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CONSTITUTIONAL ASSEMBLY

**CORE GROUP
THEME COMMITTEE 4**

FUNDAMENTAL RIGHTS

24 January 1994⁵

Room E 443

DOCUMENTATION

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 4 CORE GROUP MEETING

FUNDAMENTAL RIGHTS

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

Date : Tuesday, 24 January 1995
Time : 08h00 - 12h00
Venue : Room E-443

AGENDA

1. Opening
2. Briefing from Chairpersons
3. Workplan
 - 3.1 Theme Committee Work Plan
 - 3.2 Schedule of Meetings for First Block and Planning
4. Technical Committees
5. Community Liaison
6. Submissions
7. Preparation for Theme Committee Meeting of 25 January 1995
8. General
9. Closure

****** *Members are reminded to bring copies of the Constitution and Standing Rules for the Constitutional Assembly to the meeting.*

H Ebrahim
Executive Director

Constitutional Assembly

Enquiries : John Tsalamandris and Zuleiga Adams
CA 208
Tel : 403 2266

CONSTITUTIONAL ASSEMBLY

**MINUTES OF
MEETING OF**

**THEME COMMITTEE 4
FUNDAMENTAL RIGHTS**

MONDAY 14 NOVEMBER 1994 (AT 10h00)

PRESENT

Mdladlana MMS (Chairperson)

Asmal AK
Bakker D
Chalmers J
Coleman M
Dlamini B
Green LM
Jooste JA
Kgoali JL
Lubidla EN
Mabandla BS
Mashamba TGG
Mfebe MW (alt)
Mncwango MA
Molekane RS
Mulder CP

Myakayaka-Manzini YL
Myburgh GB
Pandor GNM
Phenethi MM (alt)
Radue RJ
Rasmeni S
Rhoda RT
Saloojee E
Selebi JS (alt)
Skosana A
Surty ME (alt)
Tyobeka VM
Van Eck J
Vos S
Werth CH

Apologies : Leon AJ, Camerer SM

John Tsalamandris and Zuleiga Adams were present.

1. OPENING

1.1 The meeting was opened by Mr Mdladlana.

2. MINUTES

2.1 The minutes of the Theme Committee meeting of 7 November 1994 were accepted with one correction. Minister Asmal who was noted as absent, did register an apology for the meeting.

3. CORE GROUP REPORT

3.1 The minutes of the Core Group meeting of 9 November 1994 were adopted.

4. DEVELOPING A WORK PROGRAMME

4.1 Mr Mdladlana spoke to the document entitled "*Work Programme of Theme Committee 4 - Fundamental Rights*" included in the documentation.

4.2 The meeting agreed on the following changes to the document:

- i) The addition of the topics *women and gender* to the issues under Chapter 3 on page 10.

- iii) The addition to the issues on page 10 -that need review or are relevant- of :
 - *Obligations, rights and duties*
 - *The nature of the Bill of Rights*
 - *Rights of detained and \ or arrested people*
 - *Relationship between the Bill of Rights and Customary\Traditional and Muslim law*
 - *Group\ Minority\ Collective Rights*
 - *Relationship between Charters of Rights and the Bill of Rights*
 - *Legal application of Social and Economic rights*

4.3 In identifying the issues that need to be dealt with as a priority, the Committee agreed to be guided by point 3.3, particularly (c) and (d), pages 34-35CA of the **Constitutional Assembly ATC Report No. 4 of Friday 28th October 1994.**

4.4 The Committee noted that the list of areas of overlap as identified in the document would not be considered as exhaustive and reserved the

right to add to this list.

- 4.5 Regarding what issues need to be dealt with in Commissions, the Committee noted that it wanted further clarity from the Management Committee on the definition of a Commission and its terms of reference.
- 4.6 Regarding issues that need separate reports, the Committee agreed that it was too early to identify the issues.
- 4.7 Regarding nominations for experts for the Technical Committee the following was noted:
- i) The ANC withdrew the name of Ms C Albertyn and replaced with S Liebenberg.
 - ii) The IFP nominated Prof. C Dlamini.
 - iii) Adv. Z Yacoob originally on the list was withdrawn as he has been nominated for the Panel of Constitutional Experts.
- 4.8 The Committee agreed that its report should be flexible and to attempt to be holistic and systematic in its approach.

