

Human Rights Report Card

The Status of Rights in the
Bill of Rights during

2024



FW de Klerk
FOUNDATION

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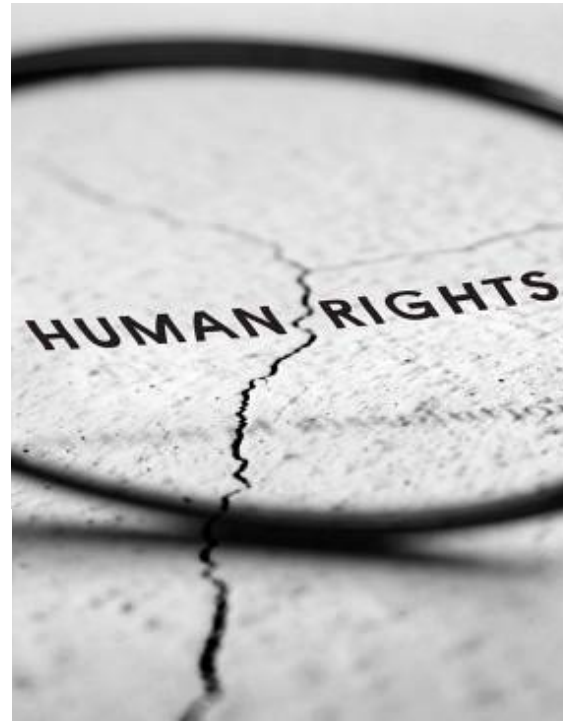
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EXECUTIVE SUMMARY

Every year, the FW de Klerk Foundation assesses the degree to which rights and freedoms in the Bill of Rights are being enjoyed in practice. In doing so, the Foundation also considers how the Government is meeting its obligations in terms of section 7(2) of the Constitution to **respect, promote and fulfil the rights** in the Bill of Rights. In addition, the Foundation also considers the foundational values in section 1 of the Constitution and – in particular – adherence to the rule of law and the supremacy of the Constitution, on which all the rights in the Bill of Rights ultimately depend.

In 2024, South Africa experienced its most transformative political shift since the dawn of democracy thirty years ago. The May elections yielded no clear majority, prompting [ten political parties](#) to unite to form a Government of National Unity (“GNU”)¹ around a [founding statement of intent](#). The GNU faced the daunting task in 2024 of addressing deep-seated issues such as a stagnant economy soaring unemployment and inequality while maintaining political stability. The GNU holds a [supermajority](#) (>66,6%) in Parliament, making the implementation of significant legislative changes and even the change of the Constitution possible ([section 74](#) of the Constitution). However, the GNU faced numerous internal tensions during 2024, particularly with regards to the implementation of the [National Health Insurance Act, 2023](#), (“NHI”) and the President assenting to the [Basic Education Laws Amendment Act, 2024](#), (“BELA Act”). By the end of 2024, the GNU remained intact and was using its internal conflict resolution mechanisms, the “[GNU Clearing House Mechanism](#)”, to resolve disagreements amongst its political parties. The emergence of this coalition marked a watershed moment in South Africa’s democratic evolution—a historic departure from the ANC’s uninterrupted majority rule since 1994. While the nation continued to face enduring social and economic challenges, the government’s inclusive approach and the development of a proposed [National Dialogue](#) offered a promising pathway toward meaningful progress.



“IN 2024, SOUTH AFRICA EXPERIENCED ITS MOST TRANSFORMATIVE POLITICAL SHIFT SINCE THE DAWN OF DEMOCRACY THIRTY YEARS AGO. THE MAY ELECTIONS YIELDED NO CLEAR MAJORITY, PROMPTING TEN POLITICAL PARTIES TO UNITE TO FORM A GOVERNMENT OF NATIONAL UNITY (“GNU”) AROUND A FOUNDING STATEMENT OF INTENT.”

DEVELOPMENTS DURING 2024








The following political, economic and social developments affected human rights considerably in South Africa during 2024:

2.1. Political Developments:

¹ The participating parties are the: African National Congress (“ANC”), Democratic Alliance (“DA”), Patriotic Alliance (“PA”), Inkatha Freedom Party (“IFP”), Good Party, Pan Africanist Congress of Azania, Freedom Front Plus (“FF+”), United Democratic Movement (“UDM”), Al Jama-ah and Rise Mzansi.






South Africa’s 2024 National and Provincial elections have significantly changed the country’s political landscape: For the first time since the dawn of democracy in South Africa, the African National Congress (“ANC”) lost its majority at national level and in several provinces. Nationally, it managed to secure only 40,18% of the vote.

2024 Election Results

Party	Support
 ANC	40.18%
 DA	21.81%
 M.K.	14.58%
 EFF	9.52%
 IFP	3.85%
 PA	2.06%
 VF PLUS	1.36%
 ACTIONS SA	1.2%

Source: [IEC Election Results Dashboard 2024](#)

2019 Election Results

Party	Support
 ANC	57.5%
 DA	20.77%
 EFF	10.8%
 IFP	3.38%
 VF PLUS	2.38%
 ACDP	0.84%
 UDM	0.45%
 NFP	0.35%

Source: [IEC Election Results Dashboard 2019](#)

This necessitated the formation of a coalition government nationally and coalition government in the relevant provinces, because no single party won an outright majority (more than 50% of the seats). Thus, cooperation between political parties was needed to, e.g., pass proposed laws (i.e. bills) and govern effectively. Coalitions, thus, became essential for national stability and functional governance both nationally and in the certain provinces. This shift away from a one-party dominant system marks a pivotal moment in South Africa’s democratic development, introducing both opportunities and challenges in governance.

At a national level, a Government of National Unity (“GNU”) was formed between the ANC, DA and IFP. Later, other, smaller, parties joined, bringing the total to ten political parties – some with vastly different ideologies – that all agreed to a [founding statement of intent](#). Its formation was instrumental in averting a potential political crisis and paved a constructive way forward. The fact that the GNU includes parties that were traditionally seen as being ideological opponents is a [significant shift](#) in South Africa’s political landscape.

Key priorities of the GNU include:

- A. Drive inclusive growth and job creation;
- B. Reduce poverty and tackle the high cost of living; and
- C. Build a capable, ethical and developmental state.

The coalition government has faced significant challenges in addressing the country’s pressing issues, such as low economic growth, inequality, unemployment and high crime levels.

2.2. Economic Developments:

Unfortunately, South Africa continued to face significant challenges: Falling GDP per capita, high unemployment, widespread poverty and inequality, increasing public debt and a shrinking tax base. The International Monetary Fund (“IMF”) pointed out that South Africa’s ineffective policies, its deep-rooted structural rigidities and its governance problems (prior to the GNU) had caused an erosion of South Africans’ standards of living, leading to the real income per capita falling for more than a decade.²

This stunted growth has limited the government’s ability to make the Constitution a reality for all South Africans, as without a significant budget (which is reliant on taxes paid by citizens active in the economy) the government cannot provide necessary public services, such as education, healthcare, social security etc. However, the new mandate offers a chance to make important changes to stabilise and grow the economy.

In terms of numbers: South Africa’s real GDP³ in 2024 was only 1,1%, while South Africa’s population grew by 1%. This means that the economy simply grew too slowly and barely outstripped the population growth, meaning its growth was too little to effectively address major issues, such as unemployment, poverty and income inequality.

Inflation,⁴ measured as the CPI average, sat at 4,4% and unemployment was ca. 32,8%. The government’s debt, i.e. public debt,⁵ was approximately \$311,3 billion USD at the end of 2024. Importantly, this is greater than 75% of South Africa’s GDP. The state’s inability to restrict its spending has caused public debt to triple since the global financial crisis: From 25% of GDP in 2008 to 75% of GDP in 2024. This is an unsustainable situation.⁶ Income inequality, measured as a GINI coefficient, remained very high at 0,63.

The above emphasises South Africa’s urgent need for comprehensive economic reforms to stimulate much needed growth and address structural issues. While the GNU successfully managed to address loadshedding, disruptions to rail and port operations continued to inhibit economic growth in 2024.



Importantly, South Africa has a shrinking tax base due to the high unemployment rate and has a desperate shortage of skilled workers in almost all sectors. On the bright side, the country has a large youth population with 15- to 34-year-olds making up ca. 20,85 million.⁷ This is approximately 33,1% of the country’s 63 million population who are ready to enter the workforce as taxpayers (to remain in the workforce for a long time/for their lifetime) and who are in their prime upskilling life phase. However, despite the large size of the youth population, approximately 45,5% of 15- to 34-year-olds were unemployed in the first quarter of 2024 - significantly higher than the national rate of 32,9% for that same period.⁸ Notably, the unemployment rate among graduates was 11,8% during that period - but only 2,7% of 15- to 34-year-olds had bachelor degrees, according to the 2022 census data. What this tells us is that South Africa, to its own detriment, is failing to make good use of its demographic advantage and, even worse, fails its youth by not providing them with quality education, skills training and jobs.

2 Page 5.

3 The value of all the goods and services produced by South Africa’s economy in 2024, adjusted for inflation, making it more accurate than nominal GDP.

4 Inflation is the rate at which the overall prices of commodities (i.e. goods and services) increase.

5 Public debt is the total amount of money that the state owes to its creditors. When the state owes lots of money (i.e. when public debt is high), it means the government has less money to spend on other priorities and high public debt levels may affect economic stability.

6 The GINI coefficient measures income inequality – a coefficient of 0 would indicate no income inequality (i.e. everyone earns the same income), while a coefficient of 1 would indicate perfect income inequality (i.e. where one person earns all the income).

7 Stats SA [Mid-year population estimates 2024](#) at page 14.

8 Stats SA [Youth in South Africa](#) 2024 at page 15.

On a positive note, the government acknowledged the importance of private sector investment in addressing economic challenges. Deputy President Paul Mashatile stated that [privatisation was not a “swear word”](#), saying the GNU was seeking more foreign investment in energy, water and infrastructure due to South Africa’s constrained public finances. The GNU also launched several initiatives aimed at revitalising the economy, including investments in [green energy](#) and [infrastructure projects](#).

2.3. Budget Developments:

The South African [government’s financial year](#) commences on 1 April annually. I.e. January through December 2024 would fall within two financial years: 2023/2024 and 2024/2025.

- The key government expenditures from the [2023/2024 budget](#) are:
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CONSOLIDATED GOVERNMENT EXPENDITURE BY FUNCTION					
R billion	2022/23	2023/24	2024/25	2025/26	2022/23–2025/26
	Revised estimate	Medium-term estimates			Average growth
Learning and culture	446.7	457.1	476.5	497.3	3.6%
Health	259.4	259.2	268.9	281.3	2.7%
Social development	357.8	378.5	361.3	357.0	-0.1%
Community development	230.0	259.7	276.2	289.9	8.0%
Economic development	221.8	237.6	259.3	277.1	7.7%
Peace and security	227.8	227.3	236.3	247.4	2.8%
General public services	71.7	73.6	74.1	76.9	2.3%
Payments for financial assets	46.3	4.1	3.6	3.9	
Allocated expenditure	1 861.6	1 897.1	1 956.2	2 030.8	2.9%
Debt-service costs	307.2	340.5	362.8	397.1	8.9%
Contingency reserve	–	5.0	5.0	5.0	
Unallocated reserve	–	–	35.7	44.5	
Consolidated expenditure	2 168.8	2 242.6	2 359.7	2 477.4	4.5%

CONSOLIDATED GOVERNMENT EXPENDITURE BY FUNCTION					
R billion	2023/24	2024/25	2025/26	2026/27	2023/24–2026/27
	Revised estimate	Medium-term estimates			Average growth
Learning and culture	468.4	480.6	499.3	525.8	3.9%
Health	267.3	271.9	281.1	295.2	3.4%
Social development	368.5	387.3	385.0	398.9	2.7%
Community development	251.5	265.3	274.9	287.1	4.5%
Economic development	239.8	255.4	274.9	288.4	6.3%
Peace and security	236.8	244.0	254.5	266.5	4.0%
General public services	76.9	74.7	77.5	79.3	1.0%
Payments for financial assets	3.5	2.6	2.0	1.8	
Allocated expenditure	1 912.7	1 981.8	2 049.1	2 143.1	3.9%
Debt-service costs	356.1	382.2	414.7	440.2	7.3%
Contingency reserve	–	5.0	7.6	14.5	
Consolidated expenditure	2 268.9	2 369.0	2 471.4	2 597.8	4.6%

From the above it is clear that the biggest expenditure is on education (with a very poor return on investment being pointed out by many).⁹ This is followed by social development¹⁰ and debt service costs. Importantly, in his [budget speech](#) for the 2024/2025 budget on 21 February 2024, the Minister of Finance pointed out that the government’s payments on its debt (i.e. debt-service costs) will use more than 20% of government’s revenue.

2.4. Social Developments

Positively, according to the [Happiness Index](#),¹¹ South Africans’ happiness levels increased to [5,42](#) points in 2024. This is an increase from 5,19 points in 2021, but still below the world average of 5,56 points.

Negatively, South Africa grappled with persistent issues such as high unemployment, inequality and social unrest.

9 See, for example, the IMF’s [Struggling to Make the Grade: A Review of the Causes and Consequences of the Weak Outcomes of South Africa’s Education System](#).

10 Approximately [45% of people](#) received social grants in 2024.

11 South Africa’s scores for the Happiness Index are derived from a survey where people rate the quality of their current lives on a scale from 0 (very unhappy) to 10 (very happy).

- Unemployment

The unemployment rate remained a critical issue throughout 2024, remaining alarmingly high at ca. [32,8%](#), resulting in the worsening of poverty and inequality in the country. Since [more unequal societies](#) tend to have higher crime rates, as well as lower social trust, unemployment also contributes to [increased social tensions](#), such as xenophobic sentiments.



Of special concern is South Africa's youth unemployment (individuals aged 15-34 years), which was at [45,5%](#) for the first quarter of 2024, significantly higher than the national average of 32,9%. [Stats SA](#) has said that the high youth unemployment appears to be driven by limited educational attainment and social and economic disadvantages. It also points out that young women are particularly affected, with an unemployment rate of 49,4% in 2024. The FW de Klerk Foundation submits that [safety](#) is a critical requirement to allow women to participate in the economy.

- Xenophobia

Xenophobia remained a pervasive issue in South Africa in 2024: The year commenced with [Operation Dudula and the Patriotic Alliance \("PA"\) party](#) preventing Zimbabweans without valid documents from entering the country at the Beitbridge Border Post. Videos of the vigilantes went viral and xenophobic hashtags supporting their efforts surged on social media platforms. An anti-immigrant sentiment was also present in the [political rhetoric](#), particularly in the lead-up to the general elections in May 2024, with many political parties blaming immigrants for the country's woes. The deaths linked to contaminated food bought at [spaza shops](#), that were often owned by foreign nationals, also saw a reimmersion in the xenophobic rhetoric.

- Crime and Corruption

Crime remained a major concern in South Africa throughout 2024: The country had a high crime index of [75,4](#) on a scale from 0 to 100. (Whilst this is high, it is lower than the country's crime index in 2017). Importantly, South Africa had the [highest crime index in Africa](#), ranking as the [fifth most dangerous country](#) in the world. The World Bank [estimated](#), in 2023, that crime costs South Africa around 10% of its annual GDP. The [Global Peace Index 2024](#) saw South Africa achieve a ranking of 127/163 countries. This is up three places from 2023's ranking of 130/163 countries.

Crime poses a direct risk to the rights enshrined in the Constitution, including, but not limited to, sections 11 (Life, *see below*), 12 (Freedom and Security of the Person, *see below*) and 22 (Freedom of Trade, Occupation and Profession, *see below*).

In 2024,¹² the following overall trends can be identified (when compared to 2023):



¹² Crime statistics for [January through March 2024](#) at page 8, [April through June 2024](#) at page 8, [July through September 2024](#) at page 8 and [October through December 2024](#) at page 8.

Period	Change in the Number of Murder Victims	Change in the Number of Attempted Murder Victims	Change in the Number of Assault GBH Victims ¹³	Change in the Number of Rape Victims
<u>January through March 2024</u>	3,9% rise	19,7% rise	7,3% rise	1,3% rise
<u>April through June 2024</u>	0,5% decrease	15% rise	6% rise	0,6% rise
<u>July through September 2024</u>	5,8% decrease	2,2% rise	1% rise	3,1% decrease
<u>October through December 2024</u>	9,8% decrease	3,3% decrease	1,5% rise	3,3% decrease
Overall change	12,2% decrease	33,6% rise	15,8% rise	4,5% decrease

The above affects various constitutional rights, including, but not limited to, the rights to life (section 11), dignity (section 10), equality (section 9), freedom and security of the person (section 12) and property (section 25).

Corruption continued to be a pervasive problem in South Africa. The [Corruption Perceptions Index for 2024](#) shows that [South Africa's](#) perceived corruption level is 41/100, in which a score of 0 indicates that a country is perceived as highly corrupt and a score of 100 indicates that a country is perceived as being without corruption. This index ranks South Africa at 82/180 countries.



Source: [Transparency International's Corruption Perceptions Index 2024](#)

13 Assault with the intent to inflict grievous bodily harm.

Maladministration, fraud, employment irregularities, extortion, bribery and procurement irregularities, [especially in](#) Gauteng, KwaZulu-Natal, the Free State and the Western Cape, are all manifestations of this corruption problem. Additionally, service delivery is directly affected by this, with the World Bank [noting](#) that, in 2023, the Government's capacity is rapidly weakening due to corruption, especially at the local level.

Crime and corruption continued to be significant issues. These problems directly impact [economic](#) growth and South Africans' lived reality.

BILL OF RIGHTS ASSESSMENT

Evaluating the extent to which the rights and freedoms in the Bill of Rights are being enjoyed in practice is crucial: It enables South Africans (and their leaders) to gauge how well the country is making the Constitution a reality for all - highlighting both successes and challenges - and encourages citizens to engage in discussions about important issues.

3.1. Methodology:

The Human Rights Report Card grades constitutional rights and freedoms entrenched in the Constitution's Bill of Rights on a basis of A = excellent; B = good; C = moderate; D = poor; and E = very bad.

A	B	C	D	E
Excellent	Good	Moderate	Poor	Very bad

The allocation of an “=” sign indicates no change in the right, a “+” sign denotes an expected improvement and a “-” sign indicates a likely deterioration of the right.

+	Improvement
=	No change
-	Deterioration

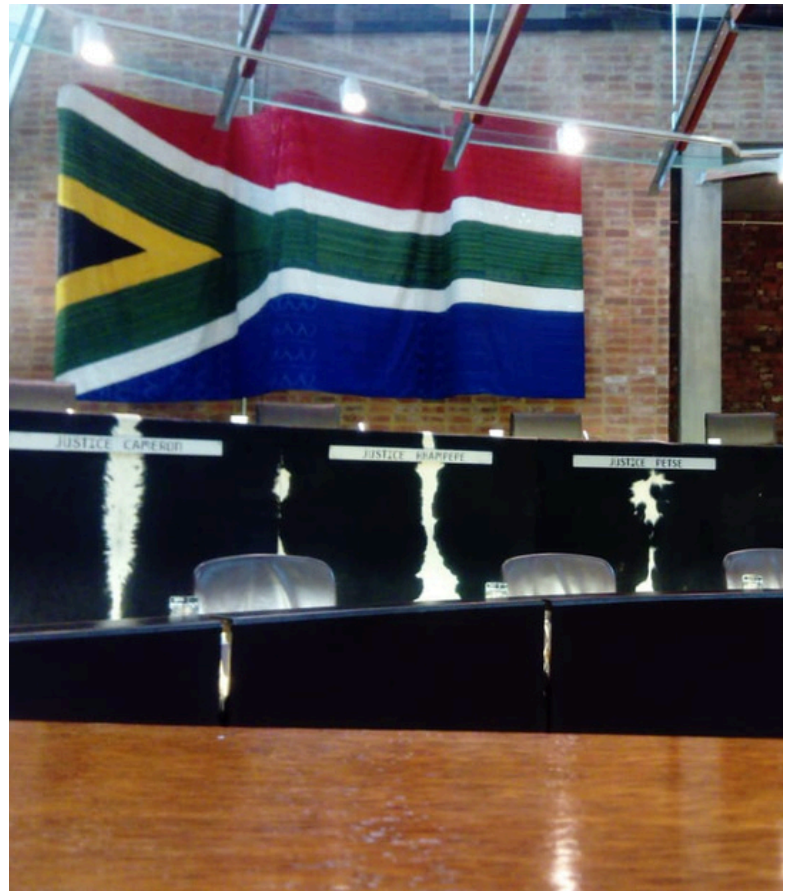
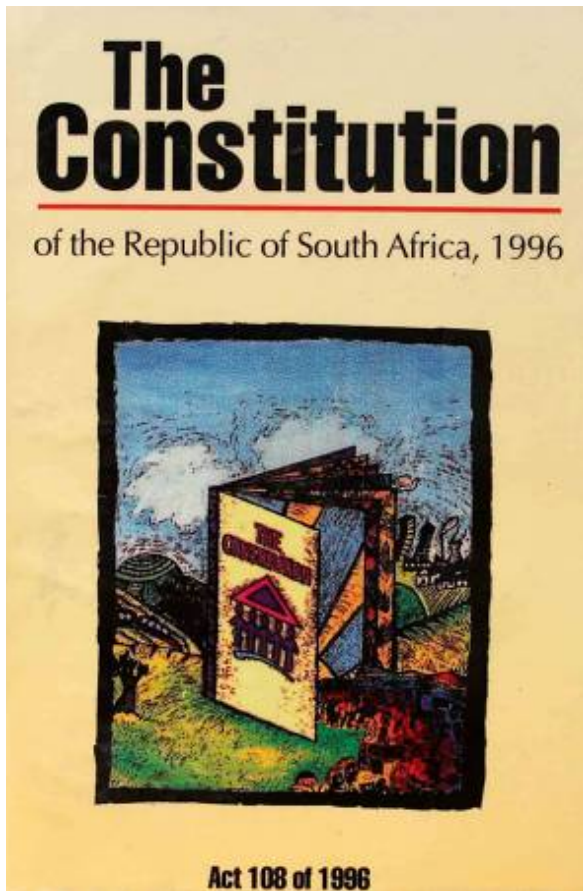
The grade allocation for each right is determined by examining the grade it received in the previous year and by assessing the impact of the current year's political, economic, legal and social developments on that right. For example, if the right to freedom of expression was graded a C in 2023 and developments in 2024 indicate a decline in the enjoyment of that right, it would be downgraded to a C- for 2024. This approach helps readers to understand how various factors positively or negatively affect the realisation of rights. These are not finite measures, but a tool to open discussions about the enjoyment of rights and freedoms in South Africa.

3.2. Human Rights Dashboard:

Constitution section	Right	2023 Grade	2024 Grade	Change
9	Equality	E-	E=	Very bad. No change.
10	Human Dignity	D	D-	Poor. Deteriorating.
11	Life	E-	E=	Very bad. No change.
12	Freedom and Security of the Person	D-	E	Very bad.
13	Slavery, Servitude and Forced Labour	C-	C=	Moderate. No change.
14	Privacy	C	C=	Moderate. No change.
15	Freedom of Religion, Belief and Opinion	C	C-	Moderate. Deteriorating.
16	Freedom of Expression	C	C-	Moderate. Deteriorating.
17	Assembly, Demonstration, Picket and Petition	A=	A=	Excellent. No change.
18	Freedom of Association	B	B=	Good. No change.
19	Political Rights	A+	A+	Excellent. Deteriorating.
20	Citizenship	B=	B+	Good. Improving.

Constitution section	Right	2023 Grade	2024 Grade	Change
21	Freedom of Movement and Residence	B	B-	Good. Deteriorating.
22	Freedom of Trade, Occupation and Profession	D+	D-	Poor. Deteriorating.
23	Labour Relations	B=	B+	Good. Improving
24	Environment	C+	B	Good.
25	Property	D	D-	Poor. Deteriorating.
26	Housing	C	C=	Moderate. No change.
27	Health Care, Food Water and Social Security	E	E-	Very bad. Deteriorating
28	Children	D-	E	Very bad.
29	Education	E-	D	Poor.
30	Language and Culture	Covered in the CRL Rights Report Card, 2024 .		
31	Cultural, Religious and Linguistic Communities	Covered in the CRL Rights Report Card, 2024 .		
32	Access to Information	C+	C+	Moderate. Improving.
33	Just Administrative Action	C+	C=	Moderate. No change.

Constitution section	Right	2023 Grade	2024 Grade	Change
34	Access to Courts	B=	C	Moderate.
35	Arrested, Detained and Accused Persons	D=	D=	Poor. No change.



3.3. Top 10 Human Rights Most Threatened:

1. Healthcare, Food, Water and Social Security

Food insecurity is the highest it has been in a [decade](#). Severe uncertainties embedded within the [National Health Insurance Act, 2023](#), like the procurement of funds to finance universal health coverage, greatly risk limiting the right to access healthcare services (section 27) and could potentially destroy the private healthcare sector.

2. Children

Children's right to [basic nutrition](#) remains greatly under threat, with less than [21%](#) of children receiving enough nutrition. Despite government efforts in the form of social grants and school nutrition programmes, responses remain inadequate. Additionally, disruptions to [school feeding programmes](#) have further exacerbated the crisis.

