

*Grade 6*

*History Term 3 2017*

***Democracy and the Constitution***

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## How people govern themselves in a democracy

### New words

**Independent:** This means separate from one another or not linked in any way.

**Free and fair elections:** These are elections in which all citizens are allowed to participate. No one has changed the results, or tried to force people to vote for a particular party.

**Active citizen:** Citizens who play a role in their country by participating in an election.

**Secret ballot:** A ballot is the piece of paper that you vote on, and if it is secret no one can see who you voted for.

**Constitution:** A constitution is the highest law in a country. A constitution explains the rights and responsibilities of the government and of each citizen.

**Accountable:** This means to be held responsible for your actions and for what you promised you would do.

### Our national government

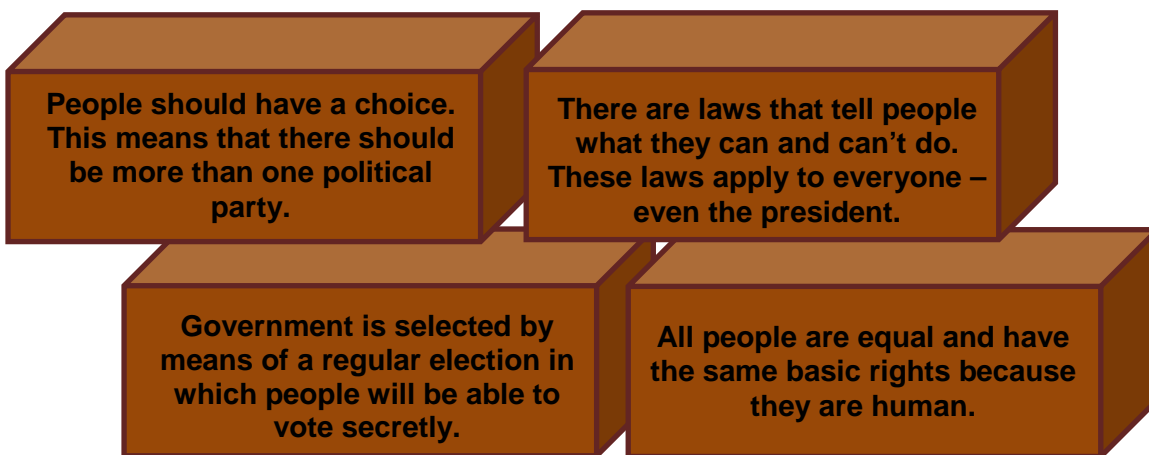
Since 1994, South Africa has been a democracy. This means that all the people of South Africa have a say in how the country is governed by the national government and that they are equal in the eyes of the law. The whole of South Africa is represented and ruled by the national government. The Constitution and the Bill of Rights protect the rights of all South Africans.