5. ANY OTHER BUSINESS

- 5.1 The Chairperson referred to the proposal from the Raoul Wallenberg Institute to conduct a seminar on Human Rights for parliamentarians, with reference to Appendix 2 included in the documentation.
- 5.2 The Committee agreed that it would be interested in participating, and suggested the 3rd and 4th of February as the most suitable dates for the proposed seminar. It was also felt that the Institute be urged not to have the seminar on a Sunday, as it would be difficult for some members to attend.
- 5.3 The three chairpersons were nominated to be responsible for the co-ordination of the seminar programme.

6. CLOSURE

The meeting rose at 11h40.

BRIEFING DOCUMENT

**BRIEFING DOCUMENT FOR JOINT MEETING OF
CHAIRPERSONS OF THEME COMMITTEES**

23 JANUARY 1995

1. Introduction

This document is intended to serve as a basis of discussion and a guideline for Chairpersons and Core Groups. It is concerned with the Work Programme of the Constitutional Assembly as agreed to by the Constitutional Committee of 2 December 1994.

The main purpose of the document is to look at the role of Core Groups and Chairpersons in ensuring that the work of the Constitutional Assembly progresses within the framework agreed to, and that the final deadline of May 1996 is adhered to.

2. Work Programme

The Constitutional Committee endorsed the enclosed Work Programme as a broad framework for 1995. The meeting emphasised the need for flexibility and stressed that the programme was a framework and should not be seen as a rigid time-table. It was agreed that ongoing evaluation and adjustment would take place within this framework as work proceeded.

The Work Programme is the culmination of the collective efforts of members of the CA and its structure. In particular, it is a product of several months of rigorous debate by Theme Committees who have produced work plans in accordance with the terms of reference as set out in the Resolution of 5 September 1994.

These work plans have been compiled into a comprehensive work programme for the CA as a whole, taking into account both the work plans of Theme Committees themselves, and a technical survey of the constitutional issues noted by Theme Committees. The programme also took into account the need for a developed programme of public participation including media and community liaison.

The overriding consideration in compiling the Work Programme of course has been time constraints. Sec 73(1) of the Constitution requires the Constitutional Assembly to complete the process of drafting the new constitutional text by no later than May 1996. The Constitutional Committee meeting of 31 October 1994 resolved to produce a draft text of the new Constitution by 14 July 1995. In this regard the Theme Committees are required to complete their reports and the major part of their work by 30 June 1995.

In an attempt to ensure that the CA does abide by the final deadline of May 1996 for completion of its task, it has been opportune to devise a Work Programme which has divided the work of each Theme Committee into ten major "blocks". Each "block" represents a cycle of meetings of the various structures of the CA, culminating each time in a meeting of the Assembly itself as the supreme decision-making body. During each of these "blocks" it has been suggested that Theme Committees deal with specified subjects or aspects of their particular constitutional theme.

The Constitutional Committee has also agreed to the enclosed Schedule of Meetings for the first half of 1995. Once again this schedule is regarded as a framework which will be adjusted when required.

This schedule has however been carefully planned to allow Theme Committees to receive submissions, process these and prepare reports timeously for the Constitutional Committee, which in turn reports to the Constitutional Assembly. It is important that this schedule is adhered to as closely as possible to avoid unnecessary delays .

It is important, as outlined above, that the schedule is looked at as a whole. Any adjustment will have to take into account the necessary cycle of meetings to ensure that the CA process flows smoothly and that all structures are afforded the necessary time to play their part.

It should be noted that the Constitutional Committee accepted the four sub-committees of Theme Committee 6 and further agreed that the question of establishing other sub-committees would be considered later. It was also agreed to that all joint meetings of Theme Committees would be centrally co-ordinated by the Secretariat.

3. Management

This Work Programme and Schedule of Meetings will require careful management if it is to achieve its objective of ensuring a new constitution by May 1996.

The role of the Management Committee is spelled out in detail in the CA Resolution of 5 September 1994. The Management Committee is charged in brief with co-ordinating the work of all Theme Committees, and preparing the agenda and reports to be presented to the Constitutional Committee.

The major task of ensuring that deadlines are adhered to and that the work programme proceeds according to plan, however will fall to Theme Committees themselves.

To this end, each Theme Committee, has a Core Group and Chairpersons responsible for managing and co-ordinating the work programme of the Theme Committee.

4. Role of Core Groups

The Core Group consists of 7 - 8 members. Its composition is as follows
2 ANC; 1 NP; 1 PAC; 1 DP; 1 FF; 1 IFP.

The Core Group is the managing Committee of the Theme Committee and deals with process matters on behalf of the Theme Committee. Its task is to ensure that the work of the Theme Committee proceeds smoothly.

The Core Group manages the Theme Committee in the following way :

- a) prepares agenda for Theme Committee meetings;
- b) prepares reports for Theme Committee consideration;
- c) co-ordinates the activities of the Theme Committee;
- d) attends other meetings on behalf of the Theme Committee; and
- e) ensures that Theme Committee tasks and decisions are dealt with accordingly.

The Core Group, as outlined above, has a major role to play in *planning* the work of its particular Theme Committee and ensuring that all necessary documentation and reports are compiled and received according to deadline.

5. Role of Chairpersons of Theme Committees

In addition to the Core Group, the Chairpersons of Theme Committees have a pivotal role to play in managing the work of Theme Committees.

Their principal role is to conduct the proceedings of both the Core Group and Theme Committee meetings, and thus also *direct* the proceedings of both these bodies. The importance of this role cannot be over-emphasised. The Chairpersons will be relied upon to keep meetings, and the Theme Committee, on target and ensure that they achieve their objectives.

The extremely tight time frames of the CA process as a whole, will make the work of Chairpersons more demanding than usual. It is essential that Chairpersons keep these time frames in mind at all times and that they remind Theme Committee members that work must proceed according to schedule.

Both Chairpersons and Core Groups will also play a key role in monitoring and evaluating the work of the Theme Committee, and thus suggesting adjustments to the schedule when required.

Other duties of the Chairpersons will include :

- a) attending to the ratification and approval of all minutes and reports; (It was agreed at the Constitutional Committee meeting of 2 December 1994, that minutes of Theme Committee meetings would be available for the Chairperson to sign within 24 hours. They would be circulated to members at the start of the next meeting.)
- b) ensuring that Theme Committee members sign the attendance register;
- c) ensuring that Theme Committee members table written apologies; and
- d) consulting the Secretariat on procedural and administrative issues during Theme Committee meetings.

Most members of the CA have very demanding individual schedules. Because of the time frames of the CA process, it is necessary for this reason alone, that the process receives the highest priority and this will demand the commitment of all members of the CA. Chairpersons and members of the Core Group will need to play an exemplary role to ensure the fullest participation of all members of Theme Committees in the work of the CA.

6. Role of Secretariat

Each Theme Committee has attached to it, a Managing and Minute Secretary to provide the necessary administrative support and back-up it requires to work efficiently and effectively.

These staff are part of a larger collective, the Secretariat, which is one of the key departments of the CA Administration as a whole. The Secretariat is also the key liaison point between the Theme Committees and other departments in the Administration.

The Management Committee has agreed that all requests for research and any other assistance from the Administration should therefore be channelled through the Secretariat. It should be noted that requests from Theme Committees, or Technical Committees on behalf of Theme Committees, for research and/or other opinion or assistance should all be directed to the Administration where the final decision will be taken, in consultation with the Management Committee, whether an outside agency or person(s) be commissioned or contracted for the job.

The Secretariat is purely an administrative body and will not engage in the political process of the Constitutional Assembly.

It is essential that Chairpersons maintain close links with the Secretariat and with their Managing Secretary in particular. This will ensure that the Secretariat is able to keep abreast of developments and provide the Theme Committee with all relevant assistance.

It is important to note however, that members of the Secretariat, as with all staff of the CA Administration, account to the Executive Director and not directly to members of the CA itself.

7. Theme Committee Reports

The entire Work Programme depends to a great extent on the timely production and circulation of reports by Theme Committees.

The Constitutional Committee of 2 December 1994 agreed to the following :

- i) the reports would be presented to the Constitutional Committee for debate at the Constitutional Assembly as and when a particular constitutional issue identified within the work plan schedule has been processed by a Theme Committee;
- ii) these reports would include details of contentious and non-contentious issues and suggested approaches;
- iii) Theme Committee reports would be drafted by Theme Committee members with the administrative assistance of the Secretariat;
- iv) should political parties be unhappy with the format of reports, this should be discussed in their Theme Committees. The issue would only be brought to the Constitutional Committee if the Theme Committee could not resolve it.

