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CONSTITUTIONAL ASSEMBLY

**CORE GROUP MEETING
THEME COMMITTEE 4**

FUNDAMENTAL RIGHTS

8 February 1995

Room M 46

DOCUMENTATION

CONSTITUTIONAL ASSEMBLY

CORE GROUP THEME COMMITTEE 4 MEETING

FUNDAMENTAL RIGHTS

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

Date : Wednesday, 8 February 1995
Time : 09h00 - 13h00
Venue : Room M 46

AGENDA

1. Opening and Apologies
2. Report on Block 1 (See Memo):
 - 2.1 Deadline for report to CC
 - 2.2 Outstanding issues :
 - i) "Everyone" - Technical Experts
 - ii) "Universally accepted fundamental rights"
 - Deadline for party submissions
 - Deadline for report to CC
 - iii) "Due Consideration to inter alia" - Technical Experts
3. Block 2: Nature and Application of Bill of Rights:
 - 3.1 Suggested framework
 - 3.2 Framework for advert
 - 3.3 Deadlines for:
 - i) Parties;
 - ii) Public
 - 3.4 Deadline for report on this item.
4. Block 2: Right to Equality; Right to Human Dignity ; Right to Life
 - 4.1 Suggested framework
 - 3.2 Framework for advert
 - 3.3 Deadlines for:
 - i) Parties;
 - ii) Public
 - 3.4 Deadline for report on these items.

5. Technical Experts
 - 5.1 Availability
 - 5.2 Role and participation in Theme Committee
 - 5.3 Role in submission
 - 5.4 Role in reports
 - 5.5 Information seminars\ workshops

6. Submissions
 - 6.1 Party Submissions
 - 6.2 Public Submissions

7. Community Liaison
 - 7.1 Issues not covered in draft
 - 7.2 Theme Committee Proposals
 - Public Meetings
 - Hearings
 - Information Seminars

8. Workshop Proposal for 28 February 1995 - UNISA (Pretoria)
 - 8.1 Theme Committee 4 suggestions

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

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CONSTITUTIONAL ASSEMBLY

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PO Box 15
CAPE TOWN 8000
REPUBLIC OF SOUTH AFRICA

REF No:

7 February 1995

To all Theme Committee Chairpersons

Re: Theme Committee progress reports for MC and CC

As you may be aware the Constitutional Committee is meeting on **Monday 13 February 1995**. One of the main items on the agenda is Theme Committee progress reports. However in order for the Constitutional Committee to discuss the reports, they have to be processed at the Management Committee Meeting on Friday 10 February 1995.

We therefore request all Theme Committees to submit their first reports by no later than **Thursday 9 February at 9h00**. Theme Committees that have completed discussion on Block One are asked to submit those reports, whilst Theme Committees who are still discussing Agenda Items in Block One, are asked to submit a progress report covering the following:-

- How far is the Committee with the Agenda items for Block 1?
- What events/seminars have taken place thus far and what activities are being planned?
- General difficulties/problems being encountered?
- When could the CC expect the first report?

Thanking you

H Ebrahim
Executive Director

Enquiries: L Meyer(282) or T Kgosidintsi (263), 9th Floor Regis House, Adderley street, Cape Town.

WORK PROGRAMME OF THEME COMMITTEE 4

| BLOCK NO | ISSUES TO BE DEALT WITH |
|----------|--|
| 1 | <p><u>1: Constitutional Principle II</u></p> <p><u>Suggested framework for item 1</u></p> <ol style="list-style-type: none"> 1. General notes on Principle II clarifying phrases such as <ul style="list-style-type: none"> - <u>Everyone</u> shall enjoy ... "(Whether the term "everyone" includes juristic persons, structured and unstructured groups, and organs or civil society, etc) - "all universally accepted fundamental rights, freedoms and civil liberties" (which rights etc., qualify as universally accepted fundamental rights) - "entrenched and justiciable provisions" - "due consideration to <i>inter alia</i> the fundamental rights contained in Chapter 3" 2. General discussion of related Constitutional Principles such as I, III, V, IX, XI, XII, XIII(1), XXVIII, XXXIV 3. Suggested approach as to the identification of rights not covered by CP II. <p><u>Relevant sections of Interim Constitution:</u> Preamble, Sections 3, 4, Chapter 3, Sections 98(2), 101(3), 115 - 123</p> |

2: Nature of Bill of Rights and application**3: Right to equality****Suggested framework for agenda item 3**

- (a) Content of the right.
- (b) Equality as a human right of the individual and the question of juristic persons.
- (c) Prohibited grounds for discrimination.
- (d) Affirmative action.
- (e) Effects on customary law, including the rules and customs of religious and traditional communities.

Relevant Constitutional Principles: I, II, III, V, XI, XII, XIII(I)

Relevant sections of Interim Constitution: Preamble, Sections 3, 8, 10, 12, 17, 32, 33(4), 119 - 123

4: Right to human dignity

Content of right

See CP II and Sections 10,12, 25(1)(b)

5: Right to life**Suggested framework to agenda item 5**

- (a) The right to life as a fundamental right.
- (b) Controversial issues such as -
 - capital punishment
 - abortion
 - euthanasia

See CP II and Section 9

6: Right to Privacy**Suggested framework for agenda item 6**

- (a) Aspects of personal privacy that need to be protected constitutionally.
- (b) Controversial aspects
 - intelligence services and state

7: Freedom of religion, belief and opinion**Suggested framework for agenda item 7**

- (a) Content of this right.
- (b) Separation between church and state.
- (c) Religious observances in state and state-aided institutions such as schools, prisons and the security services.
- (d) Academic freedom.
- (e) The recognition of systems of law of communities professing to a particular religion.

See CP II, XII and Sections 8(2), 14, 32(c)

8: Freedom of expression**Suggested framework for agenda item 8**

- (a) Content of the right to freedom of speech and expression.
- (b) Press freedom.
- (c) State controlled media.
- (d) Private radio and television stations.
- (e) Hate propaganda or expression.

See CP II and Section 15

9: Freedom of association**Suggested framework for agenda item 9**

- (a) Content of the right
- (b) Specific issues such as private discrimination

See CP II, XII and XVIII and Section 17

10: Freedom of language and culture

11: Administrative Justice**Suggested framework for agenda item 11**

- (a) Content of right
- (b) Horizontal application of right against private institutions

See CP II and Sections 7(2), 24

12: Right of access to information**Suggested framework for agenda item 12**

- (a) Content of right
- (b) Horizontal application of right against private institutions

See CP II, IX and Section 23

13: Right of access to courts**Suggested framework for agenda item 13**

- (a) Content of right
- (b) Question of "ouster" clauses

See CP II, VII and Sections 7(4), 22, 98, 101

14: Freedom and Security of the person**Suggested framework for agenda item 14**

- (a) Content of the right
- (b) Specific related questions such as detention without trial

See CP II

15: Right of detained, arrested and accused persons

See CP II and Section 25

5

16: Servitude and forced labour

See CP II and Section 12

17: Freedom to engage in economic activity

See CP II and Section 26

18: Rights to property**Suggested framework for agenda item 18**

- (a) Individual and collective ownership
- (b) The land issue and restoration
- (c) Compensation for expropriation

See CP II and Sections 28, 121 - 123

19: Labour relations**Suggested framework for agenda item 19**

- (a) Aspects of labour relations that need be protected as constitutional rights.
- (b) Question of constitutionalising rights contained in labour statutes.

See CP II, XII, XXVIII and Sections 27, 33(5)

20: Environment

See CP II and section 29

| | |
|---|---|
| 6 | <p><u>21: Citizens' rights</u></p> <p>Content of these rights</p> <p>CP I, II and Sections 5, 20</p> <p><u>22: Political rights</u></p> <p><u>Suggested framework for agenda item 22</u></p> <p>(a) Content of these rights</p> <p>(b) Qualifications on the right to vote</p> <p>(c) Political rights of non-citizens</p> <p>See CP II, VIII and Sections 6, 21</p> <p><u>23: Freedom of movement</u></p> <p>Content of right</p> <p>See CP II and Section 18</p> <p><u>24: Freedom of residence</u></p> <p>Content of right</p> <p>See CP II and Section 19</p> <p><u>25: Freedom of assembly, demonstration and petition</u></p> <p>Content of right</p> <p>See CP II and Section 16</p> |
| 7 | <p><u>26: Children's rights</u></p> <p>See CP II and Section 30</p> <p><u>27: Educational rights</u></p> <p>See CP Section 32</p> |

| | |
|----|--|
| 8 | <p><u>28: Other rights and directive principles</u></p> <p><u>29: Customary, indigenous and religious law</u></p> <p>See CP II, XIII and Sections 33(2) and (3), 35(3), 181</p> <p><u>30: Protection of linguistic, religious and cultural minorities</u></p> <p>See CP XII, XXXIV and Sections 3, 8(2), 14, 17, 31</p> |
| 9 | <p><u>31: Limitation of rights</u></p> <p>See CP II and Sections 5(2) and (3), 6, 7(2), 8(3), 14(2) and (3), 26(2), 28(2) and (3), 33</p> <p><u>32: Effect of Bill of Rights</u></p> <p><u>Suggested framework on agenda item 31</u></p> <p>Effect on</p> <ul style="list-style-type: none"> - existing statutes - common and customary law - previous actions <p>See CP II and XIII(I) and sections 7(2) and 33(2) and (3)</p> <p><u>33: States of emergency and suspension of rights</u></p> <p>See CP II and Section 34, 82(4)</p> |
| 10 | <p><u>34: Interpreting Bill of Rights</u></p> <p>See section 35</p> <p><u>35: Horizontal application of Bill of Rights or any particular rights</u></p> <p>See section 33(4)</p> <p><u>36: Class actions</u></p> <p>See sections 7</p> |

TERMS OF REFERENCE AND RELATED MATTERS: TECHNICAL COMMITTEES
ATTACHED TO THEME AND SUB-THEME COMMITTEES

1. Assistance to Theme and Sub-Theme Committees

1.1 A technical committee shall at the request of its Theme or Sub-Theme Committee or the Core Group of such Committee -

- (a) advise the Theme or Sub-Theme Committee or Core Group on the technical aspects of any matter dealt with or which is to be dealt with in or by the Theme or Sub-Theme Committee;
- (b) comment on the technical aspects of any submission received by the Theme or Sub-Theme Committee or of any statement made in or to the Theme or Sub-Theme Committee or its Core Group;
- (c) assist the Theme or Sub-Theme Committee or Core Group in the preparation of any report or submission; and
- (d) make studies and do research in connection with the performance of any of the aforesaid functions.

1.2 In stead of engaging the whole technical committee a Theme or Sub-Theme Committee may in its discretion require any specific member or members of its technical committee to perform any of the above functions in relation to any particular matter.

2. Assistance in the drafting of the new constitutional text

A technical committee shall at the request of the Chairperson of the Constitutional Assembly or the Management Committee or Constitutional Committee assist in the drafting of the new constitutional text in accordance with the instructions of the Chairperson, the Management Committee or the Constitutional Committee, as the case may be.

3. Participation in public events, conferences, seminars, workshops, etc.

Participation by a technical committee in any public events, conferences, seminars, workshops, etc, outside the constitution-making process shall require prior clearance with the Executive Director acting under the direction of the Chairperson of the Constitutional Assembly.

4. **Protocol with regard to the media and public statements**

A technical committee shall not make any public statements, including statements to the media, with regard to matters dealt with or which are to be dealt with by the committee otherwise than through the Executive Director acting under the direction of the Chairperson.

5. **Administrative matters**

5.1 **Administrative support:** A technical committee shall direct all requests for secretarial and administrative support services, including accommodation, furniture, stationary and technical and electronic equipment, to the Executive Director.

5.2 **Staff:** All staff allocated to a technical committee shall perform their duties under the supervision and control of the Executive Director, and any matter pertaining to the staff shall be referred by a technical committee to the Executive Director.

5.3 **Research and consultation:** Where it is not feasible for a technical committee to undertake any research work required from it by its Theme or Sub-Theme Committee and outside assistance is required, a request for such outside assistance shall be directed to the Executive Director, who shall deal with the request in accordance with the directions of the Management Committee.

6. **Convenor of technical committee**

A technical committee may elect a convenor from amongst its number.

