



Evaluating the Realisation of Election Promises: A 2024 South African National Elections Review of Party Compliance with the Bill of Rights

Issued by Ezra Mendel on behalf
of the FW de Klerk Foundation



Table of Contents:

Introduction Brief	3
Overview	3
Visual Graphics	5
African National Congress ("ANC")	6
Democratic Alliance (“DA”)	12
Azanian Peoples’ Organisation (“AZAPO”)	17
uMkhonto we Sizwe Party (“MK Party”)	22
Freedom Front Plus (“FF Plus”)	28
Economic Freedom Fighters (“EFF”)	35
Al-Jama-ah	41
GOOD Party	46
Inkatha Freedom Party ("IFP")	51
ActionSA	58
African Transformation Movement (“ATM”)	63
Patriotic Alliance (“PA”)	68
Rise Mzansi	73
People’s Movement for Change	78
Build One South Africa (“BOSA”)	79
National Coloured Congress (“NCC”)	80
Conclusion	81

Introduction:

South Africa's 2024 general elections are around the corner. At this critical juncture, the FW de Klerk Foundation deemed it imperative to examine which political parties have upheld the Constitution and which have flouted it.

To this end, the Foundation undertook an [election series](#), consisting of various articles and two comprehensive studies ("election reports"). The [first election report](#) examines whether political parties' manifestos align with the Constitution's values and its Bill of Rights. This is the second election report and is a comprehensive study of whether parties' actions and rhetoric align with the Constitution's values and Bill of Rights. The goal is to see if everyone who talks the talk, walks the walk.

Brief Overview:

This comprehensive assessment aims to provide clarity on whether political parties' actions align with the foundational values of the Constitution. It examines the **real-world actions** of some political parties against the **Constitution's founding values** ([section 1](#)) and the **Constitution's Bill of Rights** (which is the cornerstone of South Africa's democracy ([section 7\(1\)](#))). Together these encompass what one might see as the core tenets of South Africa's democratic framework.

The Constitution states that South Africa is founded on, amongst other things, the values of **human dignity**, the achievement of **equality**, the **advancement of human rights and freedoms** ([section 1\(a\)](#)) and **non-racism and non-sexism** ([section 1\(b\)](#)). For the purposes of this assessment non-racialism and non-sexism will be examined as founding values, while the values of human dignity, the achievement of equality and the advancement of human rights and freedoms will be dealt with under the right to dignity, the right to equality and the various "freedom rights".

The Constitution charges the State to respect, protect, promote and fulfil the rights in the Bill of Rights ([section 7\(2\)](#)). For this reason, parties were evaluated on whether their conduct adhered to the above founding values and respected, protected, promoted and fulfilled the rights in the Bill of Rights, specifically:

- 
1. The right not to be unfairly discriminated against (section 9(3));
 2. The right to dignity (section 10);
 3. The Right to Life (section 11);
 4. The Right to Freedom and Security of the Person (section 12(1));
 5. The Right to Bodily and Psychological Integrity (section 12(2));
 6. The Right not to be Subjected to Slavery, Servitude or Forced Labour (section 13);
 7. The Right to Privacy (section 14);
 8. The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion (section 15);
 9. The Right to Freedom of Expression (section 16);
 10. The Right to Assemble, Demonstrate, Picket, and Petition (section 17)
 11. The Right to Freedom of Movement (section 21);
 12. The Right to Freedom of trade, occupation and profession (section 22);
 13. The Right to Fair Labour Practices (section 23(1));
 14. The Right to Form and Join a Trade Union (section 23(2));
 15. The Right to an Environment that is not Harmful to Health or Well-being (section 24);
 16. The Right not to be Deprived of Property Arbitrarily and without Compensation (section 25);
 17. The Right to Have Access to Adequate Housing (section 26);
 18. The Right to Have Access to Healthcare, Food, Water, and Social Security (section 27);
 19. The Right to Basic and Further Education (section 29);
 20. The Right to Use the Language and Participate in the Cultural Life of Choice (sections 30 and 31);
 21. Access to Courts: the Right to Have Any Dispute Resolved by the Application of Law (section 34).

Note: Non-racialism envisions a South African society where South Africans are no longer treated differently based on their race. This value is closely tied to the right that no one may be unfairly discriminated against based on race ([section 9\(3\)](#) and [section 9\(4\)](#)). Remedial measures, designed by the Government, to redress existing inequality - such as affirmative action laws are presumed fair if they meet the requirements laid out by the Constitutional Court in [Minister of Finance v van Heerden](#) 2004 (6) SA 121 (CC) (“van Heerden). Parties’ actions, policies and rhetoric were evaluated according to whether they met these requirements.



Findings Summarised as Visual Graphics:

The Foundation's findings are summarised in the above table. The table shows parties' (non)-compliance in a visual manner. It provides a clear snapshot of each party's adherence to the founding values and Bill of Rights. Moreover, parties are ranked from highest to lowest compliance. This dual approach not only enhances transparency and accessibility, but also empowers voters with valuable insights as they navigate the electoral landscape.

Click [here](#) to view our Compliance Table and our Ranking Table.



1. African National Congress (“ANC”)

The ANC manifesto espouses democratic values such as non-racialism and the protection of human dignity, aligning with constitutional principles. It states, “we have implemented policies that promote non-racialism and non-sexism and oppose any form of discrimination” (page 43). However, the ANC’s real-world actions often fall short of these promises, as detailed below.

Non-racialism: Non-compliance

Despite the ANC’s pledge to uphold non-racialism, the Employment Equity Amendment Act, 2023, the Draft Employment Equity Regulations and its proposed water regulations and Public Procurement Bill have been criticised for perpetuating unfair racial discrimination. These measures, while intended to redress historical injustices, fail to pass the *van Heerden* requirements to qualify as remedial measures, in the Foundation’s opinion (see the Human Rights Report Card 2023 for more information). Thus, the measures are unfair discrimination on the grounds of race (prohibited in terms of section 6 and section 7 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (“the Equality Act”) and section 9(3) of the Constitution) and fails to comply with the founding value of non-racialism.

Non-sexism: Partial Compliance

The ANC has made strides in promoting non-sexism, earning a tick for its efforts. Policies aimed at gender equality and initiatives to combat gender-based violence (“GBV”) reflect this commitment. However, the persistent high rates of GBV and inefficiencies in law enforcement highlight significant gaps in fully realising non-sexism.

No Unfair Discrimination: Non-compliance

See non-racialism above.

Respect and Protection of Everyone's Dignity: Non-compliance

The ANC has failed to uphold the dignity of many South Africans, especially in impoverished areas. The lack of basic services, such as adequate sanitation, highlights this failure. Over 3 300 public schools still use pit latrines, endangering children's lives and violating their dignity. Despite substantial funding to eradicate this issue, inefficiencies and corruption hinder progress.

The Right to Life: Non-compliance

South Africa's high crime rates severely threaten the right to life. Inefficiencies in the police force, alongside widespread corruption, exacerbate this issue. Escalating murder rates and incidents like the Hamanskraal cholera outbreak, resulting from poor governance, underscore the ANC's failure to protect this fundamental right.

The Right to Freedom and Security of the Person: Non-compliance

The right to freedom and security is compromised by South Africa's alarming crime rates. Police inefficiency and the prevalence of GBV which further endangers citizens. The ANC's inability to effectively address these issues reflects a significant failure in upholding this right.

The Right to Bodily and Psychological Integrity: Partial Compliance

While the ANC receives credit for upholding bodily and psychological integrity to some extent, the ongoing GBV crisis indicates substantial shortcomings. The persistence of such violence reflects systemic failures that need urgent addressing.

No One May Be Subjected to Slavery, Servitude or Forced Labour: Compliance

The ANC's Freedom Charter complies with this right. However, it is acknowledged that effectively combating human trafficking remains a problem.

The Right to Privacy: Non-compliance

The General Intelligence Laws Amendment Bill (“GILAB”) in the form it was tabled by the Minister in the Presidency and voted in favour of by the ANC’s MPs in Parliament’s first house, the National Assembly, threatened the right to privacy. The Bill would have enabled intrusive surveillance without adequate oversight, posing a serious risk to citizens’ privacy and civil liberties.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Non-compliance

The ANC's support for several recent laws may pose a challenge to those trying to exercise the right to freedom of conscience, thought, belief and opinion, as opposed to finding ways to reasonably accommodate the same in the public realm.

The Right to Freedom of Expression: Non-compliance

President Ramaphosa’s assent to the Prevention and Combating of Hate Crimes and Hate Speech Act, 2023, marks a significant restriction on freedom of expression. The Act goes much further than section 16(2)(c) of the Constitution, which excludes the “*advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm*” (“constitutional hate speech”) from expression that is protected by the right to freedom of expression. The Act’s broad and ambiguous definitions risk criminalising legitimate discourse, stifling free speech and undermining democratic principles which could lead to arbitrary interpretations and chilling effects on free speech. For example, the Act fails to define the crucial element of the crime of “*hate speech*”, namely “*hate*”. It also includes a very wide definition of “harm” which itself includes vague concepts such as social harm (defined as “*undermining the social cohesion amongst the people of South Africa*”).

The Right to Assemble, Demonstrate, Picket and Petition: Compliance

The ANC has upheld this right, allowing citizens to assemble and protest peacefully. This is crucial for democratic participation and holding the Government accountable.

The Right to Freedom of Movement: Non-compliance

During the COVID-19 pandemic, some of the lockdown regulations imposed under the [Disaster Management Act, 2002](#), were the subject of litigation based on the [irrationality](#) of it.

The Right to Choose Their Trade, Occupation or Profession Freely: Non-compliance

Racial laws, like the [Employment Equity Amendment Act, 2023](#) (“EEA”) and the [Broad-Based Black Economic Empowerment Act, 2003](#) (“BBBEEA”) impose racial quotas, limiting opportunities based on race rather than merit. These laws, thus restrict the right to freely choose one’s trade, occupation, or profession.

The Right to Fair Labour Practices: Compliance

The ANC [supports](#) fair labour practices (see [the Labour Relations Act, 1995](#) (“LRA”)) and minimum standards and conditions for employment (see [Basic Conditions of Employment Act, 1997](#) (BCEA)). By advocating for fair treatment of employees and endorsing minimum employment standards, the ANC demonstrates a commitment to preventing unfair conduct by employers and safeguarding the rights of workers.

The Right to Form and Join a Trade Union: Compliance

The ANC is a member of an [alliance](#) with the trade union COSATU. This shows that it has not advocated against the right to form and join trade unions.

The Right to an Environment that is Not Harmful to Health or Well-being: Non-compliance

[Environmental hazards](#), such as harmful emissions from coal plants, continue to violate citizens’ right to a healthy environment. The ANC’s failure to effectively curb environmentally hazardous practices disproportionately affects marginalised communities.

The Right not to be Deprived of Property Arbitrarily and Without Compensation: Non-compliance

The Expropriation Bill, which allows for expropriation without compensation, threatens property rights. This legislation undermines economic stability, discourages investment and erodes confidence in the rule of law.

The Right to Have Access to Adequate Housing: Non-compliance

Approximately 2,3 million households and individuals are still waiting for a home 30 years into ANC governance. The ANC's inability to provide adequate housing exacerbates social instability and inequality.

The Right to Healthcare, Food, Water and Social Security: Non-compliance

The ANC has struggled to ensure access to healthcare, food, water and social security. President Ramaphosa's assent to the National Health Insurance Act, 2023 ("the NHI") has caused much uncertainty regarding how it will affect the right to access to healthcare. In addition, the Department of Water and Sanitation's 2023 Blue Drop report found that less than half of all South Africa's drinking water was safe for consumption (51% had poor to bad microbiological water quality and 71% of water plants failed to achieve chemical compliance). SASSA's numerous grant payment issues also highlight significant failures in achieving the right to social security.

The Right to Basic and Further Education: Non-compliance

Despite promises of universal access to basic education, over 80% of Grade 4 learners cannot read for meaning. In 2022, 80% of schools were found to be dysfunctional. Budget cuts and maladministration of the National Student Financial Aid Scheme ("NSFAS") further undermined the right to higher education.

The Right to Use the Language and Participate in the Cultural Life of Their Choice: Non-compliance

The ANC voted in favour of the Basic Education Laws Amendment Bill ("BELA Bill"). The Bill gives the Head of Department (HOD) the authority to intervene where an admission policy is deemed as discriminatory by the HOD against a pupil. It therefore erodes the authority of Governing Bodies to determine the admission and language policy of a school. This might threaten the unique linguistic and cultural rights of a school community.



Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Compliance

The ANC has generally respected this right, itself having utilised the courts for dispute resolution, reflecting its adherence to this right that legal disputes be resolved fairly through the judicial system.

In summary, while the ANC's manifesto promises to uphold various constitutional rights, its real-world actions often contradict these commitments. Issues such as discrimination based on Apartheid racial classification, inadequate basic services, high crime rates and threats to freedom of expression highlight significant gaps between rhetoric and reality. The ANC's governance is marred by inefficiencies and corruption, undermining its ability to deliver on its promises and protect the rights enshrined in the Constitution.



2. Democratic Alliance (“DA”)

Non-racialism: Compliance

The [DA's manifesto](#) aligns closely with the founding value of non-racialism: They pledge to remove "racial targets or quotas in the Employment Equity and the Preferential Procurement Acts" (page 12) and to promote *"the principle of non-racialism, fostering an environment where meritocracy and diversity thrive"* (page 12).

