



SOUTH AFRICAN FEDERATED CHAMBER OF INDUSTRIES

BUSINESS CHARTER OF SOCIAL, ECONOMIC AND POLITICAL RIGHTS

PREAMBLE

WHEREAS WE, members of organised commerce and industry and of business generally in South Africa;

Mindful of our important rôle in promoting human rights and the dignity of man and in acknowledging the concomitant obligations on and duties of everyone to respect the rights and freedoms of others;

Accepting our responsibility to strive for economic growth, wealth-creation and the generation of work opportunities in an environment that encourages entrepreneurial endeavour and constantly mindful of the dignity of all people; **Willing** to contribute to the processes of ongoing reform and to create the necessary conditions of peace, stability and prosperity for all South Africans on the foundations of democracy;

Recognising the need for South Africa to take up its rightful place in the international community as a land of justice, equal rights and opportunities and to fulfil its duties in the community of free and peace-seeking nations and with a deep sense of patriotism for our country;

AGREE UPON AND SUPPORT THE FOLLOWING RIGHTS AND PRINCIPLES:

PART I: SOCIAL AND CULTURAL RIGHTS AND PRINCIPLES

1. All human beings are born free and equal in dignity and rights.
2. Everyone has the right to respect for his private and family life; and the widest possible protection and assistance should be accorded to the

family, which is the natural and fundamental group in society.

3. Everyone has the right to freedom of thought, conscience, and religion; this right includes the freedom to change his religion or belief and the freedom alone or in community with others and, in public or in private, to manifest his religion or belief in worship, teaching, practice and observance.
4. Everyone has the right to equal educational opportunities and, in the exercise of any functions which the State or private institutions assume in relation to education and to teaching, the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

5. (1) All ethnic, religious, linguistic and other cultural groups have equal rights.
- (2) Everyone has the right freely to participate in the cultural life of the nation, to enjoy the arts and to share in scientific advancement and its benefits.
- (3) Persons belonging to ethnic, religious or linguistic minorities shall not be denied the right to enjoy their own culture, to profess and practice their own religion, or to use their own language.

PART II: ECONOMIC RIGHTS AND PRINCIPLES

6. (1) Everyone has the right to own property, alone as well as in association with others, including communal ownership as found in traditional communities.
- (2) No one shall be deprived of his property without due process of law.
7. Everyone has the right to the rewards of his endeavours and this right shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the public interest and the promotion of the public weal and well-being.
8. (1) Everyone has the right freely to employ labour and to own or manage a business in accordance with the rights and principles set out in this Charter.
- (2) Everyone has the right to work and to free choice of employment.
- (3) Everyone, without discrimination, has the right to

equal pay for equal work.

- (4) Everyone who works has the right to fair remuneration.
- (5) Everyone has the right to form or join trade unions, or commercial, industrial or other associations of his choice for the furtherance or protection of his economic interests; however, no one may be compelled to join such a union or association.
9. The people may, themselves for their own ends or through the institutions of democratic government, freely dispose of their natural wealth and resources without any prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit and international law; in no case may a person be deprived of his own means of subsistence.

PART III: CIVIL AND POLITICAL RIGHTS AND PRINCIPLES

10. Every human being has the right to recognition as a person before the law.
11. Everyone is equal before the law and is entitled to equal protection of the law without any discrimination on the basis of race, colour, language, sex, religion, ethnic or social origin, age, property, birth, political or other opinion and economic or other status.
12. (1) Everyone has the right to life, liberty and security of person.
- (2) No one shall be arbitrarily deprived of these rights.
- (3) No one shall be deprived of his liberty merely on the grounds of inability to fulfil a contractual obligation.
13. No one shall be subjected to arbitrary arrest, detention or exile and everyone shall be entitled to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and of any obligations and of any criminal charges against him.
14. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
15. No one shall be held in slavery or servitude and no one shall be required to perform forced or compulsory labour.
16. (1) Everyone has the right to freedom of movement and residence within the borders of the State.
- (2) Everyone has the freedom to leave the country and, if having the right of permanent residence, to return.
17. (1) Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media, regardless of frontiers.
- (2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.
18. Everyone has the right to freedom of association and freedom of peaceful assembly.
19. (1) Everyone born in South Africa or the independent or national states, or naturalised in accordance with law has the right to South

African citizenship.

- (2) Every citizen has the right to take part in public affairs, directly or through freely chosen representatives.
 - (3) Everyone has the right of equal access to the public service.
 - (4) Due regard being given to the protection of the rights of minorities, the will of the people is the basis of the authority of the government and this will shall be expressed by way of periodic and genuine elections which shall be by universal suffrage and shall be held by secret vote or by equivalent free voting procedures.
20. The institutions of democratic government, and, in particular, the separation of state powers, the independence of the judiciary and the supremacy of the law, the freedom of the press and the free formation of political parties shall be the foundations of South African statehood.
 21. The State shall not be above the law, but shall, through decentralisation and devolution of state powers, be close to the people and responsive to their needs.
 22. (1) South Africa, as a sovereign state, shall respect the rights and independence of all nations and shall strive to maintain world peace and the settlement of all international disputes by negotiation, not war.
 - (2) The right of other peoples to independence and self-government shall be recognised and shall be the basis of close co-operation.

PART IV: PERSONAL AND PUBLIC RESPONSIBILITIES

23. Everyone is entitled to all the rights and freedoms identified in this Charter, without distinction of any kind, such as race, colour, language, sex, religion, political or other opinion, ethnic or social origin, age, property, birth and economic or other status.
24. Everyone's exercise of his rights and freedoms shall be subject to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just requirements of morality, public order and the general welfare in a democratic society.
25. (1) Nothing in this Charter shall be interpreted as a denial of the right and duty of the State to compel any person or group to desist from any activity or to refrain from any act aimed at the abrogation of any of the rights and freedoms of others as set forth herein.
- (2) In times of public emergency which threaten the life of the nation or the democratic institutions of the State, or when individuals or groups act or plan to act in a manner aimed at the abrogation or destruction of any of the rights and freedoms of others as identified herein, the State may take such measures to the extent strictly required to meet the exigencies of the situation; provided that such measures are consistent with the laws which provide for such

emergency powers, as well as with other obligations under international law; and further provided that they do not involve unlawful discrimination.

WE THEREFORE UNDERTAKE TO PROMOTE, PROPAGATE AND IMPLEMENT THE ABOVEMENTIONED RIGHTS AND PRINCIPLES BY

Urging all members of industry, commerce and business generally to adhere to these rights and principles

Influencing government and all political parties and groups to abide by the abovementioned rights and principles and in this regard, to assume an active role in scrutinising all discriminatory laws, measures and practices

Working towards the termination of turmoil, unrest and conditions of emergency

Striving for the release of political prisoners as defined in the context of the Charter

Exploring means of and supporting social, economic and political debate and constitutional negotiation towards the realisation of the abovementioned rights and principles

Supporting education and training programmes as well as social welfare schemes

Undertaking measures to abolish racial discrimination and injustice within business organisations

Launching programmes for better public understanding of human rights and freedoms

Aiming at peace and stability in the Southern African region

Seeking international understanding and co-operation.

Collection Number: AK2117

DELMAS TREASON TRIAL 1985 - 1989

PUBLISHER:

Publisher: Historical Papers, University of the Witwatersrand

Location: Johannesburg

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