

STREET LAW WORKSHOP

12 APRIL 2013, DURBAN, SOUTH AFRICA

DRAFT PROGRAMME

WORKSHOP OUTCOMES

AT THE END OF THIS WORKSHOP YOU WILL:

1. BE ABLE TO DESCRIBE WHAT IS MEANT BY STREET LAW AND HOW IT CAN BE USED TO TEACH ABOUT LAW AND HUMAN RIGHTS
2. APPRECIATE THE IMPORTANCE OF USING INTERACTIVE TEACHING AND LEARNING METHODS WHEN TEACHING ABOUT LAW AND HUMAN RIGHTS
3. PREPARE A STREET LAW LESSON
4. TEACH A STREET LAW LESSON

PROGRAMME

09H00-09H15	INTRODUCTION TO STREET LAW
09H15-09H30	FOCUSER: WHAT DID YOU DO THIS MORNING?
09H30-09H45	INTERACTIVE TEACHING METHODS
09H45-10H00	THE PEN GAME
09H45-10H30	TRIADS: THE CASE OF THE KIDNEY PATIENT
10H30-10H45	TEA
10H45-11H00	STREET LAW LESSON PLANS
11H00-13H00	LESSON PREPARATION
13H00-13H30	LUNCH
13H30-14H00	GROUP 1: LESSON PRESENTATION
14H00-14H15	LESSON DEBRIEF
14H15-14H45	GROUP 2: LESSON PRESENTATION
14H45-15H00	LESSON DEBRIEF
15H00-15H15	TEA

15H15-15H45	GROUP 3: LESSON PRESENTATION
15H45-16H00	LESSON DEBRIEF
16H00-16H30	GROUP 4: LESSON PRESENTATION
16H30-16H45	LESSON DEBRIEF
16H45-17H00	DISCUSSION
17H00	CLOSURE

PROGRAMME MATERIALS

1. FOCUSER: WHAT DID YOU DO THIS MORNING?

THE PURPOSE OF THIS ACTIVITY IS TO SHOW HOW THE LAW AFFECTS EVERY ASPECT OF OUR DAILY LIVES.

TIME FRAMES:

INDIVIDUAL WORK: 2 MIN

QUESTION AND ANSWER: 10 MIN

DISCUSSION AND SUMMARY: 3 MIN

TOTAL: 15 MIN

PROCEDURE:

1. ASK LEARNERS TO WRITE DOWN THE FIRST ACTIVITY THEY DID IN THE MORNING.
2. ASK THEM TO SHARE THEIR ANSWERS.
3. ASK LEARNERS IF THEY THINK THAT THERE IS ANY LAW AFFECTING THE ACTIVITY, IF SO WHICH?
4. ASK THEM THE REASON FOR THE LAW.
5. ASK THEM IF THE LAW SHOULD BE CHANGED.
6. GENERAL DISCUSSION AND SUMMARY.

NOTE: INSTEAD OF USING THE PROCEDURE MENTIONED IN THE BOX, THE EDUCATOR COULD SHOW THE LEARNERS A PHOTOGRAPH OR PICTURE (EG, OF A BUSY STREET SCENE) AND ASK THEM TO POINT OUT EVERYTHING THAT THEY THINK IS LAW RELATED.

2. TRIADS: THE CASE OF THE KIDNEY PATIENT WHO IS REFUSED DIALYSIS

Soobramoney suffers from a serious kidney disease which requires regular kidney dialysis treatment for his survival. If he is not given treatment he will die. Soobramoney cannot afford treatment from private clinics and approaches a state hospital for dialysis treatment. The hospital refuses to treat him because dialysis treatment is very expensive and it has limited resources to provide such treatment. The hospital says that he does not meet its criteria for treatment.

The hospital only has a limited number of kidney dialysis machines. The hospital's policy states that patients suffering from irreversible chronic kidney disease will only qualify for dialysis if the patient is a good candidate for a kidney transplant. However, in order to be eligible for a transplant the patient must not have other significant diseases. Unfortunately Soobramoney suffers from other significant diseases.

Soobramoney brings an urgent application in the High Court for an order directing the hospital to provide dialysis treatment for him. He bases his application on three provisions of the Bill of Rights:

Article 11	Everyone has the right to life.
Article 27(1)(a)	Everyone has the right to health care services, within the available resources of the state.
Article 27(3)	No one may be refused emergency medical treatment.