The DA's stance on moving away from [BBBEEA](#) and [EEA](#) towards merit-based appointments is a significant step towards non-racialism. However, a comprehensive mentoring strategy is required to assist in levelling the playing field between those who've been advantaged by Apartheid and those who've been disadvantaged. The DA's proposals fall short in this regard and a clear development and mentorship strategy underpinning the concept of meritocracy as envisaged, will be of much assistance to allay misconception and fears that such an approach will only benefit a privileged few.

Non-sexism: Non-compliance

The [DA's manifesto](#) makes combatting GBV a priority and the party has a [sexual harassment policy](#). The party did not [allocate gender quotas](#) (i.e. discriminate on the basis of sex) when choosing candidates to represent the party in the upcoming elections.

Moreover, the DA's inadequate responses to [cases in 2017](#) involving Edmund van Vuuren and Archie Figlan demonstrates a lack of commitment to non-sexism. Despite findings of guilt, both men retained party positions, reflecting systemic neglect in addressing sexual harassment within the party.

No Unfair Discrimination: Compliance

The DA's [policies and actions](#) consistently reflect an anti-unfair discrimination stance. (Note: the DA's [sexual harassment policy](#) makes it clear that the party sees this as a form of unfair discrimination. However, for purposes of this study such policy was only considered under the non-sexism section.)



Respect and Promote Everyone's Dignity: Compliance

The DA's policies seem to aim to uphold human dignity through various socio-economic measures, such as pledges to retain social grants, conducting oversight at SASSA pay points across the country and fighting against pit latrines before the South African Human Rights Commission.

Furthermore, by restoring economic prosperity it aims to restore human dignity: The DA aims to "*rescue South Africans from unemployment and get more people into jobs*" by loosening the labour market, upskilling the workforce and making it easier for businesses to invest.

The Right to Life: Non-compliance

The DA's ability to effectively protect the right to life is extremely concerning, as evidenced by the alarming crime rates in the DA-controlled Western Cape, particularly related to gang violence. However, policing is a national government responsibility and devolving more law enforcement powers to local government level, will ensure the effective deployment of resources to fight crime.

The Right to Freedom and Security of the Person: Non-compliance

In terms of freedom and security of the person, the DA states: "*A DA government will decentralise policing to capable provinces to effectively fight crime and protect citizens,*" by "*establishing coordinated partnerships with private security, neighbourhood watches, and other private role-players in safety and security through a whole-of-society approach.*"

However, despite initiatives to improve safety, crime remains a critical issue in the Western Cape, again, highlighting the DA's struggle to effectively protect this right in areas it controls. The deployment of LEAP officers, an initiative of the Western Cape Government (WCG) and run in partnership with the City of Cape Town, is specifically targeting areas where the murder rate is highest.



The Right to Bodily and Psychological Integrity: Non-compliance

The [DA's policies](#) support this right, although the [high crime rates](#), again, highlight the DA's struggle to effectively protect this right in areas it controls.

The Right not to be subjected to Slavery, Servitude or Forced Labour: Compliance

The DA upholds this right through its [policies](#). However, rhetoric to substantiate this is lacking, although no actions seem to contradict the party's policies.

The Right to Privacy: Compliance

The DA has [been critical](#) of South African Police Service's ("SAPS") use of [illegal spy tech](#) and [the GILAB](#).

The Right to Freedom of Conscience, Religion, Thought, Belief, and Opinion: Compliance

The DA demonstrates a commitment to the right to freedom of religion, belief and conscience, as enshrined in section 15 of the Constitution, through its [stance](#) on several key legislative measures, including, but not limited to rejecting the [Protection of Constitutional Democracy Against Terror and Related Activities Amendment Act, 2022](#), the [General Laws \(Anti-Money Laundering and Combating Terrorism Financing\) Amendment Act, 2022](#), the [Hate Speech Act, 2023](#). Through these rejections, the DA has shown a consistent approach to safeguarding religious freedom, belief and conscience against legislative measures perceived as infringing these rights.

The Right to Freedom of Expression: Compliance

The DA has [consistently opposed](#) the [Hate Speech Act, 2023](#), in its current form, demonstrating its commitment to upholding the right to freedom of expression.

The Right to Assemble, Demonstrate, Picket and Petition: Compliance

The DA supports these rights and has [actively participated](#) in protests against what it views as bad legislation or the lack of service delivery, though specific recent actions are less documented.

The Right to Freedom of Movement: Compliance

The DA advocated for this right by challenging the “irrational and disproportionate” lockdown regulations during COVID.

The Right to Choose Their Trade, Occupation, or Profession Freely: Compliance

The DA supports merit-based appointments and free choice in professions, vowing to end cadre-deployment and preferential procurement.

The Right to Fair Labour Practices: Compliance

The DA supports fair labour practices (as understood in terms of the Labour Relations Act, 1995), though it also seeks to limit trade union control over teacher appointments.

The Right to Form and Join a Trade Union: Compliance

The DA supports the right to unionise and has called for working collaboratively with trade unions to fight prescribed asset policies and further advocated for meritocracy in public service appointments. While allowing for the freedom to form and join a trade union, the DA plans to “*end trade union control of teacher appointments by introducing strict meritocracy in the interest of learners.*”

The Right to an Environment Not Harmful to Health or Wellbeing: Compliance

The DA's environmental policies aim to protect citizens' health and wellbeing and they have actioned this by advocating for safeguarding animal sanctuaries and urging for measures to address the ongoing climate crisis.

The Right not to be Deprived of Property Arbitrarily and Without Compensation: Compliance

Regarding property rights (section 25), the DA criticises the national government for attempting to erode property rights by trying to amend section 25 of the Constitution and through the Expropriation Bill. The DA pledges to protect these rights and expand land ownership by prioritising land reform in the budget. The DA opposes expropriation without compensation and supports property rights. It has said that it would challenge any attempt to bulldoze the Expropriation Bill through Parliament.



The Right to Have Access to Adequate Housing: Non-compliance

Despite support for adequate housing, the Western Cape faces a significant housing crisis, with underspending and project delays due to various challenges, including criminal activities.

The Right to Healthcare, Food, Water and Social Security: Compliance

The DA has pledged not to scrap social grants and supports access to essential services. The DA's focus on providing access to education, healthcare, housing and social security aligns with the constitutional imperative to ensure the socio-economic rights of all citizens. However, while the DA's policy proposals aim to address various socio-economic challenges, the feasibility of implementation and the potential impact on marginalised communities require careful consideration. Additionally, the party's track record in governing municipalities and provinces may influence perceptions of their ability to deliver on their manifesto promises.

The Right to Basic and Further Education: Compliance

The DA supports these rights, despite challenges in placing all learners in schools. The MEC for Education in the Western Cape, David Maynier of the DA, has said that schools in the province are full – an indicator of the DA's success in this regard.

The Right to Use the Language and Participate in the Cultural Life of Choice: Partial Compliance

The DA supports cultural and linguistic rights, with a dedicated “Arts, Culture and Heritage Policy” advocating for the preservation of this right as “*cultural diversity is a defining characteristic of humanity*”. However, there is insufficient evidence of this on the ground.

Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Compliance

The DA frequently uses the courts to challenge legislation they view as unconstitutional.



3. Azanian Peoples' Organisation ("AZAPO")

Non-racialism: Non-compliance

In real-world actions, AZAPO has not upheld the principle of non-racialism. The party has alleged that South Africa is ruled by a "*white ruling class*", which perpetuates racial stereotypes and fosters distrust among different racial groups. This rhetoric contradicts the constitutional mandate for a society free from racial prejudice and discrimination.

Non-sexism: Compliance

AZAPO's actions have not been against gender equality, indicating compliance with the principle of non-sexism. There is no evidence to suggest that the party has taken actions that undermine gender equality. Furthermore, the party has called for "*patriarchy to be destroyed*", indicating a greater representation of women in all spheres of life.

No Unfair Discrimination: Non-compliance

AZAPO's proposed restorative system, which focuses on rectifying historical injustices against black people, excludes individuals based on their skin colour alone. Historically, AZAPO has been opposed to same-sex marriage, which impacts the right to bodily and psychological integrity. Although the manifesto does not mention this issue specifically, the party's historical stance suggests non-compliance. This approach constitutes unfair discrimination and undermines the principle of equality enshrined in the Constitution.

Respect and Protection of Everyone's Dignity: Non-compliance

The party's actions have harmed the dignity of certain minority groups by promoting racial stereotypes. While AZAPO aims to restore the dignity of black people, it does so at the expense of other groups, which contradicts the constitutional mandate to respect and protect the dignity of all individuals.

The Right to Life: Non-compliance

AZAPO has indicated that it will not oppose a death penalty referendum, suggesting non-compliance with the right to life. This stance raises concerns about the party's commitment to upholding this fundamental right.

The Right to Freedom and Security of the Person: Partial Compliance

AZAPO advocates for transforming South Africa into a gun-free society and eliminating drugs in communities by tackling organised syndicates. Their manifesto emphasises that the high prevalence of crime threatens democratic freedoms. AZAPO's focus on a gun-free society must also consider the need for effective crime prevention strategies and ensuring the protection of citizens' rights to self-defence in the face of persistent criminal activity.

The Right to Bodily and Psychological Integrity: Uncertain

Insufficient information is available regarding the party's stance on this constitutional right, particularly concerning crime. While the constitution guarantees freedom from violence and torture, security in reproductive decisions and protection from non-consensual medical experiments, it remains unclear whether the party addresses crime in their policies or public statements. Without explicit mention, assessing their alignment with these rights, especially in the context of crime, is challenging.

No One May Be Subjected to Slavery, Servitude, or Forced Labour: Uncertain

There is no evidence to suggest that AZAPO supports or condones slavery, servitude, or forced labour. This would have been evident had the party advocated for hard or forced labour of, for example, prisoners which would have been in contravention of section 13 of the Constitution. However, information in this instance is lacking.

The Right to Privacy: Uncertain

There is insufficient information to assess AZAPO's stance on the right to privacy. The manifesto's silence on this issue raises concerns about potential encroachments on citizens' privacy rights.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Non-compliance

AZAPO's website indirectly refers to foreign religions negatively, indicating non-compliance with the right to freedom of conscience, religion, thought, belief and opinion. This stance undermines the constitutional mandate to protect diverse religious beliefs.

The Right to Freedom of Expression: Compliance

While AZAPO has expressed support for freedom of expression, the party's infamous slogan "one settler, one bullet" could potentially incite violence. This rhetoric promotes hostility, but can be taken as evidence of the party's support for all forms of expression, even those that flirt with the line of being constitutionally unprotected (section 16(2)).

The Right to Assemble, Demonstrate, Picket, and Petition: Compliance

AZAPO supports the right to assemble and demonstrate peacefully. Their participation in various protests reflects compliance with this constitutional right.

The Right to Freedom of Movement: Compliance

There is no evidence to suggest that AZAPO opposes the right to freedom of movement, indicating compliance with this principle.

The Right to Choose One's Trade, Occupation, or Profession Freely: Non-compliance

AZAPO supports affirmative action measures that would disadvantage racial minority groups, indicating exclusion and/or additional burdens in entering certain fields for minority groups. This indicates non-compliance with the right to choose one's trade, occupation, or profession freely.

The Right to Fair Labour Practices: Uncertain

The party has expressed support for fair labour practices, but their intent to dismantle capitalism raises questions about the implications for employment relations. Without specific policies addressing unfair labour practices outlined in the LRA, such as discrimination, unfair disciplinary actions, or failure to reinstate employees, it's uncertain how the party's proposed reforms align with protecting workers' rights. Clarification on how they plan to address these issues within their broader economic agenda is necessary to fully assess their commitment to fair labour practices.

The Right to Form and Join a Trade Union: Compliance

AZAPO has historically supported the right to form and join trade unions, reflecting compliance with this constitutional right.

The Right to an Environment that is Not Harmful to Health or Well-being: Partial Compliance

While AZAPO in 2019 committed itself to ensuring green energy and that the Government needs to adopt greener production strategies, the Foundation awarded its stance on environmental issues only partial compliance with the right to a healthy environment. While it is commendable that AZAPO's 2024 manifesto commits to driving energy-efficient programmes to reduce energy demand and alleviate power grid constraints, it also advocates for exploring local and regional gas. Such gas exploration undermines this right as gas exploration, drilling (e.g. fracking) and production affects the environment. Although advancements in technology can mitigate some negative impacts, the inherent risks to the environment from gas exploration suggest that AZAPO's policies do not fully align with the right to an environment that is not harmful to health or well-being.

The Right not to be Deprived of Property Arbitrarily and Without Compensation: Non-compliance

AZAPO's support for expropriation without compensation reflects non-compliance with property rights as enshrined in the Constitution. This approach conflicts with the protection against arbitrary deprivation of property, with the party claiming that such actions would “restore the dignity of black people”.

The Right to Have Access to Adequate Housing: Compliance

AZAPO advocates for access to adequate housing, reflecting compliance with this constitutional right. Along with land reform, the party staunchly believes in making “*black people not inferior to anybody. They deserve to own land. They deserve to live in decent houses.*”

The Right to Healthcare, Food, Water and Social Security: Compliance

The party supports access to healthcare, food, water and social security, indicating compliance with these socioeconomic rights.

The Right to Basic and Further Education: Compliance

AZAPO has criticised the current education system and advocates for improvement, reflecting compliance with the right to basic and further education. The party claims that its prioritisation of education will be to undo the damages of the past.

The Right to Use the Language and to Participate in the Cultural Life of Their Choice: Non-compliance

AZAPO's support for the BELA Bill and stance on language policy suggest non-compliance with the right to use one's language and participate in cultural life. The party's stance appears antagonistic to non-indigenous languages and cultures.

The party's antagonistic stance towards non-indigenous cultures suggests non-compliance with the rights of cultural, religious, or linguistic communities.

Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Compliance

AZAPO supports the right to legal recourse, indicating compliance with this constitutional principle. The party has been involved in numerous instances before the courts, reflecting compliance.

Thus, AZAPO's real-world actions reveal significant areas of non-compliance with the Constitution's founding values and Bill of Rights. While the party shows support for socioeconomic rights such as housing, healthcare and education, its stance on racial issues, property rights and individual freedoms indicates a lack of alignment with constitutional principles. AZAPO must address these discrepancies to fully uphold the fundamental rights and freedoms guaranteed to all South Africans under the Constitution.



4. uMkhonto we Sizwe Party (“MK Party”)

Non-racialism: Non-compliance

The MK Party's real-world actions have raised concerns regarding their commitment to non-racialism. The propagation of ethnic nationalism and the possible (or at least opined) alteration of the party's name to "uMkhonto weSizwe samaZulu" indicate a departure from the principle of non-racialism.

Non-sexism: Uncertain

The MK Party's stance on gender equality is not explicitly mentioned in the provided information. Without specific actions or policies addressing gender discrimination, it's challenging to assess their commitment to non-sexism.

No unfair discrimination: Non-compliance

The MK Party's advocacy for policies that prioritise certain racial groups and perpetuate racial stereotypes suggests a departure from the principle of non-discrimination. By framing societal issues through a racial lens, the party risks perpetuating unfair discrimination against certain racial groups.

Respect and Protection of Everyone's Dignity: Non-compliance

Despite professing a commitment to upholding dignity for all in their manifesto, the MK Party's real-world actions have raised concerns. The propagation of racial stereotypes and the promotion of policies that target specific racial groups risk undermining the dignity of individuals.

The Right to Life: Non-compliance

The MK Party's advocacy for holding a referendum on the death penalty contradicts the constitutional prohibition of cruel, inhuman, or degrading punishment. This stance raises questions about the party's commitment to upholding the right to life. By advocating for the reinstatement of the death penalty as a deterrent to violent crime, the party's position appears to conflict with the Constitutional Court judgment in S v Makwanyane 1995 (6) BCLR 665 (CC) that holds the death penalty to be an unjustifiable and unreasonable infringement on the right to life. For the MK to legalise the death penalty, it would need to amend the Constitution.



The Right to Freedom and Security of the Person: Non-compliance

While the MK Party's [manifesto](#) mentions plans to tackle crime, concerns have been raised about their advocacy for violence if barred from contesting elections. Although the party has [vowed](#) to expel any members who incite violence, questions still arise about their commitment to upholding the right to freedom and security of the person without being able to contain the actions of some of their members who may resort to violence in the name of the party.

The Right to Bodily and Psychological Integrity: Uncertain

The MK Party's real-world actions do not explicitly address policies or initiatives related to the protection of bodily and psychological integrity. Without specific measures in this regard, it's challenging to assess their commitment to upholding these rights.

No One May be Subjected to Slavery, Servitude, or Forced Labour: Uncertain

The MK Party's [manifesto](#) does not explicitly address issues related to slavery, servitude, or forced labour. Without specific policies or initiatives in this regard, it's challenging to assess their commitment to upholding these rights.

The Right to Privacy: Non-compliance

The MK Party's [plans](#) to expand surveillance capabilities raise significant concerns about privacy rights. By advocating for a heightened intelligence network without adequate safeguards, the party risks infringing upon individuals' right to privacy.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Uncertain

The MK Party's real-world actions do not explicitly address policies or initiatives related to freedom of conscience, religion, thought, belief and opinion. Without specific measures in this regard, it's challenging to assess their commitment to upholding these rights.

The Right to Freedom of Expression: Compliance

The MK Party's real-world actions support freedom of expression, as they have not explicitly curtailed this right.



The Right to Assemble, Demonstrate, Picket and Petition: Compliance

The MK Party's real-world actions have not explicitly restricted the right to assemble, demonstrate, picket, or present petitions. However, the party has actively participated in protests, leading one to believe that this right would not be curtailed under MK governance.

The Right to Freedom of Movement: Uncertain

The MK Party's real-world actions do not explicitly address policies or initiatives related to freedom of movement. Without specific measures in this regard, it's challenging to assess their commitment to upholding this right.

The Right to Choose their Trade, Occupation, or Profession Freely: Non-compliance

The MK Party's actions fail to directly address policies that adhere to freedom of choice in trade, occupation, or profession. Their focus on supporting youth, black individuals and women, excluding other racial groups, suggests a limited approach to promoting equal opportunities. By not advocating for measures that encompass all racial groups, they risk neglecting the fundamental right to freely choose one's profession without discrimination. This selective support may inadvertently perpetuate inequalities by disregarding the diverse needs and aspirations of individuals from different racial backgrounds, thereby undermining the principle of equal opportunity for all.

The Right to Fair Labour Practices: Compliance

Unfair labour practices, as defined by LRA, include unfair conduct by an employer related to promotion, demotion, probation, or training of employees; unfair suspension or other disciplinary actions short of dismissal; failure or refusal to reinstate or re-employ a former employee as per an agreement; and any occupational detriment arising from a protected disclosure under the Protected Disclosures Act, 2000.





The MK Party manifesto has highlighted the negative impacts of the Reconstruction and Recovery Plan, which, it claims in its manifesto, focuses on reducing human capital and research spending, privatising State-Owned Enterprises ("SOEs") and easing labour market reforms. The party's manifesto claims that these measures, supported by COSATU unions, will harm workers by decimating labour rights and not implementing agreed-upon salary increases. This would fall within the ambit of section 186(2)(a) of the LRA as not implementing agreed upon salary increases or unfair conduct relating to the provision of benefits of the employee would be prohibited by this section.

In response, the MK Party pledges to respect labour's hard-won rights and ensure that negotiated employment terms are upheld by both employers and the Government. They plan to oppose the privatisation of SOEs and protect salary agreements, which the party believes would ensure fair treatment and benefits for employees.

Therefore, the party plans on addressing issues of unfair labour practices by committing to uphold negotiated employment terms and protect workers from unfair employer conduct. This suggests that the party's stance is in line with the right to fair labour practices.

The Right to Form and Join a Trade Union: Uncertain

The MK Party's actions do not explicitly address policies or initiatives related to the right to form and join a trade union. Without specific measures in this regard, it's challenging to assess their commitment to upholding this right.

The Right to an Environment that is Not Harmful to Health or Wellbeing: Compliance

The MK Party's Head of Elections lamented that "*the environment and the infrastructure have extremely deteriorated*", signalling that the party would prioritise environmentally-friendly practices if given the mandate.



The Right not to be Deprived of Property Arbitrarily and Without Compensation: Non-compliance

The MK Party's advocacy for expropriating all land without compensation raises concerns about property rights. This stance contradicts the constitutional protection against the arbitrary deprivation of property. Furthermore, an attack on this right is the plan, via the party's manifesto, to “*confiscate all land, nationalise banks and mines, try and scrap the Constitution*”.

The Right to have Access to Adequate Housing: Compliance

The MK Party's actions include support for adequate housing, aligning with their manifesto's commitment to addressing housing issues. In this regard, the party wants to implement a compulsory housing fund modelled on Singapore's Central Provident Fund Board.

The Right to Healthcare, Food, Water and Social Security: Compliance

The MK Party's actions include support for increasing social grants, aligning with their manifesto's commitment to ensuring access to healthcare, food, water and social security. On the National Health Insurance Act, the party recently refused to make a concise comment, however expressed the view that, “*Let's just say we're going to reverse a lot of things that are being done*”.

The Right to Basic and Further Education: Partial Compliance

The MK Party demonstrates partial compliance with the right to basic and further education. Their promise of free education for the youth, particularly those from poor households, aligns with enhancing access to education. However, the lack of detailed plans and the party's unresponsiveness to further inquiries raise concerns about the feasibility and comprehensiveness of their educational policies.



The Right to Use the Language and to Participate in the Cultural Life of their Choice: Compliance

The MK Party's actions include support for indigenous languages in education and official state communication, aligning with their manifesto's commitment to language rights. The leader of the party, Former President Jacob Zuma, has noticeably changed his rhetoric from English to Zulu expressing his right to enjoy the language and cultural life of his choice, and to potentially attract Zulu voters. However, this must be cautioned in light of prioritising one language or culture over others.

Access to Courts: The Right to have Any Dispute that can be Resolved by the Application of Law: Non-compliance

The MK Party's advocacy for withdrawing from the International Criminal Court ("ICC") and scrapping the current Constitution raises concerns about their commitment to the rule of law and dispute resolution through legal means. This stance undermines the right to have disputes resolved by the application of law.

Overall, while the MK Party's real-world actions align with some of the rights and principles outlined in their manifesto, concerns remain regarding their commitment to others, particularly those related to non-racialism, discrimination, privacy, property rights and the rule of law. Moving forward, the party must address these concerns and ensure that their actions uphold the full spectrum of constitutional rights and principles.



5. Freedom Front Plus (“FF Plus”)

Non-racialism: Unclear

The FF Plus has been vocal in criticising the ANC's policies of affirmative action and BBBEEA, which they argue have exacerbated racial polarisation. By advocating for merit-based appointments and opposing race-based policies, the FF Plus appears to align with constitutional values of non-racialism and equality. However, the extent to which their actions contribute to genuine social cohesion remains debatable, as their emphasis on reversing race-based policies could potentially perpetuate existing divisions (i.e. undermine substantive equality). Furthermore, allegations of racism within the FF Plus raise questions about the party's adherence to this value. Adv Lennit Max's resignation, citing derogatory treatment of coloured people within the party, suggests a failure to uphold this fundamental right. Adv Max's claims of name-calling and racial insensitivity, if proven true, directly contravene the principle of respecting and protecting inherent dignity. However, FF Plus MP, Corné Mulder, vehemently denied these allegations, asserting that the party treats all individuals with dignity and respect. Yet, the conflicting narratives surrounding Adv Max's resignation were the reason for the party being awarded an “unclear”.

Non-sexism: Compliance

The FF Plus has asserted its commitment to non-sexism by advocating for the protection of women, children and vulnerable citizens against abuse and mistreatment in its manifesto. Therein it acknowledges the endemic nature of GBV and supports measures to encourage reporting of such incidents, prioritising policing and prosecution. Additionally, the party emphasises the importance of empowering women through training and equal opportunities. Furthermore, the party has stated that, with regards to gender, its representatives in Parliament were chosen on merit.

No Unfair Discrimination: Compliance

The party asserts its commitment to no unfair discrimination by opposing measures such as Affirmative Action (“AA”) and the BBEEA which it sees as discriminatory based on race. The party argues that these policies contribute to economic decline and hinder qualified individuals from realising their potential. Instead, the FF Plus advocates for equal access to opportunities based on socio-economic circumstances, not race. By challenging policies that prioritise skin colour over qualifications, the party aims to prevent discrimination and promote fairness in employment and service delivery. Furthermore, the FF Plus emphasises the importance of policy directions focused on building a better future and promoting economic growth to ensure equal opportunities for all South Africans.

Respect and Protection of Everyone’s Dignity: Unclear

The allegations of racism within the FF Plus raise questions about the party's adherence to the right to dignity for all South Africans, as enshrined in section 10 of the Constitution. The conflicting narratives surrounding Adv Max's resignation were the reason for the party being awarded an “unclear”.

The Right to Life: Partial Compliance

The FF Plus has been proactive in addressing farm attacks and rural safety concerns, demanding action from government authorities and advocating for stricter measures to combat crime in rural areas. By prioritising the safety and security of farmers and rural communities, the party aligns with the constitutional rights to life, freedom and security of the person. However, their singular focus on farm attacks, without equal emphasis on addressing crime across all communities, raises questions about their commitment to addressing broader societal challenges.

The Right to Freedom and Security of the Person: Partial Compliance

See the Right to Life above.

The Right to Bodily and Psychological Integrity: Partial Compliance

See the Right to Life above.

No One May Be Subjected to Slavery, Servitude or Forced Labour: Non-compliance

The FF Plus proposal to subject hardened criminals to hard or forced labour contradicts the constitutional right to be free from forced labour. Section 13 of the Constitution explicitly prohibits any form of forced labour slavery or servitude, yet the party advocates for prisoners, particularly those guilty of serious offences, to be made to perform labour-intensive tasks. While the intention may be to reduce taxpayer burden, the policy overlooks the constitutional mandate against imposing compulsory forced labour on individuals, regardless of their criminal status.