3. Freedom of Trade, Occupation and Profession

In 2024, South Africa's unemployment rate was ca. [32,8%](#) - with an even higher youth (aged 15-34 years) unemployment rate of ca. [45,5%](#). During the same period, almost half ([49,4%](#)) of young women were unemployed. The [lack of safety in South Africa](#) is a critical barrier to entry for women who want to participate in the economy. This impacts negatively on the realisation of the right to freedom of trade, occupation or profession, as enshrined in the Constitution.

4. Inequality:

Income inequality remained alarmingly [high at a GINI coefficient of 0,63](#). The IMF [expressed concerns](#) that South Africa's pronounced income inequality could further destabilise the nation's socio-economic landscape, in addition to hampering economic growth, perpetuating poverty cycles and fuelling social unrest.

5. Life:

High murder rates, health care disparities, [firearm mismanagement](#) and inefficiencies in law enforcement, all threaten the right to life (section 11).

6. Threats to Freedom and Security of Person:

[Crime statistics](#) show that the country continued to struggle with violent crime: Assault with intent to do grievous bodily harm ("assault GBH") rose by 15,8%. In addition, kidnapping cases rose by 9% between 2023 to 2024. Gender Based Violence ("GBV") and domestic violence rates remain alarmingly high, threatening the security and well-being of citizens, especially women and children.

7. Property Rights:

The [Expropriation Act, 2024](#), once in operation, will allow for the expropriation of certain land for nil compensation ("EWC"). Such expropriation of property without fair compensation will undermine the right to property (section 25 of the Constitution). Such continued efforts to provide for EWC - even though earlier attempts to amend the Constitution to explicitly allow for EWC failed - threaten citizens' economic stability, discourage investment and undermine confidence in the rule of law.

8. Education:

The [Basic Education Laws Amendment Act, 2024](#) ("BELA Act"), endangers constitutional rights by centralising control over education with the Government and disempowering school governing bodies (i.e. parents). Additionally, budget cuts caused a crisis, with many [provinces](#) unable to afford teachers.

9. Freedom of Expression:

The [Prevention and Combating of Hate Crimes and Hate Speech Act, 2023](#) ("the Hate Speech Act"), by criminalising expressions it sees as hate speech, poses risks to freedom of expression (section 16). Due to its broad, vague and circular definitions and provisions, it will potentially stifle legitimate discourse and dissent which the Constitution sees as protected. It may, also, inadvertently suppress viewpoints, as people will most likely self-censor rather than face the outlined, heavy jail sentence. This broad criminalisation of expressions that are constitutionally protected, undermines constitutional protections for free speech and inhibits open dialogue -all of which is essential for a democratic society to function and thrive.

10. Privacy:

The Regulation of Interception of Communications and Provision of Communication-related Information Amendment Bill ("[RICA Amendment Bill](#)") may lead to a surveillance subject never being notified that they were surveilled.



HUMAN RIGHTS REPORT CARD 2024

In this chapter, the Foundation delves into each right and freedom contained in the Constitution's Bill of Rights. It examines the major political, economic, legal and social developments that positively or negatively affected the realisation of that right in 2024 and concludes with a grade allocation. Its ultimate aim is to open discussion about the full and equal enjoyment of all constitutional rights and freedoms.

Equality (Section 9)

2023 Grade: **E-**

2024 Grade: **E=**

Section 9 of the South African Constitution guarantees equality. It expressly states that this includes the right to equal protection and benefit of the law; the full and equal enjoyment of all rights and freedoms and the right to not be unfairly discriminated against on various grounds.

Equity

The [Employment Equity Amendment Act, 2022](#), was still to commence operation at the end of 2024. It aims to promote diversity and equality in the workplace. The Act will make changes to the [Employment Equity Act, 1998](#), by *inter alia*, empowering the Minister of Employment and Labour to determine numerical targets within economic sectors to ensure equitable representation. Critics [argue](#) that the Act will have a catastrophic impact on the employment and promotion opportunities for minority racial groups, undermining workforce diversification and inadvertently causing job losses, lower economic growth and increased unemployment.

On 1 February 2024, the Minister published "[new draft regulations](#)" containing sectoral numerical targets within 18 sectors.¹⁴ The new draft regulations, in contrast to the highly contested "[old draft regulations](#)",¹⁵ set only a single percentage target for "*designated groups*"¹⁶ (per sector and occupational level), differentiating only by gender and removing breakdowns by race:

5-YEAR SECTORAL NUMERICAL TARGETS					
DESCRIPTION	GENDER	1. AGRICULTURE, FORESTRY & FISHING	2. MINING AND QUARRYING	3. MANUFACTURING	4. CONSTRUCTION
		DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS
Top management	Male	20,0%	29,9%	25,0%	33,0%
	Female	15,0%	20,1%	15,0%	17,0%
	Total	35,0%	50,0%	40,0%	50,0%

Source: New draft regulations, page 8.

Income Inequality

The struggle with deep-rooted income inequality, a consequence of the country's historical and socio-economic landscape, continued. While the GINI Coefficient - a key measure of income disparity where 0 signifies perfect equality and 1 represents extreme inequality - declined slightly from the previous year, it remained alarmingly [high at 0,63](#). The International Monetary Fund ("IMF") has expressed concern that South Africa's pronounced income disparity hampers economic growth, fuels social unrest and perpetuates cycles of poverty. In its [2024 Article IV Consultation](#), the IMF emphasised the urgency of implementing reforms to address these challenges, noting that without decisive action, inequality could further destabilise the nation's socio-economic landscape.

¹⁴ Regulation 2.

¹⁵ The old draft regulations were published for public comment on 12 May 2023 and proposed rigid numerical race targets for specific employment sectors, which some labelled "quotas": Source: Old draft regulations, page 7.

¹⁶ Section 1 of the [Employment Equity Act, 1998](#), defines "*designated groups*" as South African citizens who are black (African, Coloured, and Indian), women or have disabilities.

Gender Equality

The [Women in the South African Economy Report \(2024\)](#) highlights persistent gender disparities in economic participation: The labour force participation rate for women stood at 50,6%, significantly lower than the 63,6% for men. The report further reveals that women earned only 75,8% of what men earned for similar work, indicating a persistent gender pay gap. Additionally, women remain underrepresented in leadership roles, occupying just 33,1% of managerial positions. These findings underscore the on-going structural barriers that limit women's full participation in the economy. The FW de Klerk Foundation also [highlighted](#) how the lack of safety in South Africa acts as a barrier to entry, preventing women from fully participating in the economy. (See the crime statistics *below*.)

Following the 29 May 2024 elections, the representation of women in the National Assembly [decreased](#) from 46% to 43%. This drop affected South Africa's global ranking in women's political participation, moving the country from 12th to 22nd place. At a [ministerial level](#), 31 out of South Africa's 77 cabinet ministers were women (i.e. 40,25%) - a decrease from 2019.

The South African Police Service's [crime statistics](#) show South Africa continued to struggle with Gender-Based Violence (GBV):

2023 GBV rates:

Period	Number of Female Murder Victims ²⁰	Number of Attempted Female Murder Victims ²¹	Number of Female Assault GBH Victims ²²	Number of Female Rape Victims in Domestic Violence ²³
January through March	969	1 485	15 141	805
April through June	895	1 417	12 872	852
July through September	881	1 514	14 401	829
October through December	1 135	1 830	18 474	851
Total	3 880	6 246	60 888	3 337

17 Page 21.

18 Page 22.

19 Page 54.

20 Crime statistics for [January through March 2024](#) at page 18, [April through June 2024](#) at page 18, [July through September 2024](#) at page 18 and [October through December 2024](#) at page 18.

21 Crime statistics for [January through March 2024](#) at page 18, [April through June 2024](#) at page 18, [July through September 2024](#) at page 18 and [October through December 2024](#) at page 18.

22 Crime statistics for [January through March 2024](#) at page 18, [April through June 2024](#) at page 18, [July through September 2024](#) at page 18 and [October through December 2024](#) at page 18.

23 Crime statistics for [January through March 2023](#) at page 38, [April through June 2023](#) at page 49, [July through September 2023](#) at page 50 and [October through December 2023](#) at page 50.

2024 GBV rates:

Period	Number of Female Murder Victims ²⁴	Number of Attempted Female Murder Victims ²⁵	Number of Female Assault GBH Victims ²⁶	Number of Female Rape Victims in Domestic Violence ²⁷
January through March	928	1 701	15 698	845
April through June	966	1 644	13 757	704
July through September	957	1 567	14 366	765
October through December	961	1 661	16 023	1 020
Total	3 812	6 573	59 844	3 334

By comparing the 2023 and 2024 tables, the following changes can be identified: The number of female murder victims decreased by 68 murders. The number of attempted female murder victims increased by 327. The number of female assault GBH victims decreased by 1 044. And the number of female rape victims in domestic violence cases decreased by 3.

Despite the above, the rate of GBV remains extremely high in 2024. It is submitted that the high incidence of violence in domestic settings points to deep-rooted issues of power imbalance, inequality and cultural norms that perpetuate such behaviour.

Grading:

In 2023, the right to equality received a E- grade, indicating that its full enjoyment was very bad and deteriorating. In 2024, this remained unchanged, as the factors that influence its enjoyment (equity, income inequality and gender equality) did not significantly improve. This led to the right being graded an E = for 2024.



24 Crime statistics for [January through March 2024](#) at page 18, [April through June 2024](#) at page 18, [July through September 2024](#) at page 18 and [October through December 2024](#) at page 18.

25 Crime statistics for [January through March 2024](#) at page 18, [April through June 2024](#) at page 18, [July through September 2024](#) at page 18 and [October through December 2024](#) at page 18.

26 Crime statistics for [January through March 2024](#) at page 18, [April through June 2024](#) at page 18, [July through September 2024](#) at page 18 and [October through December 2024](#) at page 18.

27 Crime statistics for [January through March 2024](#) at page 49, [April through June 2024](#) at page 49, [July through September 2024](#) at page 49 and [October through December 2024](#) at page 50.

Human Dignity (Section 10)

2023 Grade: **D**

2024 Grade: **D-**

Section 10 of the Constitution entrenches the right to dignity.

Emergency Inner City Housing

The Constitutional Court's judgment in [Charnelle Commando and Others v City of Cape Town and Another](#)²⁸ addressed the plight of residents facing eviction due to urban gentrification in Woodstock, Cape Town. The Court emphasised that the deliberate dislocation of individuals and families from their communities constitutes a serious harm to, amongst other things, their dignity. Thus, there is a strong burden of justification on the state where its policies lead to the severance of people from their social and community networks. The Court held that the City's policy of excluding emergency housing from the inner city was unreasonable and unconstitutional, as it failed to consider the adverse effects of displacement on vulnerable residents.



Recognition of Muslim Marriages

In [October 2024](#), the Department of Home Affairs (“DHA”) began issuing marriage certificates that officially [recognise Muslim marriages](#). This milestone followed years of advocacy and legal challenges, including the landmark case [Women’s Legal Centre Trust v President of the Republic of South Africa and Others](#),²⁹ where the Constitutional Court affirmed the need for legislative reform to recognise Muslim marriages. The formal acknowledgment of these unions ensures that Muslim couples are no longer compelled to register their marriages under civil or customary law to gain legal recognition. This advancement affirms South Africa’s Muslim community’s right to dignity.

School Facilities

The [2024 Education Facility Management System report](#) revealed that around 1770³⁰ public schools still have both standard facilities and pit latrines, with 287 schools relying solely³¹ on them. Tragically, incidents of children falling into pit latrines continue, including the death of a three-year-old boy on [18 April 2025](#) at a daycare in East London. In response, the government has [committed](#) to eradicating pit latrines by 2025.

Crime

The violent crime (see 2024 developments *above*) and Gender-Based Violence (GBV) statistics (see Equality *above*) show that both remain a critical concern - with women and children being disproportionately affected. The prevalence of such crime continues to undermine the safety and dignity of vulnerable populations.

Grading:

In 2023 the right to dignity received a D grade, indicating that its full enjoyment was poor. In 2024, it received a D- grade, indicating that the full enjoyment of this right was poor and deteriorating. This is, because, despite the factors that positively influenced its enjoyment (emergency inner city housing and the recognition of Muslim marriages), the factors that negatively impacted its enjoyment (crime and schools pit latrines) remain significant.

28 [2024] ZACC 27.

29 [2022] ZACC 23.

