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Peter Sakoko

THEME COMMITTEE 6.3

21 FEBRUARY 1995

TAPE 1 - 4

THEME COMMITTEE 6.3 - 21/02/95 TAPE 1-4

CHAIRPERSON:

Go to our usual venue and get frustrated. Get re-directed trying to find V-227 which I think all of us went to this morning. So I would like to welcome you all but in particular, welcome Mrs. Vol [tape not clear] from Denmark, who is here as a result of having met our Minister of Justice towards the end of last year and having had discussions about how we could learn from the experience of Denmark in regards to missionary to deal with the issue of women and in particular, also to assist with the processes leading towards the legislation that we are still trying to work for the Commission on Gender Equality.

When we learned that she was around when then thought we then thought it would be quite a useful exercise for us to interact with her so that we can hear as we are looking to this particular issue as a specialised [10-20 ~~first~~ cassette not ^{audible} available]. We can also take an advantage of the experiences that she has had. Mrs. was an MP like us - from 1979 - 1988 for the Socialist Party in Denmark and says that she left on own ... and when I asked why, she said it's a long story and she is the Head of the Equal Status Council. She has been such for quite a number of years now. I would now like to give over to you Mrs. Welcome and over to you.

MRS

Thank you very much for your welcoming words and thank you for this invitation to speak to you and hopefully have a lot of questions on this issue. I hope while I speak that you will bear in mind that I am not in my native language, so ^{mainly} many I'll express myself in other words than the ones you could choose and which are the proper words. The experiences that I talk about are from a small and pretty homogenous society and also please bear in mind that things had not been realised in our country or in the rest of Scandinavia over night.

Its taken a long time to reach where we are now and still a lot to be done. The Council I chair is part of the nation's mission to promote equal opportunities between women and men in Denmark. I do not do the whole mission, but ofcourse, but we look upon it as a focal point or

as a core of a missionary. It was originally set up in '75, which was both the first year of the UN women decade so government in Northern Europe at least had to do something to show that it was serious about the UN decade. This was also new about the UN decade. This was also one of the years of the very high activity on among women in what we termed New Woman Movement and that there has not been a women movement for decades and decades but it's been going like waves sometime it's been strong, sometimes it's been weak and during early 70's it was really strong.

It was set up administratively and a couple of years later in '78 parliament passed a bill regulating this Council. So what kind of Council is it. It's an independent council at the same time it's a test to the Prime Minister's office and as such it's the only council or committee who's attached to the Prime Minister's office so in this way it's pretty unique it has also gone together nine members that were appointed by the Prime Minister. The chairperson is appointed directly by the Prime Minister. He doesn't have to have recommendations from employer the eight other members had to represent different sectors of the society and really different organisations.

This is not unique to this council. This is the way we have done it in decade in Denmark. And we do it with all kind of Commission. So who are the members. The two of the members are representing trade unions umbrella organisation roughly speaking. The umbrella having affiliates within the public sector which is big in our country and the other one, the umbrella having the affiliate within the private sector. There is high representative from private industries his pointed by the employers association.

Then it has three members appointed by the umbrella organisation covering a very broad issue of women organisation rural, urban religious non-religious and so on. Then one member is appointed by smaller women organisations, not that small is a very big one, independent one and the council has to appoint one member by itself from research gentle research in university. The council has a staff that assist it. and for a time being we have a staff of fourteen people that are assisting us twelve full times and two part timers. Where do we get the money from, well, we get the money from yearly budget bill, we are on the budget bill each year and for quite a long time a very small budget but within the last couple of years we had big budget not that they re tremendously big but we can deal with them.

What is the objective of the council, well, I say very broad and the very simple to promote equal opportunities between women and men and in this respect it is pretty complicated too. It's certain that in the law we are an advisory council that we supposed to advise government, we are supposed to advise parliament. Not only in the way that they have to ask us for advise, can get out and advise them on our own and we do this very often. Then we have to follow and monitor any obstacles to the promotion of equal opportunities.

This is what I would term a kind of gender watch which is a big part of our work to collect information on how is it working with the pensions rights and published those resources that were invisible to society and not only to parliament and to the government. Then the third thing that we have to do is that we can in the way that people can file a complaint to us not on the question concerning gender issue, where they can but we can only give them an answer in certain areas. If they fill a complaint concerning an equal pay, then we have the ... to get all the information from the employer and from the Trade Union involved in the case and we actually get the information.

I would say and what we do is we make a memorandum when we looked into the case it normally take quite a long time and we have lawyers in our staff to do this work. Then what we put forward is a message I don't know if its probably a proper words a case and it is so and so and so. It is likely or unlikely that the has been law broken . We cannot take the case to court. people have to take the case to court themselves either the civil court or court system we have in the industrial abituation system. The can choose either one of the ways it is that if its possible to make negotiation before we look into them or before we close this case. Then we assist to have negotiation.

If it's a case where can see [not audible] The other law where people can file a complaint to us is the law on equal opportunities on the labour market. This law covers the whole labour market. It covers hiring, firing, promotion, education the right to leave and so on the labour market. For both those two laws, we have or rather let me say it in this way that equal pay law we have burden of proof on employer. Which means that it's the employer who has to proof that unequal pay is not the course of the gender. On the law of equal opportunities we only have the burden to prove from the employer for the specific part of the law. The one regulation leave when you are pregnant, or had a child.

This means that if a woman or a man, because fathers have some kind of leave too, right to have get fired while they are on leave or after they have asked for leave. Then they see the employer who have the right to say that this firing was not because of leave. Those cases I would say we mostly win or rather the person who take them to us win them when they take them to court system. or the settle them before they take them to court. People can complain on other issues that are relevant in gender but we can not look into the concrete case. What we can do is we have the right to look into any kind of subject that is related to gender and we can go on inspection inside public or private companies if it necessary for us to see what is going on.

We have the right to get dispensation from the law on equal opportunities and in reality this means that the law states that if a person applies for a job you must not look on the gender only on the qualifications. Then we still have the segregation labour market. We are still interested in having this segregation broken down.

That we would have men and woman together in the same working places. We can if people apply for given dispensation that will favour to have a woman or to have men on this job because the situation is that they only have women or they only have men in this kind of job. We are pretty strict in giving dispensation, we ask the work place the responsible to tell us how they are working to promote equal opportunities within their own unit and if they can do this in a good way we'll give them the limited amount of dispensation normally two years and they will report back to us.

This is settling the dispensation to pay. When we became the council in 75 it was actually no laws regulating discrimination because of the gender. It was for the first 10 years that the council had a life. It was a focus for the council to have good bills in parliament for dealing direct and indirect with the discrimination and its actually been main part of our work until early 90's to have good bills and to have them passed to all the parliament to have them passes also. Concerning our laws, that have come into life during this period, of over 15 years, I would say that what was specifically interesting is the law that was passed after much debate in 1985.

The law says that whenever a minister sits down or the government decide on the commission of the parliament, decide on the commission or a council. It has to be gender balanced. This means that the organisation who normally has the right to point at members from the commission body have to point if they have one member they point the have to point at both at the male and female. And then it will be up to the minister who is responsible for the council to secure that the final composition of the commission or council will be gender balanced.

And it works in a way that the Prime Minister can look into any of the ministers affairs on the issue ofcourse, he can any way but is better then the law directly that he has the right to see that his minister will follow this law. This law is pretty important because first of all it has raised the amount of women the number of women in commissions it has trebled the amount in the way that today we have approximately 40% of women in commission in average. The other thing it has created is pressure on both employer's organisation and trade unions to have women of ranks because when you have to point on a women too then you have women of ranks.

I would say that both trade union and employers associations have fought this bill and after it became into a law they have fought it. And I had many discussion with them have asked if we could soften the law. But this would be a catastrophe because it's a very good mechanism to put pressure on the organisation that they would have women in decision-making within their own bodies, which is a main point if you are going to promote equal opportunities as to have women visible and into decision-making bodies on a higher level.

We what could pressurise the government to have a government action plan to promote equal opportunities within its own staff. And this discussion have been taken to parliament in several times. In 1991 parliament decided that in order for all departments they should be a positive action plan, saying how many women would be in leadership position, within which amount of times and what else they would do training programmes and so on to have women in power within departments. We have had the task to look into it this on behalf of the Prime Minister. it works in a way that when this is decided in parliament he handed over to us on his behalf.

So we will go into the [between 20-30 tape one not audible]department and discuss with him how they do it and will look into it we will assist them but we will also control it and this is ofcourse a balance when we are both assisting them and controlling them The control works in a way that every third year we take in a status from how it is working in every single department and we have 21 ministers for time being and then we will make a report which will go to the Prime Minister and he will send it on to parliament to have it debated.

And in this report we make recommendations on what to do next and this works as a pressure in a way that the ministers who have actually not made an action plan of series, one will be a bit embarrassed when it is discussion in parliament and to be frank half of them did not make it and we made a very serious recommendation to the government last year they would straighten the law or in other ways to secure that ministers who leave up their responsibility they had chosen the certain way and now it's sort of moving ahead so the pressure from [inaudible 30-40 first cassette]

So what else are we focusing on today we are not focusing there is a certain rule too much on laws still things could be done better but we have pretty good laws now it's the matter of enforcing the laws to have them work. So we are devoting quite a bit of our time to advise public sector organisation and private companies on how to promote equal opportunities within their own framework and discussion with them why they should do it. Because ofcourse they should not only do it but because it's a law that says that when in public sector you should do this and that you must not discriminate either in the private sector.

But they also can gain for it because women have a lot of resources that they do not use probably and I know as I've been working quite some years inside Danish system that making positive action completely. I know that it works . If you devote yourself it works. and you have a better climate in your company. We had a tremendously better climax when we work serious with this matter and also the management who backed it can see that they have a better use of their resources inside their companies.

So it's a game in this but, it takes time to convince people that it is a game and it takes time to convince not the list the men that this is not a threat to them but it is a game to them, because it will develop their company and this takes time, it doesn't come easily.

