



# **The Constitution**

## **of**

# **The Republic of Namibia**

### **EXTRACT**

#### **Article 20 Education**

- 1) All persons shall have the right to education.
- 2) Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.
- 3) Children shall not be allowed to leave school until they have completed their primary education or have attained the age of sixteen (16) years, whichever is the sooner, save in so far as this may be authorised by Act of Parliament on grounds of health or other considerations pertaining to the public interest.
- 4) All persons shall have the right, at their own expense, to establish and to maintain private schools, or colleges or other institutions of tertiary education: provided that:
  - a) such schools, colleges or institutions of tertiary education are registered with a Government department in accordance with any law authorising and regulating such registration;
  - b) the standards maintained by such schools, colleges or institutions of tertiary education are not inferior to the standards maintained in comparable schools, colleges or institutions of tertiary education funded by the State;
  - c) no restrictions of whatever nature are imposed with respect to the admission of pupils based on race, colour or creed;
  - d) no restrictions of whatever nature are imposed with respect to the recruitment of staff based on race or colour.

#### **Article 21 Fundamental Freedoms**

- 1) All persons shall have the right to:
  - a) freedom of speech and expression, which shall include freedom of the press and other media;

- b) freedom of thought, conscience and belief, which shall include academic freedom in institutions of higher learning;
  - c) freedom to practise any religion and to manifest such practice;
  - d) assemble peaceably and without arms;
  - e) freedom of association, which shall include freedom to form and join associations or unions, including trade unions and political parties;
  - f) withhold their labour without being exposed to criminal penalties;
  - g) move freely throughout Namibia;
  - h) reside and settle in any part of Namibia;
  - i) leave and return to Namibia;
  - j) practise any profession, or carry on any occupation, trade or business.
- 2) The fundamental freedoms referred to in Sub-Article (1) hereof shall be exercised subject to the law of Namibia, in so far as such law imposes reasonable restrictions on the exercise of the rights and freedoms conferred by the said Sub-Article, which are necessary in a democratic society and are required in the interests of the sovereignty and integrity of Namibia, national security, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

#### **Article 22 Limitation upon Fundamental Rights and Freedoms**

Whenever or wherever in terms of this Constitution the limitation of any fundamental rights or freedoms contemplated by this Chapter is authorised, any law providing for such limitation shall:

- a) be of general application, shall not negate the essential content thereof, and shall not be aimed at a particular individual;
- b) specify the ascertainable extent of such limitation and identify the Article or Articles hereof on which authority to enact such limitation is claimed to rest.

#### **Article 23 Apartheid and Affirmative Action**

- 1) The practice of racial discrimination and the practice and ideology of apartheid from which the majority of the people of Namibia have suffered for so long shall be prohibited and by Act of Parliament such practices, and the propagation of such practices, may be rendered criminally punishable by the ordinary Courts by means of such punishment as Parliament deems necessary for the purposes of expressing the revulsion of the Namibian people at such practices.
- 2) Nothing contained in Article 10 hereof shall prevent Parliament from enacting legislation providing directly or indirectly for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or for the implementation of policies and programmes aimed at redressing social, economic or educational imbalances in the Namibian society arising out of past discriminatory laws or practices, or for achieving a balanced structuring of the public service, the police force, the defence force, and the prison service.
- 3) In the enactment of legislation and the application of any policies and practices contemplated by Sub-Article (2) hereof, it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation.