

2/4/4/1/3/2

CATERING

| | | | |
|---------|-----|------------|--------------|
| (MARKS) | M46 | Mr Mosker | 3286 |
| | OAC | Mrs Smith | 2153 |
| | WAW | Mr Coetsee | 2775 (E 205) |

VENUES

ANDREW 2773 (2804 (Mr Fanie - committees))

RECORDING

| | | |
|------------|----------------|------|
| Mr. Goscar | (all venues) | 2194 |
| M46 | Liesl Peterson | 2474 |

OFFICE

| | |
|-----------|------|
| Lucille : | 2282 |
| Thandi : | 2263 |
| Leletha : | 2287 |

CORE GROUP :

| | Gen | Room |
|----------------|------|------|
| S. Mdladlana : | 2716 | |
| Sen. Roshw : | 3363 | |
| Tony Leon : | 3515 | |
| R. Sizani : | 3527 | |
| Mncwango : | 3061 | |
| Naleli : | 3621 | |
| Green : | 3621 | |
| Mwabe : | 3485 | |

TC 4 Meeting Monday 8 May 8h30 M46

Apologies: Camerer, Asmel

Opening: Mr Heon 8h43

Proposed: Deal with second half of Agenda

Matters: Don't require a quorum

3. Minutes:

3.1 19/04: p7 last line replace "does" with "do"

p7 last par of DP's response

3.2 20/04: p12 Mr Heon's response insert "preferably"

before "associated"

4. Agenda

4.1 Sector Public a) Business Public Hearings: 11-1

Speakers: Bekky, Asmel

Nafco

30 mins from business

b) Children's Right 13 May: TC needs input to give

organized by: HSRC + W CER

Ms Pandor } -> will give opening welcome

Mr Saloojee } volunteered

Mr Ceteman

Thanks

Chairing sessions: right to survival: Ceteman

right to protection: Saloojee

Travel arrangements: John

c) Track hand Auth in OAC

Senator Radhe

" Surby

d) Future Planned Public Hearings: p. 14

4.2 CPM's
 a) Inqwanma Cancelled
 b) Stancaton 13 May
 Chair referred members to addhome doc.
 Mrs. Confirmation forms.
 - TC needs one member
 Chair Perhaps Proportionate allocations & meetings! DP 9/24/06 Hummendale

4.3 Work Program A
 Chair All submissions on Children's Rights related Socio econ - 15/5 party submissions received. 3 outstanding.
 Mr Richte Proposed right to life on 15th May
 Chair to allow parties to complete submissions on socio-economic rights
 Chair Objectives: none
 Decision 15/05 - Life Socio-econ
 15/05 22/05
 This aft's Murray: Reports + Children's Rights
 Surty Need to identify other socio-econ rights
 Chair Meeting closed at 9

TCU Meeting : OAC TG 8/05 2pm

1. Opening : Mr. Hean of ICHOS
2. Matters arising
3. Children's Rights
 - 1) ACDP : Mr. Enean spoke to ACDP submission
 - protectionist paradigm
 - limits on children's rights

Q+D
Mr. Hean

In (C) or P O O L.
What happens if child is in a home where there is no spiritual guidance.
Referring to existing practices in SA today. Every family has a religion or worldview. Every parent has the right to impart that worldview to children.

2) AWC
Q+D

Mrs. Wjob spoke to AWC submission page 8
None

3) DP

Mr. Hean spoke to DP's submission on page 12
DP's approach to children's rights same as general approach

- exploitative labour practices
- juvenile detention
-

Q+D
Nabeen

But don't clearly say that we should in fact amend clause on children's rights. We should not have such?
DP states that they have no objection to clause dealing into children's rights.

me DP does not feel very strongly about inclusion of special clause on C-R. Those rights applied to children catered for by general rights would suffice.

Common law does provide

Name + Nat → citizen's rights

Basic health + Nutrition → socio-economic rights

Parental care - enforcement problems

look at statute books which affect children

labour →

previus

covered by labour reform Act

If CA decides that these rights can be easier dealt

+ laterality

elsewhere DP no object. Pt. Pantos must be

DP's status part

BoE must reflect a

consistent. Core of rights must be as basic as possible

the fewer the better - better chance of being not coming amoung

Nothing in consti should prevent Parliament from amending

legislation based on WCER or UNICEF. Pantos must be

consistent

Surely

DP calls for consistency

why introduce as a core right economic activity

code

which is not regarded as a basic right as in DP's. Yes leave

out special protection for children - sensible judgement

to vulnerability of children

has been argued of important and strong

In DP's submission economic activity has been

in proposal on Socio-economic rights

dropped. Meaningless in domestic context. in IC

DP not against protection of children in consti. Only

suggests that other groups just as vulnerable and

need consti guarantee. Consti will have to protect

all vulnerable groups (elderly + infirm)

Prof Mohamed

child has a right to name +

Seenen 30 of Consti - nationality

Dept of Home Affairs has refused double-barrel

to a must be

Surnames: Right of name relates to chain of parents + grand

In Zimbabwe named mother illegit children only

been: Surname have special rights to nationality

all other groups must have

eg. of Rorobony case struck forward. what a worthless clause

What does nationality mean in context of constitution?
What if name chosen conflicts with govt policy? Possibly

TC needs expert opinion: issue with legal + consent implications
or impact of the clause on dept of state etc

a Mr Epler

DP's submission does not favour special protection:

for children because of their enhanced + physical immaturity
S 26 of constitution: eg child of 15 gets involved in child

Writ clause on economic activity → Pornography vs Parental

Prag. whose rights will DP protect?

Mr Hees

- Section 26 of Consol does say every

(see S 26 (2)). No one can argue that this is not

adequate protection against exploitative child labour

- Deliberate misreading of consol

- Limitations clause

- No democ society in world allows practices that

Mr Epler refers to

- Cannot refer to clauses out of context. Point is not

that DP is against special protection, but whether it is not

already catered for. Statute books, legis is place

where special protection for children is allowed. In

IC. DP is not unsympathetic to rights enumerated; issue is whether it

is not catered for elsewhere

a Mavri

DP basically not opposed to section on children's rights

We should remind ourselves that we've done several rights but little

discussion on inclusion of children as bearers of rights. This is what

when rights are as broad as possible it is the vulnerable

children who are most vulnerable. Since DP not opposed inclusion we should proceed.

a North

Right to Parental Care (p2). If/IA cannot be enforced by
Constitutional mech how can it be enforced
here

How can be
enforced

above right difficult to enforce constitutionally, not

legally. Not sure whether const is best method of

protecting/enforcing his right. Looking at why common law

national statute books: both make provision for right against
prevalent abuse + neglect.

Chair

Take FF Submission as Read

NP submission: Mr Roche spoke to NP submission

- Piffers hon of DP
- NP needs children needs special protection
- Section 30 must be fleshed out
- Take cognisance of int. class

OutD

None

PAC Submission taken as Read

4. for Prime Committee Reports

Chairperson appointed to: Parties must express views points
on their own positions

Proposals: 2000 statute - commit an admissions new
concerns

Part 1 admin purposes: detail of

Part 2 - Parties can comment + changes made
to schematic report

4.1 Nature + application of BOR

Panels: numbering 2. Rights

2.1 should be 2.1.1

Panels: Can be side re non-contentious issue

3.2 was contentious | stopped panels

contentious | approach ITE report has been agreed
on. TC has decided on

Secr: Outstanding issues: to deal with these

issues main parties have stated positions but
no discussion

metology: Not nec take contentious issue

Decision
~~2.2~~ 3.2 not contentious issue

Rachne

Maiviri
Next contentious not outstanding - Resolution
(p. 10) instead of contentious
Pamela Choi came to a conclusion

4.2 Report Freedom of Religion - Opinion

Pandora
See P14-17 at beginning
Discussion as title of reports. Agreed that
TC will use title of "Bill of Rights" + not "Fundamental
Rights"

Chair TC called Fundamental Rights

Sandy P. 14
2.2. Not outstanding issues, but party views
not noted for chapters. Suggests further
Party views instead of outstanding issue

Chair not clear or obvious. Issues are outstanding

Pandora
since no agreement needed
deplament in TC was made
eg. Academic Freedom location is
wrong in Religion / Dist views on where it must
be located

2.2.1.2: MUG Choi make clear a clear
basis for freedom not only clear with
new freedom expression but possibly eliminate

Chair
Rachne
* kente
Q: will party submit be attached to reports?
NP hence propose

Pandora
Need for overall summary paragraphs
egner: - ACP Freedom of Religion for all forms of worship
- Satanism & churches (not reflected in report)

Maiviri
Reports should capture the essence of
submissions not details since party submissions
will be attached

WV egner
Chair
2.2.1
Meeting order ok: cannot remember items
which should have been done in this

Chair: Is Mr. Egan prepared to accept and submit to Secy
Secy: - Drafting subcom attendance
P: 15-17 } no comment

Chair: Not last word from TC to CC via Report

Lt. 3 Report: Seminar + Forced Labour - P23

Sury: What is regarded as outstanding issues
is chief perspective which will inform drafting process
- CC will refer back to TC and ask for solutions
- Perhaps outst issues in Remarks Column

Chair: This report is consistent with other TC's, CC will draw

Sury: Secy ignored inform work as part of Party News and

Chair: Reports to CC are already coming with

Suggested drafts. Outst issues are already
going to drafting: TE and TE will r

Sandy: Insights of CC's next reports ^{must have} ²⁻³ ^{docs}

- 1) TC Reports contained, not cont further issue
- 2) 1st drafts

Chair: Any points of substance in ^{in some Party News instead} ^{of outst issues}

Chair: next step ^{1st} ^{to prepare draft}

Secy: Reports to TE | TE will report to Secy who
will report to TC + CC

5. General

Poor attendance this Mon

Public H: Children's Rights

Trade Union

Glasgow: Meeting closed at 15H30

apology: Mr Heon

TCH Meeting Mon 15 May 9. am

Apologies: Mr Bakke, Ms Cameron, Ms Chalmers, Mr ...

1 Opening: ... + ...

Chair: Shepherd. Mel.

... determining problems: Meeting times not possible ... 4.2 + 4.2 not ready

Agenda for today:

Please Take Vol. 14 + 15 of Submissions:

2 Minutes

- Mr Siz: apology

Connections: 8 May 9-1: 3 ii) details "and"

3 Matters arising

- P.H. or Child's Rights - Naked (Report)

- good presence from MP
- fair rep of day, concerned with Child's Rights
- Stakeholders welcomed hearing + had clear views re Child's Rights
- Discussion on children of Ukraine + concern re process. Ory need to be consulted
- Outing re communication re Public Hearing esp from ^{media} members. Assump next people had access to means of communication
- Submissions made

One WP MP came to for 13 members raised concern about dominance of AWC. Accused Party Political

Ms Comm.

Revised with JTS + Point that proceedings have conducted by AWC member of Parliament JTS pointed out that 8/05 TC Meeting

Chair: Must take up with Mr. Reuter because of ^{main} ~~main~~
Comm: The matter raised quietly + confidentially
with no fuss

Main: When raised: during break not in meeting -
all parties must come presence at P.H. if
not in

JTS: Doc in pack for last 3 meetings
In future parties must read docs

Chair: Matter will be discussed in CG
Celine: Members not acty as P.H. parties start as much
of CIA (ii 8 : 1-P part 8 : 2-10000)

Rachne: Trackhead heads

- impressive + historic; well attended (some 100)
- seminar divided in 3 sessions:

1) Trackhead counts: Trackhead ~~referred~~ is
+ must be part of cont system, shapers + a force

2) ~~control~~ doc

3) Small should consist of nominated members
of head team

3) last session: local govt + study head heads

- Trackhead ~~feel they~~ have a strong in local govt
+ Sando defined: emphasized a more democ approach

Chair → contact with unconcerned need of some
for a 1000 chief prop spg work the

Common: Cannot rely on CA Sec 1/ Compliance for doc
Filled in form for transparency

Chair Core-group will investigate this issue as a right
Shere

Salogee Shared also record that from his side:
effort organisation

4.1.1 RIGHT TO LIFE : PARTY SUBMISSIONS

4.1.1 ACDP : not present : Submission noted

4.1.2 ANC Manni

a) Intro: Right to life single WB : Consistency of BOR, hence
WB of Article 3 + 6 of MDHR + ICC PR

b) Capture P See doc

Questions

Q Raeme Does ANC formulate a constitutional right to
abortion

A Manni As a TC we have to deal with Reproductive issues
and abortion must be dealt with in a holistic

Q Common Present IC does that

Does ANC feel that this submission pro intro

A Manni CA present right to abortion limited. ANC
believes that conditions under which abortion is
operated should be broader. Issue may should
be broader + linked to other rights: Privacy, etc.