### The first democratic government in South Africa: 1994

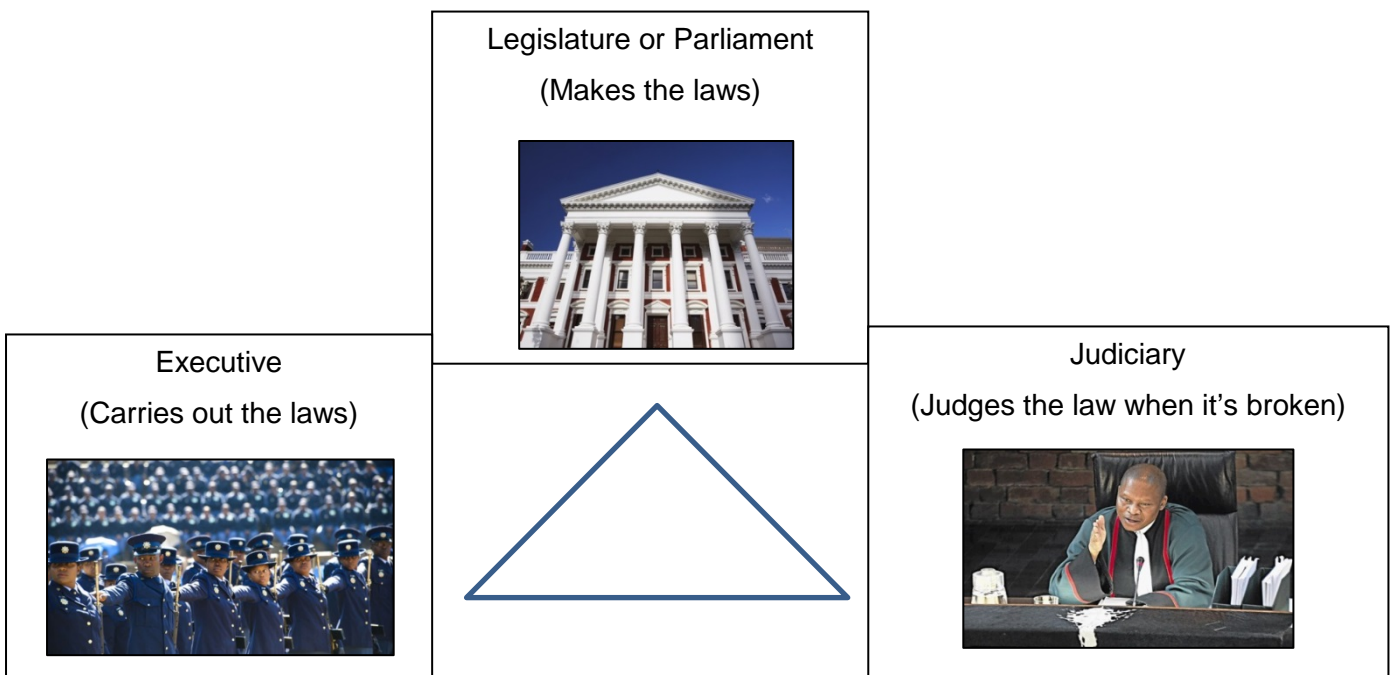
Many South Africans suffered because of the previous government's apartheid policies before 1994. Only people who were classified as white were allowed to vote in elections under the apartheid government. The apartheid government believed that any race other than white was inferior. This meant that most South African people were not allowed to choose their own leaders. A country is not democratic when it only allows some of its citizens to vote. In 1994, when South Africa held elections after the end of apartheid, all South African adults were allowed to vote. This was when South Africa became a democracy.

In the first democratic elections, all South Africans over the age of 18 were allowed to vote. This was the first time that many people were given the opportunity to vote and it was a very emotional experience to participate in the 1994 election. They had say in who governs the country - some people had waited their whole lives to do this. In 1994, the African National Congress (ANC) won the election with Nelson Mandela as the party leader. Nelson Mandela became the first democratically elected president of South Africa. South Africa has continued to be a democracy since 1994. Key factors, known as the building blocks of democracy, must be protected in a democracy.

***The building blocks of democracy.***



***A democratic government is made up of three branches:***



These three branches must be independent of one another but they must work together to govern the country. This means they must not influence each other or try to tell each other what to do.

## Political parties and voting in national elections

The country's leaders are chosen in a free and fair election in a democracy. All citizens of the appropriate age are allowed to vote and after they have voted they become known as active citizens.

In the national elections, in South Africa, all people who are citizens and who are 18 years and older may vote. The national elections are held every five years.

A very important part of the democracy is that every person's vote is kept a secret. This is known as a secret ballot.



When you vote in an election it is important that nobody can see who you are voting for. In a democracy, the party (or parties) with most votes wins the election and the parties with the least votes have to accept that they have lost.



The table below shows the national election results of the 1994; 1999; 2004 and 2009.

Political party	1994	1999	2004	2009
<b>African National Congress (ANC)</b>	<b>62.6%</b>	<b>66.4%</b>	<b>69.7%</b>	<b>65.9%</b>
<b>National Party (NP); renamed the New National Party (NNP)</b>	<b>20.4%</b>	<b>6.9%</b>	<b>1.7%</b>	<b>-</b>
<b>Inkatha Freedom Party (IFP)</b>	<b>10.5%</b>	<b>8.6%</b>	<b>7.0%</b>	<b>4.5%</b>
<b>Freedom Front (FF); renamed the Freedom Front Plus</b>	<b>2.2%</b>	<b>0.8%</b>	<b>0.9%</b>	<b>0.8%</b>
<b>Democratic Party (DP); renamed Democratic Alliance (DA)</b>	<b>1.7%</b>	<b>9.6%</b>	<b>12.4%</b>	<b>16.7%</b>
<b>Pan Africanist Congress (PAC)</b>	<b>1.2%</b>	<b>0.7%</b>	<b>0.7%</b>	<b>0.3%</b>
<b>African Christian Democratic Party (ACDP)</b>	<b>0.5%</b>	<b>1.4%</b>	<b>1.6%</b>	<b>0.8%</b>
<b>United Democratic Movement (UDM)</b>	<b>-</b>	<b>3.4%</b>	<b>2.3%</b>	<b>0.8%</b>
<b>Independent Democrats (ID)</b>	<b>-</b>	<b>-</b>	<b>1.7%</b>	<b>0.9%</b>
<b>Congress of the people (COPE)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>7.4%</b>

(Source: [www.electionresources.org.za](http://www.electionresources.org.za))

### Activity 1: Interpret election results (pairs and class)

Study the table of election results with your partner and then discuss the following questions. Write the answers into your workbooks.

1. Which political party has won all four democratic elections?
2. Which political party has grown the most over the course of the four elections?
3. Which political party has lost a lot of power over the course of the four elections?
4. If you were old enough to vote, do you know who you would vote for, and why?

## The purpose of the Constitution

The newly elected democratic government of 1994 drew up a constitution as one of their first tasks. A constitution is a collection of laws that protects the rights of individuals. It also states the manner in which a country must be run. In 1996, the constitution was accepted.

It is the most powerful law of the country. The police, the army and even the government must obey the constitution. The constitution does the following:

- It describes how the government functions; how it is formed and how it is elected.
- It outlines the power that the government has.
- It makes sure that the rights of all the citizens are protected.
- It sets out how the government will be accountable to the people who elect it.

## The South African Constitution

### New words

**Dignity:** This is a person's sense of worth – their pride and self – respect.

**Justice:** Upholding that which is fair and right.

**Parliament:** This is a large group of people who meet to make the laws that govern the country. In a democracy, these people are chosen by the citizens of the country.

**Legislature:** Another word for the parliament. This is the part of the government that has the power to make or change laws.

**Cabinet:** The cabinet is the highest level of the executive.

**Minister:** A person who is the head of a government department in parliament, such as education, health or sport.

**Judiciary:** A country's system of the courts of law.

**Human rights:** Things that all people should be allowed to have by law. This includes the right to life, freedom and dignity.

**Hate speech:** When what someone says does damage to a person or other people. Hate speech discriminates against another person or group.

**Violates:** This means to break or disturb.

**Responsibility:** Taking care to do the right things.

**Human rights activist:** This is a person who believes strongly in human rights and will fight for it.

**Religious tolerance:** When someone accepts all religions and people of different beliefs, even if they don't follow that belief.

**Gender discrimination:** To treat someone differently because they are female (or because they are male).

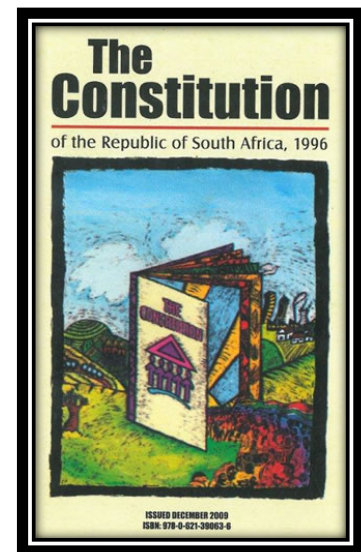
**Banned:** During the apartheid years this was an order from government that prevented a person from moving about freely, from attending meetings or other public gatherings and from publishing any of their work.

**Corporal punishment:** Punishment that is physical, like a hiding or caning. A teacher or principal hitting a child, as a form of discipline or punishment, is illegal in South Africa.

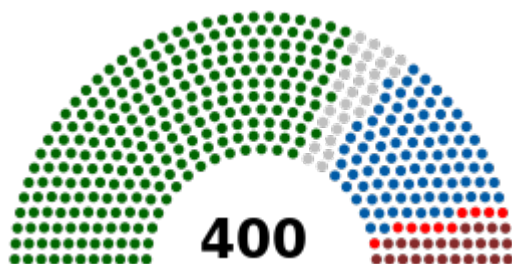
**Vulnerable:** This means able to be easily hurt or injured.

In the opening lines of the South African constitution, we can see the emphasis on dignity, justice and equality:

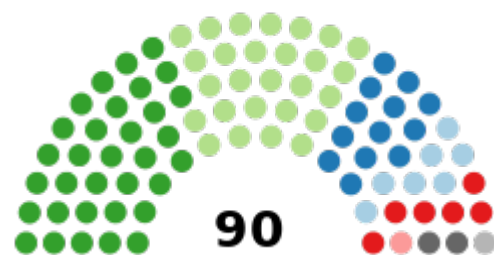
“We, the people of South Africa, recognise the injustices of our past; honour those who suffered for justice and freedom in our land respect those who have worked to build and develop our country; and believe that South Africa belongs to all who live in it, united in our diversity.”



The constitution is harder to change than ordinary laws and requires two-thirds of the members of parliament to vote for it to be changed. The role of parliament is to make the laws of the country. The people who are in parliament are called Members of Parliament, or MPs. MPs are elected by the political parties that the people of South Africa voted into power. This means that MPs can belong to a party other than the party that is officially ‘the winner’ of an election. South Africa’s Parliament is based in Cape Town and it consists of two parts:



The National Assembly, which has 400 members. These 400 members are elected for 5 years. They discuss, vote for and make the laws of the country.



The national council of Provinces (NCOP), consists of 90 people - 10 representatives per province. Their role in parliament is to help write the laws that affect the provinces.



Inside the National Assembly  
of Parliament

### Did you know?

The president of the country cannot simply enter parliament. He (or she) has to be invited to attend parliament by members of parliament.

Apart from the president, any citizen of the country has the right to enter parliament and listen to the sessions. The reason for this is that South Africa is a democracy and parliament represents the people of this country. All citizens also have the right to write to a member of parliament about an issue and they should receive a response.

### The importance of rules and laws

In order to prevent chaos, society, like a sport, needs rules and laws to be in place. Imagine a cricket match with no rules or laws - there would be chaos on the field and, more than likely, somebody would be injured. As citizens of our country, rules and laws tell us what we can and can't do. The laws and rules help to ensure that people can live side by side, peacefully, with one another.

*The Executive* is the second branch of a democratic government. The Executive ensures that the rules and the laws of the country are followed. The Executive is like the umpire or the referee of a sport.

The executive consists of:

- The President of the country.
- The Deputy President of the country.
- The members of the cabinet.
- The police force, the army and all other government organisations that help to ensure that the laws of the land are followed.



The President, the Deputy President and specially chosen members of parliament make up the cabinet. The president chooses his or her cabinet members. These specifically chosen members become the ministers of specific things, like education, health or sport.

### Activity 2: Discuss the importance of rules and laws (Class)

What is your class's favourite sport?

Now, imagine this sport without any rules or laws. Describe what it would look like if you were playing this sport as a class. How does this help to explain why rules and laws are so vitally important in any society?

### Did you know?

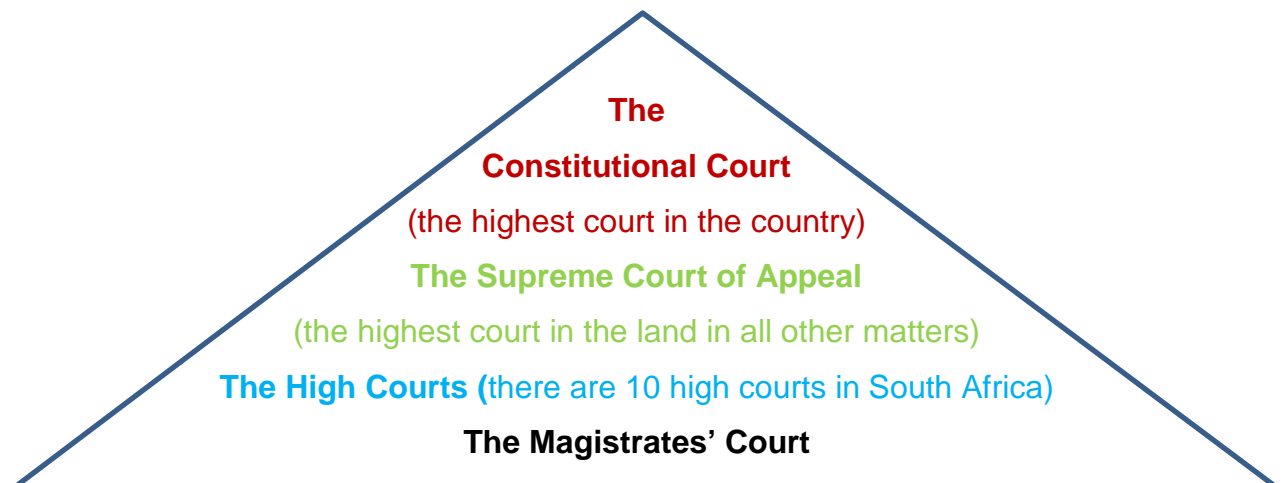
Almost half of the cabinet announced in 2010 consisted of women. This makes SA one of the leading countries in the world in gender equality in government.

## The justice system and equality under the law

The role of the judiciary is to decide on fair consequence and judge people or situations when the law has been broken. This might say that a company must take certain actions according to the law or may mean sending a person to jail.

The justice system consists of the following: **Law courts** and **The judges**

In South Africa, there are four different levels of courts. Look at the following diagram that shows you these four levels:



One of the most important rights that the Constitution guarantees is that all people are equal before the law. This means that the court will judge you the same way as any other person no matter who you are. Even the president or the richest person in the country will be judged by the courts as if they are an ordinary person if they do not obey the law.

### **Activity 3: Discuss equality before the law and take notes (class)**

Why is equality before the law such an important part of democracy?

Discuss the question as a class. Take notes of some of the most important points in your workbooks during the discussion.

## **The rights and responsibilities of citizens in a democracy**

The rights that all people have everywhere are called human rights. It does not matter what your skin colour, how old you are, how much money you have or what your religion is. Every person has these rights. The Bill of Rights is a part of our constitution. The Bill of Rights protects our democracy as well the rights of people in this country. The following are some of the main points in South Africa's Bill of Rights:

- **Everyone has equal rights.**
- **Everyone has the right to freedom and security.**
- **Everyone has freedom of religion, belief, thought and opinion.**
- **Everyone has the right to vote for the person of their choice.**
- **Everyone has the right to be a citizen.**
- **Everyone has the right to choose what work they want to do.**
- **Everyone has the right to a clean and healthy environment.**
- **Everyone has the right to housing, healthcare, food and water.**
- **Children have special rights.**
- **Everyone has the right to education.**
- **Everyone has the right to use the language of their choice.**
- **No one has the right to interfere with other people's rights.**

**Activity 4**

All the rights contained in the Bill of Rights are important. However, you may think that some are more important than others.

1. In groups, choose the four rights that you think are the most important.
2. Make a note of these rights and briefly state why you think these are important to you.

Rights can also be limited. This means that they are restricted. For example, you have the right to freedom of expression in this country. You can say what you feel and you can speak freely, but that does not mean that you can harm other people by what you are saying.

When someone else is harmed by what a person said, it is called hate speech. Our country does not allow the use of hate speech. The reason for this is because it may violate their right to life and their right to dignity. Rights come with responsibility and our rights cannot prevent someone else from experiencing their rights.

**Case study: Fatima Meer – a leader in building democracy**

There are many people in our country that stood up and fought for democracy during apartheid. Fatima Meer, is one of those people. She was a human rights activist, a writer and a political leader.

Fatima Meer was born in Durban, in 1928. Her father was widely respected for his religious knowledge and he passed on his beliefs of religious tolerance. Fatima Meer started working for the family owned newspaper, *The Indian View*, on a part-time basis, when she was still in school. She was lucky to receive an excellent education and attended university. This was quite an achievement in her time as very few Muslim girls attended high school and an even smaller number of Indian women went on to graduate from university.

Fatima went on to become very involved in the fight against racial and gender discrimination during the time of the apartheid government. Here is a summary of her main activities:

- She became involved in the Passive Resistance campaign while she was still in high school.

- She participated in the Defiance Campaign in 1952. The government banned her for three years which meant she could not publish any of her writing or attend any public gatherings.
- She was the founding member of the Federation of South African Women, in 1955. This organisation marched to the Union Buildings in Pretoria on the 9 August, 1956 in the famous anti-pass march. This march is still remembered today as it is a public holiday, Women's Day.
- At the University of Natal, Fatima became the first black appointed lecturer at a white university, in 1956.
- She continued to organise and participate in demonstrations against the government in the 1960s.
- She was imprisoned for 6 months and banned for again for a further five years in the 1970s.
- Her house was petrol bombed in 1976 when someone tried to have her killed.
- Fatima opened high schools for black students and sent black students to India to study as she focused mainly on education in the 1980s.
- In 1994, when the new, democratic government was formed, Fatima Meer was asked to be a Member of Parliament for the African National Congress. She refused as she did not want only to be involved in government affairs. She continued to work for women's rights and justice for all, right up to her death in 2010.



Fatima Meer was a true leader in building democracy in this country.

Fatima Meer with President Nelson Mandela



## The Constitutional Court

The Constitutional Court is the most powerful court in South Africa. In 1995, President Nelson Mandela opened the Court. The main role of the Constitutional Court is to protect the human rights contained in the Bill of Rights and our countries Constitution. Anyone can sit and listen to what is being said as the Court's hearings are open to the public.

The front of the court has the words "Constitutional Court" written in all 11 official languages of South Africa.



The door of the Constitutional Court has the Bill of Rights carved into it. This is so that people who are blind can "feel" their rights.



The logo of the Constitutional Court shows justice taking place under a tree, as this is where people traditionally would meet to resolve disputes in African societies.



The issue of the death penalty was the first case brought before the Constitutional Court. If the criminal's crime was of a very serious nature, they could be put to death by hanging in South Africa, before 1994. The Constitutional Court ruled that the death penalty was unconstitutional; as a result, the death penalty no longer exists in South Africa.



Other famous rulings by the Constitutional Court include:

- Corporal punishment is illegal.
- The right to healthcare and access to HIV/AIDS treatment.

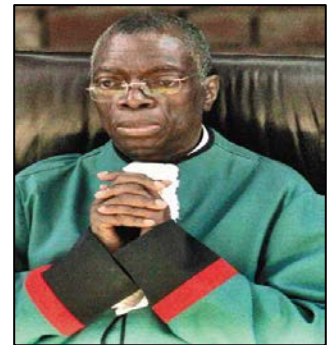
- The right of prisoners to vote.
- The right for a person not to be discriminated against by their employer because of their HIV status.
- The right for same – sex couples to get married.

## Case Study: Pius Langa

### Chief Justice and Head of the Constitutional Court 2005-2009

In the Constitutional Court, there are 11 judges who represent the interests of all the people of South Africa. The Chief Justice leads these judges.

Chief Justice Pius Langa was the head of the Constitutional Court from 2005 to 2009. Pius Langa was one of the first judges to be appointed to the Constitutional Court. He stood up against injustice and fought for the rights of all South Africans as a young lawyer and this earned him a good reputation. As the head of the Constitutional Court, he continued to play his role as a judge. For his contribution in upholding human rights and justice in this country, Pius Langa has received numerous awards.



The highest honour given to him was the Order of the Supreme Counsellor of the Baobab: Gold. President Thabo Mbeki, gave him this award in 2008.

#### **Activity 5: Discuss rulings by the Constitutional Court (groups)**

Look at the list of the rulings made by the Constitutional Court and discuss these in your groups.

- Does anyone disagree with any of the rulings of Constitutional Court? What arguments could you use to try and change their mind about these rulings?
- Which one do you think is the most important issue? Why do you think this?
- Does everyone in your group agree with you? Why do you think this is so?

## Children's rights and responsibilities

In any society, it is very important that children are protected and cared for. Children are vulnerable members of society. South Africa's Bill of Rights states that children have special rights which include the right to "special care and assistance".

The United Nations drew up the Convention of the Rights of the Child so South Africa is not alone in recognising that children's rights must be protected. South Africa and a further 191 countries have signed this document.



How are the rights of these children not being upheld?

### Children's Charter of South Africa

A special summit was held in Cape Town in 1992. This summit was attended by over 200 children between the ages of 12 and 17. As children in South Africa, they discussed the problems they faced.

The Children's Charter of South Africa was drawn up at the end of the summit. "Children will no longer remain silent about their rights, but will speak out and even shout out their needs and demands".

- All children have the right to a name.
- All children have the right to a place to live.
- Children should be able to grow up with love, affection and security.
- Children should not be made to work before a certain age.
- Children should be beaten or abused.
- All children should be cared for when sick.
- Handicapped children have the right to special treatment and education.
- Children should not be used as soldiers in times of war.
- All children have the right to free education.
- Children should not be arrested and put in jail.
- All children have the right to enough food to eat.

## National Symbols since 1994

In South Africa, we have a diverse number of people and cultures, but we are all South African. National symbols such as a national flag, an anthem and a coat of arms unite the people of a country and make them proud to be a part of that country and all its achievements.

### The South African Coat of Arms

The most important symbol of the state is the Coat of arms. It is stamped on several of important documents which include: your birth certificate; death certificate, school and marriage certificates. It can be seen on one side of the coins in our country. When it is stamped on important documents, it shows The State's authority and approval.

On Freedom Day, the 27<sup>th</sup> of April 2000, South Africa got a new coat of arms. It replaced the old coat old arms which had been used since 1910. This new coat of arms represents the change in South Africa to a democracy. The words written in the Khoisan language on



the new coat of arms is South Africa's motto. The motto means Unity in Diversity. The other symbols also have deeper meanings.



The South African coat of arms

#### Activity 6: Study the symbols of the coat of arms (pairs)

1. See if you can find the following symbols in the coat of arms:

- Wheat (symbol of growth and development)
- Elephants (strength, wisdom, moderation and eternity)
- Shield (spiritual defence and national identity)
- Figures greeting each other (symbolising unit)
- Spear and knobkerrie (symbols of defence, authority, power and because they are lying down, peace)
- Protea (emblem of our land's beauty and the flowering of our land's potential)
- Secretary bird (a protector, a messenger of the heavens and of power)
- Sun (rebirth and a symbol of the source of light)

2. What do you think the motto, *Unity in Diversity*, means?

3. Discuss, with your partner, what image of South Africa is created by its coat of arms.

## The National Flag

When South Africa became a democracy in 1994, not only did it need a new coat of arms, it also needed a new flag. The old flag represented discrimination and injustice for many people and was a part of the apartheid government. On April 27<sup>th</sup> 1994, the new flag was used on the first day of the democratic elections. South Africans have embraced this new flag with its vibrant colours. It has helped to unite South Africans all across the country, especially during events such as the Rugby World Cup held in 1995.



What do you think about our national flag?  
Does it help to unite people?

In order to answer these questions two questions, conduct a survey as follows: Ask 8 to 10 people what they think of our national flag. (Make sure that you ask people of different ages and professions). Use the table below to help record their responses.

Question	Yes	No
1. Do you think that South Africa needed to have a new flag after apartheid ended?		
2. Do you like South Africa's national flag?		
3. Do you know what South Africa's flag looks like?		
4. Do you own a South African flag, or any objects such as an item of clothing that has the South African flag on it?		
5. Do you think the national flag plays an important role at international sporting events?		
6. Do you think that the South African flag helps to unify the people of the country?		

## The National Anthem

After South Africa became a democracy in 1994, it also needed a new national anthem. A national anthem is a song that represents the country and its traditions and history. The new anthem is made up of two different anthems and is sung in five different languages.

Enoch Sontonga composed “Nkosi Sikelel iAfrika” in 1897. For many years, during apartheid, it was seen as the unofficial anthem of South Africa. It was written as a hymn that is sung in isiXhosa, isiZulu and Sesotho.

The second part of the new anthem, “Die Stem van Suid Afrika” was the official anthem of South Africa before 1994. In today’s anthem the one verse is sung in Afrikaans and the last verse is sung in English.

Here are the words of our national anthem, with the translation in English alongside:

Anthem	Translation
<p>Nkosi sikelel iAfrika            Maluphakanyisw' uphondo lwayo,            Yizwa imithandazo yethu            Nkosi sikelela, thina lusapholwayo.</p>	<p>Lord bless Africa            May her spirit rise up high            Hear thou our prayers            Lord bless us.</p>
<p>Morena boloka setjhaba sa heso,            O fedisedintwa le matshwenyeho,            O se boloke, O se boloke setjhaba            Sa heso,            Setjhaba sa South Afrika – South Afrika</p>	<p>Lord bless Africa            Banish wars and strife            Lord, bless our nation            Of South Africa.</p>
<p>Uit die blou van onse hemel,            Uit die diepte van ons see,            Oor ons ewige gebergtes,            Waar die kranse antwoord gee,            Sounds the call to come together,            And united we shall stand,            Let us live and strive for freedom,            In South Africa our land.</p>	<p>Ring out from our blue heavens            From our deep blue seas breaking            Round            Over everlasting mountains            Where the echoing crags resound.</p>

Bibliography: K Angier, D Carr, J Cockburn, J Wallace – Our World, Our society Grade 6