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Youth

Discussion 1

Mr Makhasi wants his daughter, Lindiwe, to take Woodwork as a Matric subject in the government school she attends. She is the only girl in her school who has applied to take Woodwork. She is also very keen. The principal of the school refuses her permission. He says she will not cope with the heavy industrial machinery and that she will be unhappy because the boys will harass her. He says he has the school's Governing Body on his side.

- ◆ How can Mr Makhasi and Lindiwe take this issue up in terms of the Constitution?
- ◆ How would you handle the situation if you were the father and daughter?

Youth

Discussion 2

James and Ellen have been going out for three years. They are both in their early twenties. They have discussed the issue and decided they want to start having sex. But they want to know all about the different types of contraception before they take this step. They go to the local clinic and ask for advice. The clinic sister there tells them she doesn't have time for long discussions and all she can offer is the Injection. Besides which, she says with some disgust in her voice, they should get married before they start thinking of having sex. They leave, most unhappy with the situation.

- ◆ What does the Constitution have to say about this case?
- ◆ What action do you think James and Ellen can take?
- ◆ What case do you think the Health Department might argue?

Youth

Discussion 3

Phumzile and Johannes started going out with each other as girlfriend and boyfriend about six months ago. They are school-going students - she is in Standard 8 and he in Matric this year. Recently Johannes saw Phumzile talking to another young man (who turned out to be her cousin). When Johannes got to be with her on his own, he started slapping her around. He told her that she belongs to him and that he is not going to have her talking to strange men. Phumzile felt shocked, scared and humiliated. Furthermore, Johannes told her, it was time they started having sex. If she really loves him - and now he needs this proof from her - she would sleep with him. This is not what Phumzile wants at all. She discusses her problem with other school friends.

- ◆ Is this a common problem facing young women in schools?
- ◆ Does Johannes have a right to decide who Phumzile can talk to?
- ◆ Does Johannes have a right to demand that Phumzile sleep with him?
- ◆ Does any part or parts of the Constitution protect Phumzile? If so, which?
- ◆ What do you think Phumzile, as an individual, should do?
- ◆ What do you think Phumzile together with her school friends should do?

Workplace

Discussion 1

A woman, Ms Dhlomo is working for a small company in Umtata. She is pregnant. She meets with her boss to find out what maternity leave she can expect from the company. He laughs at her. He says that the new Constitution says everybody is equal before the law and since men do not get maternity leave he does not have to grant his women workers maternity leave either. "You wanted equality with men and now you've got it!" he tells her.

- ◆ You are a worker representative at this company. How do you take the issue up?
- ◆ What law do you think there should be concerning this kind of case?

Workplace

Discussion 2

The government department Ms Mali works for is introducing a special training programme for its workers. The only problem is that the training is to be from 5pm to 6.30pm every night for a month. The union has agreed to this arrangement, without fully consulting its members. Ms Mali cannot stay for this training because she has to pick up her child from crèche by 5.30pm every day. She does not have anybody who can do this for her. She does not wish to miss out on this training opportunity. None of her male co-workers face the same problem as they do not take on the same responsibility for seeing to the children and housework in their families.

- ◆ Does the Constitution protect Ms Mali in any way? If so, how?
- ◆ What action do you suggest she takes?

Workplace

Discussion 3

Jane Smith is a worker at a factory in Port Elizabeth. She is a single mother. She has been raped by an unknown man. She charges him with rape through the court system. In the court proceedings, amongst other questions, she is asked what she was wearing at the time of the rape as well as whether she had a boyfriend. Later, the magistrate serves a light sentence on the rapist, declaring that since the woman was “experienced” the rape could not have been too horrible for her. Jane’s co-workers, particularly the women, are horrified by the outcome of the trial and want to do something about it.

- ◆ What section of the Constitution could the woman call on if she wished to challenge the judgment?
- ◆ Do you agree with the magistrate’s judgment?
- ◆ If you disagree with the magistrate’s judgment and his attitude, do you think this should be taken up further? If so how?
- ◆ In what way can the union, of which Jane Smith is a member, take up this issue?