The Right to Privacy: Compliance

The FF Plus's non-support for the GILAB aligns with the right to privacy, as outlined in section 14 of the Constitution. By not endorsing legislation which initially introduced potentially intrusive provisions, such as mandatory security vetting, the party upholds the principle of protecting individuals' privacy rights. This stance ensures that proposed laws undergo rigorous scrutiny to safeguard against undue encroachment on citizens' privacy, demonstrating a commitment to upholding this fundamental constitutional right.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Compliance

The FF Plus consistently supports the right to freedom of religion, belief, conscience, thought and opinion through its stance on various legislative measures. Overall, the FF Plus's actions underscore its advocacy for religious freedom and its dedication to ensuring that legislative measures respect the constitutional rights of individuals and religious organisations to exercise their beliefs without undue imposition or constraint from the government.

The Right to Freedom of Expression: Compliance

While the FF Plus manifesto expresses support for freedom of expression, recent actions, such as the removal of a Facebook post that was labelled as being “anti-gay” or “anti-interracial” relationships, resulted in the party distancing itself from the post’s sentiments and removing it, saying it contravened the party’s policy.

The Right to Assemble, Demonstrate, Picket and Petition: Compliance

The party has been involved in protests and, as such, has held adherence to this right as enshrined in section 17 of the Constitution. The party has also called out protest action for “*not being a solution to poor service delivery*” stating that people “*should not resort to protesting as their first course of action*”, however, no actions were undertaken to suggest it would limit this right.

The Right to Freedom of Movement: Partial Compliance

The FF Plus' support for a referendum on Western Cape secession would potentially limit South African citizens' freedom of movement to the Western Cape (should the secession succeed) as the province would be made a separate entity from South Africa. If successful, secession could lead to the establishment of border controls between the Western Cape and South Africa, potentially restricting the movement of individuals between these regions.

The Right to Choose Their Trade, Occupation or Profession Freely: Compliance

The FF Plus's opposition to BEE and AA, advocating for merit-based appointments, aligns with the right to choose one's trade, profession, or occupation freely. By promoting equal opportunities, irrespective of race, individuals can pursue their desired careers based on their skills and qualifications rather than being subject to discriminatory practices. This approach fosters a more equitable society where individuals have the autonomy to pursue their chosen paths without systemic barriers based on race.

The Right to Fair Labour Practices: Compliance

The party does not deviate from adherence to this right and follows the stance that labour legislation should be amended so as to promote job creation while still maintaining fair labour practices as per the Labour Relations Act, 1995.

The Right to Form and Join a Trade Union: Non-Compliance

The position to replace trade unions for teachers contradicts the right to form and join a trade union, as outlined in the Constitution. By advocating for a conciliation and arbitration system instead of trade unions, it undermines teachers' rights to organise collectively and negotiate for better working conditions. This approach limits teachers' ability to advocate for their interests and address issues through collective action, thus inhibiting their exercise of the constitutional right to form and join trade unions.

The Right to an Environment that is Not Harmful to Health or Well-being: Compliance

The party's engagement with issues such as the water crisis in South Africa highlights its commitment to addressing environmental challenges and ensuring access to clean water, a fundamental human right. By holding the Government accountable for failures in water infrastructure and pollution management, the FF Plus demonstrates a dedication to protecting citizens' health and wellbeing, in line with constitutional principles.

The Right not to be Deprived of Property Arbitrarily and Without Compensation: Compliance

The FF Plus's staunch opposition to the Expropriation Bill and their readiness to challenge it in the Constitutional Court align with their manifesto's emphasis on property rights and the rule of law. By advocating for the protection of property rights and opposing arbitrary deprivation of land, the party demonstrates a commitment to constitutional principles. However, the extent to which their actions influence policy outcomes and protect citizens' property rights remains contingent on broader political dynamics, as they are not as yet in a position of governance.

The Right to Have Access to Adequate Housing: Compliance

The FF Plus has addressed the right to adequate housing by actively engaging in oversight regarding the housing crisis in Gauteng. By requesting comprehensive reports and conducting oversight visits to affected areas, they aim to assess the Department of Human Settlements' performance and progress in addressing housing challenges. This demonstrates their commitment to ensuring that government agencies fulfil their obligations in providing housing, thereby contributing to the realisation of the right to adequate housing for all citizens.



The Right to Healthcare, Food, Water and Social Security: Compliance

The [FF Plus's Manifesto](#) addresses issues pertaining to sustainable agriculture and fisheries in order to ensure food supply. The cost of food (and living) is addressed by the party's economic policies. Restoring the economy and the fiscal position will provide a decline in inflation and economic growth which could alleviate poverty and hunger.

The Right to Basic and Further Education: Compliance

The FF Plus has emphasised the importance of accessible, quality education, but proposes significant changes, including replacing teacher unions with conciliation and arbitration systems to address issues like strikes. They advocate for parental choice in schooling, offering vouchers for parents to choose schools and empowering communities to establish their own schools.

The Right to Use the Language and Participate in the Cultural Life of Their Choice: Compliance

The FF Plus [strongly advocates for language rights and multilingualism](#), emphasising the intrinsic value of each language. They argue that the dilution of indigenous languages harms dignity and race relations, proposing the recognition and development of all South Africa's languages. They condemn the dominance of English and advocate for the conservation of Afrikaans, and other indigenous languages, urging expanded mediums of instruction. However, their focus on Afrikaans and opposition to English dominance may limit participation in the language and cultural life of other groups, potentially contradicting the right to language and cultural choice for all.

Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Compliance

The party recognises and upholds this right and has made use of it themselves. For example, the party recently [pledged to approach](#) the Constitutional Court to oppose the Expropriation Bill.





In assessing the Freedom Front Plus's real-world actions, a nuanced picture emerges. While the party demonstrates alignment with constitutional values in areas such as environmental protection, rural safety and property rights, concerns persist regarding their approach to issues such as substantive equality. The FF Plus's engagement with these challenges reflects an ongoing tension between their commitment to certain constitutional principles and their advocacy for specific interests and identities within South African society. Moving forward, the party's ability to navigate these complexities will shape its role in advancing democracy, human rights and social justice in South Africa.



6. Economic Freedom Fighters (“EFF”)

Non-racialism: Non-compliance

The EFF has faced significant criticism for perpetuating racial divisions through both rhetoric and policy. The chant “Kill the Boer”, led by Julius Malema, has been particularly controversial. Although South African courts have heard arguments on this chant, it is widely perceived as inciting violence against a specific racial group, which undermines national unity and the principle of non-racialism enshrined in the Constitution.

Non-sexism: Compliance

The EFF strongly advocates for gender equality, promoting substantial female representation in politics and other sectors. Their policies include ensuring that half of South Africa's land is owned by women and youth, highlighting their commitment to combating sexism. Overall, the EFF's policies reflect a dedication to non-sexism, but proportional representation would better align with demographic realities and the right to equality.

Julius Malema has, in fact, been quoted as saying, “*It is not farfetched to say the EFF has got the potential not only to produce the first female president of its own, but of the country*”.

No Unfair Discrimination: Non-compliance

The EFF's policies and rhetoric often prioritise black South Africans, which can be interpreted as discriminatory against other racial or ethnic groups, particularly white South Africans. This favouritism contravenes the constitutional principle of no unfair discrimination, which requires equal treatment for all citizens. Furthermore, the party has supported the EEA which discriminates unfairly against individuals on the basis of race.

Respect and Protection of Everyone's Dignity: Non-compliance

Julius Malema's public statements often vilify individuals, undermining their dignity. This behaviour sets a negative example and encourages similar actions among EFF supporters, which compromises the constitutional principle of respecting and protecting everyone's dignity.



The Right to Life: Non-compliance

The EFF does not advocate for the death penalty, however, its chants and rhetoric, especially those perceived as inciting violence, compromise the right to life of specific groups, notably farmers.

The Right to Freedom and Security of the Person: Non-compliance

The EFF's chants and rhetoric, especially those perceived as inciting violence, compromise the security of specific groups, notably farmers. This undermines the right to freedom and security of the person. Whilst Malema has pledged to be strong on crime, this incitement of violence undermines his efforts as far as all South African being secure is concerned.

The Right to Bodily and Psychological Integrity: Compliance

The EFF has been involved in what has been dubbed “*leading the war against gender-based violence*”. They hold mass actions, awareness campaigns and operate a GBV help desk. The EFF demands police accountability, proposes harsher sentences for GBV crimes and advocates for specialised law enforcement units. Their stance includes addressing economic and social root causes, emphasising that true female emancipation requires broader economic emancipation.

No One May Be Subjected to Slavery, Servitude, or Forced Labour: Compliance

The EFF advocates for strong labour protections and supports a national minimum wage (planning to increase the monthly minimum wage to R7500 per month should it assume power), which aligns with the constitutional prohibition against slavery, servitude and forced labour. By pushing for a monthly minimum wage of R7500, they aim to ensure fair compensation, protect workers' rights, and improve living standards and plan to prevent exploitative labour practices. The party has said that “*South African workers are paid low wages with contracts characterised by long working hours without benefits or permanent contracts, especially black workers*”.

The Right to Privacy: Non-compliance

The EFF has [supported](#) legislation like the first version of the [General Intelligence Laws Amendment Bill](#) (“GILAB”), which was adopted by the National Assembly and which would have drastically limited the right to privacy. Additionally, its [accusations](#) against journalists that they are “apartheid spies” raised significant privacy concerns, as those accused by party supporters would undoubtedly face heightened scrutiny and intrusion into their personal lives, potentially infringing on the journalists’ right to privacy.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion Performance: Non-compliance

Julius Malema has been [quoted](#) as having said, “*I build churches for the people*”. However, the EFF’s [support](#) for several recent laws has raised concerns about its respecting, protecting and promoting the right to freedom of religion, thought, belief and conscience. By supporting these laws, the EFF has supported measures that collectively impair the exercise of the right to freedom of conscience, religion, thought, belief and opinion, rather than arguing for ways to reasonably accommodate the same in the public realm.

The Right to Freedom of Expression: Non-compliance

While the EFF upholds freedom of expression, it has shown [double standards](#) by suing individuals for hate speech against its leader. The party [backed](#) the [Hate Speech Act](#).

The Right to Assemble, Demonstrate, Picket and Petition: Compliance

The EFF [frequently organises](#) protests and demonstrations against service delivery failures across the country, advocating for these rights and actively utilising them as part of their political strategy.

The Right to Freedom of Movement: Compliance

The EFF [advocates](#) for open borders within Africa, promoting the right to freedom of movement. The party is known for their “pan-African stance”, believing that Africa should be for all Africans.



The Right to Choose Their Trade, Occupation, or Profession Freely: Non-compliance

The EFF's policies on preferential treatment based on race can limit opportunities for individuals of other racial groups, affecting their professional choices and contravening the right to freely choose their trade, occupation, or profession.

The Right to Fair Labour Practices: Compliance

The EFF is a strong advocate for fair labour practices and the rights of workers, aligning with constitutional principles and, importantly, the LRA. However, the party has become known for interfering in the workplace by conducting “workplace inspections”.

The Right to Form and Join a Trade Union: Partial Compliance

The EFF supports the right to form and join trade unions, which aligns with the constitutional guarantee of this right. For instance, a former EFF Chairperson even launched a trade union of his own, claiming that even members of the party will be represented by this union. However, the party has also been known to intimidate trade unions through unprincipled attacks, as seen when Julius Malema demanding teachers, mostly SADTU members, be banned from working for the Independent Electoral Commission (“IEC”) during the 2024 elections. This also undermines teachers' constitutional rights to freedom of association, enshrined in section 18 of the Constitution.

The Right to an Environment that is Not Harmful to Health or Well-being: Non-compliance

The EFF's support for maintaining coal-fired power stations and opposing a transition to renewable energy contradicts the constitutional right to an environment that is not harmful to health or well-being.



The Right not to be Deprived of Property Arbitrarily and Without Compensation: Non-compliance

The EFF's policy of expropriation without compensation (“EWC”) undermines property rights and contravenes the constitutional principle that property should not be deprived except in terms of a law of general application. The EFF has vowed to reintroduce calls for section 25 of the Constitution to be amended and has further stated that “55% of land will be expropriated”.

The Right to Have Access to Adequate Housing: Compliance

The EFF has pledged to improve housing conditions, including replacing inadequate housing with better alternatives, supporting the constitutional right to adequate housing.

The Right to Healthcare, Food, Water and Social Security: Compliance

The EFF strongly supports these rights through their rhetoric and policies, advocating for better access to healthcare, food, water and social security. Whilst supporting universal free healthcare, the party has slammed the NHI for still maintaining a two-tier health system, which the party believes should be completely under the control of the government.

The Right to Basic and Further Education: Compliance

The EFF is a strong advocate for “free, quality, decolonised” education (particularly for black students) and supports policies aimed at improving access to both basic and higher education. The party has also taken action against principals who have denied access to learners “allegedly based on their socio-economic background”.

The Right to Use the Language and Participate in the Cultural Life of Their Choice: Non-compliance

The EFF has been criticised for its stance against Afrikaans, including opposing its use in universities. At the University of Pretoria, for instance, the party has declared that #AfrikaansMustFall. This stance contradicts the constitutional right to use the language and participate in the cultural life of one’s choice.



Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Compliance

The EFF's manifesto respects the right to have disputes resolved legally, aligning with the constitutional principle of resolving disputes through the application of law. However, when recently asked their stance on the courts, the party did not respond.