7. **Joint meetings**

Requests for joint meetings of two or more technical committees must be directed to the Executive Director who shall deal with such requests in accordance with the directions of the Chairperson of the Constitutional Assembly.

DRAFT PUBLIC PARTICIPATION PROGRAMME

COMMUNITY LIAISON

MISSION STATEMENT :

“To facilitate an interface or dialogue between the South African people and their elected representatives by consulting the population at various levels and at various stages of the process of constitution making.”

(CA Resolution of 31 October 1994)

INTRODUCTION

On 31 October 1994 the Constitutional Assembly adopted a document entitled “**Public Participation - A Strategic Overview**” which set out the broad framework within which the community liaison programme will take place.

1. GUIDING PRINCIPLES

- Transparency
- Credibility
- Legitimacy
- Consultation
- Inclusivity

2. OBJECTIVES OF PUBLIC PARTICIPATION PROGRAMME (PPP) :

(Extracted from Constitutional Assembly Resolutions, 5 September 1994)

- ensure that the draft constitution enjoys the support and allegiance of all South Africans
- new constitution should represent the aspirations of all our people
- process should serve to unite the country's people and produce a constitution which will become the cornerstone of the future South Africa. It should be people driven and transparent
- new constitution must be the product of an integration of ideas of all role players. In this regard, there should be maximum public participation
- there should be an effective strategy for media and community liaison
- media and public participation strategies should aim at facilitating the required “dialogue” and channels of communication between the broader public and their elected representatives
- programmes of the Constitutional Assembly should be “non-party political”. Strict monitoring should ensure that the programmes promote the Constitutional Assembly and the interests of the country as a whole

3. **COMMUNICATION OBJECTIVES**

- Develop, raise and popularise the CA profile
- Solicit views and submissions
- Brief public - on the constitution making process
 - procedure for submissions to CA
- Consult all sectors and role players
- Increase public interest and awareness through constitutional education
- General involvement and engagement of public at large

4. **PROGRAMMES**

- Special Events
 - Launch Briefings
 - Other Special Events
- Theme Committee Requests
 - Hearings
 - Seminars
- Constitutional Public Meetings (CPMs)
- Constitutional Education Programme (CEP)

5. **TIME FRAMES**

It is envisaged that the CLP will be run in two phases;

- First Phase : Develop draft constitution - February 1995 to end of July 1995
- Second Phase : Popularising the draft constitution - August 1995 to May 1996

This document deals with detailed planning for February 1995.

LIST OF ABBREVIATIONS

| | |
|--|--|
| PPP : Public Participation Programme | PMT : Project Management Team |
| CL : Community Liaison | SACS : South African Communication Service |
| CLP : Community Liaison Programme | TC : Theme Committee |
| CPM : Constitutional Public Meetings | NGO : Non Governmental Organisation |
| CEP : Constitutional Education Programme | CBO : Community Based Organisation |

COMMUNITY LIAISON PROGRAMME : FEBRUARY 1995

6. SPECIAL EVENTS

6.A. LAUNCH BRIEFINGS

6.A.1. Introduction

It is proposed that the CA Chairpersons - Messrs Cyril Ramaphosa and Leon Wessels - should visit three provinces - namely the Western Cape, Northern Cape and Gauteng, in order to launch the CLP. Briefings in the other provinces are envisaged in the months to come. Briefings will also be used in the second phase of the constitution making process.

6.A.2. Objective

To develop, raise and popularise the CA profile.

6.A.3. Process

Three briefings are envisaged to launch the Community Liaison Programme (CLP). The briefings used to nationally launch the CLP should be of high profile to attract maximum media coverage.

