## Celebrating the South African Constitution: 30 years of equality and non-discrimination

As the Constitution of the Republic of South Africa clocks 30 years since its enactment, the **Embassy of Belgium wishes to congratulate South Africans on this democratic and constitutional milestone**. In an open and democratic society, a constitution is the glue that ties the nation together. It ends authoritarian impulses while constraining the power of rulers and enhancing the ability of the state to realize its social functions. **The South African Bill of Rights contributes to making democracy work**. As some scholars rightly imagined it as a bridge toward a culture of justification and accountability, it has enabled South Africans of all ranges to participate in the management of their country, benefit from socio-economic support and ensure that people are treated equally and fairly under the law.

The ideal of equality and non-discrimination captured under section 9 broadly abhors exclusion of anyone and fosters a dignified social life. Section 9(3) imposes on the state the obligation not to unfairly discriminate 'directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.' **Since the revival of democracy, this provision has nurtured an inclusive South Africa**. It has sanctioned behaviors, practices and actions inimical to the right and participation of vulnerable or minority groups. These groups have relied on it to make their voice heard whether in courts or public fora translating the concrete transformation the Constitution has brought. **Among these groups are sexual minorities (LGBTIQ+). The prohibition of discrimination based on sexual orientation has made the South African constitutional dispensation unique globally**.

Section 9 reminds everyone that discrimination cannot be tolerated, whether as a state policy or an individual act, just like other open and democratic societies including Belgium have done. The state and everyone have the obligation to refrain from unfairly discriminating against nationals and non-nationals. In fact, laws have been enacted in South Africa to prevent and prohibit such discrimination. **In Belgium, Articles 10 and 11 of our constitution embody the values of equality and non-discrimination and have been developed constantly to reflect the evolving social, political and cultural conditions considering the multicultural/multinational nature of our state**. Like in South Africa, policies have been put in place to enhance equality and non-discrimination for everyone including various minorities.

Thirty (30) years into the current constitutional dispensation, the Constitution has served as the political and social blueprint to fight against discrimination whether before political authorities but also and particularly before courts of law**. The Bill of Rights reminds all of us that dignity, equality and freedom cannot be realised unless everyone in the Republic – the state, private sector, individuals – plays their part.** The Constitution has been said to be the soul of the South African nation. It must be materialized through concrete actions aimed at fighting against discrimination in all sectors, whether public or private, so that everyone feels dignified in the *Ubuntu* spirit.