

Engage with local government departments and community structures

Level 2

- Facilitator Guide -

The development practice project

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SOME NOTES ON FACILITATION SKILLS

What is facilitation?

Facilitation is the process of making learning easy. This is done through the use of various approaches such as small group discussions, debates, question and answer sessions, personal reflection and sharing, experiential activities and practical exercises. You allow participants to discover solutions for themselves and encourage them to internalise lessons learnt, rather than lecture on topics.

Your role as the facilitator is to:

- Give direction to the group
- Create a comfortable and friendly environment for the group
- Observe what goes on in a group
- Identify the main needs of the group
- Learn ways to address these needs
- Adjust to the level of the group – in language, content, presentation, and pace.
- Apply and practice these skills in many different situations



Key principles of facilitation

Confidentiality: What is shared in the group remains in the group. Personal and sensitive information will not be told to others. However as evaluations of the course need to be done, and lessons learnt from each course, obviously you will need to discuss some of the content with your colleagues.

Respect: We should respect each other's opinions and experiences, even if they are different from our own or we do not agree with them –this includes the facilitator, who needs to display respect for every learner's opinion and contribution, and to make sure that s/he provides opportunity for all to participate.

Non-Judgmental: It is fine to disagree with another person's point of view but not to judge or put down another person because they do not feel the same as you do. This is particularly important because as a facilitator you have a lot of power in the group (people look up to you) and so you need to make sure that you do not appear to judge or dislike someone.

Use I-statements: Using I-statements ensures that the view you are expressing comes from you. It also shows confidence and assertiveness. It clarifies that you are speaking for yourself and not for the group.



Integrity: Walk your talk! Be a role model for the group. For example, the ground rules apply to the facilitator the same as for the participants – if it says cell phone silent, do not answer calls in the workshop!

Do's and don'ts of facilitation

Do's	Don'ts
Plan and prepare for sessions in advance	Create a long dialogue with one participant
Show interest when listening	Criticise on a personal basis
Use simple language	Dominate the group
Act responsibly	Be biased
Be patient	Be insensitive
Allow participants to discover	Allow domination
Encourage active interaction	Go beyond time allocated
Ask for suggestions from the group in answering questions	Exaggerate enthusiasm about delivering session – be false.

Critical skills of a facilitator

Listening: You pay attention to what is being said, show interest by nodding your head and maintaining eye contact. Allow the speaker to finish without interrupting (unless they are dominating the group and haven't allowed others to speak).

Paraphrasing: You repeat what the person said using your own words (i.e. interpret or reword). This is to ensure you understand and are not making assumptions.

Summarising: You sum up by going over the main points. You help participants to gain a better understanding of the subject.

Creativity: You must always have a plan B. Be imaginative and stimulated. Make your sessions fun yet educational by ensuring that the group does not miss the learning points. You know when and how to use ice-breakers, energisers and humour (without being offensive). Identify different ways of achieving the objectives without compromising the quality of the session.

Awareness: You pay attention to what is not being said in the group, their unspoken needs and watch out for group dynamics that need attention. You are able to “read” the energy and level of the group and adjust your programme accordingly.



Qualities of a facilitator

Good	Bad
Punctual and organised	Disorganised
Presentable	Messy, no care taken in presentation
Confident	Low self-esteem
Assertive	Passive
Friendly	Rude or impolite
Knowledgeable	Uninformed
Approachable	Intimidating
Creative and flexible	Rigid and unaccommodating

The difference between facilitation and presentation

Facilitation	Presentation
Interactive process	One way process
Use of different methods of approach	More formal
Participants discover for themselves	Audience receive the message
Facilitator works with participants as a team	Presenter delivers the message
Use different ways of facilitating (e.g. role plays, debates, small groups etc)	Use one way of presenting – normal “lecture” style

Tips for being a good facilitator

- Remember that you are a role model. Do your best to practise the behaviour you are talking about
- Keep studying and researching, learn about the issues, develop leadership skills
- Share information, be open to new experiences – there is always something to learn
- Ensure that you give accurate and updated information
- Understand your target audience
- Use target/age appropriate activities
- Always strive to keep to time
- Use ice-breakers and energisers that add value to sessions (and where possible, link to the content presented)
- Keep your mind open and flexible
- Have fun, love and enjoy what you are doing



OVERVIEW

Welcome to this facilitator’s guide. This guide was developed to – Engage with local government departments and community structures (Level 2). The manual provides information that will help you to assist learners to develop skills and acquire knowledge engage effectively with local government departments and community structures.

