

**KEEP IT
CONSTITUTIONAL**



Episode 01

SOUTH AFRICA'S CONSTITUTION

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The Keep It Constitutional campaign is a 20-part series brought to you by the Foundation for Human Rights. The campaign aims to provide South Africans – particularly learners – with an introduction to the Constitution and its contents. The campaign consists of animated episodes, audio episodes, and lesson plans.

For more information visit www.keepitconstitutional.co.za.

The lesson plan is designed to assist educators and group leaders lead an introductory session on the Constitution. Educators need not follow the lesson exactly but, if required, will be able to follow the lesson plan word-for-word.



Episode 1:

South Africa's Constitution

Time required	45 minutes
Learning objectives	<ul style="list-style-type: none">• The Constitution is an important step away from the abuses of the past• The Constitution is meant to change South Africa into a better country• The foundational values of the Constitution are dignity, equality, and freedom• The Constitution wants to create a non-racist and non-sexist society• The Constitution gives people rights• The Constitution includes socio-economic rights, like education, shelter, food, and water
Resources	Keep It Constitutional animation series: Episode 1 OR Keep It Constitutional radio series: Episode 1 If possible, print out copies of the role play (repeated for ease of use at the end of this lesson plan)



Introduction

Time required 2 minutes

Educator:

Until 1994, South Africa's legal system was defined by Apartheid. What are some of the things that you know about Apartheid?

ADVICE TO EDUCATORS

Allow learners to respond.

Answers could include: discrimination against people of colour; laws that favoured white people; forcibly removals people of colour; bantu education; detention without trial; police repression; political repression and economic repression.

Educator:

Although Apartheid was in place from 1948 until 1994, laws in South Africa discriminated against people of colour in South Africa from the time that Europeans arrived in the Cape. People were pushed off their land, enslaved, and killed. And laws in the country favoured white people.

The effects of hundreds of years of oppression, epitomised by Apartheid, continue to shape South Africa society today.

So, in 1994, when Apartheid was abolished, South Africa wanted to change how South African society looked and how it impacted everyone's day-to-day lives. Amongst the first things that needed attention was putting in place a new legal system that made sure everyone's rights were respected. But changing every law would take a long time – and not every law was discriminatory. For example, if the law said that the speed limit was 60km an hour, it wouldn't need to be changed, because it doesn't discriminate unfairly. But the foundation of the law needed changing.

PLAY VIDEO/RADIO EPISODE



Time required 5 minutes



GUIDED DISCUSSION

Time required 10 minutes

Educator:

The Constitution has several different parts. Many people focus on the Bill of Rights – the part of the Constitution that contains rights that are available to all who live in South Africa.

So, what are rights? And why are rights important?

ADVICE TO EDUCATORS

Allow learners to respond.

Answers could include an entitlement to something, a power, a fundamental thing that people can claim, something that other people owe to other people and something that a person can claim from other people and from the government.

Educator:

The central rights in the Bill of Rights are dignity, equality and freedom. If you think about South Africa's past, why do you think that the people who wrote the Constitution chose these rights?

ADVICE TO EDUCATORS

Allow learners to respond.

It may be necessary to prompt the learners – ask them what they think each of dignity, equality and freedom is, by itself. Ask them when they felt like their right to each of these was respected, or violated – e.g. when did they feel like someone ignored their dignity?

Answers to the question of why these rights were included in the Constitution should focus on the denial of the dignity, equality and freedom in the past. The learners may give examples – and you might think about asking them to do so.



Examples of violations of dignity, equality and freedom during Apartheid could include, but are not limited to the dispossession of land (87% of the land in South Africa was reserved for white ownership), forced removals (many areas where people of colour lived were 'declared white', and the people of colour who lived there were forced to leave - areas where people were forcibly removed from include District Six, in Cape Town, Sophiatown, in Johannesburg, and Simonstown, in Cape Town) , the Immorality Act (which forbid people from having sexual relations with people of other races), Pass Laws and other movement control legislation, and many others.

Educator:

The foundational rights – dignity, equality and freedom – are an important part of all of the other rights in the Constitution. What were some of the other rights you noticed in the video, or that you have heard about before? Can you see a link between dignity, equality and freedom and the rights that you heard mentioned in the video?

ADVICE TO EDUCATORS

Allow learners to respond.

Answers could include the right of access to education, right to shelter, right to food, or socioeconomic rights. The rights in the Constitution are underpinned by the foundational rights – they are rights that will help ensure that people live dignified lives, that help to ensure that we have a more equal society, and that everyone has the freedom to realise their potential as human beings.

