

**PROPOSALS TO TECHNICAL COMMITTEE ON
CONSTITUTIONAL ISSUES ON THE ESTABLISHMENT
OF A COMMISSION TO DEAL WITH GENDER
AND OTHER RELATED ISSUES**

1. In accordance with the directive given by the Negotiating Council on 16 November instant we present herewith our suggested addition to the Constitution. We wish to state that our recommendations have the support of the Women's Caucus.
2. The motivation and necessity for establishing a commission has already been set out in the proposal currently serving before you.
3. The importance of obtaining advice by legislative authorities from those who are not in parliament has been recognised in the draft Constitution (see clause 67).
4. We propose that provision be made in the draft constitution for the establishment of a commission on the status of women and other related issues and that the detailed functioning thereof be provided for in a future law.
5. We therefore recommend that the relevant clause should read thus:

"Development of law in so far as it relates to women.

- A. For purposes of the development of the law (including customary law and or indigenous law) relating specifically to women, and in order to give effect to the provisions of chapter three of this Constitution and the other provisions thereof, there shall be established by Act of Parliament a commission which shall make recommendations to a provincial legislature, the National Assembly or the Senate on any law (including the common law and indigenous law), proposed legislation or any other matter relating to women."

OR

"Establishment of a commission on status of women.

- B(1) There is hereby established a commission which shall have power to make recommendations to a provincial legislature, the National Assembly or the Senate on any law (including the common law and indigenous law) or proposed legislation or on any other matter relating to the status of women.
- (2) The Commission shall also have power to make recommendations to the bodies specified in subsection (1) on the provisions of any law (including the common law and indigenous law) so as to bring it into conformity with Chapter 3 and the other provisions of this Constitution.

- (3) The composition, terms of office, functions, procedures and all other matters relating to, or to the functioning of, such commission shall be prescribed by law."
6. These are the two options we are offering to you. It appears to us that any one of them could easily be accommodated under chapter 13 of the draft Constitution.

**TRANSKEI GOVERNMENT DELEGATION
16 NOVEMBER 1993**