

**KEEP IT  
CONSTITUTIONAL**



Episode 06

# **SOCIO-ECONOMIC RIGHTS**

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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](http://www.keepitconstitutional.co.za).

The lesson plan is designed to assist educators and group leaders lead an introductory session on the Constitution. Educators can follow the lesson plan word-for-word, but may improvise as desired.



# Episode 6:

## Socio-Economic RIGHTS

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Time required	45 minutes
Learning objectives	<ul style="list-style-type: none"><li>• Everyone in South Africa has a series of socio-economic rights protected in the Constitution</li><li>• Socio-economic rights are intimately linked to the right to dignity</li><li>• Some elements of the socio-economic rights are realisable immediately, but other elements only have to be realised over time</li><li>• The realisation of socio-economic rights requires a lot of resources and investment, and this might limit what the State can immediately realise</li></ul>
Resources	Keep It Constitutional animation series: Episode 6 OR Keep It Constitutional radio series: Episode 6

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# Introduction

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Time required 2 minutes

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**Educator:**

There are some things that are just fundamental to our lives. What are the things that you think that you really couldn't live without?

**ADVICE TO EDUCATORS**

Allow learners to respond.

Learners might list any number of items, including phones, internet etc - ultimately, we want to get them to think about the very basic elements of life, such as access to food, water, housing, healthcare, education and social security.

**Educator:**

The Constitution recognises that there are certain things that we need in order to live dignified lives. What does a dignified life mean to you?

**ADVICE TO EDUCATORS**

Allow learners to respond.

If you see it as a useful addition, introduce the idea that one concept of a dignified life is that every human being should have the opportunity to fulfil their potential. Not having access to certain things prevents people from realising their potential.

Let's hear a little more about this, and what the Constitution does to try to help ensure that people have the things that they need to fulfil their potential.



# PLAY VIDEO/RADIO EPISODE

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Time required 5 minutes

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# DISCUSSION AND GROUP WORK

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Time required 25 minutes

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**Educator:**

So, we understand that we have these rights - that these rights are intrinsic to us being able to lead dignified lives. But do you think that everyone in South Africa is able to access these rights at the moment?

**ADVICE TO EDUCATORS**

Allow learners to answer.

Answers should show that the learners understand that many people in South Africa still struggle to realise their rights.

You can use statistics like the following to emphasise the issue:

- 1 in 10 people in South Africa still do not have access to drinking water;
- Nearly 14% of the people in South Africa live in informal housing;
- 12% of learners have to walk for more than 30 minutes to get to school;
- 77% of learners in the country attend schools where there are nutrition programmes.

**Educator:**

So, after so many years, why are we still struggling to ensure that people have access to their rights?

**ADVICE TO EDUCATORS**

Allow learners to answer.

Answers should be that the centuries of unequal treatment will take many years to undo.



**Educator:**

What do you think some of the obstacles would be to realising rights? One of the big things would be money, right? In groups, discuss what would need to be done to properly realise each of the socio-economic rights?

**ADVICE TO EDUCATORS**

Allow learners to answer.

Allow the learners 5 minutes to discuss in groups. Then allow the groups to report back for 5 minutes.

The goal of this exercise is to have the learners think about each of the socio-economic rights, and to consider what it would actually take to realise them. If necessary, remind the learners about what the socio-economic rights contained in the Constitution are - housing, healthcare, food, water, social security, education.

Each of the socio-economic rights will have multiple possible answers. These answers could include, but will not be limited to:

- Water - learners could mention that pipes have to be laid, that there needs to actually be enough water, people have to have taps.
- Food - food would have to be sourced in a sustainable manner, people would have to be helped to grow their own food, meals would have to be distributed.
- Healthcare - more hospitals and clinics would need to be built, medicine and equipment would have to be bought and provided to the hospitals and clinics, more doctors, nurses, paramedics and pharmacists would have to be trained, more ambulances would be required
- Social security - the most effective social grants would need to be identified, money would have to be found to ensure that the social grants are sufficient to actually make a difference in the lives of the most vulnerable members of society, mechanisms for the payment of grants would need to be developed/improved, people would need to be educated about the grants that they are entitled to.
- Education - more schools would have to be built, more teachers trained, more learner transport would have to be provided.



- Housing - more houses would need to be built, which would require more builders to be employed, more building materials to be purchased, land to be made available for the houses to be built upon, sanitation to be provided.

Ultimately, make sure that the learners understand that each of the rights requires significant investment in equipment and people.

### **EDUCATOR**

What do you notice about all of these things? They all require huge amounts of state resources. So, even though the State has already invested a lot of money, there is still a lot to do. One of the things that you might have noticed is that almost every socio-economic right requires experts in order for the right to be properly delivered. Imagine the waste if millions of rand was spent on equipment in hospitals, but not enough doctors and nurses were being trained. Or money was spent building schools, but not in training teachers.

In the video, we heard that not all rights have to be realised immediately. Why?

### **ADVICE TO EDUCATORS**

Allow learners to answer.

Answers should revolve around the fact that the state doesn't have the resources to realise everyone's rights immediately.

Emphasise that realising all of the rights would be extremely expensive, and it might not be possible to do everything at once. Additionally, some of the rights require years of infrastructure to be built, people to be trained.

### **EDUCATOR**

So, if not every right has to be instantly realised, there are a few important things that we need to know. We need to know which of the socio-economic rights have to be realised immediately, and what obligation the government has in relation to the rights that don't have to be realised immediately.



### ADVICE TO EDUCATORS

Break the learners into groups.

Ask each of the groups to examine the sections of the Constitution and identify which rights need to be realised immediately. Ask the groups to see if there are different parts to the rights - some of which may need to be realised immediately, and other parts of the right that don't have to be realised immediately.

Allow the learners to discuss in their group for 6 minutes and allow 4 minutes for class discussion.

## MINI DEBATES

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Time required 12 minutes

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### ADVICE TO EDUCATORS

Put two groups together, where they will debate the following topic:

“The Constitution should be understood to require the State to provide a minimum level of the socio-economic rights, to everyone, immediately.”

Allocate one group to argue for the topic, and one group to argue against.

Allow the learners 8 minutes to prepare, and 4 minutes to debate.

If necessary, assist the groups by talking about the following prompts:

- Does the right to dignity demand that people have access to certain resources?
- Can the State really be expected to overcome massive infrastructure challenges without assistance?
- Who would determine the parts of the rights that need to be prioritised?



- What would be a sufficient level of realisation of socio-economic rights to satisfy the right to dignity?
- Would being forced to realise a minimum level of socio-economic rights mean that the government would have to abandon plans in other important issues in the country because of limited resources?



# CONCLUSION

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Time required 1 minute

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## EDUCATOR

Okay, so I hope you understand a few important things.

First of all, socio-economic rights are an important part of our Constitution, and of life in South Africa post-1994. They recognise that people have certain needs that need to be realised in order for them to lead dignified lives. But the Constitution also recognises that the government has limited resources to realise all of these rights, and so doesn't have to realise everything immediately. But it is important to remember that there are elements of every right that need to be realised now!

Ultimately, the Constitution requires that the government make sure that more and more people each year are able to access their rights. The Constitution tells us that South Africa is a place where everyone should be able to claim their rights - including being able to claim all of their socio-economic rights. Each of us has a role to play in holding the government to account so that, one day, everyone will have their rights realised.



# HANDOUTS FOR LEARNERS

## The socio-economic rights contained in the South African Constitution

### Section 26 - Housing

- (1) Everyone has the right to have access to adequate housing.
- (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
- (3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

### Section 27 - Health care, food, water and social security

- (1) Everyone has the right to have access to—
  - (a) health care services, including reproductive health care;
  - (b) sufficient food and water; and
  - (c) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.
- (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.
- (3) No one may be refused emergency medical treatment.

### Section 29 - Education

- (1) Everyone has the right—
  - (a) to a basic education, including adult basic education; and
  - (b) to further education, which the state, through reasonable measures, must make progressively available and accessible.



(2) Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account—

- (a) equity;
- (b) practicability; and
- (c) the need to redress the results of past racially discriminatory laws and practices.

(3) Everyone has the right to establish and maintain, at their own expense, independent educational institutions that—

- (a) do not discriminate on the basis of race;
- (b) are registered with the state; and
- (c) maintain standards that are not inferior to standards at comparable public educational institutions.

(4) Subsection (3) does not preclude state subsidies for independent educational institutions.