It's not easy to change minds in grown ups you all know that if not better than I do. So what we're focusing on is also to draw men into the process that the gender issue will not be the woman's issue. That it will also be a thing to take serious. for men and we have just side down a different group underneath our council for which is called the idea group for men on equal opportunities. Which is a group for men that are well known in the Danish society and they come from different sectors. So we asked them to put forward suggestions on how to have men more active in parliament discussions. This is ofcourse not the whole national missionaries. Our labour ministries has quite a ... some people who are active as gender co-ordinators. They are not positioned centrally in a separate regions, we don't have provinces because we are a social. But we have regions and they have 24 gender co-ordinators that are working on a regional basis with the main objectives of breaking down the separation of the labour market into the women's market and men's market to have it mixed better of and of securing women that are unemployed a better chance to get into the labour market.

Again, the complaints of South Africa the unemployment is not high. I know that but compare to our tradition it's high on percent, but this was not a tradition in Denmark. and the amount of women that are unemployed is higher then the men that are unemployed. They also work with the promotion of training unemployed women to have them get into the other sector of the labour market. It's not all the departments that have the co-ordinators. The minister of labour has it. The foreign department has it, as a prospective of gender issue is strong in our foreign aid policy, well this does not mean we don't have partners to co-operate with managers in all the department.

And I am in contact with most of the general directors frequently. Wither on a issue that I have to control them, have a discussion with them and normally I do it in a way where they have the charge to do thing in the right way. Before I put it into question. Then we have a very good co-operation with trade unions and with the employers association we have ofcourse good corporations endorse women endorse and the are some few men endorse too with the local authorities and a whole broad set of networks that we co-operate with. We have a Nordic co-operations we have co-operation inside European level and in the UN.

But what we do besides from this co-operation is that we try to make question as visible as possible and we do this by taking in information and experiences from other bodies that work with gender affairs or equal opportunities.

It might be endorse it might be local authorities, it might be a study at the university and then we send out information again. partly we do this by our magazine which comes six times in a year and partly we do it by having a good work in a way that we contact journalists to have this put in the press and this works. It did not come from the day one day to the other but I would say from the time being staff on the gender issue in the press. This is not a conscious raising our consciousness changing work.

Then besides from our institution or council it's a small council, or actually an independent organisation set up which called the centre for information on gender studies which is financially supported by the minister at culture and some budget bill each year. Well what have our experinces been I would say that it's been important for us to be attached with the Prime Minister's office and not for instance the labour minister's office or any other office because it gives much more power than it does if you affiliate or situated under another minister and it's been one crude attach on this situation but we got it back to the president's office.

It's been important for us to be independent at the same time meaning that we can also criticise the government for not moving fast enough ahead ofcourse we have to do it in our terms but you can actually do it. I personally think that it is very important that the chairman of the council is a very independent one and experienced person and to my belief it should be a person which is not at the same time the member of parliament. But this has actually not been the tradition in Denmark .

I am the only chair who has not at the same time not he MP but what I can see from the period that I have been chairing the council is that it's giving me much more to asses to different accesses to try different organisations because what people see is person that it's not a member of a party in parliament so they believe that I am not a biased when I go to talk to them and they believe that I also have the freedom to criticise the government which Prime Minister has put me into his office.

And I actually have done that and he has responded very positively I criticise him for setting down a very important information not being thorough being gender balanced and he actually changed it afterwards. Then what else have we learned, well we have to very concrete. It seems very abstract but it's very concrete in your situations because nobody can lobby or put pressure for a suggestion that is not concrete. It will just create frustrations. We have experienced that the number one thing is to have more women in decision-making positions. That we have more that we will have more people to play together with or interact with. I think it's called that we will not be isolated items, but you will have the network.

We have experiences especially during the seventies and eighties that it's very important that women in parliament have a strong caucus. We have a very good co-operation with the caucus in parliament I can say I was in parliament myself at that time. This sort of the main function to have more women in decision-making position also in local authorities. At least we were strong enough to side across party line but it was agreed on a lot of issues but we were strong enough to decide that we will have more women in decision-making positions.

I think those are the main experiences we have and I've talked a long time. I'll be happy to tell you more about it also the way they structured it in Scandinavian countries. it's different in Sweden they have a separate public protector who takes care of gender issues.

We have been strong in Denmark not to have this because we believe they should be underneath public protector that we have, we should dig in specific affairs and we should mainly be advisory and a gender-watch institution at all put institutions not devoting too much time other things and this must be very relevant because in the constitution here in South Africa it's both the Human Rights Commission and the Gender Commission and I think personally that it's very important that gender issues will not be squeezed out of the Human Rights Commission, but be another kind of body that will be a strong body to promote gender issues it takes many years it's done in every country in this world, so why should it take many years in South Africa. Well think you for the word for the time.

CHAIRPERSON

Thank you very much Mrs. I think there will be a number of questions and if I may kick off, I would like to just ask the question of the whole issue of being and an advisory the role of being an advisor whether it has not been seen by women and to what extent you yourself share with that as a toothless role or because when you advise someone they have an option to take your advise or not to. Secondly whether the question of the chair being appointed by the Prime Minister also does not in the eyes of other people compromised that chairperson. I must in fact that the prime minister appoints the chair, not necessarily upon recommendation from anybody.

That is just a kick off but I will take a round of questions when you can take a list and just note them Are there any questions. Vusi.

MALE

Thank you chairlady. I heard that in Denmark they have this articles for women . my question is when women come to caucus do they come as representing different parties in parliament or do they come there as sort of women petition as we have here in South Africa or do they come with their different views or as women fighting for a course for women in Denmark. Thank you.

FEMALE

I don't know if I understood properly, did you say that you have a commission did you also say that commission in the various ministers I did not quite get that.

CHAIRPERSON

Mary do you have a question?

MARY

Yes. I do. First could you repeat the name of the council, actually I did not catch it and the beginning. The second was how can you be sure, it seems like a sort of focus of the pressure from the women's movement in broad sense has been on getting representation at top levels. How can you be sure that the advances of the women are not restricted to that top level. The other one is you are funded by the government and appointed by the government.

How independent can you rely be and connected with that is the fact that your budget remains small. I mean I can never reconcile this notion that we want to be autonomous. I mean our ANC women's league has got this same problem we call our selves autonomous but infact we totally dependent financially and in other ways on the ANC and similarly in parliament we are now talking about setting up a commission which we say it should be independent on finding proper government and the budget. The last thing also if you could just repeat I didn't quite catch, you said that only half of the 21 departments that you have got a good sort of report on equal policies and you then say that they have two choices and I lost those two choices could you just repeat that. Thank you very much. Shiela can you wait, can the other people wait so that I will let you answer this round.

MRS

Thank you first to the question of the advisory role whether it's not toothless as you ask. Well if we were waiting for the government to ask us for advise, it would certainly be toothless. What we do is we, every bill that goes to parliament has to get across our table and we look into it whether it reasonable agenda context. But what we do besides that is we put forward advise and this also would be toothless if there were no other organisations putting pressure on parliament and government. So what we do is that we don't do our advise only for the government.

We put for the parliament too and we start discussing with parliament for the time being it's not a real caucus but we know the members pretty well. Our parliament is on 179 members a lot of them are my colleagues so I also know where to go to put pressure on them and discuss with them why this is necessary.

Then the women endorse and the council do the same to what we work the way we work just put advise forward we pressure on and lobbying it at the same time and it takes one other lobbying to have a good bill passed. It takes a long time. It takes only several years then what we try to do sometime is the European court system because they are in respect to gender issues. It's actually quite good because it's the clause in their own treaty saying very clearly that they should be no gender discrimination. This actually came in to prevent competition on payment of unfair competition. So the equal pay law we have today is partly a result of the case taken to the European court and Denmark lost this case.

They officially Denmark lost this case we could lobby for the law being bitter. But it takes time I mean without lobbying and the same time it would be hopeless. I think. Oh yes then you ask too whether the situation where the chair is appointed by the Prime Minister doesn't compromise. I think I had quite easy time. But I think I had an easy time too because I'm not a member of his party, I am not a member of parliament for the time being. And I have advised him that next time he is going to appoint a chair, he would run this way again. Because I think that the previous way it where it was automatically a person who was also a member of his party could be in parliament, it's not necessary a good way.

Atleast it's not difficult for a person, a person has to struggle more to be believed in, has not compromised. I think it worked very well for one of my predecessors for the other one it worked very badly. And the one it worked very badly for she was previously minister of labour and a very good women had she got squeezed out by her own prime minister. He was at that time we had a consecutive prime minister and he wasted her too much in a way that could not really act the way she wanted too. She was good, so it did not function. Sorry, I forgotten your name, The Danish, the women caucus in parliament. Do they represent their parties or do they represent women cases only?

The question was do the women come to this caucus, do they come representing their own parties or do they come there as representing the cause of women as for instance the women coalition in South Africa, which cut across party lines. They would normally represent a broad line they would not represent parties normally when they come because this they go to the caucus into present this issue is necessary for women on what ever they put in as opinions they have - whom ever they belong to as parliament members or if they are not party members

because the political parties or most of them have a women organisation inside them. Then you asked if whether there were commissions inside them. Various ministries know they are not exactly commissions, they are more of gender co-ordinators. They are not in all departments, definitely not. Most of the departments do not have them. But some departments have a general directors hat are sensitive to the questions some have general directors that are not sensitive to the questions.

But then what they lower level they have good people that we can work together with and do that. I mean we spot them we have a big and formal network which in all departments that we co-operate with and this is total legal we can do that it's not a problem if we can find a person. We had quite a lot of troubles with our minister of justice, we just been worst ministry put together. Now this is softening out. They've got a new director general. He invited me to speak to his whole leadership group recently to get sort of moving in on the big stream. Then the name, it's called the Equal Status Council, I don't like the name very much but it's in the law so it's the whole fuss to make another name.