If necessary, provide examples – e.g. how having shelter gives people dignity, how food and water enable people to stay alive, which is necessary for all other rights, education and dignity, education gives freedom, education gives equality.

Educator:

What does the Constitution do apart from guarantee rights? Well, the Constitution is the highest law in the land. This means that every law in South Africa has to meet the standards of the Constitution.

The Constitution also regulates all sorts of important things in South Africa, including how the government should run, who should make laws, who should



enforce the laws, what the president can do, how to remove a president, and many other things. Sometimes other laws will be required to provide more details, but these laws must be in agreement with the guidelines the Constitution provides.

Should the Constitution be able to change? Why might people want to change the Constitution?

ADVICE TO EDUCATORS

Allow learners to respond.

Answers should focus on making sure that the Constitution stays relevant to South African society, so, over time, it may become clear that something in the Constitution doesn't work or needs updating.

Educator:

It is important to know that the Constitution actually has rules for changing it. This means that the people who wrote the Constitution knew that sometimes parts of the Constitution might need to change. But they also saw that it shouldn't happen too often – so changing the Constitution is possible – it just requires a lot of support from members of parliament to take place.



ROLE PLAY

Time required 5 minutes

INSTRUCTIONS FOR THE ROLE PLAY

Ask for four volunteers.

There are four characters – Thabo, Naledi, Johannes and the narrator.

Narrator: Thabo, Naledi and Johannes are all in grade 10 at the same school. Thabo and Naledi are kicking a ball around after school, about to go home. Johannes walks up to them.

Johannes: Heita! What are you guys up to this weekend? Want to catch a movie?

Naledi: You know what, I want. But you know what, money. This cash flow situation is a situation for me. I want to be living my best life. Bro, if I were the president, I'd pass a law – free everything for me, I'd do whatever I want.

Thabo: So, what, you'd just take whatever you wanted?

Naledi: Well, ja. President gets what president wants!

Johannes: Um, that doesn't sound right. But I don't know, can the president, like, kill someone or put them in prison, just because they wanted?

Naledi: Of course they can. PRESIDENT IS PRESIDENT.

Thabo: Naledi, you know nothing. You really think that is how this works?

Naledi: **(sounding a little unsure)** – Uh yeah. Why wouldn't it?



Thabo: Haven't you ever heard that 'Everyone is equal before the law'? The law applies to everyone. The president doesn't get a free pass.

Johannes: But isn't it, like, the point of being the president? Doing whatever you want?

Thabo: No way, J! You see here, like, people used to have kings and queens, and sometimes those people, they did whatever they want – off with their heads, people to prison, taking their property. But even back in the day, people were sick of that. And now.. It has changed! We got a Constitution, man, and it applies to everyone. Constitution is higher than the president.

Naledi: This is a seriaaas blow to my plan. I'm going to have to rethink my life goals. Does Babes Wodumo get free tickets? Maybe a singing life is for me.

Narrator: Thabo gets it – everyone is equal before the law. The president, men, women, different races. This is really important for a lot of reasons. In the past, sometimes kings, queens and presidents could make whatever law they wanted. Now, because the Constitution is higher, they have to pay attention to people's rights. And they can't elevate themselves above others.



Group Exercise

Time required 14 minutes
(7 minutes of discussion in groups, 7 minutes of discussion in class)

Educator:

In groups of 5, think about what sort of laws you would include in your constitution. Identify 5 things that you would want to include in your Constitution and explain why you would include those.



CLASS DISCUSSION

Time required 8 minutes

Educator:

The Constitution applies to everyone in South Africa. What do you think of this? Are there any groups that the you think the Constitution shouldn't apply to?

ADVICE TO EDUCATORS

Allow learners to respond.

Educator:

Why would the people who wrote the Constitution have included these groups, and have included everyone?

ADVICE TO EDUCATORS

Depending on time, divide the class into two groups. One side has to argue that the Constitution shouldn't apply to people who have been convicted of crimes and the other that it should apply to everyone, including people who have been convicted.

If no time, allow class discussion.

Educator:

Ultimately, people have human rights because they are humans. It doesn't matter where they are from, it doesn't matter what they have done. Sometimes, some of your rights can be limited – for example, prisoners can have their freedom limited. But they still have all their other rights.



Conclusion

Time required 1 minute

Educator:

South Africa has a past with a lot of violations of people's human rights. The future is meant to be different. We, as people living in South Africa, and the government, are still working to make sure that the vision of an inclusive society comes into being. The government definitely has a large role to play, but so does each one of us.



ROLE PLAY

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