26. Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community --

- a. to enjoy their culture, practice their religion, and use their language; and
- b. to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

27. Everyone has the right of access to --

- a. any information held by the state; and
- b. any information that is held by another person and that is required for the exercise or protection of any rights.

28. Everyone who is arrested for allegedly committing an offence has the right --

- a. to remain silent;
- b. to be informed promptly --
 - i. of the right to remain silent; and
 - ii. of the consequences of not remaining silent;
- c. not to be compelled to make any confession or admission that could be used in evidence against that person;
- d. to be brought before a court as soon as reasonably possible, but not later than --
 - i. 48 hours after the arrest; or
 - ii. the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or on a day which is not an ordinary court day;
- e. at the first court appearance after being arrested, to be charged or to be informed of the reason for the detention to continue, or to be released; and
- f. to be released from detention if the interests of justice permit, subject to reasonable conditions.

29. Every accused person has a right to a fair trial, which includes the right --

- a. to be informed of the charge with sufficient detail to answer it;
- b. to have adequate time and facilities to prepare a defense;
- c. to a public trial before an ordinary court;
- d. to have their trial begin and conclude without unreasonable delay;
- e. to be present when being tried;
- f. to choose, and be represented by, a legal practitioner, and to be informed of this right promptly;
- g. to have a legal practitioner assigned to the accused person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly;
- h. to be presumed innocent, to remain silent, and not to testify during the proceedings;
- i. to adduce and challenge evidence;
- j. not to be compelled to give self-incriminating evidence;
- k. to be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language;

- l. not to be convicted for an act or omission that was not an offence under either national or international law at the time it was committed or omitted;
- m. not to be tried for an offence in respect of an act or omission for which that person has previously been either acquitted or convicted;
- n. to the benefit of the least severe of the prescribed punishments if the prescribed punishment for the offence has been changed between the time that the offence was committed and the time of sentencing; and
- o. of appeal to, or review by, a higher court.