What you will cover in this course

This course consists of the following:

1. The main features of the local and provincial government departments and their policies
2. The rights of citizens to service
3. The role of CBOs in relation to government
4. Partnerships with government departments



SPECIFIC OUTCOMES AND ASSESSMENT CRITERIA

Specific outcomes	Assessment criteria
<i>Competence in this standard means that the learner has clearly shown that s/he is able to...</i>	<i>Tasks and activities completed by the learner contain the following evidence of competence...</i>
SO1: Describe the main features of local and provincial community development policies and how these affect the community	<ul style="list-style-type: none"> • General knowledge of the structure and functions of government at provincial and local level is demonstrated. • A policy that affects the communities is described and analysed. • Areas of possible government support for organisation's programmes are identified
SO2: Demonstrate an understanding of the rights of citizens to services	<ul style="list-style-type: none"> • Government's responsibility to citizens are explained • An understanding of the bill of rights and how it applies to this community is demonstrated
SO3: Explain the role of CBO's in relation to government	<ul style="list-style-type: none"> • The role of CBOs in relation to government is explained • A relevant developmental issue that they would like to engage government about is identified
SO4: Identify relevant government departments and the officials	<ul style="list-style-type: none"> • Relevant local officials are identified and contact details established • Ways of approaching officials are suggested.
SO5: Describe	<ul style="list-style-type: none"> • Possible opportunities for working relationships are

possible working relationships with relevant government officials or departments	explored <ul style="list-style-type: none">• Appropriate ways of engaging government on a specific issue are recommended and justified. (From partnerships to confrontation)
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ENGAGE WITH LOCAL GOVERNMENT DEPARTMENTS AND COMMUNITY STRUCTURES – LEVEL 2 COURSE PLAN

Workshop – Day 1

Time	Topic	Activity/Method	Aids/Materials	SO	AC
09h00	Welcome, expectations and overview of course	<p>Welcome and introductions: Do an introduction activity with the group to allow the group to get to know each other and the facilitator.</p> <p>Expectations and Overview: Give the learners an opportunity to state their expectations for the course.</p> <p>Use this to introduce the different modules that will be dealt with and also to ensure that they know what will not be covered. Explain the outcomes of this Level 2 course and the assessment process.</p> <p>Briefly explain what the portfolio of evidence is about and that they must complete all the activities to</p>	<p>Nametags Coloured cards Koki's Newsprint Prestik</p>		



Time	Topic	Activity/Method	Aids/Materials	SO	AC
		the best of their ability.			
09h45	Structure , functions and policies of government	Divide the group into 2 smaller groups. Ask the groups to look at provincial and local government structures using the information in their learner manuals. Ask each group to look at the structure and function of that level of government, write it on the flipchart and then give feedback about it to the bigger group. Allow for discussion and questions	Koki's Newsprint Prestik Info in Learner manual	SO1	General knowledge of structure and functions of government is demonstrated.
10h30		Tea			
10h45	Structure , functions and policies of government	Complete previous activity		SO1	General knowledge of structure and functions of government is demonstrated.
11h30	Structure , functions and policies of government	Explain to the group that there are a number of government policies that affect the way they provide services. The two most	See info in Learner manual	SO1	Specific policies that affect communities



Time	Topic	Activity/Method	Aids/Materials	SO	AC
		<p>important are the Constitution and the Bill of Rights.</p> <p>Ask learners what they know about the Bill of rights. Discuss the information given with them.</p> <p>Use the slides/poster to inform the group about the Bill of rights and what their different rights are. Now ask the group to think of their own organisation. How could they make use of the Bill of rights to help them and their clients with specific issues?</p> <p>Allow different people and organisations to give feedback.</p>	Slides or poster with info: Bill of Rights	SO2	<p>are described and analysed.</p> <p>Understanding the bill of rights and how it applies to the community</p>
13h00		Lunch			
14h00	Structure , functions and policies of government	<p>The different programmes and projects that government run, can offer opportunities to CBOs to gain support from government for their own programmes.</p> <p>Explain the various programmes and policies of the government in terms of social development to the group.</p>	Info in Learner manual	SO1	Specific policies that affect communities are described and analysed.