We have to open the new bill and so on. We'll have we only pour our focus getting women into top levels in decision-making. No, we have made a focus on getting women in on all of decision-making, all levels and we have been much better in getting them in the middle level and in the top level. But in all levels, and we have assisted women who have campaigned to have more women in municipality councils, and also assisted them in funding women that are willing to be nominated for those seats because not always easy. How independent are we when we funded actually ... independent because it would make really a fuss if somebody tried to get us off the budget bill.

I had the budget doubled two years ago and we would go national as soon as somebody tried to get if off. We actually do the papers for the budget bill and then send from the prime minister's office to parliament, and somebody try to get if off, we will be mobilised women organisations. Both women and men in pace and will mobilise anybody. And ofcourse, you can do some battle like that. We are good in mobilising. we are experienced I would say so we are experienced. We get some funding from other departments too but this could be for concrete projects.

We have a research on for single father and would be research institute Denmark to make this research into how to simplify this doing as we are getting a lot of single fathers not only single mothers, so we would like to see into are the single father, but by the same things, as the single mother are hit by. Because we know a lot about how the life of the single mother is hard, of course, we know a lot about that but we don't know any thing about single fathers. This was funded for the most part by the Minister of Social Affairs so we go with the project and asked them which, or who could co-fund this, we don't have many mineral resources.

The national statistical bureau have just said yes to a published thorough bi-annual statistics on gender issues which we never heard of before. We are co-funding this because this was what we had to do to convince them. They were willing they said that we don't have any money and had bargain going on and we said we will share in with this amount of money you'll pay them off. Sometime we had separate from other departments seldom from private funds. This is not very normal in Scandinavia. Did the ... ask all the ... or the two choice. The government had two, they could either strengthen the law.

The law says today that public institute had to promote equal opportunities. They could strengthen this by saying more precisely what they should do or they could be convinced their own ministers that they had to act now and ofcourse it was last road. And I could see that things actually happened. The prime minister ordered all his ministers, they were all back to me to know they understood the message and they proceeding in this way because it was going to be embarrassing.

FEMALE

Thank you. I would now, I think I hear three hands. Sheila, Mantwa and Kathy.

KATHY

Thanks. I wanted to ask but I do apologise for being late. You may as you know, committing everything and anything in the same time these nowadays. It makes life very difficult. The whole question of being tip top of commission. I stated this calling for status of commission not as described in the council.

Anyway, the question of whether it can take case to court, I just heard that the Danish commission does not have that power. We've been debating to what extend our gender commission or proposed gender commission to have power similar to the Human Rights Commission which acts as a judicial system which can subpoena witness sees documents force people to incriminate themselves in all sorts of things, which I think it's going too far. The question is would you not think if it's advisable, if possible for a gender commission to be able to take case to court on behalf of the person or class of persons, because in terms of our constitution we do allow for class actions.

I don't know if the Danish constitution if it allows for that. That might be one of the problems you'll have but under the circumstances, where you can have class action, do you not think it will be good to do best this power in gender commission to investigate the situation and then not act as a party of judicial body itself but have further power to undertake action in court on behalf of the person. Thanks.

FEMALE

Thank you. There is just one part I didn't understand. If you are an independent body and you are not members of parliament, I am not very clear in my mind at which point and in which forum are the bills initiated around gender issues, who does that?

ANOTHER FEMALE

My question is I think how do you relate to the previous one. You know the debate in South Africa around the package, around national missionary and the need in the whole lot of structures. It seems in Denmark you are the key of focal point in your national missionary. The equal status council is probably the single most important, most powerful, almost cog in the wheel in a way. I suppose my question is do you think that it's good thing and if you had a choice in Denmark, would you have preferred to have had more powerful and infectious structures in other government departments or within the executive itself, or do you think it works to place your sort of key, powerful institution as independent council as you have in Denmark.

CHAIRPERSON

Do you have other questions?

FEMALE

I don't know if I must out in it. But I just want to ask. You also go on a commission of human rights in Denmark..

CHAIRPERSON

Can you just comment about the public protector. [inaudible]

MRS

We don't have human rights commission, so we don't have problem of funding what the relation is going to be, whether it's going to be the responsibility of human rights commission and where is it going to be a responsibility of gender commission. We have a public protector which is very much the same as possibly be the job of public protector here in South Africa. He is looking whether it's mal-administration. He can look into single cases a person goes right to a public protector to say I was treated wrongly in this case. he would take all cases within his limits whether they are on gender issues or not.

Despite cases on equal pay and things regulated by the law on equal opportunities on labour market, they would go to us. But normally people find out, he could actually take them. I don't know if he's taken any up to now. But he could, but normal people would know or find out when they have talked to his office. Whether they should take it to our office . But it's only concerning those two laws and nothing else. Then you ask me, would it be reasonable to have to take the case to court. In Sweden they have a public protector and they have, they call it public protector for equal opportunities.

They have two bodies, and each separate body actually has the right to take a case to court. But they call it a public protector, but the normal public protector cannot take the case to court, so actually I don't know why they call it public protector, but they do it. They could take anything to court. Well I don't know if it's the British equal opportunity commission has the same right. They have actually taken the government to court on social pensions. I think it is, and they won the case. They've taken to the European Court. It depends very much on what kind of body you want.

Ours is pretty much like a watch advisory lobbying body, a sort of body you can have a focal body that work on gender issues level, to be able to communicate with and to put pressure on the relevant partners. It takes a lot of staff if you have to bring cases to court. I can see that even the relative few cases we have that we don't bring to court, but we end up with the message in paper on the case. It takes a lot of resources and normally you don't just get a lot of resources for a gender equality council. So it's also a matter of saying what's most important where you stand now, what's.....

FEMALE

Yes, just if possible ...

CHAIRPERSON

We promise we will do that before the end of the day. OK. Item number seven. Any other business Bronwin, on the issue of public participation whereby we are expected to give two names of people who are going to go, can you explain Bronwin what the actual event and where it is and times and so on, so that we can

BRONWIN

Unfortunately I don't know, but there is a community lease on department that the members now if it's organising the public participation events similarly to the meeting that they have in Paarl with Cyril Ramaphosa, Leon Wessels. It's similar kind of process whereby there is a group from each of the theme committee that goes to different regions, different venues, different areas, each weekend and report on the issues that are being considered in their commissions as well as, I mean in the sub-theme committees, what is good feedback from the public. So you will see in your pink things, in fact what I could do is I could slot in public participation on the weekend and if this is what you want. But in that pink work programme on the weekend you see there is a thing that says - public participation event - what they actually going to do is they are going to start taking that forward.

So what the suggestion is to people from each of the theme committees goes to the public participation event for the weekend, getting Natal, getting Gauteng wherever and that I think within our theme committee we going to need to look atleast one person from each sub-theme, because we are looking at quite different areas, so I mean for this weekend it's going to start but it's short notice and I mean other theme committees have complained. So people can't or, if there is a problem, you know that does need to be registered, that alternately this weekend it means something happening and what I've given them the name they will be in contact with the theme committee in terms of giving them details etc.

CHAIRPERSON

Can we have a volunteer, I think it's OK. It is clear that its short notice, it's inconvenient that it has to happen, can we have a volunteer. Unfortunately I have an MEC meeting on this weekend, so I can't volunteer, is there any volunteer. I'm stone faced.

MALE

It's difficult to volunteer when one doesn't even know what kind or what type of the thing one is going to talk about.

CHAIRPERSON

Well if I may say from Management Committee level, and cc level, the approach generally is, there is going to be very little talking from the side of the CA to people because we are saying public participation. So it's not like you are expected to go and present a lecture of anything of that sort. But it's more to be there, so that people get to know what the issues, people come in what areas, people are working on and also you also get to hear what people are saying. I can say that from the chairperson of the CA, the one thing that he was stressing when he came from the first ... even in Paarl, was that we can't expect that when we get there it's the matter of the panel from the CA then people putting forward views or answering questions because even if you are doing that, you are likely to present more conflict because of the different political background we are coming from, than actually allowing people to make their inputs. So we've got to tone that down, the fact that we are expected to answer questions or to tackle questions.

It's not quite a people's forum kind of thing, where the ANC used to go out to and talk to people and answer questions because it was the ANC. There was no problem there, there was no complication. There we are looking at the CA which is the multi-party process, but where the focus now is the public to be involved. The people to be heard, so you will be part of the delegation that is going to the people to listen to them and also just to present broadly what the CA is doing and what it is dealing with.

CHAIRPERSON

I am hearing you saying infact the public as they are coming forward with their input they might even differ in their input, they might even differ in their theme position or trying to clarify things differing from other parties, in that particular input.

CHAIRPERSON

I think that is just the wealth that we want of input or of thinking of approaches to various matters. Can we now have the volunteer.

MALE

Unfortunately I am having a funeral to conduct. Khosi Mokoena?

KHOSI

I am not also going away.

CHAIRPERSON

Not unless you actually make a point of approaching the other members who were not here. Just to check up of their availability. Kathy.

KATY

Why don't you find out where it is and get somebody whose name we don't know or get somebody who is going to be in that area.

CHAIRPERSON

Because it might just happen it's in your area.

MALE

When is it?

CHAIRPERSON

We don't ... those details. We need to get Can we just have some details [inaudible on tape 4 between 20-30].

OK then can we leave that to Bronwin and some kind of way trying your best to interact with us give back details and also approaching the one who were not here about that. Any other business? None.

Thank you very much for attending. When is our next meeting Bronwin, because now our lives are getting a bit more complicated by the National Assembly programme, but I really want to appeal to members generally to take the constitution making process quite seriously as a priority because you know unlike when people are working on legislation, Here we are working more on a much fundamental document so we really have to give it the best that we can out of ourselves. OK.

BRONWIN

Our next meeting is on the 27th which is next week Monday.

CHAIRPERSON

Which is next week Monday.

BRONWIN

We've got 18h00 to 21h30 unless otherwise indicated unless for example the management committee or CC manages to change the time or whatever. That would be the time but I'll send a notice before especially to Khosi Mokoena for the meeting.

