

SCHEDULE 6

FUNDAMENTAL RIGHTS AND RESPONSIBILITIES

1. Human dignity and equality before the law. -
 - (1) All human beings are born free and equal in dignity and rights.
 - (2) All persons shall be equal before the law.
 - (3) No persons may be favoured or prejudiced because of gender, descent, race, language, origin or religious beliefs.
2. Right of life. -
 - (1) All persons have the right to life, liberty and security of person.
 - (2) No persons shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
 - (3) No court or tribunal shall have the power to impose a sentence of death upon any person and no execution shall take place in Ciskei.
3. Arrest and detention. -
 - (1) No persons shall be subjected to arbitrary arrest, detention or denial of bail.
 - (2) Persons arrested shall not be detained in custody without being informed promptly, in a language they understand, of the grounds for such arrest or detention.
 - (3) All persons who are arrested and detained in custody shall be brought before a magistrate or other judicial officer as soon as possible after their arrest; and no such person shall be detained in custody beyond a period of 72 hours without the authority of a magistrate or judicial officer.
4. Fair trial. -
 - (1) In the determination of their civil rights and obligations or any criminal charges against them, all persons are entitled to a fair and public hearing by an independent, impartial and competent court or tribunal established by law: Provided that where the interests of juvenile persons or morals otherwise require, hearings may be conducted in camera.
 - (2) A trial, referred to in paragraph (1) hereof shall take place within a reasonable time failing which the accused shall be released.
 - (3) All persons charged with an offence shall be presumed innocent until proven guilty according to law, after having had the opportunity of calling witnesses and cross-examining those called against them.
 - (4) All persons shall be afforded adequate time and facilities for the preparation and presentation of their defence, before the commencement of and during the trial, and shall have the right of access to a legal practitioner.
 - (5) No persons shall be compelled to give testimony against themselves or their spouses, who shall include partners in a customary union.
 - (6) No court shall admit in evidence testimony which has been obtained in violation of Article 2 (2).
 - (7) No persons shall be tried or convicted for any criminal offence or on account of any act or omission which did not constitute a criminal offence at the time when it was committed, nor shall a penalty be imposed exceeding that which was applicable at the time when the offence was committed.
5. Right of privacy. -
 - (1) No persons shall be subjected to interference with their privacy, honour or reputation.
 - (2) The family is the natural and fundamental group unit and is entitled to protection by society and the State.
6. Freedom of movement. - All persons have the right to leave the country, and all citizens or persons lawfully admitted for permanent residence have the right to return and to reside and settle in any part of Ciskei.

REPUBLIC OF CISKEI CONSTITUTION DECREE, 1990

- 7. Citizenship. -**
- (1) All persons have the right to a citizenship.
 - (2) No persons shall be arbitrarily deprived of their citizenship nor denied the right to change their citizenship.
- 8. Personality, freedom of thought and expression. -**
- (1) All persons have the right to the free and full development of their personalities.
 - (2) All persons have the right to freedom of thought, expression, conscience and religion.
- 9. Political activity. -** All persons shall have the right to participate in peaceful political activity intended to influence the policies of government.
- 10. Freedom of association and assembly. -**
- (1) All persons have the right to freedom of association-including the freedom to form and join associations, organisations or trade unions.
 - (2) All persons have the right to assemble peaceably and without arms.
- 11. Education and cultural life. -**
- (1) The system of education is protected by the State and the principle attaching to the establishment of private educational institutions is accepted.
 - (2) All persons have the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- 12. Work and Employment. -** All persons have the right to free choice of employment, to just and favourable conditions of work and to protection against unjust interference.
- 13. Protection of Property. -**
- (1) All persons shall have the right in any part of Ciskei to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees: Provided that the right to acquire such property by persons who are not Ciskeian citizens, may be regulated by law.
 - (2) The State or a competent body or organ authorised by law may expropriate property in the public interest subject to the payment of just compensation in accordance with requirements and procedures to be determined by law.
- 14. Duties and responsibilities. -** The rights and freedoms of all persons shall be exercised with due regard to rights of others, collective security, morality and common interest and all persons shall have the duty to respect and consider their fellow beings without discrimination, and to maintain relations aimed at promoting, safe-guarding and re-inforcing mutual respect and tolerance.

CISKEI GOVERNMENT SUPPLEMENTARY SUBMISSION TO
FUNDAMENTAL RIGHTS - TECHNICAL COMMITTEE

1. CISKEI GOVERNMENT SCHEDULE 6 IS ATTACHED HEREWITH. THIS CANNOT BE AMENDED AND ANY FUTURE CONSTITUTION MUST INCLUDE AT LEAST THOSE CONTAINED IN THE SCHEDULE.

2. IT IS SUBMITTED THAT "ETERNITY" CLAUSES SHOULD BE INCLUDED IN ANY CHART OF FUNDAMENTAL RIGHTS TO PROTECT CERTAIN FIRST GENERATION RIGHTS, MORE PARTICULARLY THE PROTECTION OF INDIVIDUAL PROPERTY.

SCHEDULE 8

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REPUBLIC OF CISKEI CONSTITUTION DECREE, 1990

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