8. Submissions and the role of Political Parties

Finally, the entire Work Programme and Schedule of Meetings as agreed to by the Constitutional Committee, is based on the assumption that submissions will be received timeously to allow these to be processed and passed on to Theme Committees for their consideration.

Without the relevant submissions, there will be little substance for Theme Committees to consider. In fact, the existence of Theme Committees is to process submissions and views and pass these on in the form of the agreed reports to the Constitutional Committee.

It stands to reason that if the relevant submissions are not received timeously, the entire programme could be jeopardised.

It has been convenient for the CA's own internal purposes to structure itself along Theme Committee lines. It has been further necessary for each Theme Committee to devise its own detailed work plan. However, it would be unrealistic to expect civil society and the broader public to participate

according to the terms of reference and work plan of each Theme Committee.

Public participation and submissions can be expected to be much more general. To expect anything else would be imposing academic constraints which would in fact serve to inhibit rather than encourage public participation. It will of course be possible to solicit public views and submissions on particular controversial subjects. In general however, even the more organised sectors of society will undoubtedly make a single general contribution to the CA. These submissions will also not necessarily be staggered along the lines of the adopted work programme.

Public interest will increase as the work of the CA proceeds. A major advertising campaign early in 1995 will seek to arouse public interest, and invite submissions. However, it can be expected that the majority of public submissions will arrive later on in the process once momentum begins to gather force.

The upshot of all the above, is that political parties represented in the CA, will need to ensure their submissions to the Theme Committees are made timeously and early on in the process in order to ensure that Theme Committees have some substance to deal with in the first few months of this year. This point needs to be borne in mind by all political parties in the CA in planning their party agendas for 1995.

The Constitutional Committee agreed to the following procedure regarding the receipt of submissions :

- i) all submissions should be tabled through the Administration;
- ii) as far as possible, all authors of submissions would be asked to provide executive summaries; and
- iii) ideally, all Theme Committee members would receive copies of submissions received for that particular Theme Committee, unless these are too bulky for reproduction. Summaries of lengthy submissions would be provided at the discretion of Core Groups.

WORK PROGRAMME

RECOMMENDED WORK PROGRAMME

No	TC 1	TC 2	TC3	TC 4	TC 5
1.	1. Democracy 2. Character of State	1. Separation of Powers	1. The Nature of the Provincial System and Local Government	1. Constitutional Principle II	1. The Relationship between different levels of the Court 2. A Single or Split Judiciary
2.	3. Single Sovereign State 4. Supremacy of the Constitution	2. Structure of Government	2. Allocation of Powers 3. Legislative Competence	2. Equality 3. Human dignity 4. Privacy 5. Freedom and Security of the Person 6. Life 7. Religion, Belief and Opinion 8. Freedom of Expression	3. Constitutional Court 4. Other Court Structures
3.	5. Separation between Church and State 6. Economic Constitution 7. International law	3. Traditional Authorities	4. Provincial Legislative Authority (excluding electoral system)	9. Freedom of Association 10. Freedom of Movement 11. Assembly, Demonstration and Petition 12. Citizen's Rights	5. Traditional Authorities and Customary Law
4.	8. Representative Government	4. Volkstaat	5. Provincial Executive Authorities	13. Political Rights 14. Language and Culture 15. Residence 16. Environment	6. Structures dealing with Appointments (Judicial Service Commission & Magistrates Commission)
5.	9. Accountable Government 10. Equality	5. Electoral System	6. Local Government	17. Servitude and Labour 18. Economic Activity 19. Property 20. Labour Relations	7. Other Judicial Institutions (eg AG and State Attorney)
6.	11. Freedom of Information	6. Amendments to Constitution [National Second Chamber]	7. Electoral System of Provincial Government	21. Administrative Justice 22. Access to Information 23. Access to Courts 24. Legal Representation	8. General (Court Language, Interpretation of Laws & Amnesty)
7.	12. Suffrage 13. Citizenship			25. Children 26. Education	9. Transitional Arrangements
8.	14. Language		8. Financial and Fiscal Relations	27. State of Emergency 28. Suspension and Limitation of Rights	10. Legal Education 11. Legal Profession
9.	15. Name and Symbols			29. Customary and Traditional law 30. Group & Minority Rights	
10.	16. Preamble				

THEME COMMITTEE 6 - SUB-THEMES

No	Public Administration	Financial Institutions & Public Enterprise	Transformation & Monitoring	Security Apparatus
1.	1. Public Service	1. Financial and Fiscal Commission 2. Financial Institutions and Public Enterprise	1. Commission on Gender Equality	1. Supremacy of the Constitution, Accountability and Control of the Security Forces 2. Conduct in the National Interest
2.				
3.			2. Public Protector	2. Police
4.	2. Election Commission	3. Auditor-General, Reserve Bank, the Budget Procurement and National Revenue Fund		
5.			3. Human Rights Commission	3. Correctional Services
6.				
7.			4. Commission on Restitution of Land Rights	4. Defence
8.				
9.				5. Intelligence
10.				

WORK SCHEDULE

CONSTITUTIONAL ASSEMBLY SCHEDULE
23 JANUARY - 6 JULY 1995

Date	Event	Time	Venue
Monday 23 January	Management Committee Chairpersons meet with all Chairs of Theme Committees Opening of Parliament <i>Final deadline for Submissions for Block One</i>	08h00 - 10h00 10h30 - 13h00 14h15	V16 M515
Tuesday 24 January	Core Group Meetings Constitutional Assembly	08h30 - 12h00 14h00 - 18h00	
Wednesday 25 January	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Thursday 26 January	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Friday 27 January	Management Committee Core Group Meetings Party Caucuses	08h00 - 10h00 10h30 - 13h00 14h00 - 16h00	V16
Saturday 28 January	Public Participation Event		
Sunday 29 January	Public Participation Event		
Monday 30 January	Theme Committee 1 Theme Committee 2 Theme Committee 3 Constitutional Committee Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h15 - 16h00 16h30 - 21h00 16h30 - 21h00 16h30 - 21h00	M515 M46 E249 M46 M46 M515 E249
Tuesday 31 January	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249

Wednesday 1 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6 <i>Deadline for Drafting of Reports for Constitutional Committee</i> <i>Deadline for Submissions for Block Two</i>	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Thursday 2 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3 <i>Deadline for Submission of Reports for Constitutional Committee</i>	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Friday 3 February	Management Committee Core Group Meetings Party Caucuses	8h00 - 10h00 10h30 - 13h00 14h00 - 16h00	V16
Saturday 4 February	Free		
Sunday 5 February	Free		
Monday 6 February	Management Committee Constitutional Committee - END OF BLOCK ONE -	08h00 - 10h00 10h30 - 18h00	V16 M46
Tuesday 7 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Wednesday 8 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Thursday 9 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 M46 E249 M46 M515 E249
Friday 10 February	Management Committee Core Group Meetings Party Caucuses	08h00 - 10h00 10h30 - 13h00 14h00 - 16h00	V16

Saturday 11 February	Public Participation Event		
Sunday 12 February	Public Participation Event		
Monday 13 February	Management Committee Constitutional Assembly	08h00 - 10h00 10h15 - 18h00	V16
Tuesday 14 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 Theme Committee 1 Theme Committee 2 Theme Committee 3 <i>Deadline for Drafting of Reports for Constitutional Committee</i>	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M46 M515 E249 M515 M46 E249
Wednesday 15 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Theme Committee 4 Theme Committee 5 Theme Committee 6 Deadline for Submissions for Block Three	08h30 - 13h00 08h30 - 13h00 08h30 - 13h00 14h00 - 18h30 14h00 - 18h30 14h00 - 18h30	M515 E249 E249 M46 M515 M46
Thursday 16 February	Management Committee Party Caucuses Deadline for Submission of Reports for Constitutional Committee - END OF BLOCK TWO -	08h00 - 12h00 14h00 - 16h30	V16
Friday 17 February	President's Address to Parliament		
Saturday 18 February	Public Participation Event		
Sunday 19 February	Public Participation Event		
Monday 20 February	Theme Committee 4 Theme Committee 5 Theme Committee 6 Management Committee Constitutional Committee Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 12h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Tuesday 21 February	Debate on President's Address		
Wednesday 22 February	Debate on President's Address <i>Deadline for Submissions for Block Four</i>		
Thursday 23 February	Management Committee Party Caucuses Debate on President's Address	08h00 - 10h00 10h15 - 13h00 14h00	V16

Friday 24 February	Debate on President's Address		
Saturday 25 February	Public Participation Event		
Sunday 26 February	Public Participation Event		
Monday 27 February	Theme Committee 1 Theme Committee 2 Theme Committee 3 Management Committee Constitutional Assembly Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M515 E249
Wednesday 1 March	<i>Deadline for Submission of Reports for Constitutional Committee - END OF BLOCK THREE -</i>		
Thursday 2 March	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 4 March	Public Participation Event		
Sunday 5 March	Public Participation Event		
Monday 6 March	Theme Committee 4 Theme Committee 5 Theme Committee 6 Management Committee Constitutional Committee Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 9 March	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 11 March	Public Participation Event		
Sunday 12 March	Public Participation Event		
Monday 13 March	Theme Committee 1 Theme Committee 2 Theme Committee 3 Management Committee Constitutional Assembly Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M515 E249

Wednesday 15 March	Budget Deadline for Submission of Reports for Constitutional Committee - END OF BLOCK FOUR - Deadline for Submissions for Block Five		
Thursday 16 March	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 18 March	Public Participation Event		
Sunday 19 March	Public Participation Event		
Monday 20 March	Theme Committee 4 Theme Committee 5 Theme Committee 6 Management Committee Constitutional Committee Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 23 March	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	
Saturday 25 March	Public Participation Event		
Sunday 26 March	Public Participation Event		
Monday 27 March	Theme Committee 1 Theme Committee 2 Theme Committee 3 Management Committee Constitutional Assembly Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M515 E249
Wednesday 29 March	Deadline for Submission of Reports for Constitutional Committee - END OF BLOCK FIVE - Deadline for Submissions for Block Six		
Thursday 30 March	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 1 April	Public Participation Event		
Sunday 2 April	Public Participation Event		

Monday 3 April	Theme Committee 4 Theme Committee 5 Theme Committee 6 Management Committee Constitutional Committee Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 6 April	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 8 April	Public Participation Event		
Sunday 9 April	Public Participation Event		
Monday 10 April	Management Committee Constitutional Assembly	08h00 - 10h00 10h15 - 18h00	V16
Tuesday 13 - 23 April	<i>Easter Recess</i>		
Monday 24 April	Theme Committee 1 Theme Committee 2 Theme Committee 3 Management Committee Constitutional Committee Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 22h30 18h00 - 22h30 18h00 - 22h30	M515 M46 E249 V16 M46 M46 M515 E249
Thursday 27 April	<i>Freedom Day</i>		
Saturday 29 April	Public Participation Event		
Sunday 30 April	Public Participation Event		
Monday 1 May	<i>Workers Day</i>		
Wednesday 3 May	<i>Deadline for Submission of Reports for Constitutional Committee - END OF PART SIX - Deadline for Submissions for Block Seven</i>		
Thursday 4 May	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 6 May	Public Participation Event		
Sunday 7 May	Public Participation Event		

Monday 8 May	Theme Committee 4 Theme Committee 5 Theme Committee 6 Management Committee Constitutional Committee Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 22h30 18h00 - 22h30 18h00 - 22h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 11 May	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 13 May	Public Participation Event		
Sunday 14 May	Public Participation Event		
Monday 15 May	Theme Committee 1 Theme Committee 2 Theme Committee 3 Management Committee Constitutional Assembly Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 22h30 18h00 - 22h30 18h00 - 22h30	M515 M46 E249 V16 M46 M515 E249
Wednesday 17 May	<i>Deadline for Submission of Reports for Constitutional Committee - END OF BLOCK SEVEN - Deadline for Submissions for Block Eight</i>		
Thursday 18 May	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 20 May	Public Participation Event		
Sunday 21 May	Public Participation Event		
Monday 22 May	Theme Committee 4 Theme Committee 5 Theme Committee 6 Management Committee Constitutional Committee Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515E2 49 V16 M46 M515 M46 E249
Thursday 25 May	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 27 May	Public Participation Event		
Sunday 28 May	Public Participation Event		

Monday 29 May	Theme Committee 1 Theme Committee 2 Theme Committee 3 Management Committee Constitutional Assembly Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M515 E249
Wednesday 31 May	<i>Deadline for Submission of Reports to Constitutional Committee - END OF BLOCK EIGHT - Deadline for Submissions for Block Nine</i>		
Thursday 1 June	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 3 June	Public Participation Event		
Sunday 4 June	Public Participation Event		
Monday 5 June	Theme Committee 4 Theme Committee 5 Theme Committee 6 Management Committee Constitutional Committee Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515 E249 V16 M46 M515 M46 E249
Thursday 8 June	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 10 June	Public Participation Event		
Sunday 11 June	Public Participation Event		
Monday 12 June	Theme Committee 1 Theme Committee 2 Theme Committee 3 Management Committee Constitutional Assembly Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 13h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 M46 M515 E249
Wednesday 14 June	<i>Deadline for Submission of Reports to Constitutional Committee - END OF BLOCK NINE - Deadline for Submissions for Block Ten</i>		
Thursday 15 June	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 17 June	Public Participation Event		

Sunday 18 June	Public Participation Event		
Monday 19 June	Theme Committee 4 Theme Committee 5 Theme Committee 6 Management Committee Constitutional Committee Theme Committee 1 Theme Committee 2 Theme Committee 3	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 12h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M46 M515E2 49 E249 V16 M515 M46 E249 E249
Thursday 22 June	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 24 June	Public Participation Event		
Sunday 25 June	Public Participation Event		
Monday 26 June	Theme Committee 1 Theme Committee 2 Theme Committee 3 Management Committee Constitutional Assembly Theme Committee 4 Theme Committee 5 Theme Committee 6	08h30 - 12h00 08h30 - 12h00 08h30 - 12h00 12h00 - 12h00 14h00 - 17h00 18h00 - 21h30 18h00 - 21h30 18h00 - 21h30	M515 M46 E249 V16 M46 M46 M515 E249
Wednesday 28 June	<i>Deadline for Submission of Reports to Constitutional Committee - END OF BLOCK TEN -</i>		
Thursday 29 June	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Saturday 1 July	Public Participation Event		
Sunday 2 July	Public Participation Event		
Monday 3 July	Constitutional Committee	10h00 - 18h00	M46
Thursday 6 July	Management Committee Party Caucuses	08h00 - 10h00 10h15 - 13h00	V16
Friday 7 July - 7 August	<i>Mid - Year Recess</i>		
Monday 10 July	Constitutional Assembly	10h00 - 17h00	

THEME COMMITTEE 4

- *FUNDAMENTAL RIGHTS*

WORK PROGRAMME

1.	Issues that need to be attended to by Theme Committee	<p>1.1 The work of the Committee is guided by:</p> <p>1.1.1 The relevant Constitutional Principles, the foundation of which is Principle II.</p> <p>1.1.2 The relevant Chapters of the Constitution, particularly Chapter 3.</p> <p>1.1.3 The terms of reference as reflected in the Resolutions of 5 September 1994 of the Constitutional Assembly.</p> <p>1.1.4 Within Chapter 3, included are the topics dealing with:</p> <p>1.1.4.1</p> <table border="0"> <tr> <td>- Equality</td> <td>- Life</td> </tr> <tr> <td>- Freedom of Expression</td> <td>- Human Dignity</td> </tr> <tr> <td>- Citizens' Rights</td> <td>- Privacy</td> </tr> <tr> <td>- Freedom of Association</td> <td>- Residence</td> </tr> <tr> <td>- Freedom of Movement</td> <td>- Servitude and Forced Labour</td> </tr> <tr> <td>- Women and Gender</td> <td>- Language and Culture</td> </tr> <tr> <td>- Property</td> <td>- Economic Activity</td> </tr> <tr> <td>- Political Rights</td> <td>- Labour Relations</td> </tr> <tr> <td>- Administrative Justice</td> <td>- Education</td> </tr> <tr> <td>- Children</td> <td>- Environment</td> </tr> <tr> <td>- Access to information</td> <td>- Religion, Belief and Opinion</td> </tr> <tr> <td>- Assembly, Demonstration and Petition</td> <td></td> </tr> <tr> <td>- Freedom and Security of the Person</td> <td></td> </tr> </table> <p>1.2 The Committee has also identified <i>inter alia</i> the following issues that need review or are relevant:</p> <p>1.2.1 Nature of the Bill of Rights and its application thereof</p> <p>1.2.2 2nd, 3rd, 4th Generation Rights and the indivisibility of rights</p> <p>1.2.3 Suspension and Limitation of Rights</p> <p>1.2.4 Obligations, Rights and Duties of Citizens</p> <p>1.2.5 States of Emergency</p> <p>1.2.6 Rights of detained and\ or arrested people,</p> <p>1.2.7 Legal Recognition of Social and Economic Rights</p> <p>1.2.8 Relationship between the Bill of Rights and Customary\Traditional\ Common\ or Muslim or other religious laws</p> <p>1.2.9 Group\ Minority\ Collective Rights</p> <p>1.2.10 Relationship between Charters of Rights and the Bill of Rights</p>	- Equality	- Life	- Freedom of Expression	- Human Dignity	- Citizens' Rights	- Privacy	- Freedom of Association	- Residence	- Freedom of Movement	- Servitude and Forced Labour	- Women and Gender	- Language and Culture	- Property	- Economic Activity	- Political Rights	- Labour Relations	- Administrative Justice	- Education	- Children	- Environment	- Access to information	- Religion, Belief and Opinion	- Assembly, Demonstration and Petition		- Freedom and Security of the Person	
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2.	Which issues need to be dealt with as a priority ?	<p>2.1 Within the above framework, the Committee proposes an approach that is holistic and systematic. It will be guided by point 3.3.1, particularly (c) and (d), pages 34 - 35CA of the Constitutional Assembly ATC Report No 4 of Friday 28th October 1994.</p> <p>The Report states:</p> <p>3.3.1 (c) "<i>Theme Committees are not negotiating fora. Their primary task should be to receive submissions and process them into reports for consideration by the Constitutional Committee.</i>"</p> <p>3.3.1 (d) "<i>By resolution of the Constitutional Assembly, these reports should therefore include details of non-contentious issues, contentious issues and suggested approaches.</i>"</p>
3.	Which are the areas of overlap with other theme committees ?	<p>3.1 The following areas of overlap as drawn from the CA Resolutions of 5 September 1994, have been identified:</p> <p>3.1.1 T\C 1 = Democracy and Equality, Freedom of Information and Administrative justice, franchise.</p> <p>3.1.2 T\C 2 = Status and role of traditional leaders</p> <p>3.1.3 T\C 3 = Relationship of citizen and local government</p> <p>3.1.4 T\C 5 = Enforcement of Constitution, traditional authorities, Constitutional Court.</p> <p>3.1.5 T\C 6 = Public Protector, Human Rights Commission, Gender Commission, Commission for Restitution of Land Rights, traditional authorities.</p> <p>This list however is not exhaustive and the Committee reserves the right to add issues as the process unfolds.</p>

4.	Which constitutional issues need to be dealt with in commissions	4.1 The Committee feels it is too early to agree on what issues may need commissions. Further clarity is also required on the definition of a Commission and its terms of reference.
5.	Which constitutional issues does the committee anticipate will require separate reports	5.1 The Committee feels it is too early to identify the issues that may need separate reports. 5.2 It is felt that reports will cover major issues that the Committee will deal with which will be determined as the process unfolds.
6.	How many such reports are to be issued and what are the deadlines for these ?	6.1 The Committee as yet cannot determine the number of reports or the deadline for these.
7.	What are the structures and role players to be consulted ?	7.1 Organised groupings of civil society. 7.2 Institutions. 7.3 Groups affected by above topics. 7.4 Unorganised or unrepresented broader public.
8.	What community and media liaison assistance will be required ?	8.1 As proposed by Constitutional Assembly ATC Report No 4 of Friday 28th October 1994 (Refer Annexure 2) together with Theme Committee input. 8.2 Of key concern in this regard that the Committee has a major part in determining its requirements and needs. 8.3 The Committee would like to emphasise that public feeling in the Constitution-making process rests with human rights, it is therefore suggested that the community and media liaison programme takes this into account.

<p>9.</p>	<p>Who and what technical assistance will be required to support the committee ?</p>	<p>9.1 The Committee feels that it is too early to decide on this matter but notes that it has at its disposal:</p> <p>9.1.1 Technical Committees</p> <p>9.1.2 The Committee believes with regards to technical experts, the following should take place:</p> <ul style="list-style-type: none">i) "Generalist" experts are chosen to be at the disposal of the Theme Committee throughout the process.ii) "Specialist" experts are chosen when needed to deal with specific issues or topics. <p>9.1.3 Commissions</p> <p>9.1.4 Working Groups involving TIC members and\ or other MP's.</p>
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