Urban Civics

Discussion 1

A single mother, Ms Smith, was raped by an unknown man. She charged him with rape through the court system. One of the questions she was asked in the court proceedings, was what she was wearing at the time of the rape. She was also asked if she had a boyfriend. The magistrate served a light sentence on the rapist, saying that since the woman was “experienced” the rape could not have been too horrible for her.

- ◆ Were the magistrate’s questions fair and relevant to the case?
- ◆ What can Ms Smith do if she wants to challenge the judgment?
- ◆ If you disagree with the magistrate’s judgment and his attitude, do you think this should be taken up further? If so how?

- ◆ .

Urban Civics

Discussion 2

There is an active civic in your community. Meetings are generally held at 18h00 on weekday nights. Because women are traditionally expected to see to children and have meals ready for families by that time, many women are unable to attend. Some women also worry about walking or catching taxis home after dark. Some others also complain that when they do manage to get to the meetings their issues and grievances are not taken seriously. Yet others say they face angry and abusive male partners for even attending meetings and not being at home. Now negotiations over township upgrading is taking place between the civic and local government. Women are being left out. They want to start their own women's civic as a result of this. The men oppose this development, saying women have no need to meet on their own as men are quite capable of taking up all community issues.

- ◆ What do you think of what the men have to say about the women wanting to set up their own civic?
- ◆ How do you think the civic should resolve the problem facing it?
- ◆ Does the Constitution offer any principles by which to go by in this case study?

- ◆ .

Urban Civics

Discussion 3

Mr and Ms Olifants have been married for eight years. They have three children. Ms Olifants' nights have turned to horror because her husband insists on having sex with her even when she does not wish to. Recently, against her will, he has been forcing her to have sex with him, saying he married her, he bought her a diamond engagement ring and a wedding ring, and now it is her duty to have sex with him when he pleases.

- ◆ What are Ms Olifants' rights in terms of the new Constitution?
- ◆ What do you think she should do?
- ◆ What law do you think there should be concerning this kind of case?

Rural Organisations

Discussion 1

Ms Thandi Tshabalala is a married woman living in a rural village outside Babanango, in KwaZulu-Natal. She is married according to customary law. For many years Ms Tshabalala has requested that the chief in her area grant her a piece of land of her own to cultivate. During all those years, men both younger and older than her, including her husband who has two other wives, have been granted such land. But no women have obtained land. She remains without land in her name, and her unmarried sister, Ms Phumelele Mtshali, has also had the same struggle.

- ◆ Should Ms Tshabalala's case be treated any differently to Ms Mtshali's?
- ◆ Does the Constitution protect Ms Tshabalala and Ms Mtshali in any way?
- ◆ What law do you think there should be for Ms Tshabalala and Ms Mtshali?

Rural Organisations

Discussion 2

Lindi Kgoali is a member of her local agricultural organisation. Ms Kgoali and other women find that the men do not take the ideas and problems raised by the women seriously. Ms Kgoali, together with other women have decided they want to set up a separate organisation of women, so they can start organising for women and have more of a voice in the community. The chairperson of the Agricultural Union is a man. The Chairperson and other male members of the organisation refuse to give the women permission to set up their own organisation.

- ◆ Under the new Constitution do they have the right to set up their own organisation?
- ◆ Do the men have a right to prevent the women from setting up their own organisation?
- ◆ What do you think the women should do in order to set up their own organisation?

Rural Organisations

Discussion 3

Jannie Olifants is a married man. He has been married to Mary for seven years. They live in a village outside E'Thembeni in the Northern Cape. Jannie took to beating his wife during her first pregnancy, five years ago. She has suffered one miscarriage due to beatings since then. Everyone in the village has noticed that her face and body is often covered with bruises. Her neighbours sometimes hear her screams for help in the evenings while the beatings go on. Mary is not the only woman in the village who faces this problem with her partner. But when they try to raise their issues they are told never to leave their husbands and that this is part of what married life is all about for women. Some concerned villagers from the local women's group want to do something about this problem, but don't know quite what.

- ◆ Should domestic violence be treated differently whether a couple are married or not?
- ◆ What does the Constitution have to say about domestic violence like this?
- ◆ What do you think Mary and other women faced with domestic violence should do?
- ◆ What do you think the local women's group should do?

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