The State opposes Soobramoney's application on the grounds of three provisions of the Bill of Rights:

Article 27(1)(a)	As set out above.
Article 27(3)	As set out above.
Article 36(1)	Any right in the Bill of Rights may be limited if the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.

The hospital also argues that Soobramoney's case does not qualify as 'emergency' medical treatment.

Questions

1. If you were the lawyers for Soobramoney what arguments would you make?
2. If you were the lawyers for the hospital what arguments would you make?
3. If you were the judges what would your decision be?

LESSON PLAN: THE CASE OF THE KIDNEY PATIENT

1. TOPIC: SOCIO-ECONOMIC RIGHTS: ACCESS TO HEALTH CARE - THE CASE OF THE KIDNEY PATIENT.
2. OUTCOMES: AT THE END OF THIS LESSON STUDENTS WILL:
 - 2.1 BE ABLE TO EXPLAIN WHY IT MAY BE DIFFICULT FOR CITIZENS TO ENFORCE SOCIO-ECONOMIC RIGHTS IN A COUNTRY WITH SCARCE RESOURCES.
 - 2.2 HAVE PARTICIPATED IN A CASE STUDY AND OBSERVED OR EXPERIENCED HOW LAWYERS CONSTRUCT AND PRESENT ARGUMENTS.
 - 2.3 HAVE PARTICIPATED IN A CASE STUDY AND OBSERVED OR EXPERIENCED HOW JUDGES MAKE THEIR DECISIONS.
 - 2.4 BE ABLE TO EXPLAIN HOW ARGUMENTS ARE PRESENTED IN A COURT OF LAW.
3. CONTENT: RESEARCH *SOOBAMONEY V MINISTER OF HEALTH, KWAZULU-NATAL* CONSTITUTIONAL COURT JUDGMENT
4. ACTIVITIES:
 - 4.1 INSTRUCTOR TO INTRODUCE FACTS OF *SOOBAMONEY V MINISTER OF HEALTH, KWAZULU-NATAL* AND ENSURE THAT EVERYONE UNDERSTANDS THEM (5 MINUTES).
 - 4.2 DIVIDE THE PARTICIPANTS INTO THREE LARGE GROUPS: ONE TO ACT AS LAWYERS FOR THE APPLICANT; ONE TO ACT AS LAWYERS FOR THE STATE; AND ONE TO ACT AS THE JUDGES (2 MINUTES).
 - 4.3 PARTICIPANTS IN LARGE GROUPS TO BE SUBDIVIDED INTO SMALLER GROUPS OF NOT MORE THAN FIVE PER GROUP (2 MINUTES).
 - 4.4 SMALL GROUPS TO PREPARE ARGUMENTS FOR THEIR SIDE OF THE CASE. THE JUDGES WILL CONSIDER POSSIBLE JUDGEMENTS BUT WILL HAVE TO LISTEN TO THE ARGUMENTS BEFORE PASSING A JUDGEMENT (10 MINUTES).
 - 4.5 GROUPS DIVIDED INTO TRIADS: SET UP GROUPS OF THREE IN MINI-COURTS WITH A LAWYER FOR THE APPLICANT, A LAWYER FOR THE STATE, AND A JUDGE IN EACH (1 MINUTE) .
 - 4.6 JUDGES CONDUCT MINI-COURTS IN TRIADS (5 MINUTES FOR LAWYERS FOR APPLICANT, 5 MINUTES FOR LAWYERS FOR THE STATE, 1 MINUTE REPLY BY LAWYERS FOR APPLICANT; FOUR MINUTES FOR JUDGES TO GIVE JUDGMENTS (15 MINUTES).
 - 4.7 JUDGES REPORT BACK ON THEIR DECISIONS (10 MINUTES).
 - 4.8 DEBRIEF THE LESSON BY ASKING THE PARTICIPANTS WHAT THEY THOUGHT OF THE JUDGEMENTS AND WHAT THEY EXPERIENCED IN THEIR DIFFERENT ROLES (10 MINUTES).
5. RESOURCES: PHOTOCOPY OF *SOOBAMONEY V MINISTER OF HEALTH, KWAZULU-NATAL*
6. CHECKLIST: QUESTIONS AND ANSWERS