30 Page 4.

31 Page 5.

Life (Section 11)

2023 Grade: **E-**

2024 Grade: **E=**

Section 11 of the Constitution enshrines the right to life. Despite legislative frameworks and constitutional guarantees, South Africa continued to grapple with an array of challenges that encroached upon this right throughout 2024:

Murder Rate

South Africa's high murder rate³² remains a major threat to the right to life:

Period	2023 Murders	2024 Murders
January through March	6 289	6 536
April through June	6 228	6 198
July through September	6 945	6 545
October through December	7 710	6 953
Total for the year	27 172	26 232
Daily average	74,44 murders daily	71,87 murders daily

While 2024 marks a slight improvement when compared to 2023, it still highlights significant systemic deficiencies in law enforcement.

Illegal Firearms

Despite stringent gun control laws, illegal firearms remain rampant:³³

Period	2023 Illegal Possession of Firearms & Ammunition	2024 Illegal Possession of Firearms & Ammunition
January through March	4 022	3 919
April through June	3 800	3 832
July through September	6 945	4 325
October through December	4 102	4 091
Total	18 869	16 167

Reports indicate that [33 people died daily](#) due to gun violence, surpassing road traffic fatalities. A large number of firearm-related deaths are [linked](#) to illegal firearms. Additionally, these illegal firearms contribute to high rates of violent crime and fatal shootings, especially in gang violence:



³² Crime statistics for [January through March 2024](#) at page 8, [April through June 2024](#) at page 8, [July through September 2024](#) at page 8 and [October through December 2024](#) at page 8.

³³ Crime statistics for [January through March 2024](#) at page 10, [April through June 2024](#) at page 10, [July through September 2024](#) at page 10 and [October through December 2024](#) at page 10.

Period	Gang-related Murder	Attempted murder	Assault GBH
January through March	214	328	16
April through June	270	58	252
July through September	221	290	24
October through December	294	331	20
Total	999	1 007	312

This rise was particularly pronounced in areas with high levels of [gang violence](#), such as the Western Cape. Additionally, the government [loses](#) approximately 1 800 firearms annually to criminals, which further fuels the violence.

Grading:

In 2023, the right to life received a E- grade, indicating that the full enjoyment of this right was very bad and deteriorating. In 2024, this remained unchanged, as the factors that influence its enjoyment (crime) did not significantly improve.

Freedom and Security of the Person (Section 12)

2023 Grade: **D-**

2024 Grade: **E**

Section 12 of the Constitution entrenches the right to freedom and security of the person. This includes the right not to be deprived of freedom arbitrarily or without just cause; not to be detained without trial; to be free from all forms of violence from either public or private sources; not to be tortured in any way and not to be treated or punished in a cruel, inhuman or degrading way. Also protected is the right to bodily and psychological integrity, which includes, *inter alia*, the right to make decisions concerning reproduction.

Torture

A [viral CCTV](#) video captured officers severely assaulting a man, sparking public outrage and calls for accountability and highlighted concerns about police brutality in South Africa. The Independent Police Investigative Directorate (“IPID”) stated in its [Annual Report 2023/24](#) that 273 cases of torture were reported to it.³⁴ (This is a significant increase from 228 in 2023.³⁵)

Kidnapping

Period	Number of Kidnappings in 2023	Number of Kidnappings in 2024
January through March	3 641	4 279
April through June	3 854	4 205
July through September	4 300	4 627
October through December	4 577	4 748
Total for the year	16 372	17 859
Daily Average	44,85	48,92

³⁴ At page 47.

³⁵ [IPID Annual Report 2022/23](#) at page 45.

This data³⁶ indicates a 9% rise in kidnapping cases from 2023 to 2024, with almost 50 cases daily. ([Reports](#) indicate a 260% rise over the past decade.) Gauteng and KwaZulu-Natal consistently remained the provinces with the highest instances rates. These kidnappings were often linked to ransom demands – e.g. when Nqabayomzi Kwankwa, Member of Parliament, was [kidnapped](#) in Cape Town and only released after his party, the UDM, paid a R10 000,00 ransom. In 2024, ransom was consistently the main causative factor for kidnappings, followed by extortion and then human trafficking.³⁷ In addition to this, a concerning trend known as "[express kidnapping](#)" - where victims are abducted and coerced into making immediate financial transactions under duress - emerged.

Crimes Affecting Bodily Integrity

- Murder

The overall murder rate in South Africa remains alarmingly high, with an average of 71,87 murders per day in 2024. There was also an [increase](#) in political assassinations: With at least ten murders recorded between January and April 2024. It can be assumed that the National Elections - that took place on 29 May 2024 - and the political campaigning and contestation that come with it, were causally linked to this trend.

- Sexual Offences

Sexual violence³⁸ remains a persistent issue, although 2024 saw a 0,84% decrease in sexual offences³⁹ from the year before. However, underreporting remains a critical concern, with only [20%](#) of women who suffer sexual abuse reporting it. The government's recent legislative reforms seek to strengthen protections for survivors.

Period	Number of Sexual Offences in 2023	Number of Sexual Offences in 2024
January through March	13 205	13 446
April through June	11 616	11 566
July through September	13 090	12 765
October through December	15 284	14 973
Total for the year	53 195	52 750
Daily average	145,74	144,52

- Assault with intent to do grievous bodily harm ("assault GBH")

Period	Number of Assaults GBH in 2023	Number of Assaults GBH in 2024
January through March	43 090	46 233
April through June	37 491	39 738
July through September	42 297	42 721
October through December	53 513	54 337
Total for the year	176 391	183 029
Daily average	483,26	501,45

36 Crime statistics for [January through March 2024](#) at page 77, [April through June 2024](#) at page 78, [July through September 2024](#) at page 78 and [October through December 2024](#) at page 79.

37 Crime statistics for [January through March 2024](#) at page 79, [April through June 2024](#) at page 80, [July through September 2024](#) at page 80 and [October through December 2024](#) at page 81.

38 Crime statistics for [January through March 2024](#) at page 8, [April through June 2024](#) at page 8, [July through September 2024](#) at page 8 and [October through December 2024](#) at page 8.

39 The sexual offences dealt with in the SAPS statistics include: rape, compelled rape, sexual assault, compelled sexual assault, statutory rape, statutory sexual assault.

Assault GBH incidents increased by 3,76% in 2024. Arguments, misunderstandings, road rage incidents or provocation, consistently remained the highest causative factors for assault GBH in 2024,⁴⁰ with the most common place of occurrence being the residence of either the perpetrator or victim (including residences known by either the victim or perpetrator e.g. family/friends/neighbours).⁴¹ The prevalence of this offense suggests persistent gaps in community policing and preventative strategies.

Approximately 12,66% of assault GBH incidents were alcohol-related in 2024,⁴² reflecting deep-rooted societal issues such as alcohol abuse, economic stress and inadequate conflict resolution mechanisms - emphasising the need for improved intervention strategies:

Period	Number of Assaults GBH	Number of Assaults GBH That Were Alcohol-related
January through March	46 233	5 019
April through June	39 738	5 376
July through September	42 721	5 407
October through December	54 337	7 369
Total for the year	183 029	23 171
Daily average	501,45	63,48

- Gender-Based Violence (“GBV”)

In response to the GBV crisis, the [National Council on Gender-Based Violence and Femicide Act, 2024](#), was signed into law on 24 May 2024 and established the National Council on GB and Femicide (“the Council”). This Council is a statutory body to lead and coordinate efforts to combat GBV and femicide in South Africa. It consists of government representatives and civil society members, ensuring a multi-sectoral approach. Its key functions include developing a National Strategic Plan, monitoring policy implementation and ensuring funding for GBV-related programmes. The Council also strengthens coordination between law enforcement, social services and healthcare providers to improve victim support and prevention measures.



Grading:

In 2023, the right to freedom and security of the person received a D-grade, indicating that its full enjoyment was poor and deteriorating. In 2024, the increase in the factors that influence its enjoyment (torture, kidnapping, the alarmingly high murder rate of over 70 murders a day, the nominal decrease in sexual violence (which decreased by 12 offences only) and the increase in assault GBH) resulted in this right receiving an E grade, indicating its full enjoyment is very bad.



40 Crime statistics for [January through March 2024](#) at page 16, [April through June 2024](#) at page 16, [July through September 2024](#) at page 16 and [October through December 2024](#) at page 16.
 41 Crime statistics for [January through March 2024](#) at page 17, [April through June 2024](#) at page 17, [July through September 2024](#) at page 17 and [October through December 2024](#) at page 17.
 42 Crime statistics for [January through March 2024](#) at page 44, [April through June 2024](#) at page 44, [July through September 2024](#) at page 44 and [October through December 2024](#) at page 45.

Slavery, Servitude and Forced Labour (Section 13)

2023 Grade: **C-**

2024 Grade: **C=**

Section 13 of the South African Constitution guarantees that no person may be subjected to slavery, servitude, or forced labour.

Human Trafficking

[The 2024 Trafficking in Persons Report](#) by the U.S. Department of State continued to place South Africa on the Tier 2 Watch List, indicating that while efforts to combat trafficking are underway, significant challenges persist. The report notes that while the South African government increased protection efforts, institutional challenges (such as inconsistent use of formal identification procedures and limited proactive screening) have left some victims unidentified and without support. Moreover, human trafficking is often conflated with other crimes, leading to trafficking victims being misidentified as victims of other crimes.

[In August 2024](#),⁸² Ethiopians were rescued by authorities from a house in Johannesburg. This case highlights South Africa's role as a [source, transit and destination](#) country for human trafficking and highlights the plight of undocumented migrants, many of whom become easy targets for traffickers due to their precarious legal status. Despite laws such as the [Prevention and Combating of Trafficking in Persons Act, 2013](#), effective enforcement remains problematic and authorities continue to face challenges in dismantling well-organised criminal networks involved in smuggling and exploitation.

Grading:

In 2023, the right to not be subjected to slavery, servitude, or forced labour received a C- grade, indicating that its full enjoyment was moderate and deteriorating. In 2024, it received a C= grade, indicating that it remains unchanged as the factors that influence it did not significantly improve.

Privacy (Section 14)

2023 Grade: **C**

2024 Grade: **C=**



Section 14 of the Constitution entrenches the right to privacy, which explicitly includes the right not to have one's person, home or property searched; one's possessions seized, or one's communications infringed.

Social media

In [Botha v Smuts and Another](#),⁴³ the Constitutional Court underscored the nuanced considerations in balancing privacy rights with public interest and freedom of expression. Mr Botha, an insurance broker and farmer, objected to the publication of his personal information (including his home address) on social media by a conservationist highlighting animal trapping practices on his farm. The Court concluded that while certain information was publicly available due to Mr Botha's own actions, publishing his home address infringed upon his right to privacy.⁴⁴

The Cape Town High Court found⁴⁵ that sharing a person's photograph and cell phone number, without consent, on social media violated the [Protection of Personal Information Act, 2013](#) ("POPIA").⁴⁶ POPIA is a subsidiary law that protects the constitutional right to privacy in section 14.

43 2025 (1) SA 581 (CC).

44 At para 2.

45 [Munetsi v Madhuyu and Another](#) 2024 JDR 3560 (WCC).

46 Section 11 of the Protection of Personal Information Act, 2013 ("POPIA").

General Intelligence Laws Amendment Bill

In [May 2024](#), the [General Intelligence Laws Amendment Bill](#) (“GILAB”) was passed by both houses of Parliament and sent to the President for assent. The [first version of the Bill](#) (as tabled in Parliament by the Minister in the Presidency) had resulted in massive public outcries, as it would have allowed the South African intelligence services *carte blanche* to subject anyone it chose to a security competency test and vetting investigations by the intelligence services. In a success story of the power of [public participation](#), Parliament made significant changes to the Bill resulting in a constitutionally sound version being adopted.

Regulation of Interception of Communications and Provision of Communication-related Information Amendment Bill

On 21 November 2024, President Cyril Ramaphosa [referred](#) the [Regulation of Interception of Communications and Provision of Communication-related Information Amendment Bill](#) (“RICA Amendment Bill”) back to the National Assembly, citing concerns over its constitutionality. The President was [particularly concerned](#) that it may lead to a surveillance subject never being notified that they were surveilled. The RICA Amendment Bill arises from the Constitutional Court judgment in [Amabhungane Centre for Investigative Journalism NPC v Minister of Justice and Correctional Services](#),⁴⁷ which recognised the importance of the right of privacy in the context of state surveillance.

Grading:

In 2023, the right to privacy received a C grade, indicating that its full enjoyment was moderate. In 2024, it received a C= grade, indicating that it remains unchanged as the factors that influence it did not significantly improve.

Freedom of Religion, Belief and Opinion (Section 15)

2023 Grade: **C**

2024 Grade: **C-**



Section 15 of the Constitution guarantees that everyone has the right to freedom of conscience, religion, thought, belief and opinion (“religious freedom”). This right protects all people (the religious and irreligious) and ensures that everyone has the freedom to not only believe (or not) internally, but to manifest their beliefs externally. This is fundamentally intertwined with other constitutional rights, such as dignity, equality, freedom of expression, freedom of association, etc.