Q Common Present regis is acceptable, if legis is
to be amended it will be criteria for,
best constit will be

Chair: Marin: Once believes that it is nec for this clause, it will curtail people going to court. as it is not only left courts only

Chair: Panel is sitting to amend legis. SA Simons a subclass is not nec

Chair: Marin: Lumbert clause 4
Surtay: Statute must be seen in context; legis allowed to look at abortion + legislate

AWC has not put its position on abortion in this subm. NOT closing door to alternative legis

Chair: AWC saying that amended legis on abortion not sufficient and therefore abortion ^{must} be a censorship

AWC: heavy door open to possible amendment

Chair: Abortion will be discussed under Reproductive US

4.1.3 DP not present

4.1.4 LFF Mr Muelly

CHD

Surtay: Reg By Surtay chair, parliament in terms of P now

Muelly: CC have to clear with right to life in terms of IC. IC has to interest + life for a new context. Patient wants -

Muelly: Par is having right to men's views
But it will admit if Par has access to decision. But for Par to make ^{not} subm
Because PF is awaiting CC decision does not mean that PF does not have a position on Rights Penalty. Interpret of CC may force CA to re-interpret its formation

4.1.5 WP : 1) Mr Roche :

2) Ms Cameron : NP's Position on Abortion

- Against Abortion on demand
- Abortion not a family planning method
- Open minded to
- access to abortion facilities : law needs to be looked at
- Limitations clause should govern this legislation

Conclusions

Q Nabeer : NP's position not clear and coherent. esp wrt +
convergence issues. Q to Ms Cameron : Clarity
then about where has abortion been used as family plan

A Cameron : NP's position is not so coherent. Working in freedom
Constitution should be retained. Any interpretation of
right to life must pass test of limitation clause.
Wrt abortion as a family plan is raised in many
documents not an essential issue. It has been pitched
in certain contexts to protect a boy ^{a boy} _{original} is born

In some cases

SA should not accept tenets which encourage
his practice

Chair

Meeting unable to show clear from abortion Appeal
to members to refer abortion to right to life.

Manvi

a How does NP justify the Death Penalty + uphold the right to
life?

a Roche : NP concerned about high crime rate esp capital
crime. Wrt right to life it is correctly reflected
in IC. Apparent ^{simple, corporate obligation} _{in general} limit claim
and in subcases
the right itself should not be kept
must ensure adherence to subclause

UK must abide by EC decision

a Survey
 MNC concerned about crime but there is no empirical evidence that by removing or reducing checks penalty will reduce incidence of crime. Consider of MNC based on factors external to crime: In SA checks penalty melted out inference: blacks mostly sentenced to death.
 composition of judiciary: (Refer to MNC Subm p. 10)
 MNC believes that death P has moral authority
 + Public submissions -

Combs: moral + ethical custodians of moral
 the people. Combs not a transparent

Rep Rache
 NP agrees that I consider change in a negotiating process involving all parties.
 New consist drafted by democr elected people. Role of CC will be an interpretive one. No persons more qualified than members of CC to give SA an interpret of what consist intended within the legislative

Stacy: Is judiciary better equipped to interpret the religious beliefs of people

Comer
 Transparency + canvassing public news: Would MNC be prepared to hold a ref on the issue or have a national tour in terms of UN Conventions

Mulder
 observation: who would be best to interpret the right news to the people: the people

Saboye
 NP clear news but limited. They are aware of many people heavily burdened by tax burden

Rache: NP will have no problem of accepting final decision on
Constitutional Com. PF keeps clear open key for a decision

Naleli DNVINAT
NP refers to Transition Council?? Same as IC (Rache)
Submission of Success Report

Salooje: 2nd party @ : instances of courts making mistakes take
into account on NP.

Rache: Yes but more on this key is needed, new Safeguards
NP certain that good super, submit
invol. Mathias goes in need to eliminate mistakes.

4.1.6 PAC: SIZAWI
O+D: None.

6. Agenda
6.1 National Security Hearing

6.1.1 26 May: Religious groups - Hajaj, Nteli, Tshvase, Salooje, Thompson
27 May Yaku
ejammelona, Thompson, Nteli, Tshvase

3 June: Labour
Mauvi
Naleli
Rasmeloni

4 June: Women
Ms Cameron
Marivi
Hajaj
Naleli
ejammelona
Thakepela

6.2. CPM : report of meeting on 21st Nov 94 : 2008

1) 20 May
Upington
Thozama 3/06 : Tshirhase
Hammitt
Tammy

CG: to meet w/ TC - : 11/10/94

Closed

Core Group : Present: Muelh, Shephel, Radu, Pandor
1/11/94 : JAG

JTs - CC Decision.

Process of adoption + tabling

Radu : Controversial issues?

Nalati : 1) Take to CG? 2) hrs to consult : 11/10/94
3) ^{to} CC ~~to consult~~

JTs Process

2) CPM

JTs TC decided on a former in last meeting

Rad Can party reps only be TC members? Diff for ^{some} parties
to meet this request.

JTs up to TC to make proposals

3) PH Chh Puts : Public Perception of ANC dominance

Reels : Secur. Public Statment

Nalati : use alt. methods - consensual

PH: People want to hear all parties

Shepherd

AWC has a surplus of people wanting to participate. Parties must take responsibility to ensure anyone repr esp on issues or ones which they are most concerned with

Submissions on Sec-200 Rights

- WP SHU outstayed

Chair: ...
3. ...
Chair: ...
Pop at ...

Chair: ...
AWC doc not ...
Request to ...

AWC on ...
Request for ...
Request ...

Chair: ...
Request ...
Request ...

Chair: ...
Request ...
Request ...

TC 4 Meeting: 29 May 1995 OAC 14h00-14h30

- 1. Opening Apologies
Chair: Molladnan
Rachin, Cameron, Sizaru, Dr Muleba
Pancher, Mbanetta
- 2. Minutes
No corrections
- 3. Matters Closing
None
- 4. Party Submissions
Reproductive Rights

Chair
Refer to Doc: Party Submissions
AWC doc not included
Request to Caucus on issue

Mr Keen:
AWC an enormous pol org. Reprod. issue not a new issue. Deadline for submission by Sec. Rebuttal Repeal unless a submission from largest Party Party

Chair:
2 phases of dealing
1) agree to adjourn for a couple of mins
2) continue with other party submission
Submission is available

Keen:
Deadlines: are they guidelines or more cliff. For smaller Parties to prepare submission
Any Parties should not be chastised

MVQgreen

all
not ist time panthes not ready. AWC not
selecting present

Propose:

Take submitters available + continue

Werth

Agree with motion. No meaningful debate
interest. maj position. Adjourn till 3pm

Asmall:

Major diff: whether consist provision or not
Non-est diff in AWC. TC should not be
held up by inability

Keon

Real annoyance at IFP who suggested an
issue on repud rights

Ramenod

Prop pulled into agenda

Chair

~~Prop~~ ^{No disagreements} disagreements with parents
with agenda

ACDP

Reproductive Rights

Q's + Disc

Asmall:

1st Sentence of ACDP: If parent is a
right of a sensary family unit, what
happens with severe ^{incor tend towards} public policy in
light of single parenthood

epren

Seriousness of submitters: ACDP deserves to
be taken seriously. If not entire process
must be questioned

ACDP does not refer to see parents/reprod
as a "right". Do not regard single parents
or that they should get assistance from state -
children best protected in a family unit.

state often have to keep resp when
single women falls pregnant

As more names of applicants of child yst...
 - ACDP is saying that injunctive on state
 to give assistance within Panel...
 includes 25% of members ^{born abroad} ~~beliefs~~
 of marriage...
 Phase anti-christian because it causes
 people to neglect

Open ACDP response: State should promote
 reproductive (procreative) rights within the family
 Not to be interpreted as neglect of assistance to
 single parents

DP:

DP pro-choice but not consent

Unborn foetus does not have

Role of C (CDP) protected

Omission: Reproductive health of Christian cannot
 guarantee

Crucial: No special rights in consent

Q+D

Walter P... "Proton...
 What is ref? ...

Ref in Justice St. Claim

Decision at Fed. Congress in Durban

Were all moral... means later

Also considerations

DP quest

heard: Disfranchisement decision: DP did not take a position up to ^{OCT} 1943. ^{highly indiv. conscienc} Women's Lobby demanded position. Close vote up to 1943. Ordinary members not obliged to adopt position.

4.3 FF CWerte

Subm looks at report in relation to present ACT 1943

heard

Sen Work suggest Fed Com in exam has presented about complexy. DP in sick on connection its position. Does not here. Formel request that meeting in knowledge.

Werth

Referred to article: (Stella Rosen Law Review)

Imkerberg: Surely

Departure of agreed rules of procedure.

Asmare

: Improper to ask for clarification through TE parties subm should be factored + accounts

up to other parties to accept accuracy

but C does not accept accuracy

Moherg: withdrawal Request

Imkerberg: TE prepares draft report + explain

memo with int jurisprudence in draft report

Werth

refer to pupil: Stella Rosen Law Review 1942, FF statute

not inaccurate but maybe out of date

Ranchord

statement by FF: ACT is reported then

revert to adoption of demand. Not true. If act reported

will revert to common law. Repeal will lead to
incr in deaths as a result of illegal abortions
sent or quondam. lots of people in need of health
care

Werte

unfair practices are undesirable. Matter of
Plessy vs Ferguson supreme
agrees

Amare

Integrity of the state: No woman or committee.
In HR terms 2 forms of discrim: 1) direct
2) indirect: hyperpart
of people

Research Jeremy Seakins: 20000 women or are
maimed are black. The plight of poor must be
taken into account.

1975 act: racist, anti poor + discriminatory

Werte

apparent mission of
Use of abortion as a method of birth control
Intention of 1975 was not racist, or discrim seen.
Does not stipulate affordability
Motion or demand that abortion be a family
planning option

Mauri

More is indirect discrim. Out of 1000 people
procured legal abor 750 were white.
Q of HR must be balanced w/ other
rights: Dignity, privacy
Very few women who would actively like to have
an abortion

Werts:

FF 'slander' does not imply criminality or integrity or privacy

Not against people getting an abortion

more concerned with integrity of press

WP: Ranehal

- Very similar to AP position

- WP believes issue not about truth by legis

- concerned to abortion law death penalty

- do not believe of report rights should be included

- do not believe of report rights should be included

- do not believe of report rights should be included

Q+D

Open: what is WP position with abortion and demand?