Time	Topic	Activity/Method	Aids/Materials	SO	AC
		Look specifically at the Department of Social Services and the issue of grants as an example of policies that affect the community. Use the group activity in the Learner manual.			
15h00		Tea			
15h15	Structure , functions and policies of government	The Department of Health is another government department that has specific policies that affect communities. Use the activity in the learner manual to allow learners to explore this in more detail.		SO1	Specific policies that affect communities are described and analysed.
16h30	Closure for the day	Final thoughts: Share any final thoughts with the group. Brief evaluation: Ask the group for feedback about what they experienced and learnt during the day – what did they like, not like; or would like to change for the next day.	Post-its Koki's Newsprint		



Workshop – Day 2

Time	Topic	Activity/Method	Aids/Materials	SO	AC
09h00	Recapping of Day 1	Thoughts and ideas from the previous day			
09h15	Government support for our work	<p>All the policies that were discussed in Day 1 help us to know how we can seek support from government for the work that we do.</p> <p>Ask learners to think of their own organisation and the work that they do. What areas of possible government support can you identify?</p> <p>Let them give feedback to the rest of the group and allow for discussion.</p>	Learner manual	SO1	Areas of possible government support for organisation programmes are identified
10h15		Tea			
10h45	The Role of CBO's and the rights of citizens	<p>The relationship between government and CBO's is an important issue to look at. Very often this relationship is born out of the need of the CBO to receive funding for its projects from government departments.</p> <p>Ask the group to discuss how</p>	Info in Learner manual	SO3	The role of CBO's in relation to government is explained



Time	Topic	Activity/Method	Aids/Materials	SO	AC
		they would describe their role in relation to government.			
11h30	The Role of CBO's and the rights of citizens	Just as CBOs have a role to play in relation to government, the government also has a responsibility to provide services to communities. Use the slide/poster to explain the different responsibilities that government has towards communities and service delivery. Allow for some discussion in the group.	Koki's Newsprint Prestik Slide or poster with government responsibilities Learner manual	SO2	Government's responsibility towards citizens
12h30		Lunch			
13h30	The Role of CBO's and the rights of citizens	Looking at all the issues so far, ask the group to make a list of those development issues that they would want to raise with government. Discuss in the group how one can go about engaging government in these.	Koki's Newsprint Prestik	SO3	Relevant developmental issues that they would like to engage government about is identified
15h00		Tea			
15h15	Different government	Look at the various departments that organisations in the group	Info in Learner manual	SO4	Relevant local officials are



Time	Topic	Activity/Method	Aids/Materials	SO	AC
	departments and their services	<p>work with.</p> <p>Explain that it is important that we:</p> <ol style="list-style-type: none"> 1) know who the right people are to talk to in government for specific issues; 2) know how to build good relationships with these people. <p>Ask learners to complete the individual activity in the Learner manual.</p>			identified and contact details established
16h15	Closure for the day	<p>Final thoughts: Share any final thoughts with the group.</p> <p>Brief evaluation: Ask the group for feedback about what they experienced and learnt during the day – what did they like, not like; or would like to change for the next day.</p>	Post-its Koki's Newsprint		



Workshop – Day 3

Time	Topic	Activity/Method	Aids/Materials	SO	AC
09h00	Recapping of Day 2	Thoughts and ideas from the previous day			
09h15	Building relationships and engaging government	<p>Building good relationships with the government officials that you work with is very important.</p> <p>Ask the groups to discuss how they think they can improve their relationships with the officials that they work with.</p> <p>Allow each group to give feedback and share ideas</p>	Koki's Newsprint Prestik	SO4	Ways of approaching officials are suggested.
10h30		Tea			
10h45	Working relationships with relevant government officials or departments	<p>Explain to the group that one of the ways to work with government is to form partnerships with them.</p> <p>Ask the group how they would describe a partnership. Write their ideas on newsprint and discuss.</p>	Newsprint Koki's Learner manual Slide/poster – definition of partnership	SO5	<p>Possible opportunities for working relationships are explored</p> <p>Appropriate ways of engaging government</p>