The EFF's actions and policies reflect a mix of compliance and non-compliance with South Africa's constitutional principles. While the party supports some fundamental rights, its rhetoric and policies on issues like property rights, non-racialism and privacy raise significant concerns. These inconsistencies highlight the need for continued scrutiny and debate regarding the EFF's alignment with constitutional values.

7. Al-Jama-ah

Non-racialism: Compliance

Al Jama-ah preaches non-racialism within the party by striving for environments that are free from all discriminatory policies, including racism, indicating compliance with the principle of non-racialism enshrined in the Constitution. This is reflected in the diversity within the party, with members from various racial backgrounds.

Non-sexism: Compliance

Al Jama-ah has launched campaigns against gender-based violence (“GBV”) and femicide (launching a campaign called “Say No To Gender-Based Violence”).

No Unfair Discrimination: Partial Compliance

Al Jama-ah’s actions demonstrate non-compliance with the principle of no unfair discrimination: Its position on LGBTQ+ and statements made by the Mayor of Johannesburg, an Al Jama-ah member, urging the LGBTQ+ community to stop imposing their practices on society potentially creates a hostile environment that stigmatises LGBTQ+ individuals (thereby imposing disadvantages based on sexual orientation, i.e. being discriminatory in term so the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (“the Equality Act)). This discrimination, being on the prohibited ground of sexual orientation, is presumed to be unfair in terms of section 13(2) of the Equality Act. However, when assessing the party's position on the Employment Equity Act, it is evident that the party is against this piece of legislation for the reason that it “perpetuates racism”.

Respect and Protection of Everyone's Dignity: Non- compliance

Similarly, the party's stance on LGBTQ+ rights affects their compliance with the principle of respect and protection of everyone’s dignity. Statements made by party leaders indicate a lack of respect for the dignity of LGBTQ+ individuals, reflecting non-compliance.

The Right to Life: Compliance

Al Jama-ah has not explicitly endorsed the death penalty, which indicates compliance with the right to life. However, there is uncertainty about their stance on this issue, particularly concerning their potential reliance on Sharia (Islamic) law, which may demand the death penalty for certain crimes.

The Right to Freedom and Security of the Person: Compliance

The party leader has been vocal on tackling the issues of escalating crime rates and gangsterism in the Western Cape, indicating an intention by the party to advance the right to freedom and security of the person. They have not made any statements or taken actions that undermine this right.

The Right to Bodily and Psychological Integrity: Uncertain

There is insufficient information available to assess the Al-Jama-ah's stance on the right to bodily and psychological integrity, which includes decisions concerning reproduction, security and control over one's body and protection against non-consensual medical or scientific experiments, as outlined in section 16(2) of the Constitution. Their adherence to this constitutional right remains uncertain.

No One May Be Subjected to Slavery, Servitude, or Forced Labour: Uncertain

There is no evidence to suggest that Al Jama-ah supports or condones slavery, servitude, or forced labour. This would have been evident had the party advocated for hard or forced labour of, for example, prisoners which would have been in contravention of section 13 of the Constitution. However, information in this instance is lacking.

The Right to Privacy: Compliance

Al Jama-ah has strongly called for amendments to the General Intelligence Laws Amendment Bill so that the office of the Inspector-General of Intelligence ("IGI") is not left open to abuse of power. The party has shown support for strengthening the independence of the IGI to prevent abuse of power, indicating compliance with the right to privacy.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Compliance

While Al Jama-ah is an unashamedly Muslim party, it claims to embrace diversity and inclusivity across cultures and religions. The presence of non-Muslim members within the party indicates compliance with the right to freedom of conscience, religion, thought, belief and opinion.

The Right to Freedom of Expression: Compliance

The party appears to support the right to freedom of expression. For example, the leader of the party has claimed that the Hate Speech Act, 2023, is a “*threat to political and religious freedom as the definition of hate speech was too broad and needed to be narrowed down*”.

The Right to Assemble, Demonstrate, Picket, and Petition: Compliance

Al Jama-ah has participated in and supported various protests, reflecting compliance with the right to assemble and demonstrate peacefully.

The Right to Freedom of Movement: Compliance

There is no evidence to suggest that Al Jama-ah opposes the right to freedom of movement, indicating compliance with this principle.

The Right to Choose Their Trade, Occupation, or Profession Freely: Compliance

Al Jama-ah has criticised the EEA for focusing too narrowly on certain racial groups, suggesting a commitment to the right to choose one’s trade, occupation, or profession freely. This stance indicates compliance.

The Right to Fair Labour Practices: Compliance

The party has expressed support, in their manifesto, for fair labour practices, indicating compliance with this principle.

The Right to Form and Join a Trade Union: Uncertain

There is insufficient information to determine Al Jama-ah's stance on the right to form and join trade unions. This lack of clarity suggests a potential gap in compliance.

The Right to an Environment That is Not Harmful to Their Health or Wellbeing: Compliance

Al Jama-ah has called for the appointment of a “Commissioner of the Environment,” indicating a commitment to environmental protection and compliance with this constitutional right.



The Right not to be Deprived of Property Arbitrarily and Without Compensation: Non-compliance

The party's manifesto suggests potential non-compliance with property rights. Al Jama-ah has stated that it would implement expropriation without compensation if it gains control of Cape Town, indicating a stance that conflicts with constitutional property rights.

The Right to Have Access to Adequate Housing: Compliance

Al Jama-ah advocates for dignified housing for all communities, reflecting compliance with the right to adequate housing. In this regard, progress has been made by the party, as their website highlighted 68 RDP houses have been handed over by the Mayor of Johannesburg (a party member) to deserving citizens.

The Right to Healthcare, Food, Water and Social Security: Compliance

The party provides grants to struggling schools and emphasises access to healthcare and social security, indicating compliance with these socioeconomic rights.

The Right to Basic and Further Education: Compliance

The party's emphasis on education, including support for private schools, reflects compliance with the right to basic and further education.

The Right to Use the Language and to Participate in the Cultural Life of Their Choice: Compliance

Al Jama-ah has lobbied for the suspension of load shedding during Eid, indicating a commitment to cultural and religious rights and reflecting compliance.





Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Uncertain

While Al Jama-ah relies heavily on Sharia law, the party also engages with the broader legal framework, indicating an intention to comply with the right to legal recourse. However, their true commitment to this principle would be tested if a court judgment conflicted with Sharia law. It remains to be seen whether Al Jama-ah would prioritise South African legal standards or adhere strictly to Sharia law in such cases. Their response to such a scenario would clarify their stance on balancing religious principles with the broader legal obligations within the South African judicial system.

In conclusion, Al Jama-ah's real-world actions reflect both compliance and non-compliance with the Bill of Rights. While the party shows strong support for non-racialism, adequate housing, healthcare and cultural rights, their stance on LGBTQ+ rights and property rights reveals significant areas of potential non-compliance. The party must address these discrepancies to fully align with the comprehensive constitutional principles of South Africa.

8. GOOD Party

Non-racialism: Compliance

The GOOD Party has consistently promoted non-racialism, classifying itself as a humanist party that believes in the unity of the human race. This commitment is reflected in their actions, with the party tackling unfair language discrimination in the Bergrivier Municipality. This alignment with the principle of non-racialism in the Bill of Rights signifies compliance.

Non-sexism: Compliance

The party's stance on non-sexism is evident in its advocacy for gender equality. The GOOD Party's actions in this regard demonstrate a commitment to promoting equal rights and opportunities for all genders, aligning with constitutional principles.

No Unfair Discrimination: Compliance

The GOOD Party has actively challenged unfair discrimination, particularly in language use within the Bergrivier Municipality. This proactive stance underscores the party's commitment to ensuring equality and combating systemic discrimination, indicating compliance with the Bill of Rights. The party's support for gay pride parades and other initiatives highlights its commitment to the right not to be unfairly discriminated against on the ground of sexual orientation.

Respect and Protection of Everyone's Dignity: Compliance

The party's efforts to respect and protect the dignity of individuals are evident in their recent endorsement by "Compatriots of South Africa" (who have the slogan "Restoring our Dignity") and public statements. In addition, leaders of the GOOD Party have consistently emphasised the importance of human dignity, reflecting compliance with constitutional principles.

The Right to Life: Uncertain

There is insufficient information available to conclusively determine the GOOD Party's stance on the right to life. The manifesto does not explicitly address this right, leading to uncertainty about the party's position and actions in this critical area.



The Right to Freedom and Security of the Person: Compliance

The GOOD Party has been vocal about crime prevention and has appealed to the Minister of Police, Bheki Cele, to focus more on this issue. This advocacy for increased security measures indicates compliance with the right to freedom and security of the person.

The Right to Bodily and Psychological Integrity: Uncertain

The GOOD Party's adherence to the right to bodily and psychological integrity, as defined in section 12(2) of the Constitution, is uncertain. There is insufficient information available on their specific policies or actions regarding decisions concerning reproduction, bodily security and control and protection against non-consensual medical or scientific experiments to determine their compliance with this right.

No One May Be Subjected to Slavery, Servitude, or Forced Labour: Uncertain

There is a lack of information regarding the GOOD Party's stance on preventing slavery, servitude and forced labour. Without explicit actions or policies addressing this issue, compliance cannot be determined.

The Right to Privacy: Uncertain

The GOOD Party's adherence to the right to privacy, as defined in section 14 of the Constitution, is uncertain. There is insufficient information available on their specific policies or actions regarding the protection against searches of person or home, property searches, seizure of possessions, and infringement of communication privacy to determine their compliance with this right.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Non-compliance

The GOOD Party's manifesto does not explicitly address the right to freedom of conscience, religion, thought, belief and opinion. The party's voting in Parliament saw it vote in favour of laws that limit the right to religious freedom saw it being awarded a non-compliance: For example, the party voted in favour of both the General Laws (Anti Money Laundering and Combating Terrorism Financing) Amendment Act (which mandates NPO registration and grants the State intrusive powers potentially affecting religious autonomy) and the Hate Speech Act, 2023, which has vague definitions and could limit freedom of religious expression.

The Right to Freedom of Expression: Non-compliance

The GOOD Party's [manifesto](#) does not explicitly address the right to freedom of conscience, religion, thought, belief and opinion. The party's voting in Parliament saw it vote in favour of laws that limit the right to freedom of expression, specifically the [Hate Speech Act, 2023](#).

The Right to Assemble, Demonstrate, Picket, and Petition: Compliance

The GOOD Party has [participated in and supported](#) various protests, demonstrating a commitment to the right to assemble and engage in peaceful demonstrations. This active participation aligns with the principles outlined in the Bill of Rights.

The Right to Freedom of Movement: Uncertain

The GOOD Party's adherence to the right to freedom of movement, as defined in section 21 of the Constitution, is uncertain. There is insufficient information available on their specific policies or actions regarding the rights to freedom of movement for citizens, to leave and enter the Republic, to reside anywhere within the Republic and to possess a passport, to determine their compliance with this right.

The Right to Choose One's Trade, Occupation, or Profession Freely: Non-compliance

[Comments](#) by Patricia de Lille suggesting that a merit-based system is an insult to coloured people seems to undermine the principle of meritocracy. This position raises concerns about the GOOD Party's stance on the right to choose one's trade, occupation, or profession freely, indicating non-compliance.

The Right to Fair Labour Practices: Uncertain

The GOOD Party's stance on fair labour practices, particularly in alignment with the [LRA](#), remains undisclosed. The party's silence on issues like unfair conduct by employers, unjust disciplinary actions and failure to reinstate former employees raises questions about their commitment to protecting workers' rights. Without explicit statements or policies addressing these concerns, it's challenging to assess whether the GOOD Party advocates for the rights outlined in the Act.

The Right to Form and Join a Trade Union: Compliance

The GOOD Party's [history of trade unionism](#) among its leaders suggests a commitment to fair labour practices and indicates support to form and join a trade union. This alignment with labour rights principles signifies compliance with the Bill of Rights.

The Right to an Environment That Is Not Harmful to Their Health or Wellbeing: Compliance

The GOOD Party [emphasises](#) environmental protection and community health, aligning with the right to a safe and healthy environment. There is a particular emphasis to [fight climate change](#) that resonates within the party.

The Right not to be Deprived of Property Arbitrarily and Without Compensation: Non-compliance

The GOOD Party's [manifesto](#) suggests potential for arbitrary deprivation of property through expropriation without compensation, with the [party's website](#) stating that land should not be viewed as a commodity to be traded, but rather be used for the public good. The party's real-world actions have not yet fully demonstrated this. However, the commitment to this principle raises concerns about compliance with property rights.

The Right to Have Access to Adequate Housing: Compliance

The GOOD Party has [actively advocated](#) for better housing solutions, particularly in the Western Cape. This focus on improving housing aligns with the right to adequate housing, reflecting compliance.

The Right to Healthcare, Food, Water and Social Security: Compliance

The party's support for a [basic income grant](#) and other social welfare initiatives highlights a commitment to ensuring access to essential services. This alignment with socioeconomic rights indicates compliance with the Bill of Rights.

The Right to Basic and Further Education: Compliance

The party's [advocacy](#) for early childhood development and education policies reflect a commitment to the right to education. This alignment with the Bill of Rights signifies compliance.



The Right to Use the Language and to Participate in the Cultural Life of Their Choice: Uncertain

There is insufficient information regarding the GOOD Party's stance on cultural and linguistic rights. The absence of explicit policies or actions addressing this area raises concerns about compliance.

Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Compliance

The party's emphasis on accountability, good governance and the professionalisation of municipalities indirectly supports the right to legal recourse. This commitment to transparency and the rule of law indicates compliance with constitutional principles.

While the GOOD Party has made significant promises in certain areas of their manifesto, such as non-racialism, non-sexism, environmental protection and social welfare, gaps remain in other fundamental rights. The party must address these discrepancies to ensure a more comprehensive and inclusive adherence to the Bill of Rights in their real-world actions and policies.



9. Inkatha Freedom Party (“IFP”)

Non-racialism: Compliance

The IFP has evolved from its origins as a Zulu nationalist movement to embrace non-racialism, welcoming non-Zulu supporters into its fold. This transformation reflects a commitment to inclusivity and diversity within the party's ranks and aligns with South Africa's constitutional principles of non-racialism.

Non-sexism: Compliance

The IFP has consistently advocated for gender equality and the empowerment of women. Its support for policies and initiatives aimed at promoting women's rights, including calls for significant female representation, demonstrates a commitment to addressing gender disparities in South Africa.

No Unfair Discrimination: Compliance

The IFP has called for the establishment of a coherent legal framework to prohibit all forms of discrimination. This shows the IFP's commitment to combating unfair discrimination based on race, gender, or other characteristics. The party seeks to uphold constitutional principles of equality and non-discrimination by advocating for comprehensive anti-discrimination measures.

Respect and Protection of Everyone's Dignity: Compliance

The IFP has consistently emphasised the restoration of the dignity of all people, reflecting a commitment to upholding human dignity as enshrined in the Constitution. This focus on dignity underscores the party's commitment to respecting and protecting the inherent worth and rights of every individual.

The Right to Life: Non-compliance

While the IFP has expressed its desire for a national debate on the death penalty. Its stance on this issue raises concerns regarding the right to life: By advocating for the reinstatement of the death penalty as a deterrent to violent crime, the party's position appears to conflict with the Constitutional Court judgment in S v Makwanyane 1995 (6) BCLR 665 (CC) that holds the death penalty to be an unjustifiable and unreasonable infringement on the right to life. For the IFP to legalise the death penalty, it would need to amend the Constitution.

The Right to Freedom and Security of the Person: Compliance

The IFP has consistently called for a crackdown on crime, demonstrating a commitment to ensuring the safety and security of all individuals. By advocating for measures to enhance law enforcement and protect citizens from criminal activities, the party aligns with constitutional principles regarding freedom and security of the person.

The Right to Bodily and Psychological Integrity: Compliance

The IFP has distanced itself from instances of discrimination and violence. Section 12 of the Constitution includes respecting individuals' decisions concerning reproduction, ensuring security and control over their bodies and safeguarding against any form of violence or degrading treatment. The party has not advocated for arbitrary deprivation of freedom, detention without trial and torture, affirming the fundamental dignity and autonomy of all citizens, as enshrined in section 12 of the Constitution.

No One May Be Subjected to Slavery, Servitude, or Forced Labour: Compliance

The IFP's support for legislative measures, such as the Basic Conditions of Employment Amendment Bill, reflects its commitment to protecting workers from exploitative labour practices. By advocating for laws that prohibit slavery, servitude and forced labour, the party upholds constitutional principles of human dignity and freedom.

The Right to Privacy: Compliance

The IFP advocates for the protection of privacy rights, emphasising the importance of “personal autonomy” and freedom from unwarranted intrusion. By calling for constitutional safeguards against privacy violations, the party aligns with principles of individual liberty and autonomy.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Compliance

The IFP supports freedom of conscience, religion, thought, belief and opinion without significant reported infringements. This stance reflects a commitment to protecting individuals' rights to hold and express diverse beliefs and opinions, consistent with constitutional guarantees of freedom of expression, following the example of the party founder who has been described as a “man of faith”.

The IFP's stance on recent legislation suggests a mixed approach to supporting this right. Overall, the party demonstrates a general inclination to uphold aspects of freedom of religion, belief and conscience, albeit sometimes in tension with other policy objectives.

The Right to Freedom of Expression: Non-compliance

The IFP was awarded a non-compliance because it voted in favour of the Hate Speech Act, 2023. The Act, which fails to align with international standards on freedom of expression, has been criticised for its inadequate safeguards, for example journalists and its vague and overbroad definitions that criminalise expressions that are meant to be protected by the right to freedom of expression.

The Right to Assemble, Demonstrate, Picket and Present Petitions: Compliance

The IFP has encouraged peaceful and lawful forms of protest, affirming its support for the right to assemble, demonstrate, picket and present petitions. By party leaders advocating for citizens to voice their grievances through democratic channels, the party upholds constitutional principles of civic engagement and participation.



The Right to Freedom of Movement: Compliance

While the IFP's inclination toward compliance is evident, its endorsement of policies such as job reservation for South African citizens may raise concerns regarding potential limitations on the freedom of movement for non-citizens. However, it's crucial to note that the Constitution explicitly states, in section 21, that the right to freedom of movement applies only to citizens.

The Right to Choose Their Trade, Occupation, or Profession Freely: Non-compliance

The IFP has consistently called for a crackdown on crime and has said that the escalating crime rate in South Africa is “*scaring away investors*”. However, its support for affirmative action through the EEA, while also calling for it to be a temporary measure, suggests a nuanced position on this issue and calling for more clarification of racial classifications. However, the party's advocacy for reserving jobs for South Africans may indicate a departure from the principle of freely choosing one's trade or profession.

The Right to Fair Labour Practices: Compliance

The IFP's support for legislative measures such as the Basic Conditions of Employment Amendment Bill demonstrates its commitment to ensuring fair labour practices. By advocating for laws that protect workers' rights and improve working conditions, the party aligns with constitutional principles of fairness and equality in the workplace.

The Right to Form and Join a Trade Union: Compliance

The IFP's support for workers' rights includes advocating for the right to form and join trade unions. By recognising the importance of collective bargaining and representation, the party upholds constitutional principles of freedom of association and assembly.

The Right to an Environment That is not Harmful to Health or Wellbeing: Compliance

The IFP's advocacy for policies aimed at improving environmental standards and protecting natural resources reflects its commitment to ensuring an environment that is not harmful to health or wellbeing. By promoting sustainable development and environmental conservation, the party aligns with constitutional principles of environmental justice and human rights. In this regard, the party proposes a “*multifaceted approach to ensure a stable, efficient and inclusive energy sector*”.

The Right not to be Deprived of Property Arbitrarily and Without Compensation: Compliance

The IFP adheres to the right to property, ensuring individuals are not deprived of property arbitrarily or without compensation. The party opposed the Expropriation Bill that allows expropriation without compensation, emphasising that expropriation should come with fair compensation to avoid financial loss and ensure productive land use. This stance protects property rights and aligns with constitutional guarantees enshrined in section 25 of the Constitution. The IFP's support for land expropriation with compensation reflects a balanced approach, recognising the need for land reform while safeguarding property rights. By advocating for compensation, the IFP upholds the right to property, showing a commitment to legal and fair property practices.

The Right to Have Access to Adequate Housing: Compliance

The IFP adheres to the right to adequate housing by actively addressing housing issues in urban and rural areas. The party has criticised the City of Johannesburg for failing to provide proper housing for the urban poor, highlighting the tragic consequences, such as the Joburg building fire. Additionally, the IFP has demanded transparency and action from the KZN Department of Human Settlements regarding permanent housing for flood victims. Their housing policy promotes rapid and efficient service delivery, community empowerment, non-discrimination and flexible tenure. By emphasising the involvement of communities and supporting state-assisted housing schemes, the IFP demonstrates a commitment to improving housing conditions and ensuring adequate housing for all citizens.



The Right to Healthcare, Food, Water and Social Security: Compliance

The IFP's support for initiatives such as a basic income grant on the condition that it is linked to skills development demonstrates its commitment to ensuring access to essential services and social protections. By advocating for policies that address poverty, inequality and social welfare, the party upholds constitutional principles of social justice and human dignity.

The Right to Basic and Further Education: Compliance

The IFP's support for policies aimed at ensuring access to quality education for all, including adult basic education and further education opportunities, aligns with constitutional principles of education as a fundamental right. Particularly, the party has prioritised Early Childhood Development programmes for a strong foundation in these areas of learning.

The Right to Use the Language and to Participate in the Cultural Life of Their Choice: Compliance

The IFP's recognition of the importance of language and cultural rights, including advocating for the preservation and promotion of diverse cultural expressions, aligns with constitutional principles of cultural diversity and linguistic rights. By supporting policies that protect and promote cultural heritage and linguistic diversity, the party upholds constitutional principles of cultural identity and diversity. The party has also been in favour of the addition of sign language as the 12th official language of South Africa.

Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Compliance

The IFP adheres to the right to have any dispute settled by the application of the law. This was evidenced by the party respecting a court ruling that reinstated eight IFP councillors dismissed by Umvoti municipality. The court found their expulsion procedurally unfair, emphasising the importance of due process. This demonstrates the IFP's commitment to upholding legal procedures and ensuring justice in resolving disputes.



With these points addressed, it's evident that the IFP's real-world actions and policies demonstrate a strong commitment to upholding a wide range of constitutional principles, including labour rights, environmental protections, children's rights, education and cultural diversity. While certain positions may raise concerns or require further clarification, overall, the party's alignment with constitutional values and rights underscores its commitment to democracy, human rights, and social justice in South Africa.



10. ActionSA

Non-racialism: Compliance

ActionSA's leaders have consistently voiced that they are a non-racial party, promoting equality and inclusivity across all racial groups. This aligns with the constitutional principle of non-racialism.

Non-sexism and No Unfair Discrimination: Compliance

The party actively advocates against gender-based violence and supports women's development. The party has also written to local government urging the combatting of gender-based violence. Their support for merit-based appointments further reinforces their stance against unfair discrimination.

Respect and Protection of Everyone's Dignity: Compliance

ActionSA's rhetoric supports ending inhumane practices such as the use of pit latrines, demonstrating a commitment to respecting and protecting human dignity. The party also supports the LGBTQ+ community, indicating its respect for everyone's dignity.

The Right to Life: Compliance

While historically favouring the death penalty, ActionSA's recent policy shift in September 2023 indicates a commitment to upholding the right to life, aligning with constitutional protections.

The Right to Freedom and Security of the Person: Compliance

ActionSA's tough-on-crime approach, though untested in governance, suggests a commitment to ensuring the right to freedom and security of the person. To this end, the party has released a six-point plan to restore the rule of law in South Africa.

The Right to Bodily and Psychological Integrity: Compliance

The party's emphasis on mental health signals a regard for bodily and psychological integrity, encompassing fundamental rights such as the freedom from arbitrary deprivation of liberty, torture and cruel treatment.



Their focus aligns with constitutional provisions safeguarding individuals' autonomy over their bodies and decisions regarding reproduction. Moreover, the absence of actions contradicting these rights suggests a commitment to upholding them. By prioritising mental health initiatives, the party contributes to fostering an environment conducive to preserving bodily and psychological integrity, thereby demonstrating a proactive approach to promoting holistic well-being and respecting individuals' rights outlined in section 12(2) of the Constitution.

No One May Be Subjected to Slavery, Servitude, or Forced Labour: Non-compliance

ActionSA advocates for prisoners building their own prisons, which raises concerns about potential violations of this right, as this is construed as mandatory hard labour which is tantamount to forced labour – thus standing in contravention of section 13 of the Constitution.

The Right to Privacy: Compliance

The party opposed the GILAB, demonstrating a commitment to protecting the right to privacy.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Compliance

ActionSA aims to reintroduce religion into national life while being tolerant of all religions, aligning with constitutional principles.

The Right to Freedom of Expression: Compliance

ActionSA's response to John Hayes' alleged hate speech demonstrates a commitment to upholding freedom of expression while acknowledging the limits imposed by laws against hate speech (that such speech does not violate section 16 of the Constitution). While condemning the EFF's actions, ActionSA President Herman Mashaba called for lawful measures to address them, highlighting the importance of respecting constitutional values. By lodging a complaint with the SAHRC and urging action in the Equality Court, ActionSA seeks to address racism and uphold accountability within the municipal council, showing a nuanced approach to balancing freedom of expression with the prevention of hate speech.



The Right to Assemble, Demonstrate, Picket and Petition: Compliance

ActionSA's actions suggest a respect of the right to assemble and demonstrate peacefully, aligning with constitutional protections for peaceful assembly and protest.

The Right to Freedom of Movement: Compliance

Within South Africa, ActionSA supports the right to freedom of movement, though it advocates for stronger borders and a tough stance against illegal immigration. The party propagates securing our borders to stop the flow of illicit goods.

The Right to Choose Their Trade, Occupation, or Profession Freely: Compliance

The party opposes the BBBEEA and the EEA, advocating for merit-based appointments and no preferential treatment, which aligns with the right to choose one's trade, occupation, or profession freely.

The Right to Fair Labour Practices: Compliance

ActionSA supports fair labour practices, including implementing wage transparency measures to bridge the gender pay gap. The party has also condemned the government for failing to pay service providers on time.