Ranehal: Very few societies where you have abortion

and demand WP need need to review current

law, to look at social context, new

concepts of women of HR review

of gender issues: WP not in favor of March on P

Open

WR + 1975 AA, WP in favour of a liberalizing

act of WP

Ranehal

SA, has changed, what has changed, while not

Law of marriage to say

Heater case: large no's of people not access to

All these laws passed before a creation of HR

Must now be reviewed, WP not an expert to change

in creation

Women in BOP. In fact a barrier in

Case

Be case of employment of women

ABMIAL - AWC

- Apology: maj of speakers men
- Whole of of fertility + pregnancy affects women more directly than men
- AWC needs be higher sensitized never discuss
- Position of AWC debated publicly: Debate linked to other issues: autonomy, equality
- Sensitivity to life: Life recognized by legal system
- No early wheel abortion on demand present
- Debate in SA settled in 1975: Men is a right to abortion on arbitrary grounds: physical + psych
- ~~the~~ Social + econ grounds: there are also impinge on psych

Debate in SA about parameters of abortion not with it should be kept

No one compelled under 1975 Act to have an abortion
Moral + eth

Freedom of choice means absence of compulsion

1975 Act with its restriction does women to compromise illegal abortion

Int Law

a bundle of rights: interplay of diff rights
(Cairo + coming up at Bey Beyning)

CEDA: Art 12: Right to health for women, included access to family planning
States will ensure appropriate services for pregnant + post natal

What are appropriate services in sector health
More must be a separate section on Women in BOR. In fact a paragraph on health care

Become of ambiguity of these 'reproductive'

In 1975 in most countries abortion outlawed. SA 1975
art 10 allow white women to have legal abortion

Q+D

Chair

PAC - did not make submission. Covered by
her submission on life

Openness

Kept out Women + Labour

S.1 Seva Public Army

Briefing meeting in M 201 3pm Tues 20/05

S.2 CPM'S

TC name: contact Mr Kalambir
Meeting on 21 May in Mr Solomon +
Next meeting on 3/06

Rgoari J : ~~Mr~~ Mark King

Diamin, BC : Hamstead

B. Thompson : Hamble

TC 4 Meeting June 5 1995 8:30 AM

In attendance: S. M... + R... , P...

1. Opening

Apoecies: Ms Cameron, T. Keen

Sen

Mr. Rache opened meeting at 09:10.

2. Minutes

4.8 p.5 insert "to"

3. Minutes arising

4. Political Rights, Citizens Rights, Freedom of Res + Freedom of Int. Party Submissions

Chair Procedure: Parties to present submission on all the rights

4.1 ACDP

PP

Q+D

Subj:

p2: Bearing of Rights: correct (only nature persons)

4.2 AWC: Panels

4.2.1 Questions

Sizani: General AWC clarity P.5 P.2 elections and its application in a system based on customary law

Nabesh: Questions of hearing nature of succession within custom law not dealt with in AWC sub...

accepts... cannot...
one cannot...
one... one... democ... infr...

All citizens... particip... democ...

4.3 DP - Smith
- supports present IC foundation
+ happy to support...
... on basis of...

4.4 FF's submission...
IFP network...

4.5 WP - San Raelin

4.5.1 Q+D
Mr. Epner

Wrt legacy of Post: The right to freedom of residence
seriously restricted by the legacy (Group over Act).
There is duty on state to ensure that right remains unhindered
view. Rehearsing imbalance.

San Raelin
All appropriate steps removed wrt resid (WP subm p 31)
Epner

This right is limited because of econ. / pol sit. It is imp
for people to move from township to urban areas.
This right affords freedom + not mobility.

San Raelin
NP has supported legis, like Land Reduction Act
and other means of GND.

San Smith p 32 (2.3: own depns): Other actors not bound
Could NP clarify this point.

San Raelin
Absolute free duty on state to protect his right
all levels of govt bound by his right.

Smiley

eg. A large developer of a housing project may restrict people's access on basis of race/ethnicity.

How

Sen Smiley

The census discrim on basis of race. But legislative intent also prohibits any der from taking adv. of his sit.

Solomons

What is rationale of last part of statute? [Other acts not banned]

Sen Rade

Further application. legis + census prohibits racial discrim. itself or against: too go beyond + v. w.

Solomons

If last part of statute deleted, would it change NP position.

Rade

NP has no problem with wording of law comm.

Mehner

Letter

Parade

Clawey: It is not always the state that infringes this right. Often private bodies are worst perpetrators against communities.

Sen. Rade's letter points out by statute.

4.6 PAC SIZ Ami PP35 - 37

4.6.1 Overview

5. General (with a printed programme)

5.1 Work Programme

12 June : EQuality (Party submit one key)

14 June

5.2 CPMS

names already indicated

5.3 Conciliation Meeting

5.4 TE update on Reports

- TE has been meeting and of these reports
- Hope to finalize reports on no. of reports
- for CC Meeting on 15 :

HD

Prway

Sentinel

Freele + Sec of Pen

Religion

Under

hope

hope to have drafts
with explain reports
ready for CC
Meeting on 15

5.5 Parade : last CC meeting : opening of reports

Secr : TE working on that basis

6 Closure :

10 hot

Concepts Meeting Mon 5 June 1995

Present: C. P. ... R. ... R. ... S. ... M. ...

Opening: Mr. R. ...

relevance many times

who is going to present report to CC: AUC

Public Submissions

Must meet criteria as this is report

Public Hearings:

Because of large no. of submissions PH rescheduled till

after 30 June

Public Submissions

TCL Meeting 12 June 1995 OAC 9-5pm

Present: S. Leckerberg

Opening: Chair S. Molladland at 9.05am

- Apologies: Asemel, Mrs Chalmers, Mrs Marsanella, Bakke (late)
- Resmin, ...

Matters

- i) PLS 4.5 ...
- ii) on the part ...

Matters arising

- 3.1 - Pandor: Has WP taken decision ...
- Roche: Decision: other acts may be bound by state
- 3.2 Public Hearing: Chair reminded meeting re agreement on PH scheduled for end of July on Socie - Gen Rights
- 3.3 Pandor: Consider CG with TE ... on Socie Gen Rights? not occur in WPROG
- 4 Poetry Submitters: Casmelly
- 4.1 Chair: TCL has received 2500 submissions + 13000 petitions
TC will have to look at a no. of Public Hearings
- Mabeli: Consider CG ^{40K TE} to look at Public Submitters
- Public Submitters: Consider it be arranged in a more useful way: Index, Subject ...
- Problem with way in which it has been spread

Manvi ...
one we come to do back to submissions on ...
have cleared into? We should have subm on exp. today

Chen ...

Diff with way in which submissions ...

Penelope

Andrew TC: issue today at very heart of BOR. We
not helpful our asp if we do not look at public subm.
Not in a position to take into account of public subm

Chen

CG + TE: aware of public subm. Reports
do reflect public submissions on various issues re enable
ce to. Because of volume of subm difficult to process
in a more acceptable way

PART 1 SUBMISSIONS

ACDP: Mr Green ...

1) Philosophical Perspectives

- Human

- Biblical Approach

2) Constitutional Perspectives

3) Affirmative Action ...

not to be mixed in ...

Dismiss ...

Long term goals ...

4) General Overview ...

Reasons for ACDP ...

Overview ...

5) Analysis of the Report

Q+D

Rancho: 1) Vital in SA where principle of equality is to ensure equal access to education & employment opportunities. 2) ACDP submission agrees that World Bank support govt. notion of meretricious discrimination in employment oppo because sexual orientation

3) BOR respects right to privacy. ACDP submission agrees that govt. has no right to interfere with privacy of consenting adults.

Protection of human sexuality a matter of concern.

Open: 2 approaches outlined in ACDP submission. Humanist approach is that state must protect ~~human rights~~ rights of consenting adults. ACDP govt. secretary of govt. and duty to protect moral order observed in effect.

New Pornography Bill e.g. has limitations re consenting adults. It bans child pornography which is a moral decision left to state. ACDP questions whether ^{the} state can impose moral

State should be consistent in legislative machinery

Rancho 3) Should we go back to days of immorality act where vice squads used to impose morality

ACDP

ACDP does not suggest state use police to enforce ^{in Kenya} privacy. ^{const. should not enforce} as far as application is concerned this right is ~~sexual~~ ^{consent} clause.

Nalendi

The right under discussion is the right to equality not sexual orientation ^(one of categories of people to be protected) in relation to AA

ACDP submission quotes Rampelle ^{in clause dealing with equality} in which she supports sexual orientation ~~is a category for affirmative action~~

2nd sentence

2) ~~part of ACDP submission~~: AA: Does this mean that some are more less responsible (less role in society) will be allocated less resources?

Gmeus

AA: Must look at ^{as for AA is concerned} system as a whole + look at

underlying ethics. ACDP supports self-sufficiency

In the context of working of apartheid people haven't
received opportunity to develop their full capacity. AA should
encourage people to take full potential. ^{the same} Rights - rights
^{also implies responsibilities}

Surby

What underpins ACDP system: Underlying

Principle of diplomacy is supreme: ^{same access to} ^{same jobs etc.} + fairness

What about inequality: ^{applied} ^{i.e. these people disabled get less} ^{than disabled}. To meet
address inequality. The ACDP view?

Creo

Yes: Cannot enforce AA in constitution since

say is how now. aim is society to equal. So cannot

Surby

last a line on p 5: "equality... persons"
Subst philosophical in approach. Does

not address practical

"all men are sinners" limitation. ^{2nd par} ^{P 6}

P 6 4th par: ^{acknowledges} ^{Replaces} ^{human} ^{sinfulness}. Human sinfulness

not separates into discriminatory practices +

Presumptive laws of exploit states
prior to spiritual laws.

General, ^{but} ^{substantive} ^{presupposed} ^{inequality}, ^{man's} ^{sinfulness}.

Open: ACDP not saying that

Refer to existing ⁱⁿ SA

Because of ^{laws} ^{sinfulness} of man ACDP

connects spiritual + other laws

applies of spiritual laws - ^{boundary}

neighbour implies social action ^{to} ^{eliminate}

sinful actions w/ ^{reparation}

~~ACDP~~ Ramello

Comm

Camrou: Deals with an equity + gender comm.
 Is ACDP aware of Beijing conf adoption
 of a Platform of Action: Reproductive
 Islamic fundamental not prepared to
 accept equality + but be fair.
 Is that what ACDP means by subsidy
 equity for equality. Is ACDP supposed
 to replace a

Opener: AS far as equality between men + women:
 ACDP supports total equality between men + women.
 AS far as equality is concerned, witness wrt
 women need. Must also look at AA for
 women. In some cases people discriminate past
 must be given more rights to restore the
 balance.

AS far as legis is concerned
 constⁿ protection for
 of
 Ramouel: Is the ACDP aware to state constⁿ
 minorities such as gay people from state interference
 protection for gay people
 gays

Opener: Sex orientation is not a ground for discrim
 people are either male or female. Inherⁿ
 in constⁿ protection not nec, unless
 for a basis which is not discrim

Ramouel: Center one sex member for protection of
 a minority (and gays are a minority).
 Constⁿ Protection for all not just men or women.
 Or showed we be silent on since many discriminatory
 matter is possible for state to prosecute

Opener: If a group is a minority
 because of an inherent quality
 then protection against discrim.

If a minority becomes a chosen lifestyle cannot be given protection. Question of choice. As for choice, see is concerned with hakonochon. Discrim one we going to protect lifestyle because of choice

Mauri Religion is also a choice. How does it differ. Why protection for religious minorities.

Open: ACDP has said that religion should be entrenched but excluded Satanism. Because conflicts with word of God. As far as gay rights concerned, basis of god's word, that it cannot be included. equality is concerned.

Mashamba: Question of choice: is this the bottom line for protection

Open protection of choice. When it comes to sexual lifestyle cannot be protected. When it comes to choice in politics etc it should be protected. Freedom of belief is protected - gays are protected in terms of gender.

Salooje

Basic problem with ACDP: As a non Christian means Christian because for other things.

ACDP totalitarian. The ACDP is suggesting there is only one way + the ACDP is wrong

- AA: re fed ridiculous that says neither AA

- Talking about breaching human rights. Eg: gay rights. There is a history of victimization. There is an element of life that is private. There (only in a totality) state is a not needed

Chris: Recognize of desires of other persons:

is it only consist where sexual orientation is a ground for discrimination. Protection

Christianity not only religious against SE,

censur

Islamic conts have similar news

ANC

Preface submission:!) Resisting discussion to homosexuality is a minimalist. ~~SA~~ Sexual Orientation not only a question of homosexual lifestyle. Everyone has some form of sexual lifestyle.

2) SA/IC should be applauded for being

3) AA - Rangle; - ~~SE~~ Sexual Orientation

1) "Everyone" shall enjoy in CP II.
CP II consist shall include all fundamental

QAD

Conner
"enjoy privilage"

Seems ANC agrees with formulation of clause as it stands. Language of sub "plurid" AA "compulsory" ~~upte~~ ^{dictional} connotation "Essenti" more appropriate

Panels

"compulsory" Do we have choice about whether to do something about discrim. No choice / have to be compelled to act given a context of plurid. Compelled to ~~take~~ ^{take} measures to ameliorate

Sumbs

Initial approach in IC wrt AA: analyzing clause. If ~~is~~ ^{AA} is seen as part of AA AA applicability of equality.
Do we still need "shall not preclude" if we copy it is an application of equality

Need for

Does not disting between substantive equality and discrim of Post last para on P 23 "opening on the "ramp concept".
E.g. of substantive eq: ramps for disabled; preferential treatment for pregnant women.
IS ANC looking at AA as programs or a permit

Pander

- last of : does disting
- "shall not preclude" : MLC does see need for Report of the Commission because of use of counts ^{in school} where there is no clarity as what how to interpret visit.

Ranchod

When talking about equal protection very little attention given to children. All parents ignored that millions of children out of school, no access to education. Especially not just concerned with adults but also children.

Pander

While Paper on educ does address his issue. Under Apartheid : no provisions for special educ needs in place. Adapt educ Ministry Educ has begun to address

Rach

Fear among public that AA might lead to reverse discrimination. What would MLC's intention be to an additional clause to deal to the effect that in carrying out AA the Constitution Rights of any person should not be unduly affected.

Pander

Limitation clause addresses this. MLC has stated that it is against reverse discrim. AA measures must design clear intention reg. of admission of students to University Measures must ensure access but not entrench

Iman

Will MLC need homogeneous managers. is correct if yes
 If as far as religious comm. MLC subm structure to enforce + religious law

Shared equality claim protect religious groups as opposed to gay rights to equality.
Panel

ACDP is forming Amc to Sensation issue of equality.
Needs to address discrimination. Amc not stated in original
Manning a question of legislative intent not well defined by a BOR. If Ministry of Justice doesn't such manages, it would be within law
had no
SA & Culture of Rights - Sec. Or. should not be placed in equality clause
Immediately address which must address prejudice. This is not here are discrim.

DP : Smuts
not as neutral as "disin" and addresses DP canon.
Surya: 1) The word "design" subst. bargain because it incorporates child consent + include at time of negotiation of IC "worldview"

2) P. 33 of DP subm. "presumably the same broad to include as many categories of disqual persons who have a negative impact"

Smuts : Does Amc have objective to word "reasonable"

Panel : Yes: If we agree on the need to design measures and criteria are set. What would be 'unreasonable'.

Smuts : Reimburse when a test of liability

Manning : Reimburse covered in limitation clause

Smuts : If clear from text - the AA subject to limitation clause.

Rancher : Impression from DP subm. is that DP not happy about what is happening re AA (target state in context). PP would like a repeal from of AA, doing it gradually. This

AA. among to approach based on US case eg of reference discrim. ex mory.

Also need DP favour st of a body to monitor
implementable of SA.

Sumo

- 1) Colomer's concern w/c sees AA as discrim? AA no
- 2) Yes DP would favour st of a body //
Need to spell out when have a certain subject eq.
in Public Service

MS Cem

Is there not a danger in approach of DP of Kerner
parliamentary. Disadv meets means not just many
new sim more viable, but enabling actual access
to opport to ex rights
Is it nearly necessary in the light of existence of limited
claim to impose a form reasonable

Sumo : DP's proposed charter from Principle 1 and also
based on RDP

DP has nothing against re-challenging claim. Intention
is not parliamentary

Pandor

- 1) 3rd in unit formative needs letter
- 2) On last p/c DP submit response to power of courts
to review AA measures. How do you limit power
of courts given those that have enjoyed rights in past
most likely to use courts

Sumo

re-challenging of alloc of bussum + scholarship
to white colleges. ^{current provisions in many} would DP support
which targets white colleges.

By insulating clause or AA from challenge would
make it possible to be renewed

Salooje

W/r + Housing : Collusion of estate agents
in keeping areas white

Sports facilities :

Has DP considered that in spite of new democ. consist
that more elements in society who are finding ways
of perpetuating discrimination

Smith

There has to be a sphere of privacy protected by
consist. However privileging of privilege + discrim should
not be allowed.

Marshambs

Those privileged able to set high standards
Breakfast Rights
Lowering of living standards allowed to give
N.A.T. until everybody has breakfast.

Smith

Socio Economic Rights is the appropriate place to deal
with issue

More should be a class in BOR which ^{allows state to} ~~quantifies the~~
elements of life ^{cannot make it} ~~justiciable~~
will amount to ^{give} ~~judiciable~~ right to make policies

NP. Sen Raiche

QTD

Nalder

Concern re - ve. New emerging wrt AA.

SA not a conglomeration of minorities. Ethnic heterogeneity

of past ^{ethnic} ~~minorities~~ ^{vs} ~~communities~~ ^{Nations} ~~is~~ ~~et al~~
P 3.2 ^{affirmative} ~~admission~~ ^{admission} addressed by ^{freedom}
of assoc. If included in class on eq. will
tamper - rely into right to equality

Reid

Quality of life matters do have to minorities in S.A.
Eq.

Com

Became a power of ... could also argue that

We don't need a clause because A is already covered

Eqn clause deals with interests of minorities

Must be fleshed out to deal with all anxieties + fears of all people: clause could be imposed by

small address

States

Salooje

Practically

If right to equality + culture is entrenched; is there a need to enhance minority rights?

Raohe

NP have never submitted that benefits of minorities should be protected in consist. NP mainly addressing "affirmative" to protect those not belonging to minorities not "rights of minorities"

Canan

Sunby

Wrote Affirmative:

1) If one looks at someone, religion, caste, language all affiliations. Word affirmative are redundant

2) Proposal on P43: that such word "affirmative" seem 33 contains all those elements.

Proposal a step backward.
3) ~~8(3)(a)~~ 8(3)(b): People have to be treated diff. because

See P41 of necessity of inequalities emanation of factor. NP reduce the impact of AA.

Rache

Must go back to CPII "Everyone -". No question of suggesting that some rights enjoyed by minority are fundamental HR. Because majority not enjoying does not mean minority must accept. "Affirm" merely / that 8 (24) not exclusive

Will remove perceptions, release discrimination against AA
open

NP seems to take middle road w/ + social order.

(See p. 39: 'relevant') Ref is made to S-33 which NP finds supply grounds for disu.

Con

1) Response to Smith: Redistribution of wealth does not need amount to "rob men to help poor".

2) Privacy sup by NP. W/ + matter of policy & public

W/ +

"Right to equality before law" - P. 1 (P38)

? Differentiate by state?

Rache

If state were not so diff. ketu adv + disadv people

Manni

Conflicting rights + principles in subn of NP.

One wants to achieve equality but also needs diff. One to NP talks about "Rights" or "Principles".

Rache

- NP talks about rights

Sulejce

NP talks about labor level of some . . .

Dirig. capitalism state massively questions to minority.

For sharing equitably the white minority will

have to accept a lowering of standards eg.

Source Welfare Series: 80% of those resources still

by whites. Redistribution of state resources means
that some people will have to accept a leveling of
their standards.

Canon

Canon must have a bottom line. AA + medicine
must not attack basic rights of individuals.

Pander

SA has never accorded fundamental rights. What
has happened is as the quantity of privileges
eg. Admission to medical schools. ^{white.} _{qualified medical}
students may be refused access to medical schools.

Rashe

AA does not support nature of privileges but the
protection of individual human rights. As long as
narrow rights are infringed, AA can take place.

5. Gene

5.1 WP

Chair reminder status of decision
next TC. 15/06 in aft. on Mon.

5.2 Coke group

5.3 Invit from TCU: Conf on Soc. Econ
Rights in G.H.C on 21st June
8h30 - 3pm.

5.2 Schedule of Meetings

- Lots of AB begins coming thru end of June.

• CG

6 Close: ROS

C G Meeting 12/06 2h30pm

Present: McLachlan, Pender, Lyness, Rache, I

Chair: Sheppard

1) W Programme + Schedule of Meetings

week of 26-30 June (may be best to postpone)

Voter Registration

Legislation

Issues Remaining

discrete principles can be dispensed with

Other fundamental rights

up.

request that TE come forward with

ABC

Government: guiding documents

opinion based to alert POE when changes are drafted

ask TE to assess submit check mark

2) look at initial doc

3) Form an opinion

4) TC will study opinion of TE and forward to drafters

5) Each party will reserve right

Dates + Agenda

* Pender: TC has worked well. Secr must be mandated to call TC meetings, explicit article name TC

P Submissions: 21, 23, 23: 3 parties submissions received

John: 1) deadline for 24, 25, 26: 14/06

2) 1st week of the week: TE work on BOR during week TC can look at BOR

3) Final Judgment made available

* Meeting thus 15/06 will go ahead.

CC Meeting on Wed

In making presentations CC members must highlight certain points + outstanding issues -

Quality News + Application reports

W. Panel

ist wo: HD

Sentinel + Foreign labour

Open:

Rocher : Freedom of opinion

Submissions

Secr : Students do synopsis to members

made Because of irregular way in which subms are + CH receives 80% of subms coming in

Process

2 TE looks at synopsis prepared by law students

Reports

Each member of TE have split report to a panel to analyse report. Before report they meet as

Close

150d

* Hagan 11/06
et

* Doc on Section 24
or Imen Solomon
* ~~3203~~ et. Room ES 22

(1)

TCL 15/06 2pm OAC

* Apology: Cecherha

1 Opening:

Reach at 14:15 pm
units ready for next duty

2 Matters arising: None

Request from DP: deal with each party, 525 on
3 issues. DP first.

3. Party submissions

3.1 DP p22 (Mr Heon)

3.1.1

3.1.2

Access to Coms

Section 22 / CP V

3.1.3 Detained + amtpens

In case of depriv of liberty detained rights / need to
re elaborate

In general agreement with 525

D.H 25 (2)(d) : bail : concerned into implications of Bail

25 (e) must be interpreted not as a right

No judicial meaning re this clause
and its practical application

Relief is a procedural right

25 2(b) "rights cont of law p28 to be retained"

Questions

Imen Solomon

pp's representation

obvious that "cellmate effort" if acts unauthorised. Smelly

not need to add "adverse effects"
When

eg. ambulance of a bus : adverse not intended or unfair

Concept of unfair : cert of comm. admin law

2 Suey

p25 "Memorandum of Understanding" Isme of New South

no contract as a right. DP is not suey
When

Problem with rights, a strong, interests

Concepts must have place in SA jurisprudence.

What is the legal meaning of "reasonable"

3 Suey

precis (admin justice / novel concept)

No int jurisprudence to settlement

25(b) of DP too ^{creates burden on admin} ^{considered unreason} ^{knowledge} ^{and decision}

Very complex situation

If E should be asked to ^{inferred} ^{some way}

Adv: proposal that ^{inferred} ^{some way} ^{TE}

When

- Best person ~~made~~ this [

- Concept of burden to state : (1975 A.D)

- BOB : can block every sign, block

4 Suey

UNC not opposed ^{some way}

Claim too weak : should be ^{at least}

Can forward : Report, ^{but in} ^{the} ^{practical}

Issues

When

Are this ^{proposed}

In ^{practical} ^{terms}

Char: aparthan ACDP, m qur to 14.

Nutli: Kempton Park
ACDP's share's held disurc agr: Kempton Park

Bakke

What is DP's view on limitation

ACDP Mr Cress

• points in indigent individuals

Q+D

Nutli (P8 last par)

Does ACDP who do believe in god not have access to his right

Open

Has to read with 2.4: "all persons share the right"

Because of these religious society. This includes specifically includes to other religious systems

Smey

inherent the

CC est to enforce ~~part~~ consist. One fight is freedom of religion. If maj (Christians) deins only Christian religion allowed. But consist gives freedom of religion. Would ACDP accept that judge bound by consist or views of maj

Open

Judge comment in applying the consist. Freedom of religion is a fundamental principle.

Smey

On that point even if Judge believes like maj cannot do so because he is bound by consist. This states on p

Open

Consist is being placed as ultimate authority which ACDP does not agree when it comes to nature justice. ^{cannot allow} the consist consist to override law of god. Judge's view would not have considered etc. ACDP accepts principle that way.

Paradox

Two legal systems consist to 'god's law' + biblical law +
Christianity. Which aspects of Christianity. Old or
new testament? part in one aspect of law "eye for eye"
"Sum of moments" try to check

Solomon

Bible gives broad principles of equity + fairness. ACDP
speaks of god's law. What is such a combination of such
biblical law. Guidelines for application for so many tribunals?

Rachis

Diff. tribunals within judicial system

What is meant by Christian tribunals?

epm

god's law

Principles

1) As a Muslim (scholar) would not put man's law
above Islamic Law. ACDP teaches that law is revealed
by God has a far higher authority than *secular law / the law*

2) Old + New Test: ACDP takes entire bible into has a
unified theme. *from genesis to Revelation - Christ bible lesson*

Paradox conflict in ACDP's interpret, e.g. old test. - polygamy
new test - u?

Opav

has not part actual elements of new test still applied

~~was law of old test~~

Christ propose to see that
*Diff. between Islamic + judicial system
Christian cooperation + amelioration of law
Dushu*

old test is implemented

Ranchod

ACDP shared campaign for criminality delinquency
Cannot reference of a "Christian Company law" etc

Remains to restructure the system on Christian principles

epm

... which system of law is more fair + correct

... to overcome the old system. Judge's mind must be
... ACDP cannot simply be a

2) epmox
ACDP does accept auth governing comts. But religious committees must be allowed to practice their own law
eg. question of interest now allowed in Islamic law
ACDP does not have a separate system of law applicable to all

Rancho

If religious law is going to apply to Crime Justice System what is going to happen to BOR? How are we going to be managed. Surely no consti must be paramount

epmox

ACDP refers to personal law but really normal criminal justice system. Religious law to apply to specific personal law

Rancho

Musty dismish admin of justice not personal law. If all religion allowed to

Bakke

p 11 refer to Sect 25(b) "parties excluded" ??
Insertion (independence branches or typique)

Grua

ACDP takes strong view in def of spouse. Do not want consti to legitimize something which ACDP does not regard as legit. eg ACDP objection to SE

Bakke

Interpret exclude and prohibition outside normal 'Christian manage' Inconvent place to make such state.

epmox

degrees that must fall away
Premises to right to obtain of certificate
rights to recover to higher courts
warrant of arrest
rights to recover to higher courts
warrant of arrest

ANC at Survey Questions

Answered

P15 applicant to sect 2L(E) effectively ANC in fact emancipating the right to reasons as opposed to the right to be furnished most indiv has taking out substance

Survey

Interim not valid undertaking by govt to provide reasons
Propose renew day today practical admin of justice
at existing level govt, constit oblig to provide reasons for every admin action
Radu emancipate admin of the lands

Present work imply a request automatically ?
Right to be furnished with reasons to most
Smey: even Act must be accompanied by reasons in writing

TE should look at 2L(E) with regard to right to be furnished with reasons
Answered

ANC claim open to various inquiries
One

P15 Application of Right
Why not just refer to justice panel as opposed to group or social structures (arbitrary : in appropriate)

Smey appropriate
Could apply to justice panel. Commission not mentioned

Baker
p22 m what is meant

Smey right
Perception of Centr may show under prejudice testable
Rights of citizens beyond state
Baker effect administrative justice accused how

Premises no right to state of affairs. Supreme Court
changed that with of A-G

Right to recourse to higher Courts by higher way of appeal review

~~Open~~ Rache What does MWC envisage by the
"necessary practice admin of ^{day to day} ~~work~~ ^{management} Oper review - impact
^{heavy to}
Smiley

Not suggest those terms used. Appropriate wording must
reflect this: Amount of experience of vs rights of citizens

Rache

Social structure? Justice Rem.?

Ones

p. 20 (1a) [Base]

DP proposes (would MWC proposal consider some of the concerns
raised here?)

Smiley

3.4. NOT to PAC + FF submission

3.5 WP

Q: none

4. General

4.1 26 June 1995 TC meeting What day

concern at meeting: Social to acknowledge

complex of copy

~~ACDF + FF~~
[Faint handwritten notes and scribbles at the bottom of the page, including the words "ACDF + FF" and "complex of copy" crossed out.]

TCL Meeting 26/06

Chair: Tony Keen at 9.14

Agenda: ~~None~~ Mr. Rasmussen, ~~Conor~~ O'Donnell

Notes: Baker, Pender, ~~Delaney~~

③ Matters

3.1 ~~Agenda~~ adopted

3.2 CG meeting

② Matters:

WP not

Not all parties - have made submissions on all issues.

Proposed: Those parties not submitted submit in writing to Sec 1 later. Meeting discuss

Size: Is it possible to submit verbally

4 Party Submissions

4.1 WP: (PP)

①: none

Rebate: 5353 implies there is inherent limitation
horizontal application
needs to be made

Chair: ACDF + FF absent

Is WP suggest meet interpret clause of how to include explicit ref to horizontal application?

Reed: Section 35(3) implies that there is inherent relationship between...
mainly where there is inherent power...
rights horizontally will apply

[

ANC

not all constit have limitation clause

Only those limitation relevant to our case/references should be considered. Limit on this/enumerated rights to judicial

Interkation accounts ANC accepts a hierarchy of rights. While Freedom of Expression subject to limit a matter for debate + not the TE.

Some points have made that some clauses need specific limit. Do not agree with WP which rights subject to specific limit or general limit clause. Matter for the judiciary

elusive eg. when the right to state is forbidden for medical forces; limit diminish the content of the right

Tension between freedom + security. ANC view is that court ^{must} interpret in view of SA situation. American: a matter of judicial interpretation

SOE

IC in many ways more balanced manner considered in dealing with SOE. While nec to impose strict + clear limit on SOE; state must... darker democ over. SA a first in priority for a court. Conditions for SOE

Respect of Freedom

① - to ANC

here Under limit of Prefts reference to Comachi model:

Comachi uses, demonstrably justified. (demer + nec)
What is diff between ↑ and ANC. Pomeatr

Small: ANC leans to support more liberal approach. At Challo for... no immunity for... state.

PAC Sizing

No @. Additional points not in with

comb to be submitted to SEC in early

- Open copy for late

ACPP

Q

Asks what ACPP proposed in IC in ~~34(5)~~ ~~34(6)~~

Imply simple retention of that section.

Open - court must clearly enunciate

additional measures to ensure that rights be protected

DP in when.

Q

Panel. Elaboration on DP's in had ^{four} Section 33(b)

① shared to rendered surplus.

DP's in database seem: horiz applic

② P4: prop that certain rights would fall in category

of "limitability" - elaborate eg. saturation.

When exercise of right considered an infringement on rights to

has

① ~~Only~~ Only purpose of 35(3) is the concept of "mitigation of injury". (last section of 1-1)

Consistent with Chapter

If issue of horiz is resolved, see 35(b) ~~also~~

② In creating any "limitability" category publishers

Always checked against other rights. Paying a

premium on certain rights should not allow its abuse which will infringe on rights. Paying not

above the law "concedible right"

In general, each right must be checked carefully against other rights. Wrt Satanism: Freedom of religion is not the right to commit criminal acts.

Ponder: before it would not be limitable

here: no right is limitable.

Survey

Chair on p4 DP has agreed that it is not x handed. What DP agree with. similar + found later, human dignity?

Omission from DP?

here: exclusion from DP: ~~Feels~~ that such rights should be included.

5. General

3.1 Chair: last meeting of TCW, in terms of WP adjourn meeting at 3h30 for some.

3.2: Memo from director: onst brcc of a Sinsubste Committee.

3.3. Outstanding Submitters: interpreter clause: AVC, ACDF + PAC must submit.

Section 7.

Survey ① Applicants clause: Key WB need to make submit

② other rights eg. Socio economic rights.

Chair: refer to CG on work Programme

Survey: Section 7(1). Parties should be invited to make submissions on it as it will impact on interpretation

Chair: 2 substantive matters that arise from S 7

7(1)

7

7(4): class action: require specific consent

Submissions on 5/7 within 14 days. to discuss
In Government, research, research, research
with 21 July 2012. Research, research, research

not be necessary to commit...
before we start to...
ACPP

DP capture...
DP capture...
DP capture...

Commission...
Commission...
Commission...

Chair: last week...
Chair: last week...
Chair: last week...

Chair: last week...
Chair: last week...
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Chair: last week...

TC 4 MEETING MON 7 AUGUST 1995 10 am.

1. Opening: 10h10 Mr. McKeown
Ms Cameron: request for Monday Meeting to start at 10. Discrim against
Gaulteroy.

Apologies

Mr Heen leave at 11.45 am

Why reports not present today

JTS: Reasons: Reports ~~not~~ busy with memorandum + draft fees
Meeting only with Reports. Trust E feel not need to
attend meeting

Chair: TE (at least one present in meeting)

2. Matters arising

3. Minutes: ① Mr Egan omitted from list present
② Freedom of expression clause could be used
Chair: additional suggestion

4. Reports: Submissions from public will be dealt with
once all public submissions received.

Sec: Synopsis will be available tomorrow.

Cameron: Premature to submit reports to CE if TC
have not dealt with public submissions + media
Process of public consultation - Seems that the
pressure is less, more time available to debate
public submissions.

Chair: TC agreed that Public Submissions be processed
by TE
Point referred to General

Project to Life

Cede Mann

Addition to schematic Report

Under contention issue

See AWC submission p 2.5 p 4

Project cannot be limited under various conditions

Opner

ACDP submission re limitation of project to life on p 19

is not implemented under limitation 2.5 p 19

Cann

How to deal with issues

NP intend to make further submissions, where must take decisions

Chen

CE will be dealing with TE will incorporate new submissions into report submitted to CE

Report no 2: Freedom of Assembly, Demon + Protest

Mr Ignor:

Summary 10
ACPB does have limitations

Mr New:

On p (iii) DP submission said that general limitation clause should apply. No repr.

Mr Barker

Bears of thought

on limitations

Webster

ACDP position unless that the issue no longer a contention issue.

Freedom of Assoc: no changes

4.4 Political Rights

Surty: Contention / Outstanding Issue

ii)

iii) must be in remarks column

Track: Panel replaced by regular

Baker: Beamer of this, RYA: ~~Parliament~~ NP wants reflected
amendments wrt ag.

5. General

5.1. Time of Meeting

Surty: Conced meeting be scheduled for 10 quick parties
opportunity to prepare. Supported by Cameron

Chair: Mrs Cameron

Comm: Conced attempt be made to complete agenda so not
rec to meet on Thurs

Dr Amel: Tomorrow special session in Nat assembly meet
on Nakahom day.

Chair: TC mail only meet in Maning

5.2. Public Submissions

Cameron: Volumes of submissions should be dealt with in
a more differentiated way. Press submit

Maning: TC did decide to mandate TE to bring matters to TC
center his issue. TE haven't carried out his mandate.
Pol Parties have duty to look at submission + bring
more issue to TC. Diff to bring 12 end. TE should suggest
a way forward.

Amel: TC haven't ignored submissions. ANC haven't ignored

→ Cameron: NP submission: It can be imposed on private actors but
thru legislation.

Agenda

- WP: Standing Committee: interest in one aspect of Right to Life.
- Evidence: more has been done than any other work done.
- Cannot impede work of TC
- Await report of TC
- SER: MC coordination

Chair: Time that Committee in Parl. has dealt with abortion. But commit sets the norm for legislation.
 Sugg: Since abortion + debate formerly such national conference issues could workshops be organized?

Chair: Propose
 - TE present knowledge + report on process: of public submissions

Chair: eg. of Conference of Editors
 Political Repr: must need + decide whether to incorporate or not.

Closed at 11.05

THUR 6-10

V 209

Smy Admin Justice

TCL Meeting. Tues 8/08/95 10. am ML46 [Chair: Sen. Rache]

1. Opening: Mr Rache at 10.06. | Documentar: Vol 1. of synopsis
apologues: none.

2. Matters arising: WAVE

3. Procedure: no detailed debates.
Points must arise no omissions | each party position accurately reflected

3. Reports

3.1 Civilian Rights

- i) Sunday: a) T Centuries issues (examined)
- b) ...
- ii) Mellaena: 3. Application of Reg 1 par 3
why Larkhenis?
4) why Larkhenis?

Sunday: Intended to be an outgrowth issues as it seen also
clarification
4 (par 2) can be moved to non-contentious

3.2 Freedom of Movement

Sunday P. (11) Larkhenis column
Column 4
Public consultation

3.3 Freedom of Speech

Sunday 2. Column 4
1 km 4: ... with ... moved non-contentious

3.4 Children

been p (iv) : clarify "all actors on the state - DP" clarify

DP's negotiations re meaning of children rights in BOR should be reflected

Chalmers: Page (iv) repeated in context

Nabeeli P15 of program

p(vi) under context

Sandy: Enforceable against other actors (state)

Carman

5 (Par 5 of context) -> non-context

Nabeeli: context must be looked at

P. 7 of Report 4.2 ACDP context

3.5 Admin Justice

Sen Rache: clarify issue raised by WP on p(vi)

Plan 2 2nd par (Context column)

Panel: Disputably in segments. Could separate in ICJ be used below

Colman last page should be (v) not (i)

3.6 access to Courts

Smy (Item 2 2nd Par context) moved to Remarks

3.7 Detained - - -

Nabeeli

R(ii) Non-context last 2 para say: same?

Context column. One new in context reflected

Par 5: Various points not be considered in form.

hears: DP submission details in detail with Sects 25 & (See p8 last part of DP submission.) should be reflected now
concerns matter + opt in
Survey: is reflected in full report + ceptn. memo

opner

P (11) Item 2 Par 2 contains
of less "harshness" replaced by more limitations

Survey: Item 2 non-compliance last par.

opner: Item 2 (piv) 1st par Outstanding issues
ACDP position - state obliged to provide integrity.

4. General:

4.1 This day meeting moved to Monday. [Reports on SER]
hears: Reports available?
JTS " distributed

4.2 Submissions:

Summary: Right to help } most synthesis
Dante Penalty }
Public consultation

CC have declined a judgment, in

Survey: Ms Camm has same issues

hears: Subm received from public in hands of
WP proposal is that CC decided. CC has now ruled

Ms Cam

- Responding to receipt of submissions synopsis
- Synopsis report public ^{opinion}
- why not in view of public not have heavy on process as in children byts + abortion

Chair : Party submit one preliminary

Report take place in CC

Parties can make further submissions. (11) 9

#

[Sugg: Refer Ms Cam Report to "EG" and to the MC

Shepherd: members must be reminded of decisions TC have decided and in Chamber may:

Webster: Is Ms Cam in favour of a mag view on each + any submit: Should the view of CG be overturned because of mag view

Comm: matter of open public interest should be in clarity + transparency. as in Property Rights

JFS: Meeting on Monday 10. am. OAC

Closure is all good

CG

no heavy input of chfs

Comp of Ed: CC appropriate format

Meeting with Technical Committee

① Time of TE

Sandy : away from 26/08 - 14/09

Dugard 24/08 -

Raukabaun still available

TE to meeting : 18 August Fri

Memorandums outstanding

Assembly Assoc Done

Today : Limitation, application, Justice, Privacy, equality, economic activity

Memorandum on Limitations

" Application

Preamble to Constn

TC 4 Meeting Mon 14/08/95

1. Chair : Mr Nean

Opening

1.1. apologies : None

1.2.

3. Minutes

3.1 7 August. apologies

: Thatemed, et al, Rachel

ask Elizabeth to (ETH) ketone
B. Niles, T. Janssens
accepted

3.2 Minutes of 8/8

3.3 Minutes of Core 8/8

→ ET, B Niles, T Janssens
accepted

~~4.1~~

4. Reports

Intro: to check if Schematic Report is accurate
so that draft text can be prepared
Preliminary / not underlined

4.2 Pupils ✓

4.3 Language Trends

DT -

NP p(11) last par under certain

4.4 Genmonet ✓

4.5 Labour Rights

AWC (Niles)

p(16) Contents column 1st Par refer to Sec 27
needs help

par 2

par 3

4.6 Economic Activity

p(ii) Para 2: 1st par (Nabati) replace "entity" with "activity"

p(ii) Para 1: Non-continuous (Camery) →
"entity" non-continuous

Mauri → ~~points~~ not substantive may be feel is unilaterally

imposed by

Chair: WP must adduce evidence to substantiate

DP not based on pragmatic not on moral

Report is an accurate reflection based on submissions to date. WP

M. Neer: Freedom of expression, appropriate under SER

M. Felle

4.7 Continuity

p (iii) Para 2: Non-Continuous Par 3

4.8 Limitation of Rights

Neer: Observations included - Bifurcated or dual

(DP) and approach most parties agree limit clause.

But appropriate in certain circumstances.

4.9 SOE + Supervision

4.10 Integration of BER

p (i) RIT → NC → 1st par.

Note: Actual points made Substantive Substantive

4.11 Reproduction Rights: Report from us has been submitted
Subm -
AWC not make a whole subm

4.12 0 hr sexo-ecor (Rights)
Some points discussed
Rachel: Sugg that TC should draw up a no. of provisions text for consid
Chair: Provisional text
Chair discussing adding with the incorp in article
Chair: Drafting will eliminate discrepancies
TC would improve work of TC of A
discusses Draft texts

Summary
Drafting completed on most rights
ORDER

Subj AWC in process of preparing subm on other SER
of working terms will include proposed draft texts

Chair TC not mandated to decide but to "verify" basis
What is pt of TC str dealing with drafts. EC
is decide make other
understand high

Robert There is scope for further subm.
Ser should est from ML what work
TC is after his preliminary stage

Chair: not would like to make new system. Where
would it be dealt with

Chair: a work group to deal with new system
because it is a deliberative group
Parties are not linked or bound by their
subm made in TC

Comm: Workshop 20/08/15 on principle, practice +

Chair: TC did clear with the SET. Seer listed
Opening points and make submissions

Persons shared how the center will focus
while effective decision making process.

Educ →

Language + Culture → pt Language + Culture

General: none

Feedback on TC progress
Submissions

Defining
HOD meeting 3/08

3. Evaluation of first phase process, impact

3.1.1. Hurdle: we met our objectives (Snakes + Frogs)

1.1.1. What were our objectives broadly as set out → Secret

[Did not anticipate the business of TC process + slow
progress] → Process became very technical

Soliciting + collecting info at TC level for providing
input by the level. Co-empowered members that
was able to promote efficiency.

Review a Secretariat same as TC members

A sandwich function not performed with following

Political view over NB, difficult to separate from

purely functional

Secretariat Workshop 30/08/05

Report on 30/08/05

1. Opening: Unack.

2. Expectations: What do you perceive as the most WB

Objectives of W/S. [Reasonable]

- Restructuring of Admin, in part secret in light of new phase we are entering
- To clarify where F as an individual will fit in the new structure
- To clarify the role of the admin in the new phase and what kind of structure is required.
- Clarifying what drafts going to be published.

3. Discussion: Assessing staff retention

Feedback on TC progress

Submissions

Role of mech + CL

Input: MC: 8 am 31/08. HE input as to

Drafting

HOD meeting 31/08

detail

3. Covalence of first phase

3.1. Have we met our objectives? (Snakes: facilitator)

3.1.1 What were our objectives broadly as EA and as Secret:

- [Did not anticipate the technicality of TC process + slow progress] Process became very technical

- Solidify + collect into at TC level for processing
- Empower members thru W/S etc for greater efficiency.

Provide a Secretary service for TC members

A sawtooth functionaries: performed with efficiency

Political role in WB, difficult to separate from

purely functionaries

- Projected Time Ranges by 15 Nov achieved -
- Reports (TC) 30/06 ; Reports (CC) 14 July
- 1st phase of PWS5

Have we met any objectives

Open + transparency + involvement of civil society

Role of Technical advisers not clarified and
 resulted in confusion. Correct Brief given
 processing of submissions is a key
 process / one. Research w/ general knowledge w/ submissions
 communication to Sec + TA.

initial conception of TC: changed
 + objectives set up

Need to be conscious of changing needs of process
 + to respond to changing structures. Not to
 be needed to submit. To evaluate efficiency
 of structures.

• Some TC's : have they achieved any substantive
 deepening of discussion?

- Second Phase : Is there a role for TA??

How useful have they been? Have they been
 been a reason for. Correct objectives been achieved
 to Sec + TC

• Evaluating of structure + mechanism setup to

Barbican Constitution making process

information management line CA, dashboards.

Role of TC's

Took a while for structures to be put in place

Need to establish + internal mechanisms

Responses need to be more participatory

Role of TC's POOR

Participation of TC members [± 12 people]

Party caucus does ensure participation of members.

Limiting the role of Mem Com to mere processing of submissions

Objective weakness of TC: Party mandates caucus

Newness of political process

Labour's process

TC did not need understand their role in relation to CC ownership of text. Admin should have intervened more effectively. eg. Public Serv Com, Clean Air Commission.

Democratization: in TC's case it became clear that limit decision making process.

Party caucuses should have included other members/parts

in TC's

Baron

Need for an internal evaluation

TECHNICAL ADVISORS

TC's playing a political role

Need to evaluate admin and how it relates to external structures. Discussion too broad.

Role of TE diff in diff TC's

None for Mem Com present in every meeting

6.2 Graham witness away of TE / needed for

6.1 TC kept a new role [absences]

6.3 Appointment procedures:

Competencies of TE / noise hearing

4 TE: ended up with a competency. Used TE to do drafting. Needed for Puffing

T

NB Role; guiding, need for future

Summary TE

TE will assist in Substantive manner in construction
main process
roles of applicant shared address list + competencies

Draft Tests: Does it implement submissions

- Realistic about how all systems are able to implement submissions have to look for trends.
- Issues of quality in subm are reflected in draft test -
- Trends, broad patterns of test looks convergence of individual submissions

Information Mgmt in CA

- Demand from public for info from CA has necessitated a sophisticated network system. Present status Resource rich, internet and not sufficient -
- Subm dept set up for admin. purposes -
- Demands from public for info from subm dept
- Computer link: need for uniformity
- WIS to respond to info mgmt in CA
- Lead a Task group

4. Second Phase in the Constitution-making process (HE)

- Involunt at TC level Perhaps narrow perspective. Focus on -ve aspects.
- CA
- Bureaucy working in the context of transition
- Basic charact of Bur resistant to change. Dep of civil service.
- CA bureaucracy need most dynamic org. managing transformation

Impossibility of working with fixed processes. Flexibility of situation.

Questions for the process

- ① Publications ^{input + consensus of Pubs at a Part time} types of submissions in form of comments
- ② Responses ^{input of sub in manner conducive to political absorption}
- ③ Public Parties + media ^{emits to generate transparency}
- ④ Time Frames
- ⑤ Structures needed.
- ⑥ What type of admin
- ⑦ " of TE needed
- ⑧ Political processing
- ⑨ Popularity of Consti ??

Recommendations

- ① CA has to publish as soon as possible
- o What one requiring to publish?

MS

- Staggering process of publication
- What is meant by limited publication
- What criteria used to choose org for comment?

Database

Development of a comprehensive database of stakeholders

Building up of Database

5. Processing of Submissions

assuming a 2-phased process of public after
Nov. 1995, who do we think draft pub
should go to

- PH list
- CL to look at other stakeholders

Objectives of Publication: to get submissions
OR maintain accountability / Report back

Highlight certain key issues for submissions

Draft May 1996

Structured input on specific issues — PH

Shift away from unstructured submissions

TE process of subm from Public Hearing

Processing of Submissions

- Political Responsibility ⇒ MB
- Classification: administrative
- CG FA drafty?
- Continuation of TC in whatever form, anonymous or
* process ⇒ deals with conflict in fragmented fashion
- CC must begin to own process
- Tech Com: (Admin + FA??)

What about a POE??

Locating of tasks within one structure
PH duplication

- has to be more interactive
- ^{needed} after PH a document has to be drawn up

7. Other tasks within second phase

What one base and who would fulfill these

- Database
- compil of draft
- distribute of draft
- Submissions
 - CC
 - CC subcom — groups within Test
 - Informants report

- Informants report
- Public Hearing
- Stakeholders etc
- Tech. Comm
- Training prog

8. Follow up + way forward

Training (handouts fit in with a phase 2 publication)

- notes for meeting Mon. ← MC
- See meeting next week report back Wed ← HOD
- Taking the way forward

- evaluations of submissions
- need for a broader strategic Planning forum.
- Info report Task Team ⇒ HOD meeting

Immediate Tasks

- Database
 - Development of a comprehensive database of stakeholders between subcom + Community Liaison. [egA]
 - Cleaning up of Database [Falling]

- address list [Famz, part of cleanup]
- WI noted assistance with cleanup
- staff needed: Typists

~~XXXXXX~~

CC

- Index of decisions
- Referral issues
- outstandng issues
- gaps
- Magni with addendum under Dir + Law Advises to Finance

9. Brief Evaluation closure

- absenteeism
- underrepresentation of Managers + Ministry Secs.
- Secr was could have been held after the meeting
- Adv. of holding discussion is
- Discussion on approach to next phase in MC may not be concensus.
- Opportunity for Secr to jump into broader process + aspects of consia matrix process
- useful + informative
- A broad picture / understanding of process emerging

Closure 15h45

MC Meeting 31/08/15

4. Consultation Marking Process (ITE)

Questions to consider:

Proposals

- 2 stage public consultation: working draft in Nov ^(discussion only)
- limited pub in Nov
- 1st Draft in May 1996

Mohamud

LW Parliamentary session close for year in 15 Sept.

CA emerges working in this period

Proposals must go to CC, once accepted by CA

Chabre TE

Civil Society consultation
STRUCTURE CA 15/09 - Jan 96

Draft

CR: BOR only news 16/09

CE: Public Input on Working Draft more than on Final Draft

Maya: In what form will the Working Draft be?

Public Input in Working Draft cannot be solicited in same interim process as in 1st phase

Structures of CA such as CC + Subcom will have to

continue after 15 Sept.

Working Draft possible pub only in Jan 96

Mohamud: TE + assistance in processing submissions

CC Meeting: 8 Sept 1995

Item 4: Discussion on process:

WR V. Brueckel:

De Henze:

Moosa: 1st Working Draft by end of year.

Every next year set aside period for CA.

Public adoption in April?

Eglin: November period after Oct elect.

Belat letter publicity + CA has to change

CA work pub before public.

Public comment after 1st Working Draft

Final decision after that.

Doc: stick to deadline in Zurich.

Doc needs first to internal supporting

stages.

Researching work

CC + CC Subc will meet during news report

after elections.

4.2 CA no need to meet on process matters.

Working Draft will not be an adopted working doc.

MC can take decisions on process matters.

4.3

4 Ser Meetg 15/09: 8.15 2/10 2005

11 Report from HOD meeting

Links

TASKS (TASK Teams)

1 Technical preparation of working draft (Louise)

2 Preliminary working draft (Melba) Enoch
Co-design + Plan 10 am Mon

3 Presentation of working draft [Woz]

4 Design base (Agent) 2pm Tues

5 Public Participation (Edwina) Mon 18/9
2pm

6 * Submissions (Storcen)

7 Scheduling + Planning + lead of C+CC Subcom
(Lucille) Tues 9 am

8 * Informative report (Storcen)

9 8 am Mon
Management Com. Mon. 8 am Mon.

10 Populizing of adopted content (Celina)
Mon. 4pm

11 Prod. of educ material (Pat)

Conventions: to coordinate teams / action plans!

Action plans / milestones

Seer W/S 20/09

1. Opening

• Potential issues + concerns re process:

Integrating not balkanising planning process

Departmental structure → fragmentation

• Decisions taken + Genere to implement them.

Q: Why decisions taken to abolish Task Teams

- unwieldy nature of TT structure

- effects of accountability

- departmental silos

Report

- Confirmation of May 02 Completion date

PP has to commence 15/01/06

Pub. of draft has to commence by 15 Nov

3 contract phases ident in new phase

- PPP

- political process

- Publication

Ben

15 Jan Board of Jan +

Chair

10/10: Complete w/draft in plain language + necessary
revisions to present to ce

4 TASKS I developed

11 tasks developed in HOD meeting (see memo of 18/09)

LINKS

Key Tasks involving Seer

1. submissions
2. CC / CC Subcoms
3. CA contact + Info
4. Tech prep of draft

1. Submissions

- pointed towards partner a/c.
- in draft form
- name + number

Q & A

1. Submissions

- ① What do we hope to achieve with the written submissions? (objectives)
must include individuals
- ② Target audience
- ③ What form do we want them in?
- ④ Deadline for submiss
- ⑤ Outline processing steps
- ⑥ In view of tight time frame, what about language
- ⑦ Human Resources support
- ⑧ Action plans / time frame.

(2)
Source

(2)
typing + transfer

(1)
Filing

(6)
analysis + sum

Dishant to
Poli him

(2)
message + replies

check of copying

TOTAL (17)
incl secondary

- Ben
- 15 Jan
- email
- Aravind
- 10/10
- Aravind
- Aravind
- Aravind

2. CC Subcom

- 1) How effective were the structures
- 2) + Can we in the next phase make them more effective
- 3) Identification of tasks
- 4) Is there a need for a Tech team (TA)
- 5) Personnel required
- 6) Scheduling

1+2 admin, logistical, management, briefing others; prep of political parties:
quality of doc: is it keeping meeting to go forward.

Mid Oct: 6 OCT

Secretariat Meeting 2/10/95

AOB

CC Subcom

3 minis Sec
(marque)
1 admin Sec

Thomas
Hsu

Subcom

- ① Sorting (2) — scanning
 - ② Typing (2) Part + Subcom
 - ③ Data capture (3)
 - ④ Analysis (6) → CC Subcom } admin cover
 - ⑤ Database Management + Review (1)
- ④ ⑤ → CC Subcom } good. Philip Sacher

CC Subcom meety - 9+10m
 Mon + Tues
 Possibly 11m + 12th

Phone MPD - Saalhegi, Bonnen, Marisa
 Phone Knetsch

Meetings for next week 4/10/95

Logistics for 9h + 10m

Vene

12h → Thurs

9h + 10m Margie +

9h - 10 - 1 Susan
 2 - 6 Margie

Tues 10 - 1 Susan Thomas
 2 - 6 Susan

Wed. 11h Margie

- 1) ...
- 2) ...
- 3) ...
- 4) ...
- 5) ...

Seer Meany @ 6/10/05

1. Deployment

- HOT menu:

1. Hot menu

2. Hot menu

3. Hot menu

4. Hot menu

5. Hot menu

6. Hot menu

7. Hot menu

8. Hot menu

9. Hot menu

10. Hot menu

11. Hot menu

12. Hot menu

13. Hot menu

14. Hot menu

15. Hot menu

16. Hot menu

17. Hot menu

18. Hot menu

19. Hot menu

20. Hot menu

21. Hot menu

22. Hot menu

23. Hot menu

CC Subcom 20/10/95
CC Subcom 9/10/95

Amended

Openy

- Level Rights tom
- Judiciary ?? difference to R4? new, M base
- ^{new} DP subcom admin justice + limitations clause

Ms Moberly

[] proposed new words CITE in light of new way

Cherelle

Section I :

Section A

Part 1

part 2 : see p. 224.

" " - 10 - p 275

Comer: declares "entrenched"
plain language
same legal effect
preamble.

Hofmeyr: if preamble to Sep Chapter perhaps a
more "organic" in hood.

Sumner: amendment of BOT : super maj?
clear amendments to Constitution

Section 2: Censorship

Roche: use of term "everyone" thwarts BOP??
no specific ref to 7(B) which allows exemptions

Prof F: 9 of s 7(B) makes "everyone" justice; not "anyone"
natural person

Opener: Compulsion → equity in relation to rights of past &
s(2) not strong enough. state must be compelled
s(3) → objection to state seizure overture; no int doc, mental states?
s(4) affirm church out of schools to enforce their beliefs in their own institutions

Cheselle: 1) state must
AOP required submission on AA means s(2).

Sirely: 2) explain p 8 Par 4.2.3.
UN Human Rights Committee 2009 p 6
linked p

3) Mental States ⇒ children's rights
see p. 6

Coner: NF supports "mental states"
why removed? derogate from privacy principle

Smith: Section (2) AA: inclusions of work necessary -
could TE insert "not likely"
Delete "the state may engage in other means...
to avoid arbitrary measures."

Open

SS.2

CS must take into account 1000s of submissions

on SE. CA has ignored huge public outcry

TE

Checks

1) epistemology: subsee 2 contentness

2) not a closed list can be ~~etc~~ del outline

3) del outline

Sing

Categories have to be read with SS4

① not exhaustive list

② of AA

Hobmeyer

submit one or more for any

②

inclusion

inclusion of "and likely" problematic

of 1) proof?

Smith

and personally like

Chair

Te will consider

Response to DP

"delete and the state may engage in other means"

(Hobmeyer)

means

→ Purpose of clause is to see what state does

not rule out AA

⇒ ~~etc~~ same sense of legal categorization

Smith

worried about untargeted

Framework legislation

consider

Recurr: ~~is~~ Section 5

Smty: ss 1 of Canadian Charter

Smty - words "unfairly discrimin" not approp as an inherent quality
+ to fairness
jurisp in this means be all the rest kind
TE: See expl memo S. 3 P 9

- multiple for categories of discrim listed in ss(3) and ss(4)

SS 1

(1) "and equal" - ① beneficial aspects of law

② substantive equality not just formal equality

S.S. 2

Smty: covered 1st part of SS 2 stand alone, as well as 2nd part of SS 2

Charter: object of inquiry is to demonstrate that equality includes full + equal enjoyment + measures

Wohlgemuth: wording of CPS more +ve. ?

Open SECTION 3 : Human Dignity

Recht : text on par

SECTION 4

ACDP : combine 3+4 in ~~same~~ same format as 1
inputs

FF : ephon 4

Points ~~with~~ ~~concern~~ ~~after~~ ~~line~~

Section 5

TE : ~~freedom~~ ~~sec~~ replaced by "physical + Psychological"

WP + DP : does new version include / affect

And Propose : + ... + ... + ...

Section 6



Revised WP + DP ...

Proposing ... to see that state does not rule out ...

Some ... legal ...
Framework ...

Mills
418-3464

Section 7

DP : Why violate and not interfere ?

needs : interfere only one form of interference
by communication takes various forms

~~ACDP~~ NP : ssa bke considrai near limitat clari

Section 8 : freedom of religion, belief, opinion

ACDP : add "freedom to prototype" before freedom to
change

MOC : not nec "freedom to change" ?

NP : ACDP position covered by 1st part

8(2) :

ACDP → 8(2)(a) places limitations on "freedom"
reference position

DP : shared strength 2(b)

TE : covered by equality clause

(2) a) [MOC - a non-believer

3 (DP) : SA has ruled CEPA which shared open
8(2)

3(a) - ACDP supports

11/11
118-3474
118-814

FE: Section 9

Sumo (DP) delete ^{categories} ~~discrim~~ on basis of ~~franchise~~
and replace by imminent violence

ACDP: 2(a) remove position on general religious
(TE to advise)

TE: does religious ^{religion} proposal implement to
washley?

MVC: advocacy of hatred

Q to TE: why "inherent to discrimination?"

TE: More inherent is hate speech. More progress is that
to could resent in discrimination is misused

WP: does TE feel a need to have SS2. Can it be dealt
with legislation? or limitation clause.

TE: - that's why option 2 exists
- SS2 implies hate speech does not
enjoy constitutional protection

MVC: SS2 must be retained either historical legacy
of past XP
shared (a) or (c) category "imminent violence"

TE: above conclusion based on article 2 of Convention
Panel could ban under limit clause

DP: (b) to be deleted.

WP to DP: why proposal for "imminent"
DP from US. Constitution

Conor: Does SS2 not weaken prime principle of freedom of speech
Problem with constitution limitations of F...

Opnals: SA's history requires the spelling out of conditions

DP: Reserve positions.

ANC: CC will allow this as a limit on F of Xp.

~~Conor~~: ~~SS3~~

TE should consider whether guidelines "done deal" -
by groups including

SS3
Conor: "not impartial" imposed rules on gov

SS 3 does not have "place"

ANC - details SS3.

~~DP~~: ~~where~~

will come back but

DP → volunteers not a choice

MP: now "impartial" must be neutral.

Section 10 ✓

Section 11 ✓

Section 12

SS4: main is it aimed at and how does it fit Pol party
future. (MP.)

ANC to come back

Section B

MP (~~organisations~~) their shared ke his/her

TE (Chandler)

- Organisations neutral test.

-
-

DP replace "comp" by "person"

NP why split up

S.14 : Freedom of mt + presence

AOC : Implication of "everyone"? liability

TE : Rights of the

city

S.15 : Economic Activity

DP : Changed its position

Economic rights must also be subject to renewal. Arbitrating economic practices

AOC :- no int jump measure to support this idea as an universal human right

:- why absence of labour relations for S15

AZDP : support subject to it not being used for exploitation

NP : supports retention of clause

TE : Int doc does not spell out what doc.

Decision : Paper decision

Section 16

Announced

- DP: Q to TE
- 1) heqist candace mra delym/ labor mra
 - 2) democ of L(9)
 - 3) Smely L is unnce

- cheerful :
- 1)
 - 2)
 - 3) limit gnythshk

mc : Rights in SS4 implies in 2+3 repes

TE :

ML Q to TE :

Proposal : 3c included]
 (not) MC + PAC 3c must be deleted

ACDP : not clear as to how lockout solves whi's problems

TE : TL Report on Labor Reflections .

DP : agree to retain if the following added to 4(9) : SS
 promote honest, efficient and accurate government

MC : Simplify L(9) : "they have the right to what they want" - TE

TE : ...
 TE : ...
 TE : ...

Section 17 : Consent

NP : addition of (b) may violate (a)

TE : 17(a) deals with personal rights to privacy
error.

17(b) places a duty on state to protect
(a) consent.

[c) : depends on access to info

17(a) - [Exit - key] ✓

18 - 21

moment

TE

22 : Child

DP : 22 (c) overlap with some cases

TE : 22 is unqualified because of child's
vulnerability.

21 → qualified by "necessitate"

NP : }
- parents can replace knits on
- specific to sexual exploit + ^{drug abuse} ~~penalty~~
- grandchild should not have cake blanket w/ +
consent

TE : - sexual xp + drug abuse called by
- abuse + neglect
- consent → knits claim

* Family care: provision for extended family care
NP wants to consider

MC: S22 would address NP's concern w/ consent.
"best int of child"

DP: ① (K) Can TE give idea of content?
② (F) in light of section 5?

TE: ① society assist;
(F) IL

ACDP: emphasis on Parental care

S23 - defn of promotion's only -

S24 - "should sustain law"

S25 - "

S26: appointment or others, implies defn part of S17

S27 - deferral.

S22 = child's rights

Opinions: "recognition of family in terms of welfare law
only" needs to be fleshed out.

Chair: all types of family

"Parental care" also "parental care"

CC Subcom 10/10/95

Monj: S18 - S20

S18 Populy Clause 1
Supplementary Report p.2

Rejoinder

AWC: omits Subclause 4

DP: opposed to omission

PAC: no need for a populy clause
a need for a clause to allow state
to appropriate law for redistribution

WP: support inclusion

ACDP: reliance in principle of restraint
- who aimed law first

Const must have clause to restore ownership
to Dutch law

AWC: 21st C. populy not unfettered

Clause 2

Clause 3

AWC (ii)

ACDP - supports (ii)

PAC: reserve position on (3) & (4)

AF: reserve

"Payment schedule"

AWC → "nature, form" de

(4) ANC - should set an exact balance
omit (c) market value

NP: ANC covers addressed in (3) & 6 - 9m

long in better position to pay back now

address: (a) public interests

Dec includes 4 (e) from 1850 Def

(5) ANC → 1st int option
DP → 3 will nullify previous substance

Goldings

Land reform has 3 aspects

- 1) valuation
- 2) realisation
- 3) tenure reform will need (5)

need to define "appropriate services"

Q: ANC: correct parties acquire their property clause
Should not impede land reform.

ANC - note 15

NP - 2, 3 + 4 deals adequately with Land Reform

ACDP:

TE4 TE: use limitations clause

Land Reform measure will be subject to limitations clause

Chair: proposal put 5 on hold go on to 6

(6) AWG → option 1/2/3/4 - JWA (+)
OP

NP - is it nec to include ref to his issue
new that legisl has been passed in force.

clauses:
Right to visit must be referred in context.
as Rent Act can be merged by Property Clause.
Rent must have same status as Property

TE: Dist betw two options: 1st one

Dec: option 1

(5) ~~AWC~~ AWC - option 1/2/3/4 on preferred level
DP - ^{mutual dep} ~~del~~
NP - (achieved)

3 Section 19: Housing

NP: support user "shelter" : 90A

Class 3
AWC (a) Section 19
PAC
AF

"Payment's checked"
AWC → "more, final" de

Section 22

DP (C) (F) → (C) delete ??
NP (E)

MC, NP: } return C

PAC. } until submission on socio-economic rights needed

ACDP & responsibility of parents is. state assistance only if parents not able to

(E) DP add: "interim derogating from 55+529"

Section 23

NP: From date of his consent.

IC [§ 32 (E)] must be applied to state

NP submission on P59 of Socio-economic Rights

DP:

S 27

DP - new Subm

Am - practicality of gov.

Joint w/s on \$2,3 August?

Reports (20 in all)

- 1 • Privacy
- 2 Freedom of Assoc.
- 3 Demonstration
- 4 Chelsea
- 5 Report to wife
- 6 Comments
- 7 Some Clear
- 8 Report: Rights 9
- 9 Political + Civil Rights
- 10 Breach of MIA
- 11 Resignation
- 12 .. MIA
- 13 Admin Justice, Access to Courts, Retained + Amended P.
- 14 SOE
- 15 Limited
- 16 Interpretation

Mon
7 August

8 Aug.

15

Outstanding issues

- Policy submissions
 - Public 11
 - + Synopsis
- to MPs by 1st week in August.
Full IFP reports.

14 August: TE to draft BOR.

Meeting with TE 2nd after TC meeting.

Next Report chairship

- * Hugh Cook: Understanding the BOR in transition + Dr Plessers.

TCL Secv Planning Meeting

PH on SE heavy

2 days:

TCL Level: day 1 - Intl background
day 2 - Intl + Property clause

TCL 1st August what day Socio Economic Rights
3 Sessions

Session 1: 2 speakers + open discussion on Socio Econ R (country)
(Jan Nanded) [Lenny + ...]

Session 2: Education + Health [Bette ...]

Session 3: Property clause [Bette ...]

TCL Secv: Organize + Engage speakers.

CL: contact speakers
invitations
admin (Rights)
catering

List of People

ILRIG

SPP

DAG

First TC Meeting
7 Aug

6. Submissions

- Had meeting yet to consolidate 1st phase
- Concerned about adverbs still running
- Cut off time
- Advert that deadline has passed
- Cut off time for ~~7/07~~ 7/07
- Passing subm to TC's

As: xchng public put stop to Consh-Talk

- Dec 1
- 1) Decellini's
 - 2) When
 - 3) Local Commission W/S
 - 4)
- Short term staff assistance

7. Deployment of staff

- Charet + Anelmer to leave
- Staff need deployment
- TC 2 + 3 may need assist
- TC 6 - Cath →
- contracts coming to end

Staff

8. PH

TC 3 = Local Govt 15/08 OAC

Land Rights + some Economic Rights 1-3 Aug.

9. AOB

Info Mgmt for Sustainable Com.

- Catalogue of decem
- Def Texts
- Issues
- Index of issues document

3 Reports to CC

- need to know which Reports are coming to be dealt with

Plan a week ahead. Intend Reports must indicate which reports for ^{available} 4 August: TC 1 Foreign Relations + Int law
TC 6. B Human Rights Commission
TC 3 Competencies

11 August:

TC 1: Language, Name + Symbols
+ C 6. B General Commission

TC 2 + TC 3: MC
agreed to Reports
without drafts
H9

18 August CA: imp for CC to process as many reports
Reports must be sorted

4 Summary of CC Meetings (re functional Reports)

- Briefing of chairs: ^{needs to be informed about issues} ^{to, to} ⁱⁿ ^{involved} in briefing of chairs
- drafts + contributions parts
- political info

Party political process: party caucuses

chairs must take issues to party caucuses

- ① overleaf (Liaison between Managing Secs + Margles)
- ② Conventions issue (SC)

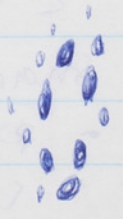
References

- summary committee?
- background info / Report
- Threading to draw up a proposal about procedure

5 Suitable Committee?

Reports + other's Meeting (see notes)

- Chairs + objectives: high profile
adv. Political will
- Sec must list issues



Planning Meeting for Sec Week 28/06

Agenda

1. Scheduling + Planning of Meeting
2. Agenda items, submissions + reports
3. Reports to CG
4. Structure of CC Meetings reference to TC
5. Suitable C
6. Submissions
7. Display of stuff
8. PH
9. SOB

Schedule

- Lecturer will confirm times
- TC Secy must inform lecturer of change and confirm venues with lecturer
- PH not on schedule

- * agenda's need to be structured for 1st week
- * TC's programme for 1st week (31/07 - 4/08) whether (TC 4, 6.4, 6.2, 6.1) TQM mt to complete by Sept 15

Minutes - after every 2 meetings

Documents - Career Documents? TC make indiv arrangements

- * TC need to Planning meeting
- Documentation also needs to plan men programme

Logistics: catering etc

2. Agenda items, Subm + Report

C Submissions

snag for amenities kitchen chairs + Co-Chairs:

- plan discussion
 - brief on new process
 - how reports need checked
- Date 28/07
1-2pm
Kneaps of