Time	Topic	Activity/Method	Aids/Materials	SO	AC
		<p>Give them the definition of a partnership.</p> <p>Use the case study in learner manual to show how effective a partnership can be to strengthen the work that you do and make it possible to deliver services to the community.</p>			on a specific issue are recommended and justified
12h15		<p>Give learners the homework assignment in Learner manual. This assignment will be part of their portfolio of evidence. They therefore need to complete it as thoroughly as possible.</p>			
12h30	Closure	<p>Final thoughts and closure: Bring the session to a close with a reminder of how much knowledge and experience we already have to share among ourselves. It is a time for each participant to say how they felt about the workshop and what they learnt during the course.</p> <p>As this is the last session ask</p>	Course evaluation forms		



Time	Topic	Activity/Method	Aids/Materials	SO	AC
		learners to complete the course evaluation form. Explain the importance of feedback - that it will help to improve the way you facilitate as well as the content of future workshops			
13h00		Lunch			



ADDITIONAL INFORMATION

Policies that affect communities: Social grants – Additional Information

For more information you can also check the following websites:
www.paralegaladvice.org.za or www.soutafrica.info.

Criteria for Grant for the Aged (Old Age pension)

- Women: 60 years or older
- Men: 65 years or older
- Must be a South African citizen or permanent RSA resident
- Must be resident in South Africa at the time of application
- Must comply with the means test
- Not for persons in:
 - Prison
 - Psychiatric institutions
 - State home for the aged
 - Care and treatment centres
 - Treatment centres for drug and alcohol abuse

Criteria for Disability grant

- Disabled person must be 18 years or older
- Disability must be confirmed by medical report



- Assessment has to confirm whether disability is permanent or temporary (6 – 12 months)
- Degree of disability – makes it impossible to enter the labour market
- Does not without good reason refuse medical or other treatment recommended
- South African citizen or permanent RSA citizen residing in SA at the time of application
- Complies with means test

Criteria for Foster child grant

- The child is under the age of 18 years
- Child was placed in the custody of the foster parents in terms of the Child Care Act, 1983
- Foster parents must be resident in South Africa at the time of application
- RSA citizenship of the foster child(ren) and foster parent(s) is not a requirement
- Process in place prior to foster placement of non-South African children
- Complies with the prescribed conditions for foster care and the means test
- Income of child must not exceed R 12 720.0 per year

Criteria for Care dependency grant

- The child must be between the ages of 1 and 18 years
- Child must receive permanent home care due to his/her severe mental or physical disability



- Disability must be confirmed by medical report
- Parent/foster parent/guardian must be resident in South Africa at the time of application
- Parents must be South African citizens or permanent RSA residents
- Child must not be in an institution
- Complies with the prescribed conditions and the means test

Criteria for Child support grant

- Purpose of grant: to supplement income to poor families with children under the age of 14 years
- Children have to be between ages of 1 and 14 years
- Grant paid to primary care-giver who is a person, whether or not related to the child, who takes primary responsibility for the daily care needs of the child
- Primary care-giver must not receive money for taking care of the child
- Primary care-giver (non-parent) qualifies for a maximum of 6 children
- Parent/care-giver must be South African citizen
- Complies with prescribed conditions and the means test

Criteria for War veterans grant

- Person must be 60 years or older
- Have performed any naval, military or air force services (since First World War)



- Must be a South African citizen or permanent resident of RSA residing in South Africa at the time of application
- Complies with the means test.

Bill of Rights – Additional information

For more information about the Bill of Rights you can also check the following websites: www.constitutionalcourt.org.za or www.southafrica.info or www.idasa.org.za. Below is Chapter 2 of the Constitution in which the Bill of Rights is contained.

This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

The state must respect, protect, promote and fulfil the rights in the Bill of rights.

The rights in the Bill of Rights are subject to the limitations contained or referred to in section 36, or elsewhere in the Bill.

Application of Bill of Rights

The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.

A provision of the Bill of Rights binds a natural or a juristic person if, and to the extent that, it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right.

When applying a provision of the Bill of Rights to a natural or juristic person in terms of subsection (2), a court-



- in order to give effect to a right in the Bill, must apply, or if necessary develop, the common law to the extent that legislation does not give effect to that right; and
- may develop rules of the common law to limit the right, provided that the limitation is in accordance with section 36 (1).

A juristic person is entitled to the rights in the Bill of Rights to the extent required by the nature of the rights and the nature of that juristic person.

Equality

- Everyone is equal before the law and has the right to equal protection and benefit of the law.
- Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.
- The state may not 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.
- No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
- Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.



Human dignity

- Everyone has inherent dignity and the right to have their dignity respected and protected.

Life

- Everyone has the right to life.

Freedom and security of the person

- Everyone has the right to freedom and security of the person, which includes the right-
 - not to be deprived of freedom arbitrarily or without just cause;
 - not to be detained without trial;
 - to be free from all forms of violence from either public or private sources;
 - not to be tortured in any way; and
 - not to be treated or punished in a cruel, inhuman or degrading way.
- Everyone has the right to bodily and psychological integrity, which includes the right-
 - to make decisions concerning reproduction;
 - to security in and control over their body; and
 - not to be subjected to medical or scientific experiments without their informed consent.

Slavery, servitude and forced labour

- No one may be subjected to slavery, servitude or forced labour.



Privacy

- Everyone has the right to privacy, which includes the right not to have-
 - their person or home searched;
 - their property searched;
 - their possessions seized; or
 - the privacy of their communications infringed.

Freedom of religion, belief and opinion

- Everyone has the right to freedom of conscience, religion, thought, belief and opinion.
- Religious observances may be conducted at state or state-aided institutions, provided that-
 - those observances follow rules made by the appropriate public authorities;
 - they are conducted on an equitable basis; and
 - attendance at them is free and voluntary.
- This section does not prevent legislation recognising-
 - marriages concluded under any tradition, or a system of religious, personal or family law; or
 - systems of personal and family law under any tradition, or adhered to by persons professing a particular religion.
- Recognition in terms of paragraph (a) must be consistent with this section and the other provisions of the Constitution.

Freedom of expression

- Everyone has the right to freedom of expression, which includes-



- freedom of the press and other media;
 - freedom to receive or impart information or ideas;
 - freedom of artistic creativity; and
 - academic freedom and freedom of scientific research.
- The right in subsection (1) does not extend to-
 - propaganda for war;
 - incitement of imminent violence; or
 - advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

Assembly, demonstration, picket and petition

- Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.

Freedom of association

- Everyone has the right to freedom of association.

Political rights

- Every citizen is free to make political choices, which includes the right-
 - to form a political party;
 - to participate in the activities of, or recruit members for, a political party; and
 - to campaign for a political party or cause.
- Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution.
- Every adult citizen has the right-



- to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and
- to stand for public office and, if elected, to hold office.

Citizenship

- No citizen may be deprived of citizenship.

Freedom of movement and residence

- Everyone has the right to freedom of movement.
- Everyone has the right to leave the Republic.
- Every citizen has the right to enter, to remain in and to reside anywhere in, the Republic.
- Every citizen has the right to a passport.

Freedom of trade, occupation and profession

- Every citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law.

Labour relations

- Everyone has the right to fair labour practices.
- Every worker has the right-
 - to form and join a trade union;
 - to participate in the activities and programmes of a trade union; and
 - to strike.
- Every employer has the right-



- to form and join an employers' organisation; and
- to participate in the activities and programmes of an employers' organisation.
- Every trade union and every employers' organisation has the right-
 - to determine its own administration, programmes and activities;
 - to organise; and
 - to form and join a federation.
- Every trade union, employers' organisation and employer has the right to engage in collective bargaining. National legislation may be enacted to regulate collective bargaining. To the extent that the legislation may limit a right in this Chapter, the limitation must comply with section 36 (1).

National legislation may recognise union security arrangements contained in collective agreements. To the extent that the legislation may limit a right in this Chapter the limitation must comply with section 36 (1).

Environment

- Everyone has the right-
 - to an environment that is not harmful to their health or well-being; and
 - to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that-
 - prevent pollution and ecological degradation;
 - promote conservation; and



- secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Property

- No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
- Property may be expropriated only in terms of law of general application-
 - for a public purpose or in the public interest; and
 - subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.
- The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including-
 - the current use of the property;
 - the history of the acquisition and use of the property;
 - the market value of the property;
 - the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
 - the purpose of the expropriation.

For the purposes of this section-

- the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and



- property is not limited to land.
- The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.
- A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.
- A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.
- No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36 (1).
- Parliament must enact the legislation referred to in subsection (6).

Housing

- Everyone has the right to have access to adequate housing.
- The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
- 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.



Health care, food, water and social security

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

Children

- Every child has the right-
 - to a name and a nationality from birth;
 - to family care or parental care, or to appropriate alternative care when removed from the family environment;
 - to basic nutrition, shelter, basic health care services and social services;
 - to be protected from maltreatment, neglect, abuse or degradation;
 - to be protected from exploitative labour practices;
 - not to be required or permitted to perform work or provide services that-
 - are inappropriate for a person of that child's age; or
 - place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;



- not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be-
- kept separately from detained persons over the age of 18 years; and
- treated in a manner, and kept in conditions, that take account of the child's age;
- to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and
- not to be used directly in armed conflict, and to be protected in times of armed conflict.

A child's best interests are of paramount importance in every matter concerning the child.

In this section 'child' means a person under the age of 18 years.

Education

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

- equity;
 - practicability; and
 - the need to redress the results of past racially discriminatory laws and practices.
- Everyone has the right to establish and maintain, at their own expense, independent educational institutions that-
 - do not discriminate on the basis of race;
 - are registered with the state; and
 - 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.

Language and culture

- Everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.

Cultural, religious and linguistic communities

- Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community-
 - to enjoy their culture, practise their religion and use their language;and



- to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights.

Access to information

- Everyone has the right of access to-
 - any information held by the state; and
 - any information that is held by another person and that is required for the exercise or protection of any rights.

National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

Just administrative action

- Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.
- Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.
- National legislation must be enacted to give effect to these rights, and must-
 - provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;
 - impose a duty on the state to give effect to the rights in subsections (1) and (2); and
 - promote an efficient administration.



Access to courts

- Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.

Arrested, detained and accused persons

- Everyone who is arrested for allegedly committing an offence has the right-
 - to remain silent;
 - to be informed promptly-
 - of the right to remain silent; and
 - of the consequences of not remaining silent;
 - not to be compelled to make any confession or admission that could be used in evidence against that person;
 - to be brought before a court as soon as reasonably possible, but not later than-
 - 48 hours after the arrest; or
 - the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or on a day which is not an ordinary court day;
 - at the first court appearance after being arrested, to be charged or to be informed of the reason for the detention to continue, or to be released; and
 - to be released from detention if the interests of justice permit, subject to reasonable conditions.
- Everyone who is detained, including every sentenced prisoner, has the right-
 - to be informed promptly of the reason for being detained;



- to choose, and to consult with, a legal practitioner, and to be informed of this right promptly;
- to have a legal practitioner assigned to the detained person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly;
- to challenge the lawfulness of the detention in person before a court and, if the detention is unlawful, to be released;
- to conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment; and
- to communicate with, and be visited by, that person's-
spouse or partner;
next of kin;
chosen religious counsellor; and
chosen medical practitioner.
- Every accused person has a right to a fair trial, which includes the right-
 - to be informed of the charge with sufficient detail to answer it;
 - to have adequate time and facilities to prepare a defence;
 - to a public trial before an ordinary court;
 - to have their trial begin and conclude without unreasonable delay;
 - to be present when being tried;
 - to choose, and be represented by, a legal practitioner, and to be informed of this right promptly;

- to have a legal practitioner assigned to the accused person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly;
- to be presumed innocent, to remain silent, and not to testify during the proceedings;
- to adduce and challenge evidence;
- not to be compelled to give self-incriminating evidence;
- to be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language;
- not to be convicted for an act or omission that was not an offence under either national or international law at the time it was committed or omitted;
- not to be tried for an offence in respect of an act or omission for which that person has previously been either acquitted or convicted;
- to the benefit of the least severe of the prescribed punishments if the prescribed punishment for the offence has been changed between the time that the offence was committed and the time of sentencing;
- and
- of appeal to, or review by, a higher court.

Whenever this section requires information to be given to a person, that information must be given in a language that the person understands.

Evidence obtained in a manner that violates any right in the Bill of Rights must be excluded if the admission of that evidence would render the trial unfair or otherwise be detrimental to the administration of justice.



Limitation of rights

- 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-
 - the nature of the right;
 - the importance of the purpose of the limitation;
 - the nature and extent of the limitation;
 - the relation between the limitation and its purpose; and
 - less restrictive means to achieve the purpose.

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.

