

2/4/5/2/15

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 5

JUDICIARY AND LEGAL SYSTEMS

8th May 1995

ROOM V227

DOCUMENTATION

Entire document embargoed until 08h30 on 08/5/95

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 5 JUDICIARY AND LEGAL SYSTEMS

Please note that a meeting of the above Committee will be held as indicated below:

Date: 8th May 1995

Time: 8h30

Venue: Room V227

AGENDA

1. Opening and Welcome
2. Address by Mr R Choudree
- Traditional Courts and Customary Law
3. Discussion (Clarification and Questions)

Theme Committee 5 meeting will follow immediately after the above inputs:

AGENDA

1. Opening
2. Core Group Report
3. General
4. Closure

H. Ebrahim
Executive Director
Constitutional Assembly

Enquiries: Noël Taft

Tel: 245031 ext 2278 / Page 4685050
Code 4714

To: Theme Committee 5 Members
From: Core Group
Date: 3 May 1995
Re: Report on WAY FORWARD

PUBLIC HEARINGS

- 8th May - Address by R Choudree (Lecturer of Durban-Westville)
(Traditional Courts and Customary Law)
- 12th/13th May - Traditional Leaders Workshop (Programme attached)
- 22nd May - Address by Prof Van Zyl Smit (Dean of UCT Law Faculty)
- Address by Gen H Bruyn (Commissioner of Correctional Services)
 - Address by Society of State Advocates MC Human

Deadline for Party Submissions

- Block 5 - 8th May 1995
- Block 6 - 20 - 25th May 1995

CPM's

Memo from Community Liaison is attached. Parties must forward names of participants. Maximum of 7 members per Theme Committee.

Drafting of Reports

The Ad hoc Committee on Traditional Authorities and Customary Law have been requested by Secretariat to prepare Report on how Traditional Courts and Customary Law should be dealt with in the constitution.

A similar request has been made to Mr R Choudree who will address us on 8th May 1995.

A request has also been made to Prof Van Zyl Smit and Gen H Bruyn to address us on 22 May 1995 and deal specifically with how issue of Correctional Services could be dealt with in the constitution.

CONSTITUTIONAL ASSEMBLY

PUBLIC HEARING

TRADITIONAL AUTHORITIES AND CUSTOMARY LAW AND PRACTICES

OLD ASSEMBLY CHAMBER, PARLIAMENT, CAPE TOWN

FRIDAY & SATURDAY, 12 & 13 MAY 1995

FRIDAY, 12 MAY 1995

14H15 - 15H00	Arrival and Registration Tea / Coffee	
15H00 - 15H15	Welcome	<i>Prof Bonganjalo Goba MPD National Director</i>
15H15 - 15H30	Opening Address	<i>Hon Mr Cyril Ramaphosa Chairperson of the Constitutional Assembly</i>

SESSION ONE

Chair : Senator Bulelani Ngcuka

Constitutional Issue : Traditional Courts & Customary Law/Practices

15H30 - 15H45	Traditional Courts	<i>Mr Rajesh Chowdree</i>
15H45 - 16H00	Customary Law/Practices	<i>Prof Digby S Kayana</i>
16H00 - 16H45	Plenary Discussion	
16H45 - 17H00	Tea/Coffee	

SESSION TWO

Chair : Mr Sheppard Mdladlana, MP

Constitutional Issue : Customary Law and the Bill of Rights

17H00 - 17H15	Customary Law & Human Rights	<i>Prof B Fikile Ndaki</i>
17H15 - 18H00	Plenary Discussion	
18H00 - 18H15	Technical Adviser's Summary (Session 1 & 2)	<i>Ms Thuli Madonsela</i>
18H15 - 18H30	Announcement of Arrangements for Accommodation	
18H30 - 20H00	Dinner at Parliament	
20H15	Transport from Parliament to hotels	



CONSTITUTIONAL ASSEMBLY

MEMORANDUM

FROM: Hassen Ebrahim
TO: The Members of Theme Committees
DATE: 3 May 1995
SUBJECT: Public Hearings

This is to serve as a reminder and an invitation to the Public Hearings that will take place over the next few weeks with various sectors.