So he doesn't get embarrassed again. It will probably be in Ivory Park, but I think that our venue, but I'll indicate the venue as well. OK

CHAIRPERSON

Thank you Bronwin. Bye.

Most important, what could promote equal opportunities, best for those years just in the near future. Then I think when you going to have a human right commission in South Africa. There is really a matter of being careful, that issues on gender question. Will not be squeezed away from the human rights commission. I mean they a fundamental rights. It is a fundamental right to have equal opportunities being a women and we have been struggling within the UN system with the European council system to have this accepted .

This does not necessarily mean that the South African gender equality commission could not take specific issues to court or that people could no complain on specific issues. But I think its very important not have to mixed up with issues that could go to the human rights commission, because that is going to be some people have want a question that is going to be marginalised and as a I see it, it's so much to do for instance securing that the gender perspective would be strong in the R.D.P that women would be empowered during this process of taking R.D.P. from paper to reality. To have more women in power inside departments to have women empowered in all sectors of society. It's so much to put a focus on. I think I would personally prefer to have political side of the council being the strong one the lobbying organising , politicising power lift strong.

But I mean I've been only in South Africa for two weeks, I don't know the society too well. Then there was a question on the independent of council the member not coming from the parliament. Well despite two of my practice non of the member non of the members have been members of parliament. I can remember who ask question, could you place give it to more because now I am get uncertain.

FEMALE ASKING QUESTION:-

I said I wasn't very clear who initiates thing if you are not part of parliament or government at which level are thing initiated.

MRS ANSWERING A QUESTION

The bill is initiated by the department or the minister the report minister or the government. We, are a lot of times make amendments to bills, but we do it in a way that when its, they send it to a hearing before they put it in Parliament to our council. So if for instance the minister of labour is drafting a bill on a certain issues, she will before she goes to parliament with this bill she would pass it on to us then we can look into it and maybe she will listed to us or maybe she will not listen to us, but she would pass it on to us so we can look into it, and she will pass it on to parliament. and then we can look into it again if she hasn't listen to our advise, we will definitely go to parliamentary comment relevant and say well to our opinion you should chance this and this way because it will not be gender mutual or affect women. then you ask me Casey about the focal point that there is situation is the equal status in Denmark has been pretty mark the focal point the national missionary and whole we choose the same kind of body or mannerism if we had choose again well I would certainly choose some kind of council that could be a focal point to take experience and information to spread them again to be the watch dog on gender issues to be a lobbying mechanism but I would prefer that some of the commissioners in the commission where now.

They all are presenting organisations I am the only one who is not representing an organisation and I would prefer very much like for instance British equal status council or equal EOC have they have some independent commissioner that are chosen because they are person very reliable person individual that are known to be high integrity because its very, sometimes its too slow moving because we have to have all the compromise across the whole sector before we can put forward advise, and it a lot of situation when you are in parliament but as we are going to push forward a process it would be that council sot of say we know that some of the Trade Union people would like to go further on, but what they say for instance well about our board employers association they say that you know I personally would want to put this issue further on.

Then say well does that mean that I have to right in the papers a made saying that why don't the board and the employers association do so and so and so and he says yes.

FEMALE TALKING:-

Mrs answering!- "yes"

CHAIRPERSON

I don't know if there is any other question, but I certainly have another question:- This is you know in South Africa one of the fundamental principles that we are working upon is the hole question of insuring that we are building a non sexist South Africa and that is something that was declared publicity by those who are representing people of South Africa at a political level, and therefore the recognition that the responsibility is also with the executive.

Now how do you for instance in you case ensure that with each and every ministry if you are saying that you don't have gender co-ordinator with all minister, with all departments and you don't always have a gender sensitive D.G. How do you ensure that every ministry actually has the responsibility especially when it comes to policy and when it comes to budget because for thins to happen out there, there is got to be money to back that up, so if it's just a situation that is just loose like that how, do you make sure that there is a responsibility on every department.

ANSWERING THE QUESTION

Well they have the responsibility because its forbidden to strictly discriminate indirectly or directly. So they have on paper the responsibility but papers is one thing where else it's another thing. We can secure total that they don't put forward their suggestion for a budget which is actually sexist in a budget. But we can do is we rely on that it would be people within the department that would be angry about this and they will contact us and then we can go in a dialogue with the director general and say, look this is bias what you are putting forward.

If he is listening then it's an opening field to have a negotiation if his not listening then the next step it this will be to phone one of the journalist I will say, this general director is really putting forward a thing that is sexist. But of course this depends on whether you have a good network in the press and the press is relatively non sexist, because if the press is sexist it wont take it out, I mean they wont write about it. I think you can't cover the hole of it. When I look back in 75 it was no doubt, you have to say well you can't cover the hole of this. So what it's most important for the coming years and then you sot off put your resources into those areas and say well its most important for us to do, to with this area this around for the next five years.

And you will concentrate on your resources you will discuss it with the women organisations, informal network how to concentrate your resources into those questions, because its very easy you will go in different directions one organisation, was will struggle for this and another one for this and you will not be strong enough to win, and ofcourse this is difficult, because people had different opinions and some find that it's other issues that are more important, but what I mean its a long debate, but it's necessary to have it concretised when its most important to have women in power in South Africa with the next five years, because it will not be possible to cover it all. It's not been many society, I could not imagine that it's going to be in South Africa either.

So people sometime criticising us that we have not done enough on this and this issue, and they are totally right, we have not because we have on other issued have results, because you cannot be a council without creating results, then people will not respect you anymore. You will sot off just loose power you can gain your power from be made to say well we actually did so and so, we have succeeded in this not as council alone but together with a lot of other forces women in parliament municipalities, endow second tape between 40-50, women in university and so on.

ROLINE: COMMENTING

I think what is interesting in term of what you have said now in terms of your long term strategy was to say what is immediately importantly in terms of strategy, it's seem to me you had a number of faces you went through, first getting the legislation in place on which you

could build your next strategy to get the women in all key decision making post in government departments and on certain municipal level and now you working with the private sectors companies which I think also in our society its very reluctant to change, but I think the other theme that has come through is how you use your network in the interior society, but also in the Nordic countries and with the parliamentary union to build up, and make those long term strategy actually successful, to me that's an important issue, I think that's also get back to what we planning here in terms of the long term strategy as you said what is the key issue.

I think where the issue of enforcement comes in is again that the issued that come up with the lot of other different society, because they are very complaint bases enforcement focus and to much on a long term network strategy to take themselves through particular faces. I can see too if we go strongly on the enforcement and compliance given strategies here that we would use very limited resources before we've actual made some major achievements in legislation and in getting women into key decision making posts.

CHAIRPERSON:- I think that was basically a comment and KOOS,

KOOS:- ASKING A QUESTION

If I heard her correctly she did they use to have 24 gender co-ordinators in all provinces if I heard correctly in various regions. Are those gender co-ordinators attached to departments or they are just loose initiates or they are just reporting to the boss somewhere at the head there.

MRS ANSWERING QUESTION

No they are attached to units which are underneath minister of labour. They have local units which are there to look into how you can decrease employment how you can train unemployed and they are acting as secretariat for the local tripartite organisation that we have locally. So they are not just flowing they are part of this organism because if they were just flowing they would probably not functioning and some of them are not functioning because it was actual against the will of the government.

It was pressured during early 80's that they had to be gender co-ordinators inside the system and some of the local director general are trying to strangle them I mean not truly but trying to

take two type of them but they are in this body. Sweden had a parallel situation they just decided in Parliament last year that they would have in their regions, in every region two gender co-ordinators that would have the function of gender watch and a gender local adviser for the local council, municipality council or its called provincial council its called in Sweden but they would assist them.

MANDISA:- MALE ASKING QUESTION

Your general evaluation having said that there is 40% average women in different commission if I heard you well. Do you in this age any move of the percentage from 40-50% even to overlap the 50.

MRS ANSWERING QUESTION

It's not a version to overlap that 50, it's a vision to have it as close to 50 as it's possible. It's actually a version to have it where people don't have to think of it anymore because it's become natural. and I am pretty quite sure its going to take a long time to get to close to 50 because lot of people are reacting well now they have almost 40-80 isn't tat well enough.

MANDISA:- MALE CONTINUE WITH THE QUESTION:- But if you look at it somebody you may involve in that. Do you in this any more from 40 or if you evaluate the strength the way thing a developing do you ... on this age any move.

MRS ANSWERING QUESTION

Yes, but it's a yet, I think, the best story I can tell in Sweden our neighbouring country this was not a commission this was parliament, for the first time women lost a parliamentary election that was in 91. The result was there less women in this election than before. They organised together pressure on this main the Social Democratic Party which was obviously was going to win the next election and when it came close and close to the election the Prime Minister who was actually in South Africa for the time being marketer second tape 50-60, he announced to the press that if he'd won the election half of his ministers will be female and actually did it. So I mean it a difficult question to answer because if you had the right person who will say now we've heard it he have worked for two decades on this issue now it going to

be 50-50 you can do it very quickly, but if you don't have this person. Then its going to take a long time because you have to go on lobbying and for sure we've had all the arguments from a different chairs of commissions its not because we don't want it ministers. It's just because of the lack of women.

I mean it's lack of women who knows enough about this issued or it's a lack of women who want to be appointed to the commission nobody ever asked if all the men in the commission the really were trained to be there probably they are not, but probably they would be if they would be there for a time, I mean non of us actually very experience when go into the first commission we go into. We pretty inexperienced and will not be experience if we are not there. This is true whether you are a man or a woman. But its just don't question when its a men you take for natural that he's not experienced already but he will be it. You take it for granted and you don't take it for granted that a woman will be it. But she will , but I still hope that we will have a 50-50 before we reach the year 2000 but I can tell you it's not promising. I'll be very proud if we reach it in 5 years.

JANE ASKING QUESTION :-

I would just like to ask there was just a little contradiction in what I perceived in what she said on receiving an application the labour market or did not look at the gender but only at the application and she merit. And on the other hand I've got to appoint 40% of the women so how on earth do they get to the 40% women if they are not allow to even look at the gender. I was just wandering how do they get to that point, I mean linking on to the last answer that you gave is, did you go through empowering period to get the women empowered enough so as to full up the 40% in the work market.

CHAIRPERSON

Can I just add a rider on the last question do you find that there is a phenomenon among women themselves where by you actually have to deal with the readiness psychologically of women to occupy certain positions, because you might be fighting for something at the level of the principle but in actual fact you find that you might take time to convince people, that there are a lot of men who are in the position who in fact when they went in there were as unready as the women are at that point when they find that well maybe I am not a material for parliament you know. And yet a lot of men sit in parliament for years for 40 years not to say anything sensible you know retire nobody notices it doesn't matter men we meant to go to parliament you know.

Well concerning the first question how do we get the 40% women in the commission when it's a labour law saying that you must not look on the gender. This law says that when you hire fire promote or so person in the labour market you are not supposed to look on the gender or you have to be gender neutral. But when we ask the organisation to come forward with suggestion for committee it's not covered by that labour law. It's covered by specific law where you say directly that you to come forward with the suggestion both of the male and female and then it's up to the minister to secure that it's gender balanced. It's not a voter system because the minister can't choose who of the person put forward he or she would choose.

Then on the empowerment of women has been necessary for us to go to a face of psychological preparation readiness for take our positions definitely so and long process. It's not always been easy to convince women that they should get into a commission that they should be mentioned for a commission that they should be mentioned for a commission or that they should be mentioned as possible appointees to run in a local election or that they should apply for a leadership position. It's been pretty difficult it's got a lot of training prior to this and a lot of consciousness raising on a lot of pressure.

Actually I only became the member of parliament because somebody put pressure on me to be nominated, because they said they can't favour that to have more women in parliament if you are not willing to run yourself and finally I decided they were right.

So I ran and found out that you can handle it, because what you believe is that well it is a men's business they probably they are grown up they are brought up in a way where it's natural

for them and when they don't say we can't do this stuff. Where else as women they are used to say well, I better be a bit better trained maybe in two years time or very concretely going when the kids grow up because the double work is when its business, and it really takes time and energy so its a lot of, its been a long face and its been a lot of net working to find women who are willing to be appointed who are willing to apply for a job and then back them up. So its been a lot of women network backing each other up saying well you are strong enough and we are still here if you get the position we are still here to assist you if you fill its too hard.

So what we've been much into is also creating networks that will back women in those positions that they will not be over run and fill that they should withdraw because its just too hard its just too much and it is to much because we can just see who are the women in the municipality councils we know. Two third of them have either no children or the children are grown up, because its just to hard when they have small children because they are not going to get the same backing as men will get from his wife. Where else when we look at the men in councils two third of the men have small children and we can see it in same way that higher percentage of the women in the councils are either divorced or single as goes men, because they don't have the same backing in the family like men have.

Our minister of Internal Affairs is now putting a bill in Parliament which will say that a person in municipality council can have a certain amount of money for a child care assistance while the at the council meetings or committee meetings or preparing the work in the council, and this goes for both women and men who both have small children meaning children below twelve years. Its a limited amount of cause but this will make it a bit easier, both to have women to run for the local elections or to have them to say there, because faster than the men do because its more difficult also they are not welcomed.

I mean when the new council starting its a lot of women who told that they real felt really unwelcome, they were there because they had to be there because the votes had done it but they were not really, nobody was introducing than, and they could see that the new members

who were men were introduced very formally by other work with this and they had discussed it with the mayor, that he will introduce the women as well.

And take out issue when the new council starting its first working day say well we've reached whole way and I don't want any kind of discrimination against women so now will discuss this issued. Some of them, few of them have done this but they are really good examples.

SHIRLEY:- ASKING QUESTION

Thanks for the opportunity chairperson I just want to ask you, it seem to me when you told me about commissioners the appointment of commissioners you presume that they would be appointed by either the Prime Minister or the president from the top, and we've received some submission from wide variety of organisation for instance sporting organisation. Trade Unions and feel that it that happens it might not be full (represented) representative body and I want to know if you had any idea in a short of have elections which might again also distort the picture in terms of politics.

How one could make sure you draw on the widest possible the frame work of the candidates for the sort of job because I mean can't , you tend to look at it in term of right political legal thing, but lawyers getting involve but I mean other commission in other part of the world also have drawn on women in sport for instance, in charitable organisation. They seem to be perhaps a wide respect once approached and I wonder what will be comment on that.

MRS - COMMENTING

I think it a good idea to have the commissioners represent more or less directly different sectors of society, at the same time I think its that the council does not or committee does not get too big if its too big.

In our case they represent directly organisations, labour market organisation and women 2nd tape between 50-60 some of them are pretty broad, I mean its all kind of organisation they represent. One of the members in my council is representing them the green goes out actually.

WOMEN ASKING:-

Was she put there by the President or Prime Ministers

MRS ANSWERING

Well she was suggested by the National Collusion of Women in Denmark and he has put her in you could say for instance or rubber stand to some extent yes despite that she has worked as a rubber stand. When people proposes for the council he would normally say yes to their proposals. But they would also know that he could say no. You either do it in this, I mean this is a tradition in Denmark, we don't have council that's not structured in this way. There would be representatives from both side of labour market and there would be representatives from NGO within the area, if it's environmental council the would be from the NGO second tape 50-60 on the environmental side but you could also have a situation where you ask several organisation or sectors organisation within sectors for suggestions, and then you could have the right more freely, to compose a council.

You have to have a brought council that would be a the people would believe in it and at the same time you have to have commissioners that will promote this question which actually quite difficult to promote. It's not easy to promote equal opportunities so its a balance to find a sort of balance. It also...

WOMEN: - SPEAKING

You mean women with skills need balance Mrs Yes and with different kind of experience and I would say in our council its not a women's council, but its dominated by women. And I would say women and men who had time to devote for this work and who have enough experience to be person who can, I mean get their voice through and at least I thin it's very important to who is going to be their chairperson and the vice chairperson, if its a nice chairperson if it's going to be one probably is. My vice chairperson is a chairperson of the coalition of women NGO 's second tape. But I would say to my opinion if it get a council of more that 8/9/10 persons.

Then you would actually have to have power put into the staff instance, because its not going to work I don't think, buy you could maybe have the commissioners that have some kind of extra responsibility for certain sectors of society hole areas and so on.

JANNIE

You said people lodge complains and you do receive a number of complains to which you can't give equal attention to everything. Do you also do you find that mend and women complain form both side or mostly women.

MRS ANSWERING

It's almost only women because its almost only women that are discriminated at the labour market. there most complains from men too but they are few. And most complains are on firing during pregnancy or you've ask leave. But its just a man who won a case, he got fired while he was on parental leave and he won the case. He didn't bring it to our council because some Trade Unions getting very active and supporting their members in running cases. So they do a very good work and that really nice, I mean we hope that more will be more active in running cases that help, because we can use our resources for other things:

CHAIRPERSON:-

I think we'll all agree that we really have a meaningful exercise this morning just sharing the experience with Denmark and with the 2nd tape between 90-100 [Anegrator]
we'd like to thank you very much for the energy you put in this. I hope we have not over worked you, I sure you are us to this kind of thing. Well maybe we will continue getting more experiences in other countries and perhaps we might even in the part of panel of people who we might have to consider calling to a workshop kind of situation, because this is one area in the work of particular sub - group that you have identified is not going to be quite easy to work through and to really feel OK, we really touch on everything in order for us to come to the best arrangements.

You yourself are saying that in Scandinavia there are different scenarios in terms of national missionary and we would like to make sure by the time we come to our own comfortable decisions we've look at all the difficulty we have and improve on them and take your recommendation as well as from other people. We hope that you'll still be willing to interact with us when ever necessary. I believe you are working with the advisory committee of the National Assembly and we would like to thank you very much.

CHAIRPERSON

And perhaps we can while realising you and seeing you out if you wont leave us you are welcome to stay onward. We just have one item on our agenda to talk about the public protector programme of work for our selves but we can have a break for five minutes and take a drink outside and then settle down so that we can take a look at our own agenda.

MRS SPEAKING:-

Thank you I just want to say thank you for listing, I mean its be a long time and I hope its going to be useful for you and of course I'll be happy to assist you more if you need it. So thank you very much.

PART TWO OF THE AGENDA

CHAIRPERSON:-

Can we sit it's time to start and take a look at our programme on a Public Protector on the first page. I think we are on the item three. Confirmation of the Minister on the 14 February. Those minutes are on the first page. the only thing I've already changed is the name of the structure that our quest this morning is the head of , on page 5 that if from the Danish equal status council. I am going to correct that. If we can just go through the minutes on page 2. Is there anything that people would like to amend. On page three, page four, page five we already have one amendment I have.

FEMALE SPEAKING.

Can I have the proposal of the agenda.

CHAIRPERSON:-

Any problems OK, everything is adopted. Item number four is the work programme and four point one there is a draft seminar report that the one that we got cassette no 3 is not audible at the beginning. Will just stick to the document that we did.

WOMEN SPEAKING:-

OK what we did last week, we handed you that summarise basically all the speeches. So what we've tried to do now is actual summarise it further in term of just identify the issues, not necessary going in all the contents and the formulating all the questions. The reason behind this is because when we go for public hearing and when we for calling for submission from the public on these area we also need to bear in mind that we don't want to actually direct those processed otherwise we are going to get a hole lot of information that we are not actually going to be able to use so on this sense.

This is what we trying to say, this are the discussion that we've had these are the question are there have reason however are there other questions are there gaps etc. So I think what this expected by the committee . I think people need to look quite carefully at what question have been put down because, I mean for example we might have left a key question out that people think need to be located in here. Where there is also become impertinent is, there is a finalisation we are going to disperse it later,

after advert has been sent out for the submission to the public. If you remember the last advert agenda commission just had gender commission it didn't go through one of the issue that we discussion and what question we've been asking. So they can only put an advert in today on a public protector so we also need to see whether we can't flesh that out more or use these kind of question as a basis so that at the end of the day we are going to get submissions that are going to take our discussion forward. We done this on the public protector, we've done this on the Human Rights Commission.

There is still others to be done, that is land commission and the gender area whom ever I thin that will probably will now, and Kathy will be best placed to develop those questions around a the gender area seem I have to give out those imports that make part of the discussion and maybe together with the other members who've been involved in the processes like Mary in actually drawing up the gender. And what we've done further is to try and take this, the kind of task that we have into a work plan. But maybe we need to look whether this process is all right with people whether people think that the question we ask later are central questions or whether they think that there areas that need to be taken forward.

CHAIRPERSON

Thank you Roline

Colleagues may I ask that we all have the document draft report Public Protector in front of us and if we can also agree that for purposes of actually looking deeper into a work program for immediate future we need to be prioritising this particular institution the Public Protector and therefore that's what we would be looking at. For purposes of that item work program today, but of course in addition to that to also have a hand these document that is actually tabulated and is headed something committee transformation monetary evaluation work plan and there are dates from January to May and tabulated of work and there are actually dates to it and for time frames right up to May If we can also put it such a way that we can be able to refer to it to a certain point, but can we agree that we are actually being specific about the public protector especially because even the issue of adverts for today we need to prioritise the public protector. Having said that I don't know to what extent we can be able to comment on questions as such because I don't think people have really had time to read the documents

because , actually, got to them this morning, which will be unfortunate for the purpose of the advert maybe, because if the advert, but then how much and advert contain in terms of question. I would imagine that we could go with whatever one or two questions re in the document for purposes of the advert and by the time we actually go out, to whatever events, in terms of interacting with the public we would then perhaps have lift that up. So can we agree on that just broadly. Mary.

MARY

No I don't agree, I think that up to now the little I've seen of adverts for this pro-constitution making process have been of. I think we've tot to improve our adverts. We must make the whole thing more understandable, expandable in the adverts and all the way to the processing, and so we haven't had the chance to look at this and to actually identify you now a couple of ... of the question we can't perhaps just raised more than two or three questions but we must be very careful that those questions are explainable because as it's been pointed out you I mean the nation of public protectors totally new to most people in this country. How do we get through in a small advert. I don't know the answer but I think we got to try.

CHAIRPERSON

Can we perhaps focus on the question in the documents on page two I think the two questions of which had been raised are at the top of or there are more questions maybe we just need to look at the question spread out maybe we just need to look at the question I. And the first is should the text of the constitution have constitutional probation on the institution of the public protector for all this money or should this institution be regulated by ordinary legislation? I don't know whether that's the question you can put to the public. 2. The second question is that should the name public prosecutor and not all this money [3rd tape between 20 - 30] and vice versa be utilised to describe the institution? Then under two which about the appointment of the public protector the question is: 1. Should public protectors be lawyers or should they be specialists in other areas such as sociology, social worker, psychologists and public administration in order to qualify for appointment as public protectors stroke all the time. Under term of office, the question is, should the term of office of the public protector be permanent or just for a certain defined period.

On page three there are three questions and that is

- Which public protector model is preferable, is the complain driven all or the pro-active reactive model?
- Secondly, should the public protector investigate upon receiving complaints or should he or she also investigate on her or his own initiative?
- Should the powers of the public protector be extended beyond the investigation or problems of unfairness cause by the state and his agents to those mandating from the private sector or should other equitable mechanism be found for investigating unfairness from the private sector?

On page four at the top. Should the public protector intervene in a judicial system with regard to dealing with any mall administration [tape 3 between 20-30] in the system of justice and under five. What should be the role and powers of the provincial public protector, should the national and the public protector complement each other, if so how should this be done. Now I think here we need to remember what we've acknowledged and This the institution that is relatively unknown in terms of the majority of people and emanating from that, we said we are going to have a process that's going to solicit evidence from people who are actually familiar in the area of start with you know realistically you can't expect submissions from the majority of people.

Who we would get evidence from people who are quite familiar right, and then we would go and interact with the public, but we acknowledge that to start with when you interact with the public, you got to get information to the public or if we raise questions, raise them in a manner that people are able to bring out perhaps the need or the role of such an institution without necessarily having to with this as an institution, the way that we would with there other category of people. The question I would like to raise is, Would you say that these question are more suited for the group of people who are more familiar with the institution, the of whom we would want on the places of them understanding how it should work or at least how it should work. You know we would say that perhaps having some ideas you know would you say that perhaps this because at the end of the day these are the broader questions that would be relevant for the purposes of work this something group and what would be

contained in the constitution. But at the same time there is a responsibility we have to take the issue to the people and to get people to begin to have the role and be involved in whatever and how ever the institution would work. So I take what May is saying and I just want to hear from you how we take this forward because I would like to say we through out this question because I do thing they are relevant questions, there are very good questions, but whether they are questions that would be relevant for the public participation in terns of the broader pubic it means what I think we need to deal with. Rodah.

RODAH

I think the summary of that Bronwin has done here and her colleagues to me it is a very good summary of the discussions. I've been following in terms of the information that I've heard up to this point. So I think we've got to give her credit for generating those key questions. I think correctly as you say that immediately going to elicit the response from a certain formation group of people but getting back to Mary particular suggestion one should also see these questions as educational and in other words, there is another group of people that's going to be tricked by these questions and it would be educated and would be participating to a much greater extend and then obviously there would be a third group of people who would not be able to react because they've not really been part of the public participation programme where there is a different level of education then taking place.

So I think we've got to be very careful a just to through question, I think some of the questions are formulated on a very high level, that would not be easily understood by the second and the third group. I think we should go, in terms of what you said about the advertisement Mary, that we should really go for a much higher level question than we've had up to now to fill that educational purpose.

FEMALE

Two things I meant just to comment on the question. I don't think we should pose on the two models. I don't think we should pose on the two models as alternatives because tin the sense

the one is an extension of the other. I think what you want to say is what is the limit of the public protector, is it only going to be the complaints given or in addition do we want to give pro-active power so I will phrase it in that way rather than an either or because it's always something from each. I think a ... I mean my views that these questions are this question will [tape 30 - 40] end sit as we say about the responses from the sort of legal groups and that kind of thing.

I think if we are talking about the main public, I think what you want to hear from the public, we want to hear they want to know what the public protectors does, you've got to make a statement on the advert that the public protector is there to protect the public from abnormal administration or corruption, and I think what we then should try and find out is what is the public experience some extent of abnormal administration and corruption and how will they like that to be dealt with. I mean the sense it's a completely non-technical question from your own experience in this country. What are the kind of issues that are important to you because then we'll get a sense of the advert and what it can almost be as open-minded as that and if people we wring certain stories.

I think that maybe that's what you want because I'm not sure if people can be taken as sort of the discussion that are required by these questions.

CHAIRPERSON

Any other comments in this matter?

MFUNDISI

In fact we are starting a new process as you are saying people the majority of the people in this country have not been aware of any on [inaudible 3rd tape 30-50] . It again is the question of are we going to call the person whom that ... public protector, of which if you say public protector immediately people will have you know a clue of what does that mean. This person is going to try to protect the public. Is the one or the other way around and therefore the schooling process will be extremely important that people should start coming to a point where

they will be able to use this person, he must be grounded or she must be grounded at the end of the day so that this sentence should be utilised.

CHAIRPERSON

Bronwin, would you be able to put that in a form that it can be useful for people who are drawing up the advert, and perhaps we could ask that if there is any need in particular with Kathy, if you can come in and assist or look at whatever draft while you are around the whole day. Should we then go on to this work plan over here. OK.

FEMALE

I also need to find out, because you see when you go into the work plan that you hold public hearing very soon, so what I need to know is that whether this draft report is fine to send to stakeholders beside the recommendation that Kathy has also made in relation to not presenting these models as opposite end other continuity.

CHAIRPERSON

You mean this draft report>

FEMALE

Yes.

CHAIRPERSON

Of the public report?

FEMALE

Yes.

KATHY

There is one thing that is not dealt with and that is powers, and I wonder you see there is a whole debate as to how much need to go into the constitution, how much can be left to legislation. I think you need to just expand on that question, 1.1, possibly particularly in relation to actual power, . I mean that's because we haven't looked at in the party entering just premises to see document and all that kind of thing. Some of which are actually Interim constitution people may want to talk to that.

CHAIRPERSON

Are you sure you captured that Bronwin. If there is nothing else on this draft report on public protector, can we then look at the draft work plan, and ask Roline to speak to it.

FEMALE

Also before I speak to this, there is other thing on Human Rights Commission, people could also go through that at a later point and then also ask questions. OK what we are trying to do is slot our programme into the actual date and we going to come up with two programmes which I think need to be raised. One is that our time frame work is very short as you know CA is only meant to be one day a week, and at the rate we are going, we are not going to actually be able to submit our report at the end of block four on the public protector.. Realistically now, unless a couple of things happen the one thing that people might want to consider is more that one meet in a week which also in terms of people's programmes, I don't know how realistic that is especially given how busy members are.

There other could be that we re-concept two life this question of public hearings, because I think that originally public hearing were conceptual as an area for people who have got something different to say from what the general submission have been, to come and give a hearing or alternatively that they are unable to write that down or we feel that they have something extra of interest to say beyond the written submission. So alternatively we could re-conceptualise this issue as we had been at the moment people through our numerous structures, I mean there is actually, there is no way we are going to be able to manage to get to

all those structures, we need to begin to also prioritise with M-net. Then the next thing is another option is also that as people know when the director came, he was talking about the work programme not being cast and stone and I think that is something we also need to consider whether actually we see our report.

I'm coming in at the end of block four, being the final report. Because I think that at the end of the day it's the content of our report not necessarily the rush to get that report in so maybe that's something we need to consider whether this programme course I've done it in relation to that kind document programme is necessary realistic. There other thing that we need to consider is this question of possible society, because again in the stake holders. people have thrown out things like civil society we have to follow them up by sending them these drafts I need to actually help around a few people who needed by civil society, we have to follow because civil society is very big and at the end of the day we have to make sure that stake holders are actually contacted in this regard, so also I think that we need to maybe hold in on that and lastly is the question of ACDP, the PAC and DP because they are not reflected in our committee.