The protections for journalists, academics and artists and religious freedom contained in [Prevention and Combating of Hate Crimes and Hate Speech Act, 2023](#), (“the Hate Speech Act”) remain self-defeating. This offers very little real protection for speech explicitly protected in sections 15 and 16(1) of the Constitution and many are concerned about the chilling effect this will have on free speech. (See section 16 *below*.)

Grading:

In 2023, the right to religious freedom received a C grade, indicating that its full enjoyment was moderate. In 2024, it received a C- grade, indicating that its full enjoyment was moderate, but deteriorating. This was due to the [Hate Speech Act](#) coming into law. The fact that the [Hate Speech Act](#) was not yet in operation led to the right remaining at moderate as opposed to being downgraded to D, poor.

⁴⁷ 2021 (3) SA 246 (CC).

Freedom of Expression (Section 16)

2023 Grade:	C
2024 Grade:	C-



Section 16 of the Constitution entrenches the right to freedom of expression, which explicitly includes, the freedom of the press and other media; freedom to receive or impart information or ideas; freedom of artistic creativity; and academic freedom and freedom of scientific research. Such robust protection is given to this right, not only because it is so essential to a multiparty system of democratic government, but because of South Africa's history as an apartheid state in which heavy censorship was imposed on all.

The Constitution specifically excludes (i) propaganda for war, (ii) incitement of imminent violence and (iii) the advocacy of hatred (based on race, ethnicity, gender or religion) that constitutes incitement to cause harm (i.e. "hate speech") from protection. However, it allows the Government to regulate this "unprotected speech" as it sees fit.

Hate Speech

The [Prevention and Combating of Hate Crimes and Hate Speech Act, 2023](#), ("the Hate Speech Act") was passed to regulate the unprotected speech of hate speech. The Act, which criminalises hate speech⁴⁸ imposing up to five years' imprisonment,⁴⁹ was signed into law in May 2024, but with a date of commencement still to be promulgated.⁵⁰ It criminalises all expressions (thus wider than speech only) that the Act considers as "hate speech" - which it defines, simply put, as any expression that:

- (i) Incites *harm*; and
- (ii) Promotes or propagates *hatred*;
- (iii) Against a *group* of people specifically listed in the Bill.

The Act was subject to widespread debate, due to its wide definition of *harm*, which includes subjective and vague concepts, such as emotional harm and social harm, as well as its failure to define *hatred*. [Critics](#) argued that this results in the Act criminalising speech that is constitutionally protected and will have a chilling effect on free speech as people stay silent for fear of imprisonment. [Supporters](#) have welcomed the Act, viewing it as a crucial step toward safeguarding vulnerable communities from hate-motivated offenses.



Political Expression

In May 2024, the [DA released a campaign video](#) depicting a burning South African flag, symbolising the country's decline under the ANC. The South African Broadcasting Corporation ("SABC") initially [refused](#) to air the video. However, the Independent Communications Authority of South Africa's Complaints and Compliance Committee later [fined and directed](#) the SABC to broadcast the advertisement and imposed a fine for non-compliance, reinforcing the protection of political expression.

Grading:

In 2023, the right to freedom of expression received a C grade, indicating that its full enjoyment was moderate. In 2024, it received a C- grade, indicating that its full enjoyment was moderate, but deteriorating. This was due to the [Hate Speech Act](#) coming into law. However, the fact that the [Hate Speech Act](#) was not yet in operation led to the right remaining at moderate, as opposed to being downgraded to D, poor.

48 Section 4(1) of the Act.
49 Section 6(3) of the Act.
50 Section 12 of the Act.

Assembly, Demonstration, Picket and Petition (Section 17)

2023 Grade: **A=**

2024 Grade: **A=**

Section 17 of the Constitution enshrines the right to, peacefully and unarmed, assemble, demonstrate, picket and present petitions. This right helps ensure a participatory democracy in which freedom of expression (section 16), freedom of association (section 18) and political rights (section 19) are exercised collectively. The right is regulated to maintain public order and prevent disruptions.⁵¹

In 2024, South Africa, especially [Pretoria](#), experienced a significant number of protests relating to service delivery, employment and student loans. Between January and June 2024 alone, there were [122 service delivery protests](#). Due to absence of loadshedding, [substantially less](#) of these protests were related to loadshedding when compared with 2023.

Grading:

In 2023, the right to, peacefully and unarmed, assemble, demonstrate, picket and present petitions received an A= grade, indicating that its full enjoyment was excellent and unchanged from 2022. In 2024, this remained unchanged, due to the absence of significant factors that influence its enjoyment.

Freedom of Association (Section 18)

2023 Grade: **B**

2024 Grade: **B=**

Section 18 of the Constitution enshrines the right to freedom of association.

Labour Relations

The National Economic Development and Labour Council (“NEDLAC”) published a [report](#) that proposed, amongst others, a [Labour Relations Act Amendment Bill](#) to amend the [Labour Relations Act, 1995](#), (“LRA”). The Bill will significantly impact the right to freedom of association⁵² and how trade unions⁵³ operate.⁵⁴

Grading:

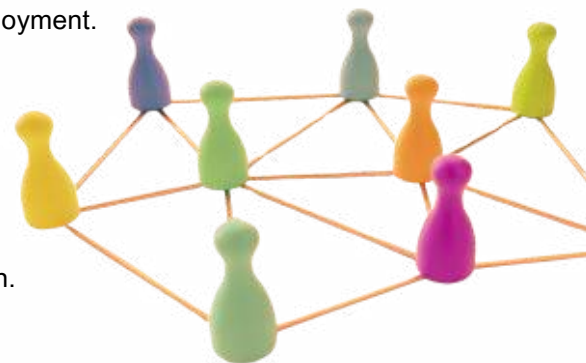
In 2023, the right to freedom of association received a B grade, indicating that its full enjoyment was good and unchanged from 2022. In 2024, this remained unchanged, due to the absence of significant factors that influence its enjoyment.

Political Rights (Section 19)

2023 Grade: **A+**

2024 Grade: **A-**

Section 19 of the Constitution enshrines political rights which include the freedom to make political choices, such as forming a political party, the right to free and fair regular elections, the right to vote in elections and to stand for public office.



⁵¹ It is regulated by the [Regulation of Gatherings Act, 1993](#).

⁵² Schedule 11 of the Bill expressly states that [Chapter 2](#) of the LRA, which deals with both employers’ and employees’ freedom of association, applies to employees and their employers.

⁵³ Labour Unions are associations Section 213 of the [Labour Relations Act, 1995](#) defines a trade union as “an association of employees whose principal purpose is to regulate relations between employees and employers, including any employers’ organisations”.

⁵⁴ For e.g., requiring trade union representatives to conduct a [secret ballot](#) to determine if a closed shop agreement should be terminated, allowing the Minister to make regulations concerning the [retention of records required of trade unions](#) in the case of strike and lock-out ballots.

Political Unrest and Violence

[Political unrest and violence](#) led up to the May 2024 general elections, threatening democratic stability and discouraging the exercise of political rights. Between January and April 2024, [10 politically motivated assassinations](#) were recorded. [KwaZulu-Natal](#) was highlighted as the province that is most affected by political assassinations, which analysts submitted was mainly due to intra-party clashes.

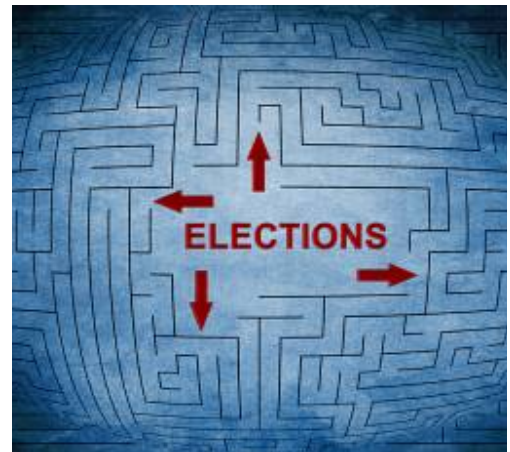
Independent Candidates

Independent candidates ran for the general elections for the first time in 2024. (After the [Electoral Act, 1998](#) was changed⁵⁵ to allow citizens unaffiliated with a political party⁵⁶ to contest in both national and provincial elections⁵⁷.) The [Political Party Funding Act, 2018](#), was amended⁵⁸ on 8 May 2024, just weeks before the election on 29 May 2024. The Act provided, amongst other things, for the public funding of independent candidates from the Political Representatives Fund.⁵⁹ This significant change allowed independent candidates and representatives to compete more favourably against political parties, increasing the fairness of the 2024 general election.

Electoral Reform

South Africa uses the Proportional Representation (“PR”) system as an electoral system. The PR system has been in use since 1994 to translate votes into seats in the National Assembly and Provincial Legislatures. In August 2024, the Electoral Reform Consultation Panel [invited](#) public comments on how/if the PR system should be reformed. The [FW de Klerk Foundation](#), amongst others, made a [written submission](#) that it should, because the current PR system:

1. Fails to meet all of the Constitution’s requirements, specifically it fails to ensure accountability, responsiveness and openness;⁶⁰
2. Results in elected representatives’ lack of responsiveness, accountability and openness;
3. Allowed state capture as it did not prevent Parliament from being controlled by the Executive and, therefore, unable to exercise proper oversight over the Executive; and
4. Is unfair towards independent candidates who can only contest 200 out of Parliament’s 400 seats and only be awarded a single seat, even if they win more than one seat in a single / across multiple regions.⁶¹



The Foundation proposed a constitutionally compliant electoral system that would increase resilience against state capture: A mixed member proportional system with 250 single member constituencies and 150 PR representatives. Independent candidates would stand in just one constituency and together with associates nationally. Voters would be enabled to recall underperforming representatives. This would bring representatives closer to the people, increasing transparency and accountability in the electoral system as Parliament would be directly accountable to its electorate.

Grading:

55 By the [Electoral Amendment Act, 2023](#).

56 Section 1 of the Act defines “independent candidate” as “a South African citizen contesting an election and who is not nominated on a list of a party”.

57 Section 31A (1) of the Act.

58 By the [Electoral Matters Amendment Act, 2024](#).

59 Section 2 of the Political Party Funding Act, as amended.

60 Section 1(d) of the Constitution.

61 The seats in the National Assembly are as determined as 1 seat for every 100 000 votes¹⁴ and are allocated as follows:

- (i) Half the seats (i.e. 200 seats) are contested by independent candidates and political party candidates contesting the nine regions (“regional seats”); and
- (ii) Half the seats (i.e. the remaining 200) are filled by political party candidates (“compensatory

In 2023, political rights received an A+ grade, indicating that its full enjoyment was excellent and improving (due to the ability of independent candidates to contest in national and provincial elections). In 2024, it received an A- grade, i.e. excellent, but deteriorating, due to the current PR system's unfairness towards independent candidates.

Citizenship (Section 20)

2023 Grade: **B=**

2024 Grade: **B+**

Section 20 of the Constitution states that citizens may not be deprived of their citizenship. Additionally, section 3 of the Constitution states that there is a common South African citizenship and that all citizens are equally entitled to the rights, privileges and benefits of citizenship, as well as being equally subject to the duties and responsibilities of citizenship.



Citizenship Loss

The National legislation that provides for the acquisition, loss and restoration of citizenship is the [South African Citizenship Act, 1995](#). On 5 November 2024, the Constitutional Court [reserved judgment](#) in [Democratic Alliance v Minister of Home Affairs and Another](#).⁶² The case was an application for a confirmatory order following the Supreme Court of Appeal (“SCA”) [declaring](#) section 6(1)(a) of the [South African Citizenship Act, 1995](#), as unconstitutional in 2023.⁶³ The SCA declared section 6(1)(a) unconstitutional, because it provided that an adult citizen loses their South African citizenship should they take on the citizenship of another country and is invalid from its promulgation.⁶⁴ (Thus, everyone who lost their citizenship as a result of it is deemed never to have lost their citizenship.) Only after the Constitutional Court makes an order confirming the SCA’s declaration will it come into force.⁶⁵

Identity Document Backlog

In 2024, the Department of Home Affairs (“DHA”) fully cleared the backlog of Identity Documents (“IDs”) numbering close to [250 000](#). IDs enable citizens to open bank accounts, apply for jobs and qualify for government services. DHA also recorded an uptick of the number of Smart ID’s issued between 1 October and 31 December 2024: With nearly [one million](#) issued (an overperformance of 69%).