The following is a list of the dates and venues for the Sector Hearings. The names of those people attending must be forwarded to the Theme Committee Secretaries of the respective Theme Committees by the date specified.

Please take note of the allocation per Theme Committee for the respective Public Hearings. Please inform your managing secretaries if these allocations are not adequate.

<u>SECTOR</u>	<u>DATE</u>	<u>VENUE</u>	<u>RSVP DEADLINE</u>
Business	8 May	Old Assembly Chamber	5 May - 1pm
**Children's Rights	13 May	HSRC - Pretoria	8 May - 1pm
Traditional Authorities	12/13 May	Old Assembly Chamber	8 May - 1pm

- * Please see attached agendas for the above Hearings.
- ** Travel details would also need to be given to Managing Secretaries with regard to the Children's Rights Public Hearing.

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Now have your say

THE NEW CONSTITUTION

ALLOCATION OF PEOPLE PER THEME COMMITTEE

<u>SECTOR</u>	<u>THEME COMMITTEE</u>	<u>ALLOCATION</u>
Business	All	3 people per committee
Traditional Authorities	1	1 person
	2	4 people
	3	1 person
	4	3 people
	5	4 people
	6	2 people
Children's Rights	1	1 person
	2	1 person
	3	1 person
	4	10 people
	5	1 person
	6	1 person

Detailed programmes and agendas for the Public Hearings for Religious Groups, Youth, Women and Labour will be forwarded to you by the week of the 14th of May 1995.

Ref.b:\memnvn3.5a

CA NATIONAL CHILDREN'S RIGHTS PUBLIC HEARING

PROGRAMME : SAT 13 MAY 1995

- 08:00 - 09:00 Registration
Tea/Coffee
- Video on Children's Rights
- 09:00 - 09:15 WELCOME : Need to find speaker (TC4)
- 09:15 - 09:30 KEY NOTE : Ms Shirley Mabusela NCRC
- 09:30 - 09:45 The Right to be heard: Mr Johnnie Dhlabu
- How these rights to survival, protection and development should apply to children with particular reference to children in difficult circumstances: children affected by violence, disability, special educational needs, early childhood development, children exploited for their labour etc. (15 min)
- 09:45 - 10:00 PROGRAMME ARRANGEMENTS Chairperson (TC4)
- 10:00 - 10:15 Tea/Coffee
- 10:15 - 10:45 PANEL 1 : THE RIGHT TO SURVIVAL Chairperson (TC4)
- The right to health and the right to a healthy environment (15 min) : Prof H.M. Coovadia
 - The right to social security and the right to family life (15 min) : Ms Jackie Loffell (Child Welfare) (JHB)
- 10:45 - 11:15 OPEN DISCUSSION
- 11:15 - 11:45 PANEL 2 : THE RIGHT TO PROTECTION Chairperson (TC4)
- Equality and minority (10 min) : Ms Pansy Tlakula (JHB) (Black Lawyers Assoc)
 - Freedom and security (10 min) : Ms Ann Skelton (Lawyers for Human Rights) (Pietermaritzburg)
 - Freedom from abuse and neglect (10 min) : Ms Rose September (CT) (Child Guidance UWC)

11:45 - 12:15	OPEN DISCUSSION	
12:15 - 13:15	Lunch	
13:15 - 14:00	<u>PANEL 3 : RIGHT TO DEVELOPMENT</u>	Mr Jabu Sindane (Chairperson HSRC) (PTA)
	- The right to language, : culture and recreation (15 min)	Dr Temba Sono (Centre for Development Analysis) (PTA)
	- The right to education : (15 min)	Ms Shireen Motala (Durban)
	- The right to freedom : of religion, belief and opinion (15 min)	Bishop Peter Storey
14:00 - 14:30	OPEN DISCUSSION	
14:30 - 14:45	Tea/Coffee	
14:45 - 15:15	SUMMARY OF PROCEEDINGS	Chairperson (TC4)
15:15 - 15:30	Thanks and closure	(Theme Committee Person)