States of emergency

- A state of emergency may be declared only in terms of an Act of Parliament, and only when-
 - the life of the nation is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency;
 - and
 - the declaration is necessary to restore peace and order.
- A declaration of a state of emergency, and any legislation enacted or other action taken in consequence of that declaration, may be effective only prospectively; and for no more than 21 days from the date of the declaration, unless the National Assembly resolves to extend the declaration. The Assembly may extend a declaration of a state of emergency for no more than three months at a time. The first extension of the state of



emergency must be by a resolution adopted with a supporting vote of a majority of the members of the Assembly. Any subsequent extension must be by a resolution adopted with a supporting vote of at least 60 per cent of the members of the Assembly. A resolution in terms of this paragraph may be adopted only following a public debate in the Assembly.

- Any competent court may decide on the validity of-
 - a declaration of a state of emergency;
 - any extension of a declaration of a state of emergency; or
 - any legislation enacted, or other action taken, in consequence of a declaration of a state of emergency.
 - Any legislation enacted in consequence of a declaration of a state of emergency may derogate from the Bill of Rights only to the extent that-
 - the derogation is strictly required by the emergency; and
 - the legislation-
 - is consistent with the Republic's obligations under international law applicable to states of emergency;
 - conforms to subsection (5); and
 - is published in the national Government Gazette as soon as reasonably possible after being enacted.
- No Act of Parliament that authorises a declaration of a state of emergency, and no legislation enacted or other action taken in consequence of a declaration, may permit or authorise-
 - indemnifying the state, or any person, in respect of any unlawful act;
 - any derogation from this section; or

- any derogation from a section mentioned in column 1 of the Table of Non-Derogable Rights, to the extent indicated opposite that section in column 3 of the Table.
- Whenever anyone is detained without trial in consequence of a derogation of rights resulting from a declaration of a state of emergency, the following conditions must be observed:
 - An adult family member or friend of the detainee must be contacted as soon as reasonably possible, and informed that the person has been detained.
 - A notice must be published in the national Government Gazette within five days of the person being detained, stating the detainee's name and place of detention and referring to the emergency measure in terms of which that person has been detained.
 - The detainee must be allowed to choose, and be visited at any reasonable time by, a medical practitioner.
 - The detainee must be allowed to choose, and be visited at any reasonable time by, a legal representative.
 - A court must review the detention as soon as reasonably possible, but no later than 10 days after the date the person was detained, and the court must release the detainee unless it is necessary to continue the detention to restore peace and order.
 - A detainee who is not released in terms of a review under paragraph (e), or who is not released in terms of a review under this paragraph, may apply to a court for a further review of the detention at any time after 10 days have passed since the previous review, and the court must release the detainee



unless it is still necessary to continue the detention to restore peace and order.

- The detainee must be allowed to appear in person before any court considering the detention, to be represented by a legal practitioner at those hearings, and to make representations against continued detention.
- The state must present written reasons to the court to justify the continued detention of the detainee, and must give a copy of those reasons to the detainee at least two days before the court reviews the detention.
- If a court releases a detainee, that person may not be detained again on the same grounds unless the state first shows a court good cause for re-detaining that person.
- Subsections (6) and (7) do not apply to persons who are not South African citizens and who are detained in consequence of an international armed conflict. Instead, the state must comply with the standards binding on the Republic under international humanitarian law in respect of the detention of such persons.

Enforcement of rights

- Anyone listed in this section has the right to approach a competent court, alleging that a right in the Bill of Rights has been infringed or threatened, and the court may grant appropriate relief, including a declaration of rights.

The persons who may approach a court are-

- anyone acting in their own interest;
- anyone acting on behalf of another person who cannot act in their own name;



- anyone acting as a member of, or in the interest of, a group or class of persons;
- anyone acting in the public interest; and
- an association acting in the interest of its members.

Interpretation of Bill of Rights

- When interpreting the Bill of Rights, a court, tribunal or forum-
 - must promote the values that underlie an open and democratic society based on human dignity, equality and freedom;
 - must consider international law; and
 - may consider foreign law.
- When interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights.

The Bill of Rights does not deny the existence of any other rights or freedoms that are recognised or conferred by common law, customary law or legislation, to the extent that they are consistent with the Bill.



Course evaluation form

Date: _____

Facilitator/s: _____

What did you like about the course?

What part of the content was most useful to you?

What was not useful to you?



What did you not like or would change about the course?

Please rate the following (circle or underline your choice):

Facilitation	Excellent	Good	Not Good
Pace	Perfect	Too fast	Too slow
Content	Appropriate	Not appropriate	

Do you have any other comments or feedback for the facilitator/s?

What support would you like in implementing the learnings from this course?