Birth Certificate Backlog

All children born in South Africa must be registered within 30 days.⁶⁶ The DHA does make [provision](#) for the late registration of births and in 2024 this resulted in at least [280 birth certificates](#) being [issued](#). However, the DHA’s backlog of birth registrations [continued](#)⁶⁷ in 2024. Without proof of citizenship, these children were denied access to social security grants, healthcare (see section 27), education (see section 29) and other [basic human rights](#).

seats”) to restore overall proportionality between the political parties due to potential distortion created by the regional system. An independent candidate may be nominated in more than one region, but the votes they receive across the different regions may not be aggregated in order to obtain a seat in the National Assembly. See Item 1 to Schedule 3, Item 3(4)(b) to Schedule 1A and Items 5(k) to Schedule 1A of the Electoral Act, 1998.

⁶² CCT184/23.

⁶³ Section 172(2)(a) of the Constitution states that an order of constitutional invalidity has no force unless it is confirmed by the Constitutional Court.

⁶⁴ 2023 (6) SA 156 (SCA).

⁶⁵ Section 172(2)(a) of the Constitution.

⁶⁶ Section 9 of the [Births and Deaths Registration Act, 1992](#).

⁶⁷ In 2023, the backlog numbered approximately [258 000 children](#). The exact number of the backlog in 2024 is unknown at the date of writing.

There is also the remaining problem of “[invisible children](#)” - those who are prevented from obtaining a birth certificate, because they do not have all the required documentation (but have other documentation to prove their birth and mother’s identities, etc.). According to the United Nations Children’s Fund (“UNICEF”), only [76-90%](#) of South African births are registered.

Grading:

In 2023, the right not to be deprived of citizenship received a B= grade, indicating that its full enjoyment was good and unchanged from 2022. In 2024, it received a B+ grade indicating that its full enjoyment was good and improving. This was due to the clearing of the ID backlog. However, it failed to achieve an excellent grade, due to the continued backlog of birth registrations and the sustained challenge of invisible children.

Freedom of Movement and Residence (Section 21)

2023 Grade: **B**

2024 Grade: **B+**

Section 21 of the Constitution states everyone has the right to freedom of movement and to leave South Africa. Citizens also have the right to enter, remain in and reside anywhere within the Republic, as well as the right to a passport.

Restrictions on Ministerial Powers

The [Disaster Management Act, 2002](#), (“DMA”) provides for the declaration of a national state of disaster by the Minister of Co-Operative Governance and Traditional Affairs⁶⁸ and grants the Minister extensive powers to make regulations and prescribe penalties for any contravention of the regulations.⁶⁹ In a landmark case arising from the COVID-19 lockdown,⁷⁰ which severely limited *inter alia* the right to freedom of movement, the Supreme Court of Appeal (“SCA”) decided the powers the DMA grants the Minister to be constitutional.⁷¹ It should be noted that many court cases were brought during lockdown against numerous lockdown regulations. In many of these cases, the lockdown regulations made by the Minister were found to be not well thought out and contrary to the Bill of Rights.⁷² The minority judgment,⁷³ penned by Makgoka JA, agreed with the Democratic Alliance (“DA”) that the DMA allowed the Minister to limit fundamental rights as much as during a state of emergency. This was shown by the government’s actions during the pandemic, such as imposing curfews, confining people to their homes and shutting down businesses. However, unlike a state of emergency, a state of disaster had none of the same safeguards, like parliamentary oversight, which is essential in a democracy.

This lack of oversight made the DMA's powers unconstitutional in the minority’s opinion. The DA [appealed](#) the case to the Constitutional Court. The appeal is scheduled to be heard on [6 February 2025](#).

Loss of Citizenship



“THIS WILL RESULT IN A LOSS OF CITIZENSHIP AS IT MEANS YOU WILL LOSE THE RIGHT TO ENTER, REMAIN IN AND RESIDE ANYWHERE WITHIN THE REPUBLIC, AS WELL AS THE RIGHT TO A PASSPORT.”

68 Section 27(1) of the DMA.

69 Section 27(2) read with section 27(4) of the DMA.

70 [Democratic Alliance v Minister of Co-Operative Governance and Traditional Affairs and Others](#) (5) SA 463 (SCA).

71 At paras 41 through 58.

72 See, for example, [Esau and Others v Minister of Co-Operative Governance and Traditional Affairs and Others](#) 2021 (3) SA 593 (SCA).

73 At paras 95 through 166.

The Constitutional Court's decision on whether to or whether not to confirm the SCA's judgment [declaring](#) section 6(1)(a) of the [South African Citizenship Act, 1995](#), unconstitutional⁷⁴ will impact this right. (See section 20.) This will result in a loss of citizenship as it means you will lose the right to enter, remain in and reside anywhere within the Republic, as well as the right to a passport.

Grading:

In 2023, the right to freedom of movement and residence received a B grade, indicating that its full enjoyment was good. In 2024, it received a B- grade indicating that its full enjoyment was good, but deteriorating. This was due to the SCA finding that the powers the DMA grants the Minister are constitutional, despite the lack of parliamentary oversight and the experience of various court cases during lockdown being required to declare certain lockdown regulations irrational and unconstitutional.

Freedom of Trade, Occupation and Profession (Section 22)

2023 Grade: **D+**

2024 Grade: **D-**



Section 22 of the Constitution enshrines the right of every citizen to freely choose their trade, occupation or profession. It also allows for the practice of trades, occupations and professions to be regulated by the law.

Loss of Citizenship

The Constitutional Court's decision on whether to confirm the SCA's [judgment](#) declaring section 6(1)(a) of the [South African Citizenship Act, 1995](#), unconstitutional⁷⁵ will affect this right. (See Section 20 above.) This is, because the loss of citizenship means you also automatically lose the right to work in South Africa.

Equit

The [Employment Equity Amendment Act, 2022](#), was still to commence operation at the end of 2024. It aims to promote diversity and equality in the workplace. The Act will make changes to the [Employment Equity Act, 1998](#), by, *inter alia*, empowering the Minister of Employment and Labour to determine numerical targets within economic sectors to ensure equitable representation. Critics [argue](#) that the Act will have a catastrophic impact on the employment and promotion opportunities for minority racial groups, undermining workforce diversification and inadvertently causing job losses, lower economic growth and increased unemployment. (See section 9.)

Unemployment

In 2024, South Africa's unemployment rate was approximately [32,8%](#) - with an even higher youth (aged 15-34 years) unemployment rate of around [45,5%](#). Almost half of young women (49,4%) were unemployed in 2024. The FW de Klerk Foundation submitted that [lack of safety](#) is a critical barrier to entry that is preventing women from participating in the economy. This makes the full enjoyment of the right to freedom of trade, occupation or profession still to be realised for all South Africans.

National Health Insurance Act, 2023

Despite massive public criticism and questions around its affordability, the President signed the [National Health Insurance Act, 2023](#), ("NHI") into law on 15 May 2024. The Act was not in effect at the end of 2024.⁷⁶ Various observers fear an [exodus](#) of medical professionals, as the Act will limit their ability to pursue their occupation and profession sustainably. (See section 27 *below*.)

Grading:

⁷⁴ Section 172(2)(a) of the Constitution states that an order of constitutional invalidity has no force unless it is confirmed by the Constitutional Court.

⁷⁵ Section 172(2)(a) of the Constitution states that an order of constitutional invalidity has no force unless it is confirmed by the Constitutional Court.

⁷⁶ Section 59 of the Act.

In 2023, the freedom of trade, occupation and profession received a D+ grade, indicating that its full enjoyment was poor, but improving. In 2024, it received a D- grade, indicating that its full enjoyment was poor, but deteriorating. This was due to the [NHI](#) coming into law. The fact that the [NHI](#) was not yet in operation led to the right retaining a poor grading, as opposed to being downgraded to an E grade, very bad.

Labour Relations (Section 23)

2023 Grade: **B=**

2024 Grade: **B+**



Section 23 of the Constitution guarantees everyone the right to fair labour practices, with every worker having the right to form or join a trade union, participate in the activities of a trade union and to strike. Employers also have the right to form employers' organisations and participate in their activities. The collective bargaining done in these groups may be regulated by national legislation which complies with section 36(1).

Labour Law Amendments

A new wave of labour law amendments was [announced](#) in October 2024. The Department of Labour, in its announcement, stated that these amendments would focus on improving the efficiency of labour market institutions, particularly regarding dismissals, retrenchments, collective bargaining and strike action. These amendments aimed to ensure that labour laws remain relevant and responsive to changes in the labour market. They also included measures to simplify procedural fairness in dismissals and retrenchments, limit compensation for procedurally unfair dismissals and redefine unfair labour practices. New protections were also introduced for workers who are required to be available for work, but are not guaranteed work by their employers. (This change appears to attempt to address the challenges faced by non-standard workers in the gig economy⁷⁷ and other flexible work arrangements.) Finally, these amendments also sought to improve the efficiency of bargaining councils and the Labour Court, as well as harmonise dispute resolution processes between the [Labour Relations Act, 1995](#), and the [Employment Equity Act, 1998](#). On 29 November 2024, the National Economic Development and Labour Council ("NEDLAC") approved a [report](#) that proposed changes to various labour laws, including the [Labour Relations Act, 1995](#), the [Basic Conditions of Employment Act, 1997](#), the [Employment Equity Act, 1998](#), and [National Minimum Wage Act, 2018](#).

Strikes

The National Union of Metalworkers of South Africa ("NUMSA") embarked on a [strike](#) against ArcelorMittal South Africa ("AMSA") on 14 November 2024 due to approximately 107 retrenchments. The strike [terminated](#) on 28 November 2024 following an agreement being reached. AMSA's [dire financial situation](#) forced it to close [Coke Batteries 6 and 7](#), resulting in the retrenchments. ([Possible closure](#) of its Newcastle plant - which will result in the retrenchment of approximately 3 500 people – is also on the cards.) This was but one of the labour strikes that occurred in 2024 due to increasing economic challenges.

Grading:

In 2023, the labour relations received a B= grade, indicating that its full enjoyment was good and unchanged from 2022. In 2024, it received a B+ grade, indicating that its full enjoyment was good and improving. This was due to the announcement of various labour law amendments that will improve the efficiency of labour market institutions.

"NEW PROTECTIONS WERE ALSO INTRODUCED FOR WORKERS WHO ARE REQUIRED TO BE AVAILABLE FOR WORK, BUT ARE NOT GUARANTEED WORK BY THEIR EMPLOYERS."



⁷⁷ The gig economy refers to, for e.g., short-term contracts or freelance work as opposed to permanent jobs.

Environment (Section 24)

2023 Grade: **C+**

2024 Grade: **B**

Section 24 of the Constitution grants that everyone has the right to an environment that does not harm their wellbeing. This section also provides for protection of the environment for the benefit of present or future generations.

Energy Production

The Pretoria High Court declared the government's decision to add 1 500 megawatts of new coal-fired power stations to the grid between 2023 and 2027 unconstitutional.⁷⁸ The "Cancel Coal Case" was a review of the government's decision,⁷⁹ which was found to be inconsistent with the Constitution and the rule of law, because adequate and appropriate consideration was not given to the right to an environment that does not harm one's wellbeing.⁸⁰

Highlighting the role of the private sector, 2024 saw a joint initiative between the European Investment Bank and First Rand Bank that resulted in a [R7.9 billion](#) investment into renewable energy in South Africa. The projects aim to improve accessibility to affordable sustainable energy, [reducing dependence on fossil fuels](#).

Climate Change

The [Climate Change Act, 2024](#), will⁸¹ enable the development of an effective climate change response enabling transition to a low-carbon and climate-resilient economy. [Key features](#) of the Act include the functions of a Presidential Climate Commission which oversees the climate response.⁸² The Act also establishes Provincial Forums on Climate Change⁸³ and Municipal Forums on Climate Change⁸⁴ to coordinate climate change response actions. The Act sets sectoral emissions targets for greenhouse gas emissions,⁸⁵ reinforcing South Africa's [Nationally Determined Contributions](#).



Grading:

In 2023, the right to an environment that does not harm one's wellbeing received a C+ grade, indicating that its full enjoyment was moderate and improving in comparison to 2022. In 2024, it received a B grade, indicating that its full enjoyment was good. This was a result of the factors that influence it having been significantly improved.



Property (Section 25)

2023 Grade: **D**

2024 Grade: **D-**

Section 25 of the Constitution protects the right to property. It provides, amongst other things, that no one may be deprived of property (except in terms of law of general application), that no law may permit arbitrary deprivation of property and that property may only be expropriated in terms of law of general application.

⁷⁸ [African Climate Alliance v Minister of Mineral Resources and Energy](#), [2024] ZAGPPHC 1271.

⁷⁹ Under section 1(c), read with section 172 of the Constitution.

⁸⁰ At paras 24 through 26.

Expropriation

The Constitution outlines two conditions for the expropriation of property in terms of law of general application.⁸⁶ First, it must be for a public purpose or in the public interest. Second, it must be subject to just and equitable compensation.

