

Grade 8 Life Orientation Worksheet

The Bill of Rights

Summary of the South African Bill of Rights

- **Equality:** You cannot be discriminated against. But affirmative action and fair discrimination are allowed.
- **Human Dignity:** Your dignity must be respected and protected.
- **Life:** You have the right to life.
- **Freedom and security of the person:** You cannot be detained without trial, tortured or punished cruelly. Domestic violence is not allowed.
- **Slavery, servitude and forced labour:** Slavery and forced labour are not allowed.
- **Privacy:** You cannot be searched or have your home or possessions searched.
- **Freedom of religion, belief and opinion:** You can believe and think whatever you want and can follow the religion of your choice.
- **Freedom of expression:** All people (including the press) can say whatever they want.
- **Assembly, demonstration, picket and petition:** You can hold a demonstration, picket and present a petition. But you must do this peacefully.
- **Freedom of association:** You can associate with whomever you want to.
- **Political rights:** You can support the political party of your choice. If you are a citizen, and at least 18 years old, you can vote.
- **Citizenship:** Your citizenship cannot be taken away from you.
- **Freedom of movement and residence:** You can go and live anywhere in South Africa.
- **Freedom of trade, occupation and profession:** You can do whatever work you choose.
- **Labour relations:** You may join trade unions and go on strike.
- **Environment:** You have the right to a healthy environment.
- **Property:** Your property can only be taken away from you if the proper rules are followed.
- **Housing:** The government must make sure people get access to proper housing.
- **Health care, food, water and social security:** The government must make sure you have access to food and water; health care and social security.
- **Children:** Children under the age of 18 have special rights, like the right not to be abused.
- **Education:** You have the right to basic education, including adult basic education, in your own language (if this is possible).
- **Language and culture:** You can use the language you want to and follow the culture that you choose.

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- **Cultural, religious and linguistic communities:** Communities can enjoy their own culture.
- practice their own religion; and use their own language.
- **Access to information:** You have the right to any information, which the government has.
- **Just administrative action:** Actions by the government must be fair.
- **Access to courts:** You can have a legal problem decided by a court, or a similar structure.
- **Arrested, detained and accused persons:** This right protects people who have been arrested, imprisoned or accused.

NOTE: ALL THESE RIGHTS CAN BE LIMITED IF IT WOULD BE FAIR TO DO SO.

At first glance it might seem strange to include, in a document dedicated to protecting rights, a clause that allows rights to be limited. But this is a necessary feature of life in society: people inevitably have competing and conflicting rights.

One person's right to dignity, for example, may clash with another's right to freedom of expression. One citizen's right to be protected from violent suspected criminals will conflict with that suspect's right to freedom of movement.

It's an established principle, then, that rights can be limited. The challenge, though, is to allow them to be limited only under strict conditions. If the Bill of Rights simply allowed any kind of restriction, its very purpose would be undermined.

As a result, section 36 of the Constitution (see below), known as the limitation clause, lays down a test that any limitation must meet. The two central concepts in this test are reasonableness and proportionality. Any restriction on a right must be reasonable and must be proportional in that the impact or extent of the restriction must match the importance of the aim served by the limitation of the right.

Essentially, it is the responsibility of humans to know their rights and protect their rights. The constitution provides protection by law, but real protection lies in the hands of ordinary people.

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36. Limitation of rights

1. The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including-
 - a. the nature of the right;
 - b. the importance of the purpose of the limitation;
 - c. the nature and extent of the limitation;
 - d. the relation between the limitation and its purpose; and
 - e. less restrictive means to achieve the purpose.
2. Except as provided in subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.

Look at this example of conflicting rights:

Every citizen has the right to privacy. But everybody also has the right to freedom of expression – even the press! In the case of a journalist who reveals personal details about the private life of an actor, what would be the harm inflicted on the journalist when we limit his or her right to free speech? Is the harm less or more than he is inflicting when limiting the right to privacy of the actor?

In such instances, it is most often left for a judge to decide.

Activity 1: Discussion of the Bill of Rights

Carefully read the information provided above.

Divide into workgroups of about 5 learners per group.

Discuss the following, keeping notes of your discussion:

- How our human rights are protected in South Africa by the Bill of Rights.
- When may human rights be limited?
- Give examples.
- Why it is necessary to include a clause in the Bill of Rights which allows human rights to be limited?

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Your teacher will assess your participation in the group discussion using the following checklist.

Checklist for observation of group discussion			
Name:		Date:	
	Criteria: Does the learner:	Yes	No
1	Wait for a pause before s/he interrupts a speaker?		
2	Interrupt a speaker politely?		
3	Show evidence of having understood the concept of human rights?		
4	Keep to the topic under discussion?		
5	Cover all the points listed above?		
6	Give reasons to support alternative points of view?		
7	Make points clearly using appropriate vocal volume?		
8	Make eye contact when speaking?		
9	Use body language appropriately?		
10	Make notes when applicable to remember points made by others?		
2 marks for every 'yes' answer: 20 total			

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Activity 2: Mind map of the Bill of Rights

Following the group discussion, draw up a mind map to illustrate your findings. Your teacher will assess your mind map using the rubric below.

Category	4 marks	3 marks	2 marks	1 mark
<i>Participation</i>	The learner put great effort into the work.	A good effort made.	Some effort made.	The learner did very little work on the mind map.
Required elements	The mind map contains much of the information that was discussed.	The mind map contains some of the information that was discussed.	The mind map contains a little of the information that was discussed.	The mind map is off the topic.
Relevance	All the concepts are relevant.	Most of the ideas are relevant.	Some of the ideas are relevant.	The concepts do not relate to the topic.
Flow	The concepts flow very well.	There is a fair amount of flow.	The concepts flow a little.	There is no concept flow.
Attractiveness.	Very attractive, colours used, very neat.	Fairly attractive in terms of design, layout and neatness.	Acceptably attractive.	Messy and poorly designed.
Total marks: 20				

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Activity 3: Summary of the Bill of Rights

Following the group discussion in the first activity, write up a summary of the discussion. Your summary should be roughly half a page in length.

Your teacher will assess your writing using the rubric below.

	8–10	5–7	3–4	1–2
Content (10 marks)	Excellent, detailed, and factually accurate.	Content is informative and sufficient to achieve purpose.	Content is not totally adequate. Does not achieve purpose.	There is too little content. Content is inaccurate.
	4, 5	3	2	1
Language and vocabulary (5 marks)	Wide range of vocabulary used, fewer than three minor language errors.	Vocabulary sufficient for task, fewer than five minor language errors.	Vocabulary only fair. Ten or more language errors.	Very limited vocabulary, students are unable to use the correct language structures.
	4, 5	3	2	1
Style (5 marks)	Student writes well and produces an excellent summary.	Student's summary and style of writing are adequate.	Summary rambles and misses the point.	Summary is incoherent and inadequate.

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Suggested Solutions

Item number	Possible marks	Solution
1	20	See checklist 1 in Appendix of Assessment Tools.
2	20	See rubric 2 in Appendix of Assessment Tools.
3	20	See rubric 3 in Appendix of Assessment Tools.

Appendix of assessment tools

1. Checklist to assess participation in the group discussion

Name:		Date:	
	Criteria: Does the learner:	Yes	No
1	Wait for a pause before s/he interrupts a speaker?		
2	Interrupt a speaker politely?		
3	Show evidence of having understood the concept of human rights?		
4	Keep to the topic under discussion?		
5	Cover all the points listed above?		
6	Give reasons to support alternative points of view?		
7	Make points clearly using appropriate vocal volume?		
8	Make eye contact when speaking?		
9	Use body language appropriately?		
10	Make notes when applicable to remember points made by others?		
2 marks for every 'yes' answer: 20 total			

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2. Checklist to assess the mind map

Category	4 marks	3 marks	2 marks	1 mark
Participation	The learner put great effort into the work.	A good effort made.	Some effort made.	The learner did very little work on the mind map.
Required elements	The mind map contains much of the information that was discussed.	The mind map contains some of the information that was discussed.	The mind map contains a little of the information that was discussed.	The mind map is off the topic.
Relevance	All the concepts are relevant.	Most of the ideas are relevant.	Some of the ideas are relevant.	The concepts do not relate to the topic.
Flow	The concepts flow very well.	There is a fair amount of flow.	The concepts flow a little.	There is no concept flow.
Attractiveness.	Very attractive, colours used, very neat.	Fairly attractive in terms of design, layout and neatness.	Acceptably attractive.	Messy and poorly designed.
Total marks: 20				

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3. Rubric to assess the summary

	8–10	5–7	3–4	1–2
Content (10 marks)	Excellent, detailed, and factually accurate.	Content is informative and sufficient to achieve purpose.	Content is not totally adequate. Does not achieve purpose.	There is too little content. Content is inaccurate.
	4, 5	3	2	1
Language and vocabulary (5 marks)	Wide range of vocabulary used, fewer than three minor language errors.	Vocabulary sufficient for task, fewer than five minor language errors.	Vocabulary only fair. Ten or more language errors.	Very limited vocabulary, students are unable to use the correct language structures.
	4, 5	3	2	1
Style (5 marks)	Student writes well and produces an excellent summary.	Student's summary and style of writing are adequate.	Summary rambles and misses the point.	Summary is incoherent and inadequate.