

2/4/4/1/1/1

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 4

FUNDAMENTAL RIGHTS

INTRODUCTION

1. The material in this package represents the culmination of the collective efforts of members of the Constitutional Assembly and its structures, and in particular **Theme Committee Four**.
2. Complying with the mandate given to them by the Constitutional Assembly, and in accordance with the terms of reference as set out in the Resolution of 5 September 1994, this Theme Committee deals with ***Fundamental Rights***.
3. In dealing with this subject matter, the Committee is guided by Sec 73 (1) of the Constitution that requires the Constitutional Assembly to complete the process of drafting the new constitutional text by no later than May 1996. The Constitutional Assembly meeting of 31 October 1994 resolved to produce a draft text of the Constitution by 14 July 1995. In this regard, the Theme Committees are required to complete their reports to the Constitutional Committee by 30 June 1995.
4. The Work Programme represents a suggested approach and a programme that the Committee envisages will allow it to fulfil its mandate with due consideration to the time constraints.
5. Within this Programme, the Committee has identified certain issues that it deems need attention. These include *inter alia* :
 - ♦ Equality
 - ♦ Life
 - ♦ Freedom of Expression
 - ♦ Human Dignity
 - ♦ Citizens' Rights
 - ♦ Privacy
 - ♦ Freedom of Association
 - ♦ Residence
 - ♦ Freedom of Movement
 - ♦ Servitude and Forced Labour
 - ♦ Women and Gender
 - ♦ Access to information
 - ♦ Language and Culture
 - ♦ Religion, Belief and Opinion
 - ♦ Children
 - ♦ Environment
 - ♦ Education
 - ♦ Political Rights
 - ♦ Labour Relations
 - ♦ Economic Activity
 - ♦ Property
 - ♦ Administrative Justice
 - ♦ Suspension and Limitation of Rights
 - ♦ Freedom and Security of the Person
 - ♦ Assembly, Petition and Demonstration.
 - ♦ Nature of the Bill of Rights and its application thereof
 - ♦ 2nd, 3rd, 4th Generation Rights and the indivisibility of rights
 - ♦ Obligations, Rights and Duties of Citizens
 - ♦ States of Emergency
 - ♦ Rights of detained and/or arrested people

- ♦ Relationship between the Bill of Rights and Customary\Traditional\ Common\ or Muslim or other religious laws
- ♦ Legal Recognition of Social and Economic Rights

- ♦ Group\ Minority\ Collective Rights
- ♦ Relationship between Charters of Rights and the Bill of Rights

6. The attached Work Programme represents the issues that the Committee still has to deal with and the dates that the Committee will be meeting to discuss them.
7. If your organisation or structure feels it would like more information, or would like to make submissions on any of the above or other issues it deems necessary, it can do so by contacting:

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THEME COMMITTEE 4
WORK PROGRAMME AND DEADLINES FOR PARTY SUBMISSIONS
 (as at 8 May 1995)

T/C MEETING	ITEMS
15 May	13. Life
22 May 1995	14. Socio-Economic Rights i) Property ii) Education iii) Environment iv) Economic Activity v) Labour Relations vi) Freedom of Language and Culture vii) Other socio-economic rights
29 May 1995	15. Reproductive rights
29 May 1995	16. Political Rights 17. Citizens' rights 18. Freedom of movement 19. Freedom of residence
5 June 1995	20. Equality
12 June 1995	21. Administrative justice 22. Access to Courts 23. Detained, arrested and accused persons
19 June 1995	24. Limitation of rights 25. States of emergency and suspension of rights
20 June 1995	26. Other fundamental rights and directive principles
21 June 1995	27. Interpretation of Bill of Rights 28. Other issues