ActionSA's stance on fair labour practices, particularly its support for implementing wage transparency measures and condemnation of delayed payments to service providers, aligns with the principles outlined in the LRA. By advocating for wage transparency, the party seeks to address the gender pay gap and ensure equitable treatment of employees, thereby promoting fair conduct by employers regarding the provision of benefits to employees. Additionally, condemning delayed payments to service providers reflects a commitment to upholding contractual agreements and preventing occupational detriment for workers affected by payment delays, in accordance with the LRA's provisions on unfair labour practices.



The Right to Form and Join a Trade Union: Partial Compliance

While ActionSA mentions amending the Labour Relations Act, 1995 to limit the power of trade unions, it lacks explicit support for the right to form and join trade unions, raising concerns about potential limitations on labour rights.

The Right to an Environment that is Not Harmful to Health or Well-being: Compliance

ActionSA supports climate change policies and has been vocal against the sewage crises in Cape Town and Durban, aligning with constitutional protections for a safe and healthy environment.

No One May Be Deprived of Property Arbitrarily and Without Compensation: Compliance

ActionSA opposes expropriation without compensation, demonstrating a commitment to constitutional protections against arbitrary deprivation of property. Instead, the party claims that only hijacked and abandoned buildings will be reclaimed for the purpose of adequate housing for those in need.

The Right to Have Access to Adequate Housing: Compliance

The party plans to reclaim abandoned and hijacked buildings and convert them into quality housing, reflecting a commitment to the right to adequate housing.

The Right to Healthcare, Food, Water, and Social Security: Compliance

ActionSA supports a Universal Basic Income Stimulus, demonstrating a commitment to ensuring access to essential services by being economically empowered to do so. This initiative aligns with the constitutional right to healthcare, food, water, and social security, aiming to provide all South Africans with the means to meet their basic needs. ActionSA's manifesto states that the party is dedicated to ensuring that the state fulfils its role in protecting the marginalised and most vulnerable members of society by delivering reliable basic services, quality healthcare, and sufficient social assistance to those in need. The party's approach, via their manifesto, is to ensure that every South African can be secure in the knowledge that their basic needs are met, fostering a more equitable and just society.



The Right to Basic and Further Education: Compliance

ActionSA focuses on early childhood development and adult education, aligning with constitutional principles for basic and further education. The party pledges no budget cuts in this regard.

The Right to Use the Language and Participate in the Cultural Life of Their Choice: Compliance

While not in a governance position, ActionSA's manifesto advocates for creating dialogue between diverse communities to better understand cultures, reflecting support for language and cultural rights. Moreover, party leader Herman Mashaba has said that the party received support from a diverse array of communities, thus indicating that the party respects various people groups and the cultural life that each espouses.

Access to Courts: the Right to Have Any Dispute Resolved by the Application of Law: Compliance

The party supports the rule of law and plans to introduce an amendment for a Chapter 9 Anti-Corruption agency and concomitant Anti-Corruption Court, aligning with constitutional principles.

ActionSA's actions reflect a strong commitment to many constitutional rights and freedoms, aligning well with their manifesto promises. However, the party's stance on forced labour for prisoners and limited support for trade unions raises areas of concern. Overall, ActionSA demonstrates a balanced approach to upholding constitutional principles while addressing socio-economic challenges.



11. African Transformation Movement (“ATM”)

The ATM has demonstrated a mixed record in aligning its real-world actions with the promises outlined in its [manifesto](#). While the party advocates for certain rights and values, discrepancies arise when evaluating its adherence to others, particularly those concerning the right to life, non-discrimination and property rights.

Non-racialism: Compliance

The ATM has consistently condemned racist remarks in society and the party leader has [said](#) that he “*wants racism to be criminalised*”, reflecting a commitment to fostering an inclusive and equitable environment. This stance aligns with its manifesto's emphasis on social cohesion and unity among diverse racial groups, indicating compliance with its stated principles.

Non-sexism: Compliance

The party's stance on non-sexism is clear, as evidenced by its [support](#) for gender equality and the empowerment of women. By advocating for policies that promote equal opportunities and rights for all genders, the ATM demonstrates a commitment to combating sexism and promoting gender inclusivity, consistent with its manifesto.

No Unfair Discrimination: Compliance

The ATM has taken proactive steps to challenge [alleged discrimination](#) against black students and academics in South African universities. By raising concerns about the exclusion of qualified black professionals from academic positions, the party highlights its dedication to combating systemic discrimination and promoting equal opportunities for all citizens.

Respect and Protection of Everyone’s Dignity: Compliance

The ATM's emphasis on respecting and protecting the dignity of all citizens is evident in its leader, Vuyo Zungula's, [consistent calls](#) for the restoration of dignity, particularly in addressing issues such as water shortages and inadequate housing and sanitation facilities. This commitment reflects the party's [manifesto](#) promise to prioritise community empowerment and social welfare, indicating compliance with its stated principles.

The Right to Life: Non-compliance

The ATM's support for capital punishment raises concerns about its commitment to the right to life. By advocating for the reinstatement of the death penalty as a deterrent to violent crime, the party's position appears to conflict with the Constitutional Court judgment in S v Makwanyane 1995 (6) BCLR 665 (CC) that holds the death penalty to be an unjustifiable and unreasonable infringement on the right to life. For the ATM to legalise the death penalty, it would need to amend the Constitution.

The Right to Freedom and Security of the Person: Compliance

The party has vowed to prioritise reducing crime if voted into power and has condemned the current levels of crime under the ANC government.

The Right to Bodily and Psychological Integrity: Non-compliance

Vuyo Zungula's statements, advocating for criminals to be treated like dogs and endorsing the reinstatement of the death penalty, contradict the right to bodily and psychological integrity as enshrined in the Constitution. Such rhetoric promotes cruel and inhumane treatment, violating the prohibition against degrading treatment.

No One May Be Subjected to Slavery, Servitude or Forced Labour: Non-compliance

By forcing labour on criminals, the party does not adhere to the right that nobody may be subjected to slavery, servitude or forced labour.

The Right to Privacy: Uncertain

The ATM's actions remain unclear, as there is limited information available. Without a clear stance or initiatives addressing privacy concerns, the party's compliance with this constitutional right cannot be conclusively determined, leaning towards non-compliance due to the lack of information.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Compliance

The ATM manifesto supports the right to freedom of conscience, religion, thought, belief and opinion, stating that the party wishes to promote recognition and respect for all faiths. No actions seem to contradict this.



The Right to Freedom of Expression: Compliance

The ATM's stance on freedom of expression remains ambiguous. Without explicit statements or actions addressing these rights, the party's compliance in these areas is uncertain, leaning towards non-compliance due to insufficient information. However, the party has been involved in speech that can be considered offensive though not necessarily hate speech, thereby inferring an adherence to the freedom of expression.

The Right to Assemble, Demonstrate, Picket and Petition: Compliance

The ATM's support for peaceful assembly, demonstration and petition aligns with its manifesto's emphasis on participatory democracy and citizen engagement. By advocating for these rights, the party demonstrates a commitment to promoting civic participation and political activism, consistent with its stated principles.

The Right to Freedom of Movement: Uncertain

The ATM's stance on freedom of movement remains ambiguous. Without explicit statements or actions addressing these rights, the party's compliance in these areas is uncertain.

The Right to Choose Their Trade, Occupation or Profession Freely: Non-compliance

The ATM prioritises job creation, rural development and support for vulnerable groups, including women, youth, and people with disabilities. However, the party has stood in favour of the EEA and has been vocal about reserving jobs for black academics. This could hinder the right to choose one's trade or occupation freely as merit-based appointments would not be prioritised.

The Right to Fair Labour Practices: Uncertain

ATM has not prominently addressed issues falling within the scope of unfair labour practices as defined by the LRA. The party's public statements and initiatives lack substantial engagement with these aspects.



The Right to Form and Join a Trade Union: Uncertain

There is insufficient information to determine the African Transformation Movement's stance on trade unions. The Constitution guarantees every worker the right to form and join a trade union, participate in its activities and strike, but the ATM has not clearly addressed these issues.

The Right to an Environment that is Not Harmful to Health or Well-being: Compliance

The party does, indeed, adhere to this right as it plans on having [environmental health practitioners](#) to monitor water quality and food safety standards.

The Right not to be Deprived of Property Arbitrarily and Without Compensation: Non-compliance

The party's position on property rights also raises concerns, particularly its [support](#) for expropriation without compensation ("EWC"). By endorsing EWC, the ATM diverges from constitutional principles that protect property rights and prohibit arbitrary deprivation of property. This non-compliance with fundamental rights undermines the rule of law and raises questions about the party's commitment to upholding constitutional values.

The Right to Have Access to Adequate Housing: Partial Compliance

While the party does advocate for adequate housing, it [states that](#) it will achieve this through the use of land that has been expropriated without compensation to set up suitable housing units to help people be a part of the economy.

The Right to Healthcare, Food, Water and Social Security: Compliance

The ATM [promises](#) to boost food security by helping all households with available land to farm, introducing a "green revolution" in rural areas and integrating this with other rural development initiatives like village business malls. The party also [calls for](#) universal access to healthcare and has supported the [NHI Act](#). While the means of achieving this right may be contested, the party does indeed show compliance with this right.



The Right to Basic and Further Education: Compliance

The party has adhered to the constitutional right to education – and has promised to inculcate skills development so that our education system “*speaks to the minerals of this country*”.

The Right to Use the Language and Participate in the Cultural Life of Their Choice: Uncertain

There is insufficient information on the African Transformation Movement's stance regarding the right to use language and participate in cultural life. The party's absence from governance makes it challenging to assess their policies or actions in this regard. Constitutionally, this right guarantees everyone the freedom to engage in cultural and linguistic practices without discrimination, ensuring the preservation of diverse identities. However, the ATM's position on upholding these rights remains unclear.

Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Compliance

The party does, indeed, comply with this right, and has used courts on multiple occasions. Most notably, it pursued the “*Phala Phala*” matter in court.

In summary, while the African Transformation Movement has shown commitment to certain constitutional rights and principles, such as non-racialism, non-sexism and dignity, discrepancies exist in its adherence to others, particularly the right to life, property rights and privacy. Moving forward, the party must address these concerns and ensure that its actions align with the full spectrum of constitutional rights and principles outlined in its manifesto.





12. Patriotic Alliance (“PA”)

Non-racialism: Compliance

In practice, the PA has maintained a commendable stance on non-racialism, despite its origins as a party focused on the "coloured vote." The party now positions itself as one that represents all races, advocating for the abolition of racial categories. This commitment to seeing individuals as South Africans first aligns well with the constitutional principle of non-racialism.

Non-sexism and No Unfair Discrimination: Compliance

The PA's manifesto explicitly endorses gender equality and non-discrimination based on a wide range of attributes. The party has established structures to support various social groupings, including the youth, veterans, women, people with disabilities and the LGBTQ+ community. This comprehensive approach reflects a strong alignment with the principles of non-sexism and non-discrimination.

Respect and Protection of Everyone's Dignity: Non-compliance

The PA's stance on illegal immigration poses significant concerns regarding the respect and protection of everyone's dignity. The party advocates for a zero-tolerance policy on illegal immigration, proposing mass deportation and detention camps. This approach not only stigmatises foreign nationals, but also infringes on their human rights, requiring them to carry 'passes' which echoes the oppressive practices of the past. Such measures undermine the dignity of individuals, contravening constitutional principles.

The Right to Life: Non-compliance

The PA shows non-compliance with the right to life by advocating for the reintroduction of the death penalty. The PA's manifesto emphasises State-sanctioned executions for severe crimes, contradicting the constitutional protection of life. The party's leader, Gayton McKenzie, supports extreme measures like pre-trial detention and the death penalty, inspired by El Salvador's harsh anti-crime policies.

By advocating for the reinstatement of the death penalty as a deterrent to violent crime, the party's position appears to conflict with the Constitutional Court judgment in *S v Makwanyane* 1995 (6) BCLR 665 (CC) that holds the death penalty to be an unjustifiable and unreasonable infringement on the right to life. For the PA to legalise the death penalty, it would need to amend the Constitution.

The Right to Freedom and Security of the Person: Compliance

The PA has consistently emphasised the importance of addressing domestic crime over international concerns, such as the Israel-Palestine tension. This focus suggests compliance with the right to freedom and security of the person, prioritising the safety and security of South African citizens.

The Right to Bodily and Psychological Integrity: Compliance

The party's policies and actions show respect for the right to bodily and psychological integrity. There is no evidence to suggest that the PA has taken actions that undermine this constitutional right. The constitutional right to bodily and psychological integrity ensures individuals' autonomy over their bodies and minds. It encompasses decisions regarding reproduction, control over one's body and protection from medical or scientific experimentation without consent.

No One May Be Subjected to Slavery, Servitude, or Forced Labour: Non-compliance

The party has promised to reinstate compulsory military service, i.e. that it will “bring conscription back”. This would limit the right to not be subjected to slavery, servitude or forced labour.

The Right to Privacy: Uncertain

There is a lack of explicit information regarding the PA's stance on the right to privacy. Their manifesto mentions transparency in housing allocation through encryption and blockchain technology, which raises potential concerns about data privacy and surveillance. However, without specific assurances or details addressing section 14 of the Constitution, particularly regarding protection from searches, seizures and infringements on communications, it's difficult to gauge their stance comprehensively.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Non-compliance

The PA has advocated for bringing 'God' back into the country. Freedom of Conscience, Religion, Thought, Belief and Opinion guarantees that everyone is free to choose what they want to believe or not believe. This stance by the PA may indicate non-compliance with the constitutional right as it presupposes the removal of which deity to believe in. The rhetoric used by the party leader against other religious groupings also undermines this right, indicating non-compliance.

The Right to Freedom of Expression: Compliance

The party, particularly its leader, has frequently made statements teetering on the edge of controversy and potentially construed as hate speech, although not meeting the legal threshold outlined in Section 16 of the Constitution or the Hate Speech Act. This suggests a strong inclination towards upholding freedom of expression, even when opinions are contentious or provocative. While such remarks may spark debate and criticism, they underscore a commitment to unrestricted speech within legal bounds. This nuanced position indicates a belief in the importance of robust dialogue and the defence of individuals' rights to express opinions, regardless of their contentious nature, aligning with principles of free expression fundamental to a democratic society.

The Right to Assemble, Demonstrate, Picket, and Petition: Compliance

The PA has participated in protests against educational and other concerns. This is evidence of its upholding of this right.

The Right to Freedom of Movement: Uncertain

The PA's tough stance on illegal immigration presents a complex picture regarding the right to freedom of movement. According to the Constitution, this right is exclusively for South African citizens, who have the right to enter, remain in and reside anywhere in the Republic (section 21). The PA's stringent policies on border control and illegal immigration significantly restrict the freedom of movement for non-citizens, who are not granted these constitutional protections. The party has even promised to “build a wall” as deterrents to keep foreigners out of the country. Notably, the PA has not addressed the freedom of movement for South African citizens.

The Right to Choose Their Trade, Occupation, or Profession Freely: Compliance

The PA opposes [Black Economic Empowerment policies](#), [advocating](#) instead for an empowerment levy. This position supports the right to choose one's trade, occupation, or profession freely, without racial considerations influencing economic opportunities.

The Right to Fair Labour Practices: Compliance

The party [advocates](#) for fair labour practices and acknowledges the importance of trade unions in protecting workers' rights. Their stance aligns with constitutional principles, although specific information on their support for the right to form and join a trade union is lacking.

The Right to Form and Join a Trade Union: Non-compliance

The PA exhibits non-compliance with the right to form and join a trade union [by advocating](#) to end closed shops for unions and reduce trade unions' influence over politics and policy. This stance undermines workers' rights to organise collectively and advocate for their interests. By [proposing](#) performance-based increase systems and challenging unions' role in protecting workers, the PA neglects the importance of collective bargaining and representation in safeguarding labour rights. Such policies contradict the principles of freedom of association and collective bargaining enshrined in [international labour standards](#) and undermine this right enshrined in the Constitution.

The Right to an Environment That is Not Harmful to Their Health or Wellbeing: Non-compliance

The PA's manifesto states that it wants "*future boom industries such as fracking to be central to industrial renewal*". Such gas exploration undermines this right as fracking adversely [affects the environment](#). This saw the PA being awarded a non-compliance.

The Right not to be Deprived of Property Arbitrarily and Without Compensation: Compliance

The PA [supports](#) expropriation with compensation, which aligns with constitutional protections against arbitrary deprivation of property. Their [policy](#) focuses on expropriating unsafe buildings, particularly those occupied by illegal immigrants, rather than broad, uncompensated land seizures.

The Right to Have Access to Adequate Housing: Compliance

The PA's manifesto supports the right to access adequate housing, reflecting a commitment to improving living conditions for all South Africans. The party has also made controversial statements that RDP houses are being sold to illegal foreigners.

The Right to Healthcare, Food, Water and Social Security: Compliance

The party supports access to essential services such as healthcare, food, water and social security, indicating compliance with these socioeconomic rights. The party has even provided much-needed water tanks to water-starved schools.

The Right to Basic and Further Education: Compliance

The PA's support for education reforms and access to basic and further education aligns with constitutional principles, demonstrating their commitment to improving educational opportunities.

The Right to Use the Language and to Participate in the Cultural Life of Their Choice: Compliance

The PA promotes the elevation of local, traditional leaders and supports the cultural and religious rights of diverse communities, reflecting compliance with constitutional principles.

Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Non-compliance

The PA's advocacy for the suspension of the Constitution raises significant concerns about their commitment to the rule of law. This stance undermines the right to legal recourse and the application of law, indicating non-compliance with constitutional principles.

In conclusion, the Patriotic Alliance's real-world actions reveal a mixed record of compliance with the Bill of Rights. While the party shows some alignment with principles of non-racialism, non-sexism and socioeconomic rights, its stance on the death penalty, illegal immigration and constitutional suspension raises significant concerns.



13. Rise Mzansi

Non-racialism: Compliance

RISE Mzansi has demonstrated a commitment to non-racialism, actively promoting equality and inclusivity across all racial groups. However, it should also be noted that the party still advocates for affirmative action policies which may be viewed as race-based.

Non-sexism and No Unfair Discrimination: Compliance

The party's actions reflect a clear stance against sexism and unfair discrimination. By promoting gender equality and inclusivity, RISE Mzansi aligns well with the constitutional imperatives of non-sexism and non-discrimination.

Respect and Protection of Everyone's Dignity: Compliance

RISE Mzansi has shown a commitment to respecting and protecting the dignity of all individuals and for "restoring the dignity of leadership" as well. Their policies and actions emphasise human dignity, aligning with constitutional principles. Moreover, the party is also tolerant of, and has engaged with, the LGBTQ+ community.

The Right to Life: Compliance

The party's condemnation of crime and focus on public safety demonstrate a respect for the right to life, aligning with constitutional protections. Furthermore, there is no suggestion that the party has called for a return to the death penalty, as is in contrast with some other political parties.

The Right to Freedom and Security of the Person: Compliance

RISE Mzansi's emphasis on addressing crime and ensuring public safety indicates a commitment to the right to freedom and security of the person. Fighting crime and corruption are claimed to be among the party's top priorities.

The Right to Bodily and Psychological Integrity: Compliance

The party has shown respect for bodily and psychological integrity through its policies and actions, ensuring individuals' rights in this regard. The party is focused, particularly, on addressing priority crimes like GBV and crimes against children.

No One May Be Subjected to Slavery, Servitude, or Forced Labour: Compliance

There is no indication that RISE Mzansi supports or condones slavery, servitude, or forced labour, aligning with constitutional prohibitions.

The Right to Privacy: Uncertain

The party's position on privacy remains ambiguous, evident in both their manifesto and actions. Without clear commitments to uphold privacy rights, as stipulated in Section 14 of the Constitution, uncertainties arise regarding the protection of individuals' privacy. This lack of clarity raises concerns about potential gaps in safeguarding personal information and ensuring privacy rights are respected. Clarification on the party's stance and concrete measures to uphold privacy rights would be necessary for a comprehensive assessment of their commitment to this fundamental aspect of constitutional rights.

The Right to Freedom of Conscience, Religion, Thought, Belief and Opinion: Compliance

RISE Mzansi respects freedom of conscience, religion, thought, belief and opinion, aligning with constitutional principles. Their inclusive approach to religious and belief systems reflects this commitment. However, the party has received backlash from the Jewish community over their support for Palestine.

The Right to Freedom of Expression: Compliance

While cautioning against divisive rhetoric, Rise Mzansi itself demonstrates a robust stance on free expression, openly challenging political adversaries. Zibi's remarks, albeit critical, underscore the party's commitment to fostering democratic dialogue and confronting political hegemony. Despite alleging arrogance in the DA's approach, Rise Mzansi's outspokenness suggests an implicit endorsement of freedom of expression, advocating for inclusive politics and genuine representation.



The Right to Assemble, Demonstrate, Picket and Petition: Compliance

RISE Mzansi respects the right to assemble and demonstrate peacefully, aligning with constitutional protections for peaceful assembly and protest.

The Right to Freedom of Movement: Compliance

The party's approach to managing immigration aligns with the right to freedom of movement for citizens, while also addressing immigration concerns through diplomatic engagement, reflecting a balanced approach to this right.

The Right to Choose Their Trade, Occupation, or Profession Freely: Compliance

RISE Mzansi supports individuals' rights to choose their trade, occupation, or profession freely, aligning with constitutional principles. The party has also fought age discrimination in the labour market.

The Right to Fair Labour Practices: Compliance

The party's commitment to fair labour practices and collaboration with trade unions reflects a respect for labour rights, although more specific commitments to union rights are lacking.

The Right to Form and Join a Trade Union: Partial Compliance

The lack of explicit support for the right to form and join trade unions in their manifesto is a concern, though their acknowledgment of trade unions as key stakeholders suggests some level of support.

The Right to an Environment that is Not Harmful to Health or Well-being: Compliance

RISE Mzansi's manifesto outlines commitments to environmental health and aligns with constitutional protections for a safe and healthy environment. However, there have not been any actions or rhetoric by the party to suggest that the party adheres to this right.





The Right not to be Deprived of Property Arbitrarily and Without Compensation: Uncertain

Rise Mzansi's emphasis on "lawful" land expropriation suggests a commitment to a process that is not arbitrary and respects legal frameworks. While the party advocates for addressing landlessness, their definition of "lawful" remains ambiguous in the provided context. It could imply adherence to constitutional principles, which may include compensation for expropriated land, or it could refer to the legal framework outlined in the proposed Expropriation Bill. Without further clarification, their stance on the specifics of lawful expropriation remains open to interpretation. The party calls this “land justice” and says that land reform is inevitable.

The Right to Have Access to Adequate Housing: Compliance

RISE Mzansi's focus on ensuring affordable housing and ending hunger aligns with the right to access adequate housing, particularly in the Eastern Cape.

The Right to Healthcare, Food, Water, and Social Security: Compliance

The party supports access to essential services, reflecting a commitment to these socioeconomic rights. On this note, the party has delved into how food-insecurity and environmental destruction have disadvantaged citizens.

The Right to Basic and Further Education: Compliance

The party's focus on education reforms and access to basic and further education aligns with constitutional principles. The party believes that, firstly, a new Minister of Basic Education is required, followed by better teacher-training programmes and, ultimately, higher-quality education for all children.

The Right to Use the Language and Participate in the Cultural Life of Their Choice: Compliance

RISE Mzansi's manifesto suggests a tolerance for diversity of culture and the respect of language and cultural rights, promoting the participation of diverse cultural groups. Its actions do not contradict this, nor is there any evidence via the party's actions to support this right.





Access to Courts: The Right to Have Any Dispute Resolved by the Application of Law: Compliance

RISE Mzansi respects the rule of law, ensuring that disputes are resolved through legal means, aligning with constitutional principles.

RISE Mzansi's actions reflect a strong commitment to many constitutional rights and freedoms, aligning well with their manifesto promises. However, the lack of specific commitments to certain rights, such as privacy and union formation, raises areas of concern.



14. People's Movement for Change

Disclaimer: Without sufficient insight into [PMC's policies](#), actions, and statements, it is challenging to offer a thorough assessment of their compliance with the Bill of Rights. As a result, our analysis may be incomplete and may not fully reflect PMC's stance on constitutional principles. Therefore, while we aim to provide an informed perspective, it is essential to recognise the limitations imposed by the insufficient information available.



15. Build One South Africa (“BOSA”)

Disclaimer: BOSA is a newly emerging party, and as such, there is limited information available to assess its real-world actions and their alignment with the Bill of Rights. The assessment provided here is based on the policies outlined in the presented "[Jobs Plan](#)" document. However, due to the document's focus primarily on job creation rather than offering a comprehensive manifesto, some details may be lacking for a thorough evaluation of adherence to all rights enshrined in the Bill of Rights. Therefore, while we aim to provide an informed perspective, it is essential to recognize the constraints imposed by the newness of the party and the limited information available.



16. National Coloured Congress (“NCC”)

Disclaimer: Due to the unavailability of a comprehensive manifesto, detailed policy documents or information on real-world actions from the [National Coloured Congress](#), we lack sufficient information to conduct a thorough constitutional analysis of their policies. As such, any attempt to provide a constitutional synopsis would be speculative and may not accurately reflect the party's positions on constitutional matters. We recommend seeking further information directly from the party or official sources once available.



Conclusion:

In conclusion, this analysis has examined the political parties' rhetoric, actions, policy positions, etc. (i.e. whether they walk the walk) and juxtaposed them with the Constitution's founding values and rights enshrined in the Bill of Rights. By scrutinising each party's compliance or non-compliance with these fundamental rights, we have gained valuable insights into the extent to which these parties are upholding the pillars of our constitutional democracy.

Throughout this assessment, it became evident that while some parties demonstrate a strong commitment to upholding constitutional principles, others exhibit shortcomings or inconsistencies in their actions. From issues concerning racial equality and non-discrimination to socio-economic rights, property rights and freedom of expression, each party's stance was carefully evaluated to gauge its alignment with the Bill of Rights.

This analysis underscores the importance of holding political parties accountable for their actions and policies, ensuring that they remain faithful to the constitutional values that underpin our democracy. By critically examining their real-world actions in relation to the Bill of Rights, we can strive towards a more inclusive, equitable and rights-respecting society.

Ultimately, the goal is to work towards making our **constitutional democracy a reality for all South Africans**, thereby fostering a society where fundamental rights and freedoms are upheld, protected and promoted for every citizen.