6.A.4. Proposed Briefings

First briefing

| | | |
|--------------|---|----------------------------|
| Date | : | First week in February |
| Area | : | Western Cape (Boland) |
| Target group | : | Farmworkers and management |

Second briefing

| | | |
|--------------|---|-------------------------|
| Date | : | Second week in February |
| Area | : | Northern Cape (Kuboes) |
| Target group | : | Rural community |

Third briefing

| | | |
|--------------|---|------------------------|
| Date | : | Third week in February |
| Area | : | Gauteng |
| Target group | : | Urban community |

Structure

- CA participants : Mr Cyril Ramaphosa (Chairperson CA)
Mr Leon Wessels (Deputy Chairperson CA)
: Representatives from all political parties in the CA
- Chair : It is proposed that the Provincial Premier or a Provincial
MEC should chair the meeting.
- Content of meeting : Duration: 1 hour:
Brief: 30 minutes
Questions: 30 minutes

Programme:

The programme will consist of a briefing on the Constitutional Process by the CA Chairs. It is expected, through these briefings, that:

- public participation will be encouraged;
- public awareness will be increased;
- the role of the CA in directing public participation is highlighted.

It is inevitable that questions from the audience will arise. Opportunity - though limited - should be given for questions to be posed to the Chairs.

Media:

Since these briefings serve as the launch of the CLP, time should be allowed for media interviews, if requested. Close co-operation with the Media Department is of utmost importance.

6.A.5. Resources

Given the time constraints, resources such as exhibitions, pamphlets, T-shirts cannot be fully utilised for the first three proposed briefings. The Media Department is requested to arrange posters and pamphlets.

6.A.6. Evaluation / monitoring

To determine the success of the first three briefings, and to set guidelines for future briefings, evaluation is important and will be dealt with as follows:

- Tape recording of the briefing;
- Monitoring the media response;
- Report back from the Chairs;
- Members of the CL team will attend the briefings to evaluate and monitor evaluation thereof.

6.B OTHER SPECIAL EVENTS

Further special events proposed include:

- A simulated Constitutional Assembly process for high school pupils;
- Human rights debates for high school pupils;
- Mock Constitutional Court cases for high school pupils and university law students.

7. *THEME COMMITTEE REQUESTS*

7.A *HEARINGS*

7.A.1. Introduction

Theme Committees will require specialist submissions on issues from target groups. Thus target groups will be invited to hearings to give views on required issues. The need for these hearings is subject to input from the TCs.

7.A.2. Objective

To solicit views and submissions.

7.A.3. Process

Community Liaison (CL) proposes single hearings where there is an overlap between different Theme Committees (TCs).

Schedule of Hearings

| Date | Target Groups |
|-------------|----------------------|
| February | Business |
| March | Women |
| April | Traditional Leaders |
| May | Labour |
| June | Religious Groups |

All Theme Committees are free to indicate to CL which hearings they would like to attend.

Theme Committee requests

CL will draft a standard request form to be used by Theme Committees.

CL requires reasonable notice from TCs, taking into account:

- capacity of CL;
- availability of sectors who will need time to consult with their constituencies.

7.A.4. Resources

Background information packages eg press cuttings.

7.A.5. Evaluation/Monitoring

Managing Secretaries will evaluate the hearings and submit a report to CL.

7.B SEMINARS

It is proposed to hold seminars in order to brief Theme Committees on constitutional issues following the work programme. It is proposed that universities, technikons and other institutions be approached to convene specialist seminars on issues discussed by the TCs. The seminar programme will respond to the needs of the TCs and will be guided by the Law Advisers. Because of the ad hoc nature of this section of the programme all TC requests would need to be properly co-ordinated in conjunction with the Management Committee.

8. CONSTITUTIONAL PUBLIC MEETINGS (CPMs)

8.1. Introduction

To involve and engage the public at large, Constitutional Public Meetings (CPMs) will be held throughout the country. The public will have direct access to their elected representatives and will be invited to give individual submissions.

8.2. Objective

To involve and engage the public at large.

8.3. Process

February will be used as the pilot phase of the Community Liaison Programme. It is proposed that teams from the same TC will attend particular CPMs, and that a team should comprise up to ten people, with at least one person from each party.

*Proposed CPMs**Free State*

Target date : February 18
 Venue : Mangaung

Eastern Cape

Target date : February 18
 Venue : Grahamstown

Eastern Transvaal

Target date : February 18
 Venue : Drum Rock

Western Cape

Target date : February 18
 Venue : Worcester

Northern Cape

Target date : February 25
 Venue : Kimberley

KwaZulu - Natal

Target date : February 25
 Venue : Kwa-Mashu

North West

Target date : February 25
 Venue : Klerksdorp

Gauteng

Target date : February 25
 Venue : Duduza

Northern Transvaal

Target date : February 25
 Venue : Namakgale

Note: The issues to be addressed in particular CPMs will be determined on the basis of the work programme and will be guided by the Law Advisers.

