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**CONSTITUTIONAL ASSEMBLY**

**THEME COMMITTEE 4**  
**FUNDAMENTAL RIGHTS**

**25 January 1995**

**Room M 46**

**- Revised Agenda, Synopsis of Submissions  
and Conference Invite**

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# CONSTITUTIONAL ASSEMBLY

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## THEME COMMITTEE 4 MEETING

### FUNDAMENTAL RIGHTS

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

**Date** : Wednesday, 25 January 1995  
**Time** : 14h00 - 18h30  
**Venue** : Room M 46

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#### **AGENDA** (please note this is the revised agenda)

1. Opening
2. Minutes
3. Matters Arising: See Agenda Items Below
4. Core Group Report
5. Theme Committee Work Plan and Schedule of Meetings
6. Technical Committees
7. Submissions: Discussion on how to process and deal with submissions
8. Reports of Theme Committee: Discussion
9. Submissions Received
10. Constitutional Principle II: Discussion
11. General: Invitations - i) UWC Gender Conference  
ii) Raoul Wallenberg Institute
12. Closure

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

**H Ebrahim  
Executive Director  
Constitutional Assembly**

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**Enquiries : John Tsalamandris and Zuleiga Adams  
Tel : 403 2266, Page 468 5050 code 4716**

## THEME COMMITTEE 4

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### OVERVIEW OF ALL SUBMISSIONS RECEIVED AS AT 12 JANUARY 1995

<b>TOTAL NUMBER OF SUBMISSIONS</b>		<b>9</b>
<b>i)</b>	<b>Party Submissions</b>	<b>1</b>
	- IFP	
<b>ii)</b>	<b>Organisation Submissions</b>	<b>2</b>
	- Department of Environmental Affairs and Tourism - Afrikanerbond	
<b>iii)</b>	<b>Individual Submissions</b>	<b>6</b>

**SYNOPSIS OF ALL SUBMISSIONS RECEIVED**  
**AS AT 12 JANUARY 1995**

NO	PARTY	SUBMISSION	CATEGORY
1.	IFP	Nature of Bill of Rights - have horizontal application, and entrenched in constitution	Const. Principle II
		Limitation of Rights - Rights shall not be limited but exercise of such rights can be limited for compelling reasons of public interest	Suspension and Limitation of Rights
		Suspension of Rights - limited to extreme and extraordinary situations not affecting rights which refer to human freedom and dignity	Suspension and Limitation of Rights
		Duties and obligations - Observe constitution and law, military obligations, duty to work	Citizen's rights
		List of Rights - As per Attachment II, including, fundamental rights, economic, social and political rights	
		Equality - Should foster equal access to all political, social and economic opportunities.	Equality

		Open or closed Bill of Rights - entrenched in Constitution	Const. Principle II
		Fundamental rights and Constitution - shall not be modified by constitutional amendments.	Const. Principle II
	<b>ORGANISATION</b>	<b>SUBMISSION</b>	<b>CATEGORY</b>
2.	Dept. of Environmental Affairs and Tourism	Environment reference in Constitution should be included in Chapter	Environment
3.	Afrikanerbond	Constitutional Principle IV as contained in Schedule 4, should be elevated to supreme law of the land.	Const. Principle IV
	<b>INDIVIDUAL</b>	<b>SUBMISSION</b>	<b>CATEGORY</b>
4.	BM Collier	Restrict right to bail	Proceduaral rights
5.	MS Dimba	Bill of Rights must be entrenched	Const. Principle II
		Media	Freedom of Expression
		Abortion	Life
6.	BJ Mnisi	Bill of Rights should be introduced applicable to all South Africans	Const. Principle II
		Gender Equality	Equality
7.	EM Mosidi	Health and Nursing with regards to education, labour, promotion	Economic Activity
8.	C De Weerd & W Jacobcz	Protection of mentally ill	Equality and Human Dignity

9.	TM Shaku	Languages - There should be correct usage of names, pronunciation.	Language
		Privacy - A clause to be inserted to protect against abuse	Privacy
		Encourages the addition of clause pertaining to nature conservation	Environment





**University of the Western Cape**  
**Community Law Centre**

Private Bag X17  
 Bellville, 7535  
 Tel. Add.: UNIBELL  
 Tel.: (021) 959-2950/1

Fax No.: 959-2411

17 JAN '95

Dear **MANAGING SECRETARY THEME COMMITTEE FOUR &  
 THE REST OF THE SECRETARIATE OF THE THEME**

**RE: Invitation - Gender Conference, Community Law Centre, University of  
 Western Cape.**

The Gender Project of the Community Law Centre takes pleasure in inviting you to participate in a Conference on Gender and the South African Constitution. The purpose of the conference, entitled "Towards the Final Constitution - A Critique of the Present Constitution from a Gender Perspective and the Way Forward", is to inform the constitution writing process of the Constitutional Assembly. In order to achieve this end, we seek to engage international and national lawyers, activists, academics, parliamentarians and judges etcetera in a process of raising issues, debating arguments and proposing solutions with strategic implications for protecting women's rights in the final constitution.

Some of the themes that will be examined at the Conference are:

- (1) The Concept of Equality;
- (2) Customary Law and Religion;
- (3) Violence against Women;
- (4) Affirmative Action;
- (5) Reproductive Rights - with a focus on Abortion;
- (6) Labour Law;

- (7) Socio-Economic Rights;
- (8) Freedom of Speech;
- (9) National Machinery for Women;
- (10) The process leading up to the Beijing conference.

We would like to invite you to this conference which will take place at the Arthur's Seat Hotel in Cape Town, from 27- 29 January 1995. The conference will begin at 2:00pm on Friday 27 January and will end at 4:30pm Sunday 29 January 1995.

We know that your contribution would be invaluable to the process of constitutional writing in South Africa and we hope that you can attend.

Please advise us on or before 16 January 1995 of your intention to attend. Kindly complete the attached reply form and return it to Natasha Emmett at Community Law Centre (UWC), Private Bag x17, Bellville, 7535.

- PH: 021 959 2950/1, FAX: 021 959 2411.

We look forward to hearing from you as soon as possible.

Yours Sincerely

P.P  
N. Emmett

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Ms. Fayeeza Kathree

Gender Co-ordinator - Gender project, CLC.

*THE COMMUNITY LAW CENTRE*  
*UNIVERSITY OF THE WESTERN CAPE*

*TOWARDS THE FINAL CONSTITUTION:*  
*A CRITIQUE OF THE PRESENT CONSTITUTION*  
*FROM A GENDER PERSPECTIVE*  
*- THE WAY FORWARD -*

*27 - 29 JANUARY 1995*

*ARTHUR'S SEAT HOTEL*  
*SEAPOINT, CAPE TOWN*

# PROVISIONAL PROGRAMME

**FRIDAY, JANUARY 27**

**2:15pm - 6:00pm**

**OPENING SESSION**

**WELCOME:** Fayeesa Kathree (Community Law Centre, UWC)  
**KEYNOTE ADDRESS:** (Still to confirm)

Tea / Coffee

**CUSTOM AND RELIGION**

**Thandabantu Nhlapo** (University of Cape Town)  
**Najma Moosa** (University of the Western Cape)

Tea / Coffee

**Salma Sobhan** (Bangladesh)

**QUESTIONS & DISCUSSION**

**VIOLENCE AGAINST WOMEN**

**Pat Singh** (University of Durban-Westville)

Dinner

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**SATURDAY, JANUARY 28**

**9:00am - 6:30pm**

**THE CONCEPT OF EQUALITY**

**Karen Czapansky**

(University of Maryland)

**Cathy Albertyn**

(CALs, University of Witwatersrand)

**QUESTIONS & DISCUSSION**

**Tea / Coffee**

**Christina Murray**

(University of Cape Town)

**QUESTIONS & DISCUSSION**

**Lunch**

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**AFFIRMATIVE ACTION**

**Penny Andrews**

(City University of New York)

**QUESTIONS & DISCUSSION**

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**REPRODUCTIVE RIGHTS**

**Rhonda Copelon**

(City University of New York)

**Jeremy Sarkin**

(University of the Western Cape)

**QUESTIONS & DISCUSSION**

**Tea / Coffee**

**Dr. Shisana**

**QUESTIONS & DISCUSSION**

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**LABOUR LAW**

**Thuli Madonsela**

(CALs, University of Witwatersrand)

**QUESTIONS & DISCUSSION**

**NATIONAL MACHINERY FOR WOMEN**

**Baleka Kgositsile MP**

**QUESTIONS & DISCUSSION**

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**SUNDAY, JANUARY 29**

**9:00am - 4:30pm**

**SOCIO - ECONOMIC RIGHTS**

**Rhoda Kadalle**

(Gender Equity Unit, University of the Western Cape)

**Sandra Liebenberg**

(Community Law Centre, UWC)

**QUESTIONS & DISCUSSION**

**Tea / Coffee**

**Leila Seth**

(India)

**QUESTIONS & DISCUSSION**

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**FREEDOM OF SPEECH**

**Joanne Fedler**

(University of Witwatersrand)

**QUESTIONS & DISCUSSION**

**Lunch**

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**WORKSHOP - THE WAY FORWARD**

**Tea / Coffee**

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**CLOSING ADDRESS**

**Brigitte Mabandla MP**



**University of the Western Cape**  
**Community Law Centre**

Private Bag X17  
 Bellville, 7535  
 Tel. Add.: UNIBELL  
 Tel.: (021) 959-2950/1

Fax No.: 959-2411

**REPLY FORM**

ONE FORM PER PARTICIPANT

**NAME & ORGANISATION:** \_\_\_\_\_

**TEL:** \_\_\_\_\_

**FAX:** \_\_\_\_\_

**POSTAL ADDRESS:** \_\_\_\_\_  
 \_\_\_\_\_

\* WILL YOU BE ATTENDING? 

YES	NO
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\* IF YES, STATE WHICH DAYS: 

1. 27th Jan.	2. 28th Jan.	3. 29th Jan.
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\* WILL YOU NEED ACCOMMODATION AT THE ARTHUR'S SEAT HOTEL? 

YES	NO
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**NB: IF YES, RATES WILL BE AVAILABLE ON REQUEST FROM C.L.C.**

**DAY DELEGATES NOT REQUIRING ACCOMMODATION WILL BE REQUIRED TO PAY A CONFERENCE FEE OF R100.00.**

• **PLEASE MAKE OWN TRAVEL ARRANGEMENTS**

\* **FOOD:**

REGULAR	KOSHER	HALAAL	VEGETARIAN	OTHER
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IF OTHER REQUIREMENTS, PLEASE STATE: \_\_\_\_\_

\* **ANY OTHER REQUESTS:**  
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