The [Expropriation Act, 2024](#), states that it was assented to by the President on 20 December 2024. The Act allows for nil compensation to be considered just and equitable where land is expropriated in the public interest, having regard to all relevant circumstances.⁸⁷ These “relevant circumstances” are not a closed list of the type of land that can be expropriated for nil compensation. This raises the possibility that further circumstances in which nil compensation may be paid can exist.

The FW de Klerk Foundation believes the Act to be unconstitutional, because, amongst other things, it is contrary to the rule of law as it is not rationally connected to achieving a legitimate purpose. This is, because, the [2017 High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change](#) concluded that lack of funding was not the cause for the slow (and failed) pace of land reform. Rather the report found the causes to be lack of political will, corruption and a reverting back by the State to an apartheid-style state-stewardship and elite capture.⁸⁸

Despite the Act not yet being in force, there is the concern that it might lead to increased land invasions, as it could be perceived as a signal that property rights will not be protected by the state. This is especially a concern for urban areas, as people migrate to cities, because those invading land often disregard court rulings.

Grading:

In 2023, property rights received a D grade, indicating that its full enjoyment was poor. In 2024, it received a D-grade, indicating that its full enjoyment was poor and deteriorating. This was due to the [Expropriation Act](#) coming into law. The fact that the [Expropriation Act](#) was not yet operational led to the right retaining a poor grade, as opposed to being downgraded to E, very bad.

Housing (Section 26)

2023 Grade: **C**

2024 Grade: **C=**

Section 26 of the Constitution guarantees everyone the right to adequate housing. It requires that the government must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right.



Housing Shortage

The Centre for Affordable Housing Finance in Africa’s 2024 [report](#) analysed the formal residential property market – i.e. it excluded informal settlements dwellings and backyard units.⁸⁹ It found that lower-value housing is a substantial majority of the market.⁹⁰ However, there was a very limited delivery of properties valued under R600 000 by the private sector. In addition, less than 1% of bank bonds were for properties valued under R300 000. These are barriers to entry for lower income families to the property market.

81 The Act is still to commence operation at the time of writing.

82 Section 11 of the [Climate Change Act, 2024](#).

83 Section 8 of the [Climate Change Act, 2024](#).

84 Section 9 of the [Climate Change Act, 2024](#).

85 Section 28 of the [Climate Change Act, 2024](#).

86 Section 25(2) of the Constitution.

87 [Section 12\(3\) of the Expropriation Act, 2024](#).

88 See pages 34, 37 and 51 of the [2017 High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change](#).

89 Comprising approximately 12% of South African households.

90 Page 14 of the report.

Grading:

In 2023, the right to adequate housing received a C grade, indicating that its full enjoyment was moderate. In 2024, this remained unchanged, as indicated by the C= grade, due to the absence of significant factors that influence its enjoyment.

Health Care, Food, Water and Social Security (Section 27)

2023 Grade:

E

2024 Grade:

E-

Section 27 of the Constitution guarantees everyone the right to access health care services (including reproductive services) and not to be refused emergency medical treatment; sufficient food and water; and social security. It mandates the government to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.

Healthcare

The [National Health Insurance Act, 2023](#), (“NHI”) became law on 15 May 2024. However, it is not yet in operation.⁹¹ It is meant to provide universal access to quality health care. Its [goal](#) is to achieve “Universal Health Coverage (UHC)” to ensure that no one is deprived of access to quality health care, because of their socio-economic status. It seeks to do this by creating one public health fund with adequate resources to plan for (and effectively meet) the health needs of the entire population.

In terms of the NHI:

- (i) It would be the core purchaser and provider of medical services and medicines;
- (ii) Registered healthcare users would be entitled to free medical care and medicine from accredited service providers;
- (iii) Health service providers would decide on treatment and referrals to specialists and would be reimbursed by the NHI; and
- (iv) It would decide annually what the applicable payment rates would be for healthcare service providers.



However, many have expressed concerns over the NHI’s constitutionality and viability:

- (i) It seeks to limit the cover offered by private medical schemes (infringing on the right to access healthcare);
- (ii) It proposes additional tax burdens on an already shrinking tax base, requiring an additional [R200 billion in taxes](#);
- (iii) Healthcare service providers have [threatened to leave the country](#) should the NHI become law; and
- (iv) Longer waiting times for elective procedures may ensue as a result of the NHI being directed primarily toward basic and emergency healthcare.

Ultimately longer waiting times, fewer doctors and uncertainties surrounding financing of the NHI places the healthcare of millions of South Africans at great risk.

The [Second Presidential Health Compact 2024-2029](#), signed in August 2024, also committed stakeholders to establishing a unified, integrated, responsive healthcare system for the entire population. The nine-pillar strategy includes involvement of the private sector to improve health care access and strengthening governance and leadership to improve oversight of the health system.

Food

⁹¹ See section 59 of the Act.

The [South African Food Security Index 2024](#) found food insecurity reached its highest level in over a decade in 2024.⁹² Rising food prices, poverty and high unemployment have made it increasingly difficult for families to afford nutritious meals. In 2024, the [food poverty line](#) was R796,00 per person per month.⁹³

A Human Sciences Research Council [survey](#) found that 63,5% of households in South Africa face food insecurity. The United Nations Children’s Fund (“UNICEF”) [found](#) that less than 21% of children receive a minimum acceptable diet.⁹⁴ Children are especially [vulnerable to the effects](#) of malnutrition and [25%](#) of children’s growth is stunted. The FW de Klerk Foundation projected this [number to rise](#) in 2024 given the Department of Social Development’s decision to [cut back spending](#) on food parcels.

Water

The Public Affairs Research Institute (“PARI”) found that the cost of water for a four-person household⁹⁵ is R406,28 per month.⁹⁶ Since a quarter of households live on less than R3 176 per month,⁹⁷ water alone would cost them just under 13% of their entire income. This makes water unaffordable.

In addition, there were frequent interruptions to water services, such as the [11-day suspension](#) across extensive areas in Johannesburg in early 2024, to the disadvantage of residents in the city. With the water provided both insufficient and unaffordable for many households, safe and equitable water access continues to be a challenge.

Social Security

The Democratic Alliance called for [urgent action](#) from the Minister of Social Development, Sisisi Tolashe, regarding the South African Social Security Agency (“SASSA”) changing the distribution of grants. A key issue was the phased [withdrawal of cash distribution](#) by Postbank and Post Offices, with many SASSA grant recipients failing to receive payment from these locations. This [move by SASSA](#) was carried out to deter cash-in-transit heists and reduce stress on the struggling Post Office. This created significant uncertainty, exacerbated by the shift to distribution of grants from retailers, such as Pick n Pay, which were, on average, further away and more difficult to access than the Post Offices. Changes in cash distribution and poor communication about these changes made access to grants more difficult for beneficiaries.

Grading:

In 2023, healthcare, food, water and social security received an E grade, indicating that its full enjoyment was very bad. In 2024, it was awarded an E-, i.e. very bad and deteriorating, due to the enactment of NHI, food insecurity reaching its highest level in over a decade, the cost of water and the confusion surrounding the distribution of SASSA grants.

Children (Section 28)

2023 Grade:	D-
2024 Grade:	E

Section 28 of the Constitution protects children’s rights, which expressly includes, amongst others, the right to a name and a nationality from birth; basic nutrition; shelter; basic health care services; and social services.



⁹² Page 2.

⁹³ Compared with the [Child Support Grant](#) of R510,00 per month.

⁹⁴ Page 38.

⁹⁵ That does not receive the FBW allowance of 6kl per month.

⁹⁶ Page 27 of PARI’s [Empty Promises: The struggle for equitable access to water in South Africa](#).

⁹⁷ Page 27 of PARI’s [Empty Promises: The struggle for equitable access to water in South Africa](#).

⁹⁸ [South African Food Security Index 2024](#) at page 2.

Name and Nationality

The Department of Home Affairs' ("DHA") [backlog of birth registrations](#) infringes upon the affected children's right to a name and nationality from birth. It also affects their ability to access social security grants, healthcare (see section 27), education (see section 29) and other [basic human rights](#). Additionally, "invisible children remain, with only [76-90%](#) of South African births being registered according to the United Nations Children's Fund ("UNICEF").

Basic Nutrition, Shelter, Basic Healthcare Services

Child malnutrition remains critical in South Africa: [UNICEF reported](#) that severe child food poverty affects [23%](#) of children and that found that less than [21%](#) of children receive enough nutrition. (Food insecurity reached its highest level in over a decade.⁹⁸) Despite government efforts like social grants and school nutrition programmes, responses remain inadequate: The [food poverty line](#) of R796,00 per person per month⁹⁹ is also significantly more than the child support grant of [R530,00](#) per child. Additionally, disruptions to [school feeding programmes](#) have further exacerbated the crisis.

UNICEF also [found](#) that child poverty is at 62,1% - being the highest in Limpopo and Eastern Cape¹⁰⁰ - and that children outside metropolitan municipalities were twice as likely to live in multidimensional poverty than those living in the metros.¹⁰¹

UNICEF also observed recurring trends of deprivation regarding health, education, water, sanitation and hygiene ("WASH"), housing and nutrition.¹⁰² Without urgent action, South Africa risks losing a generation to hunger-related illnesses and developmental challenges.

Grading:

In 2023, children's rights received a D- grade, indicating that its full enjoyment was poor and deteriorating. In 2024, it was awarded an E grade, indicating that its full enjoyment was very bad. This was due to the [backlog of birth registrations](#), severe child food poverty and repeated trends of lack regarding WASH and housing.

Education (Section 29)

2023 Grade:	E-
2024 Grade:	D

Section 29 states that everyone has the right to basic and further education. This includes the right to receive an education in an official language of their choice.



Positive Developments

In [2024](#), South Africa achieved a historic matric pass rate of 87,3%, the highest pass rate in South Africa's [history](#) and an almost 5% increase from 2023's 82,9%. Of those who passed, 47,8% qualified for admission to Bachelor studies (i.e. university exemption). Additionally, after the [Constitution Eighteenth Amendment Act, 2023](#), comes into effect, the Constitution will be changed to include South African Sign Language ("SASL") as an official language. (As of the date of writing, the President was still to set a date for the Act's commencement via a proclamation in the Government Gazette.¹⁰³)



98 [South African Food Security Index 2024](#) at page 2.
 99 Compared with the [Child Support Grant](#) of R510,00 per month.
 100 Page 38.
 101 Page 41.
 102 Pages 43 and 44.
 103 Section 2 of the Act.

The Department of Basic Education has also made significant progress in promoting the use of indigenous languages at schools: Former Basic Education Minister, [Angie Motshekga](#), announced in June 2024 that the successful Eastern Cape [Mother Tongue-Based Bilingual Education](#) (MtbBE) model would be expanded nationwide. ([Learners](#) in these schools are taught subjects, such as mathematics and natural science, in their mother tongue languages. This is [important](#) as learners who are taught using their home language in the first six years of schooling fare better than those who are not.) The goal is for the 2025 learner cohort to complete their primary education in their mother tongue and take their General Education Certificate (GEC) exams in 2030, followed by their National Senior Certificate (NSC) exams in 2033.

The Department also [partnered](#) with organisations to promote literacy and multilingual education in 2024. New Basic Education Minister, Siviwe Gwarube, [publicly](#) emphasised the importance of increasing mother tongue education to improve educational outcomes for indigenous language-speaking students. She noted that a curriculum based on learners' mother tongue is key to solving the poor literacy skills in schools in which 81% of grade 4 learners do not read with understanding. She highlighted [plans](#) to expand mother tongue education across the country by 2025, ensuring parity of esteem for African languages (school books written in indigenous languages go a long way in restoring the esteem of indigenous languages) and promoting multilingualism in line with the Constitution and [Language in Education Policy, 1997](#) ("LiEP").

Negative Developments

- Reading crisis

Despite the fact that education receives the largest budget (and that South Africa outspends most other countries) there is a [reading crisis](#) in public schools: 81% of grade 4 learners could not read with understanding. Minister Gwarube [noted](#) this crisis and is planning on expanding mother tongue education as part of solving the crisis.

- Basic Education Laws Amendment Act, 2024

The [Basic Education Laws Amendment Act, 2024](#), ("BELA Act") was assented to by the President on 13 September 2024 and commenced operation on [24 December 2024](#). This was

after President Cyril Ramaphosa, in response to the Basic Education Minister's [request](#), agreed to halt the commencement of the Act for three months. This delay was to allow further engagement in the Government of National Unity's ("GNU") [Clearing House Mechanism](#) to address the potential negative impacts on community participation and linguistic diversity in schools.

The BELA Act criminalises parents (with up to 12 months imprisonment) should they fail to enrol their child in Grade R.¹⁰⁴ It is concerning that criminalising parents is the one solution, one which will disproportionately impact socio-economically vulnerable families. The BELA Act also grants the State powers to override the [decisions](#) made by parents via School Governing Bodies ("SGBs"), including admissions and language policies. This goes against grass roots democracy by centralising powers away from parents and schools' local communities and may lead to less parental involvement in [school governance](#) - potentially diminishing the responsiveness of schools to the specific needs and preferences of their local communities. SGBs, however, should know that provincial heads of education have not been granted unlimited power; there are several [requirements](#) that must be met before departments can change school policies. The Minister was also [requested](#) to prioritise BELA training for officials to prevent abuse of power. Importantly, the impact of the BELA Act will only become clear in time, especially as the Minister must still publish the norms and standards.

104 Section 2(b) of the BELA Act.

- National Student Financial Aid Scheme

The Constitution obliges the State to make the right to further education progressively available and accessible to everyone through reasonable measures. The National Student Financial Aid Scheme (“NSFAS”) is the way that the State has chosen to do this. Thus, the resignation of the NSFA board’s chairperson and the [decision](#) by the Higher Education and Training Minister, in April 2024, to dissolve the board and place NSFAS under administration reflects systemic failures. These failures are detrimental to both students and the future of South Africa’s economy (see 2024 developments *above*).

- Budget cuts

Several Provincial Education Departments [made](#) significant structural changes to cope with [severe cuts](#) in their education budgets in 2024:

- The Western Cape was in the [spotlight](#), because of its decision to reduce the number of educator posts as a result of a R3,8 billion budget cut. This crisis was further compounded by the national government’s [decision](#) not to fully fund the 2023 wage agreement, leaving the province to cover 36% of the shortfall.
- KwaZulu-Natal was unable to afford 11 092 educator posts due to a staggering R4 billion budget shortfall.
- Mpumalanga faced a pressure of R876 million.
- North West was grappling with a R485 million gap.

Minister Gwarube said the [roots](#) of the fiscal crisis were poor policy choices and a stagnant economy. This left critical sectors, like education, vulnerable. She [emphasised](#) that long-term solutions must focus on economic growth and prioritise education as a key investment in the country’s future, underscoring the [need](#) for increased funding in education, teacher development, educational technology and the eradication of unsafe infrastructure.

Grading:

In 2023, the right to basic and further education received an E- grade, indicating that its full enjoyment was very bad and deteriorating. In 2024, it was graded a D grade, i.e. as poor. This is an improvement from the previous year and was founded on fact that the positive developments were significant, particularly the fact that the matric results improved from the previous year.

Language and Culture (Section 30)

Covered in the [CRL Rights Report Card, 2024](#).

Cultural, Religious and Linguistic Communities (Section 31)

Covered in the [CRL Rights Report Card, 2024](#).

Access to Information (Section 32)

2023 Grade: **C+**

2024 Grade: **C+**



Section 32 guarantees everyone the right to access any information held by the Government, as well as information held by a private actor that is required to protect or exercise other rights.

The subsidiary legislation giving effect to this right is the [Promotion of Access to Information Act, 2000](#) (“PAIA”). It outlines that access to information is important for transparency and accountability. It acts as a fundamental buttress to our democracy as the exercise of other rights is dependent on it.

Then there is the [Protection of Personal Information Act, 2013](#), (“POPIA”) that protects personal information processed by public and private bodies by prescribing certain minimum conditions that must be met. Compliance with both acts is monitored and enforced by the Information Regulator (“IR”).

Positive Developments

In 2024, the IR issued an [enforcement notice](#) against the State Security Agency for non-compliance with PAIA’s reporting requirements. It was also [investigating](#) companies such as Meta, Google and TikTok.

Negative Developments

Parliament [revived](#) the [Protection of State Information Bill](#), which aims to protect sensitive state information, on 25 July 2024. This means that Parliament will now reconsider it. The Bill became infamously known as the Secrecy Bill, due to its overbroad definitions, draconian criminalisation of receiving information, the absence of a public interest defence and its application to all organs of state.

Despite being [passed by both Parliament’s houses](#) at the end of 2013, the Bill was never signed into law. In mid-2020 President Cyril Ramaphosa sent the Bill back to Parliament for reconsideration, in terms of section 79(1) of the Constitution. He set out his concerns regarding its unconstitutionality in a [letter](#) to the then Speaker. His concerns included, *inter alia*, the Bill’s infringement of the rights to receive information and impart ideas and to access to information held by the state (sections 16(1)(b) and 32(1)(a) of the Constitution).

Grading:

In 2023, the right to access any information received a C+ grade, indicating that its full enjoyment was moderate and improving. In 2024, it was again awarded a C+ grade, due to the IR’s actions that influenced its enjoyment positively. However, due to Parliament’s revival of the Secrecy Bill, it was not awarded a B.



Just Administrative Action (Section 33)

2023 Grade: **C+**

2024 Grade: **C=**

Section 33 guarantees that everyone has the right to just administrative action.

The subsidiary legislation giving effect to this right is the [Promotion of Just Administrative Action Act, 2000](#) (“PAJA”). The Act defines administrative action as a *decision* by an organ of State when exercising or performing a *public function* that adversely affects rights – and that is not specifically excluded from the definition of administrative action. The Act also requires that an administrative action, which materially and adversely affects the rights or legitimate expectations of any person, must be *procedurally fair*.

Although the Act provides exemplary assurances of just administrative action, the protection that it offers is not, in practice, easily accessible to most South Africans due to a lack of knowledge of its provisions, as well as the bureaucratic and financial hurdles that may be encountered.

Should applicants persevere through these hurdles and have their day in court, the courts’ continued protection of this right is illustrated in the case [Minister of Mineral Resources and Energy and Others v Sustaining the Wild Coast NPC and Others](#).¹⁰⁵

105 2024 (5) SA 38 (SCA).

This case saw the Supreme Court of Appeal (“SCA”) find that there had been inadequate consultation with the affected communities when exploration rights were granted to Shell, finding that a new public participation process must happen to rectify the identified issues. This ruling¹⁰⁷ emphasised the importance of meaningful public participation in administrative decisions, as well as the creative power of the courts to come up with a just and equitable solution.¹⁰⁷

Grading:

In 2023, the right to just administrative action received a C+ grade, indicating that its full enjoyment was moderate and improving. In 2024, it was awarded a grade of C=, as PAJA remains inaccessible to most South Africans, despite the SCA illustrating courts’ willingness to protect this right.

Access to Courts (Section 34)

2023 Grade: **B=**

2024 Grade: **C**

Section 34 of the Constitution guarantees that everyone has the right to have any dispute, that the application of law can resolve, decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum. The Constitutional Court has said that this right “*is the cornerstone of ensuring fairness and justice in the resolution of disputes.*”¹⁰⁸

Positive Developments

In June 2024, the [Moseneke Committee](#) released its [Interim Report](#). It found that, in relation to caseloads, populations and levels of economic activity demonstrated, the distribution of judicial posts across the country is not equitable.¹⁰⁹ The Committee made, amongst other, the following recommendations: More permanent judges must be appointed;¹¹⁰ and that the system of appointing acting judges be reviewed; and that such appointments should be supervised by the Judicial Services Commission (“JSC”).¹¹¹

The Constitutional Court, in [Rademeyer v Ferreira](#),¹¹² stated that prescription laws ought to be interpreted and applied in a manner that is consistent with constitutional principles, more specifically, the right of access to courts. Accordingly, circumstances in which a person is deprived of access to courts must be interpreted in a restrictive manner.

Negative Developments

The judiciary needs enough facilities and judges and other staff to function and dispense justice timeously. South Africa’s courts are currently [understaffed](#) and underpaid: Many courts are seeing civil trials and, even worse, criminal trials, being postponed for many years, because there [are not enough judges](#) to hear the matters. The [Pretoria High Court](#) was in dire straits with current civil trials being allocated a hearing date a whopping five years later in 2029. The Constitutional Court was struggling to fill vacancies too: The JSC received only [three nominations](#) for the Constitutional Court vacancy. This led to the Office of the Chief Justice having to [readvertise the position](#). Judges’ salaries were also [adjusted](#) to well below inflation. This paints an overall very dire picture of the judiciary’s ability to dispense justice timeously.

The safety of court officials has been under scrutiny since, at least, [end 2023](#). This continued in 2024, with the [attempted assassination](#) of Adv Naudé, who was acting for SARS in a high-profile tax inquiry. Approximately [25%](#) of magistrates faced physical harm and/or threats related to their work over the past year. The state must assist and protect the courts.¹¹³ Justice Minister Thembisile Simelane responded to a [question](#) by Sheilla Xego (Member of Parliament for the African National Congress) that her department is committed to continually increase the security in courts across the country to ensure that the administration of justice is delivered without fear, favour or prejudice.

Grading:

¹⁰⁶ At paras 31 and 32.

¹⁰⁷ As required by s 172(1)(b) of Constitution.

¹⁰⁸ [Former Way Trade and Invest \(Pty\) Limited v Bright Idea Projects 66 \(Pty\) Limited](#) 1388 (CC) at para 52.

¹⁰⁹ At para 222.

¹¹⁰ At para 222.

¹¹¹ At paras 226 and 227.

¹¹² CCT 184/2022.

¹¹³ As required by section 165(4) of the Constitution.

In 2023, access to courts received a B= grade, indicating that its full enjoyment was good and remained unchanged from 2022. In 2024, it was awarded a C grade, i.e. moderate, because of the significant negative factors that affected its full enjoyment and the fact that the [Moseneke Committee's Interim Report](#) recommendations were yet to be implemented.

Arrested, Detained and Accused Persons (Section 35)

2023 Grade: **D=**

2024 Grade: **D=**

Section 35 of the Constitution ensures the rights of people who are arrested, detained or accused of crimes. These rights include the right to remain silent; to be brought before a Court within 48 hours; to legal counsel; to humane conditions of detention and to a fair trial.

Humane Conditions of Detention

According to the [Department of Correctional Services Annual Report 2023/24](#), the inmate population for 2023/2024 financial year was 156 600.¹¹⁴ The World Prison Brief reports that [South Africa's](#) official prison capacity is only 105 474. South Africa's prisons are, therefore, severely overpopulated with an occupancy level of 148,47%. However, the Department was clear to state that this was still within the national goal of equal to or less than 50%.¹¹⁵

IPID continued to investigate cases of police misconduct.¹¹⁶ In its [Annual Report 2023/24](#), IPID stated that it had received 4 905 cases which involved South African Police Service ("SAPS") members and 92 cases involving the Municipal Police Service ("MPS") on various criminal offences.¹¹⁷

Grading:

In 2023, the rights of people who are arrested, detained or accused of crimes received a D= grade, indicating that its full enjoyment was poor and remained unchanged from 2022. In 2024, this remained unchanged, due to the absence of significant factors that influence its enjoyment.



¹¹⁴ At page 71.

¹¹⁵ [Department of Correctional Services Annual Report 2023/24](#) at page 71.

¹¹⁶ [Independent Police Investigative Directorate Act, 2011](#).

¹¹⁷ At page 48.

Conclusion

In conclusion, South Africa's fiscally constrained position continued to severely impact the full enjoyment of all rights and freedoms for its citizens. The FW de Klerk Foundation views inclusive economic growth as an absolute necessity for South Africa's Constitution to become a reality for all. South Africa needs to increase the number of taxpayers it has – in 2024 it only had ca. [7.4 million](#) taxpayers. Without the job creation that results from economic growth, low government revenue (and, therefore, constrained spending), income inequality, food insecurity, etc. will remain.

Without sufficient revenue in state coffers, budget cuts to education and other sectors will continue to impact these rights negatively. Given that, despite the amount the South African taxpayer spends on education, the poor outcomes have remained, the FW de Klerk Foundation believes that a multi-pronged approach must be adopted instead of merely increasing the amount of money taxpayers spend on it. One such prong should be to properly skill and support school principals, who are charged with running schools and supervising teachers.

Social development received the second biggest allocation of the budget: This makes sense as ca. 45% of South Africans receive government grants in some form or another. This situation is unsustainable. Particularly given that government debt needs to be paid off in order to decrease debt service costs (that currently use more than 20% of government's revenue).

Addressing these challenges requires a comprehensive strategy to ensure sustainable development and the effective realisation of constitutional rights.

Support the Foundation

The Foundation is a non-profit organisation (**NPO number: NPO 031-061**) with a small operating budget. **Support our work by making a donation or leaving a bequest.**

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Conclusion

Overall, 2024 saw a:

- Deterioration in 11/27 rights.
- No change in 10/27 rights.
- Improvement in 4/27.
- Rights covered in the CRL Report: 2/27

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