And when you call for party political submissions, we call for it within the committee. So I think we also need to get the decision here saying that we actually approached those other parties to make that at the end of the day that their voices are also heard in this process and they submitted to us.

CHAIRPERSON

I think to start with the last issue that Bronwin raised, that I think we should just ask secretary to write letters to the parties that are listed there and also to say that the Nationalist Party has since come to request that they also be considered still because whatever we have on the submission in fact sounds according to what I've been told by the representative Mrs. Malan was not really representative of the views as of now, in fact was taken from some old submission from the gender advisory committee during the days of the World Trade Centre and therefore they issued also they accommodated in turn of those who are still expected to have submissions on this on the gender commission that is. Now with regard to the other questions just a broad comment to say that, I think as a committee, we recognise and we said

that we would our work with the list controversial constitutional issues that we have to look at and we actual though that they would as little problem raised or coming up around the public protector even around the Human Rights Commission that perhaps they will be on the gender commission and the land issue, hence we put them for the last thing in terms of just giving more time for us to be able to attend to that, and therefore to say broadly while we need that flexibility and we should by all means you know ensure we allow enough time to for everything to be done to make sure that we consult everybody.

But that it will actually help the process much more if we do speed up the process around the issue that are really least contentious in terms of public protector and so on, because I think we need to keep reminding ourselves that stake holders, the different parties in parliament have gone through some of the debates last year when we were working towards the legislation, and therefore some of these things really it's more a formality right. Without saying we should gloss over them you know.

So I'll just want for us to remember that and therefore to assist the process by saying I think we do need both a situation whereby the very public participation process guest package in terms of the hearing in particular such that we could do them within successive days in one week at some point and be done with them and then know that with regards to the public especially we recognise that with the public it is more the information and educative process. It can even go beyond the block four deadline.

It just becomes the long term process that we then need to actually look at the proposal as put down by Bronwin I see the first date that we have to look at because I think we are finished with the you see that column under the twenty first which is today.

The last thing there is finalise advert for civil society submission and I think we will just handle that at the draft report. To now look at the twenty seven which is next week Monday and the proposal is presentation by technical experts on party submissions. Now I thin from the ANC side the proposal is ninety nine percent point nine likely to be Dr. Albertine being one of the technical experts. So we could be expecting also from the Nationalist Party or somebody else a name for that and therefore we would be expecting them to make some comments and presenting them on party submissions by next week Monday. I think that's what is being said

and also political parties on that day, speak to their submissions on the public protector here to us. You just ... to certain issues that are contained in their submissions. The of course the technical experts process party submission discussion and civil society submissions can you just explain that.

FEMALE

What I was meaning is that civil society submissions are going to become continually, so I mean the technical experts are going to be expected to constantly dealing with the society things but they are going to have other things like party, public hearing etc. So what I am trying to get across is that the report is not going to be done in two days, but the report needs to be constantly done. So that it can be updated, so that it's parallel process. I mean at the end of one week of the party submissions, we would have to discuss the party submissions, we would have to come up with the agreement.

The technical experts will process that report back to us that we all clear on when we agree and when we don't agree etc. So that when it come to writing the final report it's not a major debate because we've gone through the debate through out the process and we agree on it at different points it might make it a little bit more easier or quicker.

Are we going to, in terms of the draft that we've got now on the public protector will not go to not only to the SADP and the other but to all the other parties. I think it's because it's going to be easier then if the political parties speak to their submission for them to already follow these guidelines. Wouldn't that be the easiest because we already got a draft report. If we can get comments on this draft report. Could then our people be scattering all over the place again.

CHAIRPERSON

Actually I think we asked these parties to make their submissions if they need to get copies of the draft report and to indicate to them that we are already sending this draft report to the stake holders and it might be something in their interest to actually put up in particular raising any issues that are not accommodated or covered by the report.

CHAIRPERSON:-

Actually I think we ask these parties to make their submissions if they need to get copies of the draft report, and to indicate to them that we are already sending this draft report to the Stake Holders and it might be something in there of interest to actual put up in particular raising any issues that are not accommodated or covered by the report.

FEMALE SPEAKING:-

You know I think we can guide them a bit to make this final report easier to consolidate.

CHAIRPERSON

Then the following week if we look on the next page, because this was Monday next week right. When the issues at the bottom of page one of the work plan.

MALE SPEAKING:-

Before that I wonder about our time here, 18 hours.

CHAIRPERSON

I think the issue of the time actually has been raised. In fact at the labourite meeting yesterday the issue of time has been raised. You see here we are there is this hole principle of not all 16 committees must meet at the same time because , in order for you to make sure you accommodate the smaller parties, some people actually sit here and also have to sit in another something group or in another thing committee totally. In fact we know the PAC belongs to two core groups. I think one which is in theme committee too and also here. So if all 16 committees meet at the same time there is somewhere were the PAC wont be able to participate hence when a set of them committees meet in the morning the next one must meet in the evening. Now what we have ask should be considered. These rather the first set that sits should start earlier in the day.

There was a time when them committees one, two . three use to sit from 8'oclock for two hours and the other sat for four to six who would sit at 12 'o clock you know of 11.30. We think that better than somebody starting a meeting a theme committee meeting at 6 o' clock in the evening we are even tired. These that we are addressing here are very serious matters. So we've taking that with the administration, just rather start earlier in the day even if we have to start at seven, but rather than going into 9:30, so that issue is under control.

Can we look on the next page. In other words in the following week, midweek we are looking at all those activities that are happening, I don't know if there are any comments on those issues. Joint being to the public protector.

FEMALE SPEAKING:-

[Not audible on cassette no 3 between 50-60].

CHAIRPERSON:

So are we having all the theme committees that are dealing with the traditional authorities coming to this meeting on that day from 9-10 o'clock. Where we would raise the issues of public protector into the interaction week. And then later on that day we would get a report on the technical expects on party submission discussion. So the discussion we have stated the previous week, but then will go on that day, because the political parties would have come to the previous week meetings and spoken to their own submissions, and then we would have the public hearings on the Public Protector and all those players the stake holders there would address us have been approached to come and address us. We need to approach them.

FEMALE SPEAKING:-

Can I just make a suggestion there. I think just in terms of the process. If all those associations come and address us maybe they are. I don't want to say they might maybe clouded about the party submissions after all those different people have spoken, so they can really speak. I mean combated by what a particular party might be sensitive what more sensitive to what once party says about other might be sensitive to other parties says. I think

we should just in term of that lets say 10 o'clock we start with the public hearing and then after that do the record by technical experts. To just switching around.

CHAIRPERSON:-

Of the item on that day

FEMALE CONTINUES:-

Yes, just a switching around.

CHAIRPERSON:-

Otherwise we would have had the submission of the political parties. Is there a problem with that Browning do you have the particular problem with that. Then of cause we then have the technical expects process submission from public hearing and civil society submission that an activity taking place outside the meeting. Then there is a call for submission on the human right commission for civil society and parties. What did you have in mind here.

FEMALE SPEAKING:-

What I am trying to get across here is that its all happening at the same time. So that while you discussing the Public Protector, the next face of the human right commission is already starting. So I think one of the problems we going find with the Public Protector, that's why I am worried about this time frame work is that we given back basically people two weeks to comment on this issued, so that is why the human right commission and the commissioners as well but I am saying that we need to be clear that we are going to get people to comment very quickly on these areas, hopeful these people will thought about this issue any ways so it will actual be not too much of the problem.

CHAIRPERSON:-

So can we actually say nothing stops us from if we can agree on who the stake holder are already right now are approaching the human right commission. Like that last issued there send seminar report on human right commission to stake holders for comment I mean we got now a draft report on the human right commission seminar. So if at our next meeting we can bring in what ever amendments and so on, and it can go out immediately while we are continuing with the public protector programme. Then the following week on the 13th we still have another public hearing on the public protector, rural input, because I am wondering why it must wait.

FEMALE SPEAKING:-

No, with what we have here is that people said at the meeting that they wanted rural committees to make an input obviously. Now in our discussion in developing this programme rural input is quite broad pain. And rural input could mean a whole lot of things. So what we were thinking of is look at people in the society. And that's why we put a suggestion forward around to the national I mean the national land commission in LSC and the simple people project. I mean the might be other people, because these people will have heard the demands of those people and work in those communities on day to day basis.

So what I am trying to get across here is that we need representatives organisations that are going to represent those interests, otherwise we actually not going to get the kind of input that we looking at it just impossible other we going time break.

CHAIRPERSON:-

Could we ask that perhaps as we approach political parties for submission we should also begin to raise the issue of them asking a proposal about who are the organisation that represent civil society in rural areas. The one that comes to my mind immediately is the rural women movement, Constance, and the head of that is right here in parliament Mom Lydia and I'm sure there are may others. If we can just make sure that everybody has a chance to make proposal and we already approach them.

FEMALE ASKING:-

Can we have a deadline to that.

CHAIRPERSON:-

You mean to submissions.

FEMALE CONTINUES TO ASK

Not to these people because if we are going call them for public hearing some of them aren't going be able to come the next day and they're going to need to have thought about this issue. So I think we need to set deadlines to all the things we are proposing now so we can know how it fits to our time plan work.

CHAIRPERSON

Will it be all right if the political; parties, I mean if the letter can be done today so that ever political party and everybody we are contacting for submission gets it by tomorrow. We should ask them to do that immediately, because I think the letter must really go out by the end of this week at least give them some ten days or so. Did I see your hand up Kathy.

KATHY SPEAKING:-

No.

CHAIRPERSON:-

But what I have might, or I seeing the reason you are only having that public hearing for rural committees the following week its just to give them a chance time OK to do everything in one week.

FEMALE SPEAKING:-

We certainly not, I mean

KATHY SPEAKING

Not two hour for the other public hearings are,

FEMALE CONTINUES

The two all these public hearing I don't think are going be taking place on the day either the association, civil society to all council not audible on the third tape between 60-70. So we can look at other days during the week and look if that what we decide relatively soon, as well as the that seeing it had to be stretch to next week maybe the rural input can be heard. If we had everyday during that week.

CHAIRPERSON:-

Then we'll have technical expects submission from public hearing and civil society and technical expects work on the draft final report. That is that week of the 13th and then we look at a draft report to the sub-theme group and the end of that week so that we can make some comments and see what changes one to make because it also has to go back it also has to go to theme committee level. The week after that this is March now.

FEMALE SPEAKING:-

That's block five.

CHAIRPERSON:-

Or that the beginning of the block five in present the final report on the public protector to the constitutional committee. And then we get on with the other processes for the human rights commission .

Can we just look at that block there on the 20th is there anything we want to raise. That block begins to also impact on the programmes of our technical expects who are here for the gender also.

FEMALE SPEAKING:-

I just also want to be although Kathy has just made some major input on the public protector. I think we do have some other submission of the parties on Public Protector, because these issues are so interlinked I also like to sit in on the process of Public Protector. But I also like to contribute more to the human rights and then to the gender advisory commission especially of the interaction land.

CHAIRPERSON:-

The one thing that comes up in my mind looking at the list of stake holders we want to invite for the public hearing on the human rights commission. It looks like its the same people who have come for the public protector and I am just wondering, I might not be a problem but I am just wondering where that they themselves might not prefer to come once and give whatever evidence on both you know, or is that something we would want to say continuously to say no we want to separate the two.

FEMALE SPEAKING:-

Sorry I forgot we did actually realise that when doing this report and what we thought was there are obviously the two option either they come on all on one day and present on everything or the other option is that there is so may issued and the one that are linked we also need to try to make it quite focused and our worry was that if you have human rights commission, gender commission public protector etc. all on one day with all the kinds of parties that we asking to come give evidence too at the same time we can also send the report to them around these other issues, and obviously we maybe need to structure in a question at the end how do we see the relationship between this commission and the other commission so that they are aware of those other things, but I think in a worry around calling them all to submit at the same time on differed things on the day it just might confuse our members as well in that process because you can process all that information at once that is just suggestion.

OTHER FEMALE SPEAKING:-

I just want to support Bronwin there because I really think there is a month between these two public hearings the one, I'm talking of the public protector on human rights and I think by the time they come back on the human rights issue. There would have been a maturing process too especially in terms of the relationships so I would support the argument that we give them the months time to come, up before they do the human rights public hearings and then bring in that additional question about the links between the various missionaries.

So I go for the month separation and the focus specifically, cause these, I also agree with the human right commission here. there are many other organisation such as the youth well known organisation, religious organisation and social work organisations that we have to identify. That hole set of new organisations will be affected.

CHAIRPERSON

Can I also point out that National Party. National Party by the way the corrected us yesterday. The National Party has additional proposal of some people whom we might consider in particular the land if we look at the back of work book Bronwin for the public protector, somebody will might want to consider to come and address us in a seminar or the workshop or in what ever way but to solicit some views from that person.

MALE SPEAKING:-

Chairperson, I just want to say as a one lesson and two. You are saying we are not having time constrains, that why you don't want to have them come one day and address all the issues, maybe allocating your time in such a way that you don't bundle them at once, but your address this one after that you move that one. Unless if you don't have time constrains that we can. [Not audible on tape 3 between 7-80].

CHAIRPERSON SPEAKING:-

No I think what Bronwin was saying is that a well broadly speaking we do have the time constrains. I mean just generally the whole constitution may be processed really has quite a tight time frame to work on so there is that, and therefore continuously we really have to balance the most effective way to make sure that everybody who have something to say it says or is given on opportunity to say it and that says it in a manner that he is meaningful and he is useful for the very process and the content at the out come finally.

So I think what Bronwin was saying is that you know , I mean it will be quite good in term of expenses and so on. Time to get people to come give all their views and all the matter and go away, but at the same time you do that at the expense of something that they themselves could have developed on and by the time comeback to give their evidence on the other structure you knew. I mean I remember the time Brian Carrion was addressing us in the human rights commission he went away. I have a feeling he went away feeling, his on views on the matter have been developed and have been enriched by the inter-action with the sub-theme group here, much as we were asking question from point of view of people who were less informed that him.

But he himself went away and felt that our own questions had enriched him. So I think we need to give people that opportunity because we will gain from that finally and its all the better for the new constitution.

MALE SPEAKING:-

So infact, you saying inspite of the time constrains that you are trying to keep the balance as far as possible so that enrichment can be give to this.

CHAIRPERSON:-

It has to be meaningful otherwise its just becomes a mechanical thing of you've heard so and so come and they said something but really you are not given a chance for the whole process to be as rich as possible. We will have this constitution making process only this once and is

not going to be easy to change things later on. I mean we will be able to change them but we'd rather do a thorough job and not like the World Trade Centre, we were really under pressure. OK then I think we are just trying to adopt this work plan in broad terms up to May, because according to the program so far we are supposed to submit our last report around that end of May/June.

So this helps us to adopt something and then we'll try and work within those. If we look at down on, this is now April, we caught by technical experts on party submission discussion on the human rights thing, public hearings.

FEMALE SPEAKING:-

What's not prepared to do this is the land commission work shop. That's going to have to also take place at some point during April.

CHAIRPERSON:-

Can I ask that we include it because I think we need to have a work plan that indicates at least the major activities, and I would like to propose that we also make room for similar workshop on the gender commission, not on the gender commission on the national machinery we all can forget on the national machinery and also to have a similar approach that we want speakers from not as many as we heard for that public administration workshop because I think people were overwhelmed you know 21 speakers all over the world you know.

It just make sure that you drawn from as wide range of experience as possible. I would like to propose that we have similar work shop. We need April you know we will work towards something like that for the gender being OK.

So it must be reflected. There is a lady apologising because she is leaving. Can we inter-act on the phone about your programme so that we can get the administration.

THE LADY ANSWERING:-

Yes, I'll sort it when I leave here no problem. Thank you Bronwin thanks for coming and for your inputs even in this discussion. Bronwin.

Thank you.

CHAIRPERSON:-

Your inputs were useful.

MALE SPEAKING:-

On the very question of fit in the land issue here on the April programme. I studied the document with particulars of some grouping with can be contacted but unfortunately as a practise from our service office not [audible at the end on tape 3.]

CHAIRPERSON:-

Thanks for that I hope you are also making proposal for an expect on left there. So if Bronwin you can just add those details just so that they are reflected as to what we have in mind. Is there any other comment on the programme. Now on the last page the deadline for party submission on the gender commission and this is now May. So we are already extending the whole thing the deadlines.

FEMALE SPEAKING:-

It's going be a little bit over extended. I mean I think that realistically its not going to, I think the deadlines are going to be shifted but that off cause depend on what the politicians want. I mean if the politician wanted in six months we can do it in six months. But there does seems to be already shifting of the deadlines, but I mean we actually have deviated from the deadline that much, because we said we are going report on the human rights commission at the end of block six, that five and six on the human right commission. Then seven and eight on the gender commission. Then nine and ten on the land. So I doing it according to the block that we set out.

CHAIRPERSON:-

Although the land theme is May but in actual fact the submission and the report all the deadline are a bit later. So if we can just complete the work plan such that it reflects all those things. I think it will make everybody sort of more comfortable than you sort of know OK this is where we are. We can actually present it to this constitutional committee. Can we broadly agree on that frame work in terms of the work plan.

FEMALE RESPONDING:-

OK!

CHAIRPERSON CONTINUES:-

Item five on our agenda is meeting with other theme committees sub-theme, Bronwin do you have any suggestion.

BRONWIN:-

Just that I didn't approach people around us the one thing is that when is organising a meeting centrally, around traditional authority issue what you reported earlier. In terms of other theme committee what they wanted at the central level, so what they want us to do is tell them the issues and indicate that we want to meet with other committees around and they'll process that by the 28th of February so I've done that in term of the theme committee on the judiciary public protector. And then in terms of the theme we did have a chat to public service and security.

I think the best place to bring this up this point is actually the them committee because that what the role of the theme committee should be, to actually take that discussion on where there is overlaps between the two.

We could set up an independent separate meetings to that, but I also just be given out time frame work at the moment maybe we should use what we've got already instructed in our programme instead of setting up something separately from that and its more raising than they need to begin to consider this issue because this is overlapping and how they have considered it and we sharing our report to the public protector to them and also ask them to comment in term of their own theme committee, sub-theme committee discussion.

CHAIRPERSON:-

Can I just say that in term of the theme committee and which is where the relevant which is where all sub-theme committee meet. They has been that question in the core-group meeting of the number of meeting of the theme committee that we are actually having at the moment and the core-group, precisely because people would like to cut down, clearly the sub-theme group is where the work is happening. So can I ask that the matter is put on the agenda of the next theme committee, and that also on all sub-theme affected be sent just generally the question that are being raised, so that infact people come with their minds prepared and actually proposals if possible.

So that it can be captured on that level of the theme committed once and for all we don't have to have another rounds of meetings with everybody, because I think we all appreciate that problem. Is there anything else you want to say about that because I think we can take care of that at that level. OK then we can go on to item six. Political party submissions. We did put a lot of pressure in a political parties because we did want progress be made.

I can report that the ANC has a draft been look at, at least it is there as a draft one can promise that before the end of the week it will be ready. But of cause to also acknowledge the fact that we are working ahead of our dead the other parties to also do the same.

FEMALE SPEAKING:-

We've receive from everyone except the ANC within the committee actually and the other thing is as if Kathy is going to be actually processing the issued before the meeting which is what was suggested at the last meeting so that there is already an acknowledgement of what's

contentious and what non-contentious so that we can actually go forward with the discussion if we could put more pressure on the ANC to Kathy before.

MALE RESPONDING:-

It's unusual