8.4. Theme Committee Commitments

Three options as to how TC members will attend future CPMs are proposed (for logistical reasons, operational from March 1995). TC members are requested to decide on the most feasible option available, taking into account the objectives of the PPP as outlined by the Resolutions of the CA..

Option 1

| | | |
|--------------|---|---|
| Working days | : | Saturdays & Sundays |
| Who | : | The 6 TCs divided into 2 groups = 12 groups Group 1: Saturday & Sunday mornings : 2 meetings per group per weekend Group 2: Saturday & Sunday afternoons : 2 meetings per group per weekend |
| CPMs | : | 24 |
| Total CPMs | : | 24 x 18 (available weekends till 30 June 1995) = 432 |

Option 2

| | | |
|--------------|---|---|
| Working days | : | Saturdays only : mornings & afternoons |
| Who | : | The 6 TCs |
| CPMs | : | 12 : 6 TC groups x 2 meetings per day |
| Total CPMs | : | 12 x 18 (weekends available till end of June 1995) = 216 |

Option 3

| | | |
|--------------|---|--|
| Working days | : | Every second Saturday |
| Who | : | The 6 TCs, alternating |
| CPMs | : | 6 (6 meetings per weekend) |
| Total CPMs | : | 6 x 18 weekends = 108 CPMs during PPP |

8.5. Proposed structure of the CPMs

| | | | |
|--------------------------|---|-------------------------------|----------|
| Duration | : | 3 hours | |
| Welcome | : | Host | : 10min |
| Introduction | : | Facilitator | : 10min |
| Input | : | | : 45min |
| | - | Constitution Making Process | |
| | - | Specific TC issues | |
| | - | Issues discussed by other TCs | |
| Questions and Discussion | : | | : 105min |
| Closure | : | | : 10min |

TC members will be provided with a brief, compiled by CL and Law Advisers, before each CPM, giving details of current issues in each TC. These issues will be drawn from the Work Programme.

Please note: Due to translation and other factors, time allocated could be extended.

Appointment of Chairperson

It is proposed that :

- criteria for the selection of the chairperson be established by CL.
- chairperson should be neutral and identified from the community.
- the national Community Liaison Team should have veto power on the appointment of the chairperson.

Facilitator:

It is proposed that the facilitator should introduce the constitution making process and facilitate the making of submissions.

8.6 Proposed role of the Secretariat

It is proposed that the Managing/Minute Secretaries be involved in two levels of the Constitutional Public Meeting :

- during the CPM
 - take minutes of meeting and receive written submission
 - record meetings
 - collect evaluation forms from facilitator to return to CL
- after the CPM
 - take evaluation forms to Deputy Assistant Director : Community Liaison

8.7 Evaluation of CPMs

The following people are suggested to be evaluators: CA members, facilitators, provincial co-ordinators (CEP), national community liaison officers, random audiences and community leaders. Areas of evaluation will include process, content and promotional material.

9. CONSTITUTIONAL EDUCATION PROGRAMME (CEP)

9.1. Introduction

The Constitutional Assembly Work Programme for 1995 articulated the objectives of the Constitutional Education Programme as follows:

"The Constitutional Assembly, in association with a wide variety of NGOs, CBOs and other sectors of South African society, will conduct a wide ranging programme of constitutional education that will be accessible to South Africans at all levels. The programme will include South Africans in the constitution-making process by providing training on the key issues of constitutionality and briefing them on developments within the Constitutional Assembly. The assistance of NGOs and CBOs will allow this programme to reach disadvantaged communities, inaccessible or 'invisible' sectors and rural communities."

On 2 December 1994 the Constitutional Committee approved the programme and requested further information. Such information is detailed below.

9.2. Objectives

The Constitutional Education Programme has the following objectives:

- * helping to ensure maximum community participation in the constitution-making process, primarily through community workshops;
- * ensuring that the Constitutional Education Programme is in step with the different phases of the constitution-making process. In the first phase this will require a Constitutional Education Programme grounded in the workplan of the Theme Committees.

9.3. Process

The primary mechanism of delivery for this programme is the use of community workshop, so as to educate communities on the constitution-making process and to empower them to make submissions. Community workshops will be run, where possible, prior to Constitutional Public Meetings as well as independently of these meetings. This programme would continue into the second phase of the constitution-making process (the consideration of the draft constitution) and will lay the foundation for a wide-reaching public education programme which could be utilised in the development of a human rights culture.

Short-term implementation:

A short-term programme has been developed for February:

- Convening a national consultative meeting to be held in Cape Town, provisionally scheduled for 9/10 February, to provide NGOs and CBOs with a briefing and to assess existing resources;
- Running two pilot workshops in conjunction with NGOs, on Sunday 19 February and Sunday 26 February, at venues still to be finalised.

9.4. Training and Resource Development**Training:**

This will encompass the training and briefing of co-ordinators and workshop facilitators from the CA, SACS and NGOs.

Resources:

A wide range of resources are envisaged, in order to ensure that the constitution-making process is accessible to as many sectors and constituencies as possible. The use of simple language, translation, drama and visual materials will be essential components of these resources. A workshop kit will be developed in conjunction with the NGO sector, including resources such as:

- * an educational booklet on how to participate in the constitutional process;
- * a looseleaf constitutional education manual (allowing for updates);
- * outlines for community workshops;
- * educational/information posters, including CA promotional material for use in local community venues such as advice offices and municipal offices.

9.5. Evaluation and Reporting Mechanisms

Mechanisms will be developed to assess the overall implementation and impact of the programme, including feedback from workshops and the effectiveness of resources.

Regular reports will be made to the Management Committee and close liaison maintained with the Theme Committees.

10. CONCLUSION

It is proposed that detailed project planning be submitted to the Directorate: CA Administration and the Management Committee on a monthly basis. Planning should reach the Management Committee not later than the second meeting of the preceding month.

CONSTITUTIONAL ASSEMBLY

TC 5: JUDICIAL AND LEGAL SYSTEM

DRAFT WORKSHOP PROPOSAL

Workshop One: 27th February 1995. UNISA (PRETORIA)

The Workshop will be divided into 4 Sessions.

The Four Sessions will be chaired by the 3 rotating chairperson and a number of the Core Group.

Session One - 8:30 - 11:00 a.m.

Chairperson - Willie Hofmeyer

Constitutional Issue: The Structure of the Constitutional System

Inputs by:

- (1) Chief Justice/nominated judge (15 minutes)
- (2) Association of Law Societies of S.A. (15 minutes)
- (3) Nadel (15 minutes)

Respondents:

- (1) Judge President (10 minutes)
- (2) Black Lawyers Association (10 minutes)
- (3) General Council of Bar (10 minutes)

Discussion (1 hour)

TEA

10:45 - 11:00

Session Two - 11:00

Chairperson - D Schutte

Constitutional Issue: The Relationship between the different levels of Courts

Inputs by:

- (1) Judge - L Ackerman (15 minutes)
- (2) Black Lawyers Association (15 minutes)

Respondents: (1) Lawyers from Human Rights (10 minutes)

(2) Legal Resource Centre (10 minutes)

Discussion (1 hour)

LUNCH

1 pm - 2 pm

Session Three: 2 pm - 4 pm

Chairperson - J van der Merwe

Constitutional Issue: The Composition and appointment of Judicial officers

Inputs by: (1) Judicial Service Commission (15 minutes)

(2) Black Lawyers Association (15 minutes)

Respondents: (1) ALS (10 minutes)

(2) LHR (10 minutes)

Discussion (1 hour)

TEA

4pm - 4:15 pm

Session four: 4:15 pm - 6:15 pm

Chairperson - D Gibson

Constitutional Issue: Access to courts including lay people.

Inputs by: (1) Para-Legal NGO (To be confirmed by Edward (15 minutes)

(2) Judicial Service Commission (15 minutes)

Respondents: (1) Nadel (10 minutes)

(2) ALS (10 minutes)

Discussion (1 hour)

Closure: