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CONSTITUTIONAL ASSEMBLY

**CORE GROUP MEETING
THEME COMMITTEE 4**

FUNDAMENTAL RIGHTS

MONDAY 30 JANUARY 1995

Room E 216

DOCUMENTATION

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CONSTITUTIONAL ASSEMBLY

CORE GROUP THEME COMMITTEE 4 MEETING

FUNDAMENTAL RIGHTS

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

Date : Monday, 30 January 1995
Time : 16h30 - 19h00
Venue : Room E 216

AGENDA

1. Opening
2. Minutes:
 - i) Core Group 24 January 1995
 - ii) Theme Committee 25 January 1995
 - iii) Theme Committee 26 January 1995
3. Matters Arising: See Agenda Items Below
4. Work Programme: Discussion of 4 Proposals
5. Proposal on the Drafting of new Constitution
6. Community Liaison Programme: Discussion
7. Submissions
8. Preparation for Theme Committee meeting 31 January 1995
9. Closure

** *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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CONSTITUTIONAL ASSEMBLY

**MINUTES OF
CORE GROUP**

THEME COMMITTEE 4 MEETING

**24 January 1994 (08h30)
VENUE E 443**

Present

Mdladlana MMS (Chairperson)

Green LM
Mncwango MA
Mulder CP
Myburgh GB
Pandor GNM
Sizani RK

Apologies: Leon AJ

J Tsalamandris and Z Adams were in attendance.

1. OPENING

- 1.1 The meeting was opened by Mr Mdladlana.
- 1.2 Mr Myburgh was congratulated by the chair for his appointment as Deputy Minister.
- 1.3 Mr Myburgh informed the Group that owing to his appointment and resultant work load, he would have to stand down as chairperson. The Group agreed that the issue of a replacement for Mr Myburgh as chairperson would be dealt with once they had been informed of Mr Myburgh's replacement.

2. BRIEFING FROM CHAIRPERSONS

- 2.1 Mr Mdladlana gave a brief report on the meeting of Chairpersons on 23 January 1995, with reference to the document entitled "Briefing Document for Joint Meeting of Theme Committees" included in the documentation.
- 2.2 In terms of the above document the following was noted:
 - i) The Committee would have to complete its reports by 30 June 1995
 - ii) Deadlines for party submissions would have to be met to ensure the efficient working of the Committee.
 - iii) The Core Group was central in the managing and coordinating of the work of the Theme Committee.
 - iv) Changes could still be made to the Work Programme.

3. WORK PLAN

3.1 Theme Committee Work Plan

- 3.1.1 The Group considered the Theme Committee's Work Plan, and noted that:
 - i) The issues identified in the Work Programme are not representative off all issues that need to be dealt with and only reflect some aspects of Chapter 3 of the Interim Constitution.
 - ii) Party submissions could\ may add other issues that need attention.

3.2 Schedule of Meetings for First Block and Planning

- 3.2.1 The Group raised concern at the schedule of meetings arranged and the timing of the meetings. It was however agreed to adhere to the schedule of meetings for a short period of time and to review the matter again.
- 3.2.2 It was suggested that the content of meetings should be varied to include seminars, workshops and input from organisations. In this way the meetings could be forums allowing members to actively engage with the subject matter of the Theme Committee.
- 3.2.3 Regarding minutes for the Theme Committee meetings, it was agreed that minutes would only be made available after every two sessions.
- 3.2.4 The ACDP, FF and NP all expressed objections to public participation events taking place on Sundays.
- 3.2.5 The invitation by UWC to a Gender Conference on 27-29 January 1995 was discussed. In general it was agreed that members could attend such events on a multi-party basis, i.e. all parties be represented. In this way, members attending could receive inputs from the public for the attention of the Theme Committee.

4. TECHNICAL COMMITTEES

- 4.1 The Group was informed that technical committees were not yet available for the Theme Committee and that the matter was still being dealt with in the Constitutional and Management Committees.

5. COMMUNITY LIAISON

- 5.1 The Group made a number of suggestions regarding the media campaign undertaken by the administration:
- i) The television advertisement of the Constitutional Assembly is too sophisticated and technical, ignoring the fact that South Africa has a large illiterate population, who also do not have televisions.
 - ii) The constitutional process as a whole is highly technical and élitist.
 - iii) The advertising campaign should attempt to be more simple and understandable in order to appeal and make sense to the broader population.

- 5.2 It was proposed and agreed that the secretariat arrange for the head and representatives of the Community Liaison Department of the CA Administration to address the Theme Committee on their plans to involve grassroots\ community organisations in the constitutional process.
- 5.3 The secretariat was also requested to provide a list of organisations involved in human rights issues.

6. SUBMISSIONS

- 6.1 The Core Group agreed that the Theme Committee needs to clarify:
- i) how it intends dealing with and taking into account submissions from the public, and
 - ii) what the process is going to be regarding the writing of Theme Committee reports for the attention of the Constitutional Committee.
- 6.2 The Group agreed that both matters would be referred to the Theme Committee meeting of 25 January 1995, for discussion and decision.

7. PREPARATION FOR THEME COMMITTEE MEETING OF 25 JANUARY

- 7.1 It was agreed that the Theme Committee meeting would address the following issues:
- i) How to deal with submissions and the discussion of actual submissions.
 - ii) The drafting of reports for the Constitutional Committee.
 - iii) Discussion of Principle II of the Interim Constitution.

8. GENERAL

- 8.1 The issue of requesting research staff to assist the Theme Committee was discussed.

9. CLOSURE

The meeting rose at 10h30.

CONSTITUTIONAL ASSEMBLY

MINUTES OF MEETING OF

THEME COMMITTEE 4 FUNDAMENTAL RIGHTS WEDNESDAY 25 JANUARY 1995 (AT 14H00)

PRESENT

Mdladlana MMS (Chairperson)

Bakker D	Myakayaka-Manzini YL
Camerer SM	Njobe MA
Chalmers J	Pandor GNM
Coleman M	Phenethi MM
Dlamini BO	Piliso M
Gamndana T	Radue RJ
Govender P	Rasmeni S
Green LM	Rhoda RT
Hajaij F	Saloojee E
Jooste JA	Selebi JS
Leon AJ	Skosana B
Lubidla EN	Sizani RK
Mabandla BS	Surty ME
Mfayela S	Thomsen B
Mfebe MW	Tshivase T
Mncwango MA	Tyobeka VM
Mohammed IJ	Vos S
Molekane RS	Xingwana LM
Mulder CP	

Apologies: Asmal KA, Myburgh GB

J Tsalamandris and Z Adams were in attendance.

1. OPENING

- 1.1 The meeting was opened by Mr Mdladlana at 14h10 who informed the Committee about the revised agenda. Mr Mdladlana also advised the meeting about Mr Myburgh vacating the position of chairperson as a result of his appointment as Deputy Minister.

2. MINUTES

- 2.1 The minutes were accepted with the following corrections:
- i) Mr JS Selebi was noted as an alternate but is in fact a full member of the Theme Committee.
 - ii) 4.2 iii) should read "Legal recognition..." and not "Legal application..."
- 2.2 It was also agreed that the minutes should reflect that there was broad agreement in the Committee that a Bill of Rights should include political, social and economic rights

3. MATTERS ARISING

- 3.1 There were no matters arising.

4. CORE GROUP REPORT

- 4.1 The chair with the assistance Ms Pandor gave a verbal report of the Core Group meeting of 24 January 1995 which dealt with the following:
- i) Report of Chairpersons meeting and the Management Committee meeting.
 - ii) Role of the Core Group in terms of coordinating work of the Theme Committee and the writing of reports.
 - iii) Workplan and Technical Committees.
 - iv) How to deal with submissions in Theme Committee
- 4.2 The agenda for the Theme Committee was revised to allow for discussion on matters of substance.

5. THEME COMMITTEE WORK PLAN AND SCHEDULE OF MEETINGS

- 5.1 The chair informed the meeting that while Block 1 of the Work Programme could not be altered it was still possible to change the other blocks of the Work Programme provided the Management Committee was informed.
- 5.2 Agreeing on the first block, the Committee discussed the need to address the philosophical and theoretical underpinnings of each party's conception of a Bill of Rights.
- 5.3 The ANC and PAC was of the view that Principle II must be followed by a conceptual discussion around the Bill of Rights. It is not sufficient simply to review Chapter 3 as is suggested by Block 2 of the Work Programme.
- 5.4 The DP felt that Principle II should be looked at in terms of Chapter 3 of the Interim Constitution as a lengthy theoretical debate would not be practical. It proposed that in fact the provisions of the Interim Constitution imposes this obligation on the Theme Committee.
- 5.5 The NP expressed the opinion that the wording of rights should conform with the provisions of Principle II.
- 5.6 The IFP was in broad agreement with the ANC on the need to discuss the application of the Bill of Rights.
- 5.7 After a general discussion, the Theme Committee accepted a proposal that Block II on the Work Programme should deal with a discussion on the nature and application of a Bill of Rights. This would also give those parties who had not made submissions, enough time to do so for the commencement of Block II.

6. TECHNICAL COMMITTEES

- 6.1 The Chair reported that a subcommittee on technical experts formed through the Constitutional Committee had not yet reached agreement on the issue of technical committees.
- 6.2 The Committee agreed to wait for the decisions of the sub-committee.

7. SUBMISSIONS

- 7.1 The chair addressed the issue of submissions and how the Committee proposed dealing with them.
- 7.2 After some discussion there was agreement on the following:
- i) Individual submissions will be regarded as equally important as party submissions
 - ii) Oral submissions would also be heard.
 - iii) A sub-committee from the Theme Committee will be formed to look at submissions and draft Committee reports.
 - iv) The secretariat would assist in categorising submissions and producing a synopsis.
 - v) The Theme Committee report would reflect agreements and disagreements with submissions made.

8. REPORTS OF THEME COMMITTEE

- 8.1 It was agreed that a sub-committee be nominated from amongst Committee members to draft the reports of the Theme Committee for the Management and Constitutional Committees. The sub-committee would be assisted by the technical experts.
- 8.2 The sub-committee would be representative of all parties and its terms of reference would be clearly spelled out.
- 8.3 The reports would take into account all submissions and reflect actual discussions of the Theme Committee.

9. SUBMISSIONS RECEIVED

- 9.1 The secretariat reported that the Theme Committee would receive submissions on issues related to each Block as it is being discussed.
- 9.2 It was also noted that not all of the political parties had submitted submissions for the first Block.

10. CONSTITUTIONAL PRINCIPLE 11

- 10.1 It was agreed to defer the discussion to the 26 January 1995 meeting of the Theme Committee.

10.2 The parties agreed to make their submissions available before the meeting. They further agreed that the meeting would deal with party submissions, allowing for the parties to make submissions and for members to discuss the submissions.

10.3 It was agreed that the meeting would commence at 09h30 instead of 08h30 as per the work schedule, to allow members an opportunity to read the party submissions beforehand.

11. GENERAL

11.1 With reference to an invitation for members to attend a Gender Conference organised by the University of the Western Cape (UWC) for 27 - 29 January 1995, it was agreed that the parties would submit names to the secretariat who would make the arrangements WITH UWC.

11.2 The Committee agreed that members would be attending to hear the views of the public and not as official representatives of the Theme Committee.

11.2 It was noted that a Seminar organised by the Raoul Wallenberg Institute would take place on the 3rd and 4th of March 1995.

12. CLOSURE

The meeting rose at 16h45.

CONSTITUTIONAL ASSEMBLY

**MINUTES OF
MEETING OF**

**THEME COMMITTEE 4
FUNDAMENTAL RIGHTS
THURSDAY 26 JANUARY 1995 (AT 09H30)**

**PRESENT
MDLADLANA MMS (CHAIRPERSON)**

Bakker D
Camerer SM
Chalmers J
Coleman M
Dlamini BO
Gamndana T
Green L
Leon AJ
Mabandla B
Mfebe MW
Mohammed IJ
Molekani RS
Mulder CP
Myakayaka-Manzini YL

Pandor GNM
Phenethi MM
Piliso M
Radue RJ
Rasmeni S
Rhoda RT
Saloojee E
Selebi JS
Sizani RK
Skosana B
Surty ME
Tyobeka VM
Vos S
Xingwana LM

APOLOGIES: Asmal KA, Myburgh GB, Mncwango MA

J Tsalamandris and Z Adams were in attendance.

1. OPENING

- 1.1 The meeting was opened by Mr Mdladlana
- 1.2 The chairperson informed the meeting that the issue of the technical committee remained as yet unresolved.
- 1.3 It was also noted that the FF and ACDP had not submitted their submissions yet.

2. COSTITUTIONAL PRINCIPLE II: - DISCUSSION OF PARTY SUBMISSIONS

- 2.1 Mr Sizani spoke to **PAC** submission entitled "**PAC Submissions on Constitutional Principle II**" included in the documentation.

2.1.1 Points of clarity and discussion:

- i) Questions centred on clarification on what is meant by "other mechanisms" that should be devised to enforce the Bill of Rights. Mr Sizani explained that the South African Human Rights Commission, although a statutory body does not have any adjudicating powers and hence is weak in the implementation of human rights. Mr Sizani said that what is needed is a structure with powers to enforce the provisions of a Bill of Rights.

- 2.2 The **ACDP** said they had no submission to make at this time but would make a submission available to the secretariat. It was agreed that the submission would be dealt with in the next Theme Committee meeting.

- 2.3 The **ANC** submission entitled "**ANC Preliminary Submission: Theme Committee 4: Our broad vision of a Bill of Rights for South Africa**", included in the documentation, was presented by Ms Mabandla.

2.3.1 Points of clarity and discussion:

- i) Clarification was asked by the NP of what the ANC meant by "Our People".

ANC replied that it implied that cogniscance must be taken of the interests of all the people in South Africa.

- ii) The IFP asked whether the ANC proposal that the Bill of Rights should make provision for restoring land rights would not lead to a conflict with regards to the roles\ functions of Parliament and the Constitution.

Ms Mabandla replied that while certain instruments could be provided for in subsidiary legislation, some constitutional directive will be needed to set up certain structures.

2.4 The DP submission entitled "**Submission on Constitutional Principle II: Fundamental Rights**", included in the documentation was presented by Mr Leon.

2.4.1 Points of clarity and discussion:

- i) Questions from other parties focused on the following: - what enforceable instruments are being provided in the DP submission; - what is the DP's position on Human Rights Commission; - the DP's understanding of the clause "*due consideration, inter alia, to fundamental rights in Chapter 3*" in Principle II ; - the DP's views on horizontal and vertical application of rights, group rights etc.
- ii) Mr Leon replied to these questions with reference to the DP **Bill of Rights** which was submitted to the secretariat in late 1994.

2.5 Mr Mulder gave a preliminary verbal submission on behalf of the **Freedom Front (FF)** :

2.5.1 Key issues noted in the submission were:

- i) The FF regards Principle II as the point of departure for a Bill of Rights. Principle II makes provision for universally accepted fundamental rights and civil liberties. The implications of Principle II for the work of the Committee is interpreted in terms of the following five aspects by the FF:
 - The drawing up a list of what is regarded as 'universally accepted rights;
 - The relevance of some rights to South Africa by virtue of the diversity of society;
 - Limitation and suspension of rights;
 - The role of institutions such as the Human Rights Commission;
 - The role of the courts in enforcing human rights.

2.5.2 Points of clarity and discussion:

- i) Mr Mulder added that the FF regards itself as bound by all the Principles in Schedule 4 of the Interim Constitution. Principle II further obliges the Committee to consider fundamental rights in terms of Chapter 3.

Mr Mulder also noted that the FF is committed to the process of discussion which may or may not lead to agreement with Chapter 3.

2.6 Mr Skosana spoke to the IFP document entitled "**Theme Committee 4 on Fundamental Rights: First Report on Constitutional Principle II**", included in the documentation.

2.6.1 Points of clarity and discussion:

- i) Questions focused on the IFP's Evolutive Clause; amendments of rights; the form of state and its impact on constitutional rights; the IFP's understanding of rights and obligations; the need to specify references to international treaties\ constitutions that have influenced the IFP's conception of rights.

Mr Skosana accepted that the submission of the IFP need references to other Charters and documents. He also added that rights should not be modified by mere constitutional amendments although the IFP accepted the suspension of rights under certain conditions.

Other issues noted were the relationship between citizen and state and visa versa with regards to the obligations of the citizen; and that rights in the IFP conception may be conceived as society evolves.

2.7 The NP submission was presented by Mrs Camerer, who spoke to the document entitled "**National Party Proposals Regarding Constitutional Principle II (Fundamental Rights and Freedoms)**" included in the documentation.

2.7.1 Points of clarity and discussion:

- i) Questions focused on the NP's understanding of what constitutes a 'family' and hence 'family rights'; minority rights protection in the South African context; and affirmative action.

2.8 The Committee agreed that the party submissions had raised a number of substantive issues and questions. It was agreed however that fuller and more serious discussion on these matters would take place once the Committee started looking at the various issues separately.

3. CLOSURE

The meeting rose at 11h20

DISCUSSION DOCUMENT: PROPOSED APPROACH TO WORK PROGRAMME
- SOME CLARIFYING NOTES

1. While the Theme Committee and Core Group has touched on the matter of dealing with the work on occasion, there continues to be lack of clarity of the process of work.
2. With reference to the Constitutional Assembly Schedule, it should be noted that the Theme Committee will be meeting regularly during the week for the period until Friday 17 February 1995 - the President's Address to Parliament.
3. After this date, the time allocated to the Theme Committee will be the usual Monday and the various "Community Participation" week-ends organised for the Committee.
4. During this time the Committee is expected to deal with:
 - party submissions
 - submissions by ngo's, individuals and other interested persons
 - hearings, conferences and workshops
 and also submit a report to the Constitutional Committee.
4. It is therefore crucial that the Committee takes this into account when seeking to address its work programme and modus operandi.
5. With regard to the drafting of reports, a proposal (attached below) was submitted to the Management Committee for discussion.
6. The Theme Committee has already decided to form a sub-committee to work together with the Technical Committee on reports, and is thus covered by the proposal.
7. A copy of the proposal from Community Liaison Department of the Administration is also attached (below) for discussion.

PROPOSAL :

- the Theme Committee deal with the issue of Work Programme urgently taking into account the community liaison programme and the need to have clarity on what the Theme Committee will be dealing with.
- the Committee make its own proposals and suggestions to the Community Liaison Department taking into account its specific needs.
- that political parties address the needs and issues noted above and also attempt to prepare themselves for each block of work (also with regards to submissions).

DISCUSSION DOCUMENT: FIRST REVISION OF RECOMMENDED WORK PROGRAMME

BLOCK NO	PROPOSAL NO 1
1	1. Constitutional Principle II
2	2. Equality 3. Human dignity 4. Privacy 5. Freedom and Security of the person
3	6. Right to life 7. Religion, belief and opinion 8. Freedom of expression 9. Freedom of association 10. Language and culture
4	11. Freedom of movement 12. Freedom of residence 13. Freedom of assembly, demonstration and petition 14. Citizen's rights 15. Political rights
5	16. Servitude and forced labour 17. Economic activity 18. Property 19. Labour relations
6	20. Administrative Justice 21. Access to information 22. Access to courts 23. Detained, arrested and accused persons
7	24. Children 25. Education rights 26. Environment
8	27. Other rights and directive principles 28. Customary and indigenous law 29. Linguistic, religious and cultural minorities 30. Horizontal application of Bill of Rights 31. Class actions
9	32. Limitation of rights 33. States of emergency and suspension of rights
10	

BLOCK NO	PROPOSAL NO 2
1	1. Constitutional Principle II
2	2. Nature and Application of Bill of Rights 3. Chapter 3 and the Bill of Rights 4. Relationship of Bill of Rights to other Charters and Covenants 5. Equality
3	6. Political Rights
4	7. Economic Rights
5	8. Social and Solidarity Rights 9. Legal Recognition of Social and Economic Rights
6	10. Group\ Minority\ Collective Rights 11. Relationship between Bill of Rights and Customary\ Traditional\ Common\ Muslim or Other Religious Laws
7	12 Rights of detained and\ or arrested people 13 Administrative Justice 14 Effect of Bill of Rights on Existing Law
8	15. Suspension and Limitation of Rights 16. States of Emergency 17. Obligations and Duties of Citizen
9	
10	

BLOCK NO	Proposal 3
1	<p><u>1: Constitutional Principle II</u></p> <p><u>Suggested framework for item 1</u></p> <ol style="list-style-type: none"> 1. General notes on Principle II clarifying phrases such as <ul style="list-style-type: none"> - <u>Everyone</u> shall enjoy ... "(Whether the term "everyone" includes juristic persons, structured and unstructured groups, and organs or civil society, etc) - "all universally accepted fundamental rights, freedoms and civil liberties" (which rights etc., qualify as universally accepted fundamental rights) - "entrenched and justiciable provisions" - "due consideration to <i>inter alia</i> the fundamental rights contained in Chapter 3" 2. General discussion of related Constitutional Principles such as I, III, V, IX, XI, XII, XIII(1), XXVIII, XXXIV 3. Suggested approach as to the identification of rights not covered by CP II. <p><u>Relevant sections of Interim Constitution:</u> Preamble, Sections 3, 4, Chapter 3, Sections 98(2), 101(3), 115 - 123</p>

2: Nature of Bill of Rights and application**3: Right to equality****Suggested framework for agenda item 3**

- (a) Content of the right.
- (b) Equality as a human right of the individual and the question of juristic persons.
- (c) Prohibited grounds for discrimination.
- (d) Affirmative action.
- (e) Effects on customary law, including the rules and customs of religious and traditional communities.

Relevant Constitutional Principles: I, II, III, V, XI, XII, XIII(I)

Relevant sections of Interim Constitution:
Preamble, Sections 3, 8, 10, 12, 17, 32, 33(4), 119 - 123

4: Right to human dignity

Content of right

See CP II and Sections 10,12, 25(1)(b)

5: Right to life**Suggested framework to agenda item 5**

- (a) The right to life as a fundamental right.
- (b) Controversial issues such as -
 - capital punishment
 - abortion
 - euthanasia

See CP II and Section 9

Agenda item 6: Right to Privacy**Suggested framework for agenda item 6**

- (a) Aspects of personal privacy that need to be protected constitutionally.
- (b) Controversial aspects
 - intelligence services and state security
 - access to private information required for the exercise of one's rights

7: Freedom of religion, belief and opinion**Suggested framework for agenda item 7**

- (a) Content of this right.
- (b) Separation between church and state.
- (c) Religious observances in state and state-aided institutions such as schools, prisons and the security services.
- (d) Academic freedom.
- (e) The recognition of systems of law of communities professing to a particular religion.

See CP II, XII and Sections 8(2), 14, 32(c)

8: Freedom of expression**Suggested framework for agenda item 8**

- (a) Content of the right to freedom of speech and expression.
- (b) Press freedom.
- (c) State controlled media.
- (d) Private radio and television stations.
- (e) Hate propaganda or expression.

See CP II and Section 15

Agenda item 9: Freedom of association**Suggested framework for agenda item 9**

- (a) Content of the right
- (b) Specific issues such as private discrimination

See CP II, XII and XVIII and Section 17

Agenda item 10: Freedom of language and culture

Content of these rights

See CP II, XII and XIII and sections 3, 31 and 32(b) and (c)

11: Administrative Justice**Suggested framework for agenda item 11**

- (a) Content of right
- (b) Horizontal application of right against private institutions

See CP II and Sections 7(2), 24

12: Right of access to information**Suggested framework for agenda item 12**

- (a) Content of right
- (b) Horizontal application of right against private institutions

See CP II, IX and Section 23

13: Right of access to courts**Suggested framework for agenda item 13**

- (a) Content of right
- (b) Question of "ouster" clauses

See CP II, VII and Sections 7(4), 22, 98, 101

14: Freedom and Security of the person**Suggested framework for agenda item 14**

- (a) Content of the right
- (b) Specific related questions such as detention without trial

See CP II

Agenda item 15: Right of detained, arrested and accused persons

See CP II and Section 25

5

16: Servitude and forced labour

See CP II and Section 12

17: Freedom to engage in economic activity

See CP II and Section 26

18: Rights to property**Suggested framework for agenda item 18**

- (a) Individual and collective ownership
- (b) The land issue and restoration
- (c) Compensation for expropriation

See CP II and Sections 28, 121 - 123

19: Labour relations**Suggested framework for agenda item 19**

- (a) Aspects of labour relations that need be protected as constitutional rights.
- (b) Question of constitutionalising rights contained in labour statutes.

See CP II, XII, XXVIII and Sections 27, 33(5)

20: Environment

See CP II and section 29

6	<p><u>21: Citizens' rights</u></p> <p>Content of these rights</p> <p>CP I, II and Sections 5, 20</p> <p><u>22: Political rights</u></p> <p><u>Suggested framework for agenda item 22</u></p> <p>(a) Content of these rights</p> <p>(b) Qualifications on the right to vote</p> <p>(c) Political rights of non-citizens</p> <p>See CP II, VIII and Sections 6, 21</p> <p><u>23: Freedom of movement</u></p> <p>Content of right</p> <p>See CP II and Section 18</p> <p><u>24: Freedom of residence</u></p> <p>Content of right</p> <p>See CP II and Section 19</p> <p><u>25: Freedom of assembly, demonstration and petition</u></p> <p>Content of right</p> <p>See CP II and Section 16</p>
7	<p><u>26: Children's rights</u></p> <p>See CP II and Section 30</p> <p><u>27: Educational rights</u></p> <p>See CP Section 32</p>
8	<p><u>28: Other rights and directive principles</u></p> <p><u>29: Customary, indigenous and religious law</u></p> <p>See CP II, XIII and Sections 33(2) and (3), 35(3), 181</p> <p><u>30: Protection of linguistic, religious and cultural minorities</u></p> <p>See CP XII, XXXIV and Sections 3, 8(2), 14, 17, 31</p>

9	<p><u>31: Limitation of rights</u></p> <p>See CP II and Sections 5(2) and (3), 6, 7(2), 8(3), 14(2) and (3), 26(2), 28(2) and (3), 33</p> <p><u>32: Effect of Bill of Rights</u></p> <p><u>Suggested framework on agenda item 31</u></p> <p>Effect on</p> <ul style="list-style-type: none"> - existing statutes - common and customary law - previous actions <p>See CP II and XIII(I) and sections 7(2) and 33(2) and (3)</p> <p><u>33: States of emergency and suspension of rights</u></p> <p>See CP II and Section 34, 82(4)</p>
10	<p><u>34: Interpreting Bill of Rights</u></p> <p>See section 35</p> <p><u>35: Horizontal application of Bill of Rights or any particular rights</u></p> <p>See section 33(4)</p> <p><u>36: Class actions</u></p> <p>See sections 7</p>

BLOCK NO	PROPOSAL 4
1	1. Constitutional Principle II
2	2. Nature and Application of Bill of Rights 2.1 Horizontal Application of Rights
3	3. Chapter 3 and the Bill of Rights 4. Relationship of Bill of Rights to other Charters and Covenants 5. Equality
4	6. Political Rights 7. Group\ Minority\ Collective Rights
5	8. Relationship between Bill of Rights and Customary\ Traditional\ Common\ Muslim or Other Religious Laws
6	9. Economic Rights and Social Rights
7	
8	10. Rights of detained and\ or arrested people 11. Administrative Justice
9	12. Effect of Bill of Rights on Existing Law
10	13. Suspension and Limitation of Rights 14. States of Emergency 15. Obligations and Duties of Citizen

PROPOSAL ON THE DRAFTING OF THE NEW CONSTITUTION

1. Introduction

1.1 The Constitutional Assembly has in its decision of 31 October 1994 laid down the following broad guidelines on the drafting process:

- "(a) Drafting should be directed by the Constitutional Assembly.
- (b) The Constitutional Committee should be responsible for the co-ordination of all Constitutional Assembly work, including drafting.
- (c) Theme Committees are not negotiating fora. Their primary task should be to receive submissions and process them into reports for consideration by the Constitutional Committee."

1.2 The process has now reached the stage where a decision will have to be taken on the question of technical assistance in the drafting process. Drafting is a sensitive exercise because political disputes and deadlocks that may occur will in the ordinary course of events be based on positions as drafted in the text.

2. Background

In setting up a drafting mechanism two important factors must be taken into account, firstly, the provisions of the Interim Constitution relating to the adoption of a new constitutional text and, secondly, the lessons learned from the Kempton Park experience.

2.1 In terms of the objects of the Interim Constitution, as set out in the Preamble, the Constitutional Assembly is the only competent body to draw up the new constitution. For this reason a drafting mechanism cannot operate independently from the Constitutional Assembly and must be part and parcel of the Constitutional Assembly's substructures, operating on the instructions and under the direct supervision and control of the Management and Constitutional Committees.

2.2 During debates in the Constitutional Assembly and committee meetings criticism was levelled at the Kempton Park process where independent committees of technical experts were or were believed to be the driving force in the process. The present process was consequently structured to avoid a Kempton Park type of situation and to allow for maximum participation by the public and the elected representatives of the people in the constitution-making process. This philosophical distinction between the present and Kempton Park processes impacts also on the way a drafting mechanism should be structured.

3. Principles of drafting

3.1 In view of the above the drafting process should be governed by the following principles:

- (a) The drafting process should be a purely technical exercise and unlike the Kempton Park process be a politically neutral exercise.
- (b) The drafting process should be confined to providing the statutory formulations which reflect actual decisions on content and substance.
- (c) Constitutional Assembly decisions should form the sole basis for drafting except to add non-contentious and legally and technically necessary detail.
- (d) The drafting process should reflect the Constitutional Assembly's agreed political process.
- (e) The drafting process should involve all the technical role players engaged in the constitution-making process.
- (f) For purposes of maintaining the time frames agreed to politically the drafting should commence with the first political agreements.
- (g) The drafting process should be under the direct supervision and control of the Management and Constitutional Committees.

3.2 For purposes of securing a technically, linguistically and legally consistent and accessible constitution, there is a need that the various drafted provisions are attended to at a central point.

4. Proposal

The process should be as follows:

4.1 Initial drafting (translating political decisions into legal language)

Because of the intimate knowledge technical committees would gain with regard to their respective themes, these committees would be in the best technical position to provide "first drafts". Drafting should commence whenever a decision has been taken in the Constitutional Assembly on any particular issue submitted by a Theme Committee. The technical committee of that Theme Committee (or a single member of the technical committee) should be tasked to provide initial draft provisions covering the particular decision of the Constitutional Assembly. In preparing an initial draft the technical committee or drafting member should be directly accountable to the Management Committee and not to the Theme Committee.

4.2 Technical refinement of drafted provisions

Once an initial draft on any particular issue is available it should be submitted to the Administration's law advisers for technical refinement, improvement and adjustment to ensure that a general consistency of method and style is maintained.

4.3 Qualitative evaluation

The panel of experts' role will be that of evaluating objectively and impartially the technical and qualitative aspects of drafted provisions as refined by the law advisers. If the panel has reservations the provisions may then be further refined by the law advisers in accordance with any suggestions the panel may make.

4.4 Political approval

The next step would be to refer a set of drafted provisions processed through the first three phases, to the Management Committee for submission to the Constitutional Committee for approval. It is suggested that the law advisers be tasked with any adjustments the Management or Constitutional Committees may require.

4.5 Publication and public responses

Publication for general information and comment of draft chapters or sets of drafted provisions pertaining to specific issues, can be considered as a method of enhancing the public participation programme.

5. Conclusion

In conclusion it must be pointed out that technical refinement and adjustment will be an on-going process as drafting progresses and the different sets of provisions approved in accordance with paragraph 4.4 are moulded together. The law advisers are at an appropriately positioned central point to attend to final refinement, but political participation, supervision and control should of course also take place here.

DRAFT PUBLIC PARTICIPATION PROGRAMME

COMMUNITY LIAISON

MISSION STATEMENT :

“To facilitate an interface or dialogue between the South African people and their elected representatives by consulting the population at various levels and at various stages of the process of constitution making.”

(CA Resolution of 31 October 1994)

INTRODUCTION

On 31 October 1994 the Constitutional Assembly adopted a document entitled “**Public Participation - A Strategic Overview**” which set out the broad framework within which the community liaison programme will take place.

1. GUIDING PRINCIPLES

- Transparency
- Credibility
- Legitimacy
- Consultation
- Inclusivity

2. OBJECTIVES OF PUBLIC PARTICIPATION PROGRAMME (PPP) :

(Extracted from Constitutional Assembly Resolutions, 5 September 1994)

- ensure that the draft constitution enjoys the support and allegiance of all South Africans
- new constitution should represent the aspirations of all our people
- process should serve to unite the country’s people and produce a constitution which will become the cornerstone of the future South Africa. It should be people driven and transparent
- new constitution must be the product of an integration of ideas of all role players. In this regard, there should be maximum public participation
- there should be an effective strategy for media and community liaison
- media and public participation strategies should aim at facilitating the required “dialogue” and channels of communication between the broader public and their elected representatives
- programmes of the Constitutional Assembly should be “non-party political”. Strict monitoring should ensure that the programmes promote the Constitutional Assembly and the interests of the country as a whole

3. *COMMUNICATION OBJECTIVES*

- Develop, raise and popularise the CA profile
- Solicit views and submissions
- Brief public - on the constitution making process
 - procedure for submissions to CA
- Consult all sectors and role players
- Increase public interest and awareness through constitutional education
- General involvement and engagement of public at large

4. *PROGRAMMES*

- Special Events
 - Launch Briefings
 - Other Special Events
- Theme Committee Requests
 - Hearings
 - Seminars
- Constitutional Public Meetings (CPMs)
- Constitutional Education Programme (CEP)

5. *TIME FRAMES*

It is envisaged that the CLP will be run in two phases;

- First Phase : Develop draft constitution - February 1995 to end of July 1995
- Second Phase : Popularising the draft constitution - August 1995 to May 1996

This document deals with detailed planning for February 1995.

LIST OF ABBREVIATIONS

PPP : Public Participation Programme	PMT : Project Management Team
CL : Community Liaison	SACS : South African Communication Service
CLP : Community Liaison Programme	TC : Theme Committee
CPM : Constitutional Public Meetings	NGO : Non Governmental Organisation
CEP : Constitutional Education Programme	CBO : Community Based Organisation

COMMUNITY LIAISON PROGRAMME : FEBRUARY 1995

6. SPECIAL EVENTS

6.A. LAUNCH BRIEFINGS

6.A.1. Introduction

It is proposed that the CA Chairpersons - Messrs Cyril Ramaphosa and Leon Wessels - should visit three provinces - namely the Western Cape, Northern Cape and Gauteng, in order to launch the CLP. Briefings in the other provinces are envisaged in the months to come. Briefings will also be used in the second phase of the constitution making process.

6.A.2. Objective

To develop, raise and popularise the CA profile.

6.A.3. Process

Three briefings are envisaged to launch the Community Liaison Programme (CLP). The briefings used to nationally launch the CLP should be of high profile to attract maximum media coverage.

6.A.4. Proposed Briefings

First briefing

Date	:	First week in February
Area	:	Western Cape (Boland)
Target group	:	Farmworkers and management

Second briefing

Date	:	Second week in February
Area	:	Northern Cape (Kuboes)
Target group	:	Rural community

Third briefing

Date	:	Third week in February
Area	:	Gauteng
Target group	:	Urban community

Structure

- CA participants : Mr Cyril Ramaphosa (Chairperson CA)
Mr Leon Wessels (Deputy Chairperson CA)
: Representatives from all political parties in the CA
- Chair : It is proposed that the Provincial Premier or a Provincial
MEC : should chair the meeting.
- Content of meeting : Duration: 1 hour:
Brief: 30 minutes
Questions: 30 minutes

Programme:

The programme will consist of a briefing on the Constitutional Process by the CA Chairs. It is expected, through these briefings, that:

- public participation will be encouraged;
- public awareness will be increased;
- the role of the CA in directing public participation is highlighted.

It is inevitable that questions from the audience will arise. Opportunity - though limited - should be given for questions to be posed to the Chairs.

Media:

Since these briefings serve as the launch of the CLP, time should be allowed for media interviews, if requested. Close co-operation with the Media Department is of utmost importance.

6.A.5. Resources

Given the time constraints, resources such as exhibitions, pamphlets, T-shirts cannot be fully utilised for the first three proposed briefings. The Media Department is requested to arrange posters and pamphlets.

6.A.6. Evaluation / monitoring

To determine the success of the first three briefings, and to set guidelines for future briefings, evaluation is important and will be dealt with as follows:

- Tape recording of the briefing;
- Monitoring the media response;
- Report back from the Chairs;
- Members of the CL team will attend the briefings to evaluate and monitor evaluation thereof.

6.B OTHER SPECIAL EVENTS

Further special events proposed include:

- A simulated Constitutional Assembly process for high school pupils;
- Human rights debates for high school pupils;
- Mock Constitutional Court cases for high school pupils and university law students.

7. *THEME COMMITTEE REQUESTS*

7.A *HEARINGS*

7.A.1. Introduction

Theme Committees will require specialist submissions on issues from target groups. Thus target groups will be invited to hearings to give views on required issues. The need for these hearings is subject to input from the TCs.

7.A.2. Objective

To solicit views and submissions.

7.A.3. Process

Community Liaison (CL) proposes single hearings where there is an overlap between different Theme Committees (TCs).

Schedule of Hearings

Date	Target Groups
February	Business
March	Women
April	Traditional Leaders
May	Labour
June	Religious Groups

All Theme Committees are free to indicate to CL which hearings they would like to attend.

Theme Committee requests

CL will draft a standard request form to be used by Theme Committees.

CL requires reasonable notice from TCs, taking into account:

- capacity of CL;
- availability of sectors who will need time to consult with their constituencies.

7.A.4. Resources

Background information packages eg press cuttings.

7.A.5. Evaluation/Monitoring

Managing Secretaries will evaluate the hearings and submit a report to CL.

7.B SEMINARS

It is proposed to hold seminars in order to brief Theme Committees on constitutional issues following the work programme. It is proposed that universities, technikons and other institutions be approached to convene specialist seminars on issues discussed by the TCs. The seminar programme will respond to the needs of the TCs and will be guided by the Law Advisers. Because of the ad hoc nature of this section of the programme all TC requests would need to be properly co-ordinated in conjunction with the Management Committee.

8. CONSTITUTIONAL PUBLIC MEETINGS (CPMs)

8.1. Introduction

To involve and engage the public at large, Constitutional Public Meetings (CPMs) will be held throughout the country. The public will have direct access to their elected representatives and will be invited to give individual submissions.

8.2. Objective

To involve and engage the public at large.

8.3. Process

February will be used as the pilot phase of the Community Liaison Programme. It is proposed that teams from the same TC will attend particular CPMs, and that a team should comprise up to ten people, with at least one person from each party.

*Proposed CPMs**Free State*

Target date : February 18
 Venue : Mangaung

Eastern Cape

Target date : February 18
 Venue : Grahamstown

Eastern Transvaal

Target date : February 18
 Venue : Drum Rock

Western Cape

Target date : February 18
 Venue : Worcester

Northern Cape

Target date : February 25
 Venue : Kimberley

KwaZulu - Natal

Target date : February 25
 Venue : Kwa-Mashu

North West

Target date : February 25
 Venue : Klerksdorp

Gauteng

Target date : February 25
 Venue : Duduza

Northern Transvaal

Target date : February 25
 Venue : Namakgale

Note: The issues to be addressed in particular CPMs will be determined on the basis of the work programme and will be guided by the Law Advisers.

8.4. Theme Committee Commitments

Three options as to how TC members will attend future CPMs are proposed (for logistical reasons, operational from March 1995). TC members are requested to decide on the most feasible option available, taking into account the objectives of the PPP as outlined by the Resolutions of the CA..

Option 1

Working days	:	Saturdays & Sundays
Who	:	The 6 TCs divided into 2 groups = 12 groups Group 1: Saturday & Sunday mornings : 2 meetings per group per weekend Group 2: Saturday & Sunday afternoons : 2 meetings per group per weekend
CPMs	:	24
Total CPMs	:	24 x 18 (available weekends till 30 June 1995) = 432

Option 2

Working days	:	Saturdays only : mornings & afternoons
Who	:	The 6 TCs
CPMs	:	12 : 6 TC groups x 2 meetings per day
Total CPMs	:	12 x 18 (weekends available till end of June 1995) = 216

Option 3

Working days	:	Every second Saturday
Who	:	The 6 TCs, alternating
CPMs	:	6 (6 meetings per weekend)
Total CPMs	:	6 x 18 weekends = 108 CPMs during PPP

8.5. Proposed structure of the CPMs

Duration	:	3 hours		
Welcome	:	Host	:	10min
Introduction	:	Facilitator	:	10min
Input	:		:	45min
	-	Constitution Making Process		
	-	Specific TC issues		
	-	Issues discussed by other TCs		
Questions and Discussion	:		:	105min
Closure	:		:	10min

TC members will be provided with a brief, compiled by CL and Law Advisers, before each CPM, giving details of current issues in each TC. These issues will be drawn from the Work Programme.

Please note: Due to translation and other factors, time allocated could be extended.

Appointment of Chairperson

It is proposed that :

- criteria for the selection of the chairperson be established by CL.
- chairperson should be neutral and identified from the community.
- the national Community Liaison Team should have veto power on the appointment of the chairperson.

Facilitator;

It is proposed that the facilitator should introduce the constitution making process and facilitate the making of submissions.

8.6 Proposed role of the Secretariat

It is proposed that the Managing/Minute Secretaries be involved in two levels of the Constitutional Public Meeting :

- during the CPM
 - take minutes of meeting and receive written submission
 - record meetings
 - collect evaluation forms from facilitator to return to CL
- after the CPM
 - take evaluation forms to Deputy Assistant Director : Community Liaison

8.7 Evaluation of CPMs

The following people are suggested to be evaluators: CA members, facilitators, provincial co-ordinators (CEP), national community liaison officers, random audiences and community leaders. Areas of evaluation will include process, content and promotional material.

9. CONSTITUTIONAL EDUCATION PROGRAMME (CEP)

9.1. Introduction

The Constitutional Assembly Work Programme for 1995 articulated the objectives of the Constitutional Education Programme as follows:

"The Constitutional Assembly, in association with a wide variety of NGOs, CBOs and other sectors of South African society, will conduct a wide ranging programme of constitutional education that will be accessible to South Africans at all levels. The programme will include South Africans in the constitution-making process by providing training on the key issues of constitutionality and briefing them on developments within the Constitutional Assembly. The assistance of NGOs and CBOs will allow this programme to reach disadvantaged communities, inaccessible or 'invisible' sectors and rural communities."

On 2 December 1994 the Constitutional Committee approved the programme and requested further information. Such information is detailed below.

9.2. Objectives

The Constitutional Education Programme has the following objectives:

- * helping to ensure maximum community participation in the constitution-making process, primarily through community workshops;
- * ensuring that the Constitutional Education Programme is in step with the different phases of the constitution-making process. In the first phase this will require a Constitutional Education Programme grounded in the workplan of the Theme Committees.

9.3. Process

The primary mechanism of delivery for this programme is the use of community workshop, so as to educate communities on the constitution-making process and to empower them to make submissions. Community workshops will be run, where possible, prior to Constitutional Public Meetings as well as independently of these meetings. This programme would continue into the second phase of the constitution-making process (the consideration of the draft constitution) and will lay the foundation for a wide-reaching public education programme which could be utilised in the development of a human rights culture.

Short-term implementation:

A short-term programme has been developed for February:

- Convening a national consultative meeting to be held in Cape Town, provisionally scheduled for 9/10 February, to provide NGOs and CBOs with a briefing and to assess existing resources;
- Running two pilot workshops in conjunction with NGOs, on Sunday 19 February and Sunday 26 February, at venues still to be finalised.

9.4. Training and Resource Development**Training:**

This will encompass the training and briefing of co-ordinators and workshop facilitators from the CA, SACS and NGOs.

Resources:

A wide range of resources are envisaged, in order to ensure that the constitution-making process is accessible to as many sectors and constituencies as possible. The use of simple language, translation, drama and visual materials will be essential components of these resources. A workshop kit will be developed in conjunction with the NGO sector, including resources such as:

- * an educational booklet on how to participate in the constitutional process;
- * a looseleaf constitutional education manual (allowing for updates);
- * outlines for community workshops;
- * educational/information posters, including CA promotional material for use in local community venues such as advice offices and municipal offices.

9.5. Evaluation and Reporting Mechanisms

Mechanisms will be developed to assess the overall implementation and impact of the programme, including feedback from workshops and the effectiveness of resources.

Regular reports will be made to the Management Committee and close liaison maintained with the Theme Committees.

10. CONCLUSION

It is proposed that detailed project planning be submitted to the Directorate: CA Administration and the Management Committee on a monthly basis. Planning should reach the Management Committee not later than the second meeting of the preceding month.

THEME COMMITTEE 4

VOLUME 2 - SUBMISSIONS

OVERVIEW OF ALL SUBMISSIONS RECEIVED AS AT 17 JANUARY 1995

TOTAL NUMBER OF SUBMISSIONS		40
i)	Party	3
- ACDP - ANC - FF		
ii)	Organisation	16
- Animal Groups Alliance - Christian Science Committee on Publication for the Northern Province of South Africa - Community Peace Foundation - Confederation of Employers of Southern Africa - Conscientious Objector Support Group - The English Academy of Southern Africa - Human Rights Institute of South Africa - Institute for Human Rights Education - Inyangas National Association - Leer and Aktuele Sake, NED Geref Kerk - Medical Research Council, Community Health Research Group - The Novalis Institute - Resources Aimed at the Prevention of Child Abuse and Neglect - SACCAWU - United Christian Action - The Women's Lobby		
iii)	Individual	21

SYNOPSIS OF ALL SUBMISSIONS RECEIVED
AS AT 17 JANUARY 1995 (Second Volume)

NO	PARTY	SUBMISSION	CATEGORY
1.	ACDP	<ul style="list-style-type: none"> - Bill of Rights should be based on a Biblical approach - Homosexuality should be illegalised - The right to life should also protect unborn children 	<ul style="list-style-type: none"> - Const. Principle II - Nature of Bill of Rights - Equality - Life
2.	ANC	<ul style="list-style-type: none"> - The Environment, natural resources and living animals\ creatures should be protected and conserved. 	<ul style="list-style-type: none"> - Environment
3.	FF	<ul style="list-style-type: none"> - Suggests an approach to Principle II and the notion of rights - Universally accepted fundamental rights can be referenced from the UN Declaration of Human Rights 1948 and Covenants of 1966. 	<ul style="list-style-type: none"> - Constitutional Principle II - Nature of Bill of Rights

No	INDIVIDUAL	SUBMISSION	CATEGORY
4.	BJ Alberts	- Rights in Interim Constitution do not impose obligation on citizen. New Constitution should impose an obligation with rights.	- Obligations, Rights and Duties of Citizens - Nature of Bill of Rights
5.	D Black	- New Bill of Rights should instill an obligation on citizen. - Bill of Rights should be entrenched - Bill of Rights should focus on individual, and be limited to fundamental rights and liberties. - 'Secondary rights' should not be included.	- Obligations, Rights and Duties of Citizens - Nature of Bill of Rights
6.	RE Chalom	- Limitation of Rights - Individual's should have access to courts.	- Suspension and Limitation of Rights - Access to Courts
7.	K Cornish	- Reintroduction of Death penalty.	- Life
8.	J Dalton	- Antisocial behaviour may not be promoted.	- Equality
9.	D Drummond	- Bill of Rights for all South Africans.	- Nature of Bill of Rights
10.	NK Govind	- Citizens should have political rights.	- Political Rights

11.	K Hunter	<ul style="list-style-type: none"> - New Bill of Rights should instill an obligation on citizen. - Death penalty should be retained. - Gender Equality 	<ul style="list-style-type: none"> - Obligations, Rights and Duties of Citizens - Nature of Bill of Rights - Equality
12.	R Kreerl	<ul style="list-style-type: none"> - Individual protection versus business organisations 	<ul style="list-style-type: none"> - Economic Activity
13.	ME Lekhoda	<ul style="list-style-type: none"> - Bill of Rights should be based on ANC Freedom Charter. - Discrimination should be ended and state should seek to address inequalities caused by racial discrimination. - Economic and social rights. - Gender Equality and Children's rights should be entrenched in Bill of Rights 	<ul style="list-style-type: none"> - Nature of Bill of Rights - Equality - Economic, Social Rights - Children's rights
14.	L Makaula	<ul style="list-style-type: none"> - Three generations of rights: Bill of Rights should be applicable to first generation i.e. political, civil and procedural. - Second and third generation rights to be made obligations of state. 	<ul style="list-style-type: none"> - Nature of Bill of Rights
15.	P Mathews	<ul style="list-style-type: none"> - Life and Abortion 	<ul style="list-style-type: none"> - Life

16.	GT Mduli	<ul style="list-style-type: none"> - Education rights - Death penalty should be imposed on persons found guilty of raping children. 	<ul style="list-style-type: none"> - Social rights - Life
17.	J McMorran	<ul style="list-style-type: none"> - Content of Bill of Rights; and relationship to Courts and legislation. 	<ul style="list-style-type: none"> - Nature of Bill of Rights - Suspension and Limitation of Rights
18.	D Nina	<ul style="list-style-type: none"> - Horizontal and Vertical Application of Rights 	<ul style="list-style-type: none"> - Nature and Application of Rights
19.	MH Prozesky	<ul style="list-style-type: none"> - Religion in Constitution and Bill of Rights. There must be a separation of state and religion. - Preamble must be reworked to deal with the issue of religion. 	<ul style="list-style-type: none"> - Religion, Belief and Opinion
20.	LV Read	<ul style="list-style-type: none"> - Bill of Rights should be entrenched in Constitution. - Gender Equality - Protection of identity and culture of groups 	<ul style="list-style-type: none"> - Nature of Bill of Rights - Equality - Group and minority rights

21.	J Roux	<ul style="list-style-type: none"> - Threefolding of social organisation ie. the independent organisation of economic, legal-rights and cultural-spiritual-educational affairs. - Constitution should form a rights-state government to establish and protect human rights. 	- Nature of Bill of Rights
22.	DG Schuster	<ul style="list-style-type: none"> - Bill of Rights should prohibit age discrimination 	- Equality
23.	M Tshiki	<ul style="list-style-type: none"> - Property rights and land expropriation 	- Property
24.	A Wilson	<ul style="list-style-type: none"> - Bill of Rights should include fundamental rights, civil liberties and equality before law. - Suspension of rights for criminals. - Against minority rights 	<ul style="list-style-type: none"> - Nature of Bill of Rights - Suspension and limitation of Rights - Group and Minority rights

NO	ORGANISATION	SUBMISSION	CATEGORY
25.	Animal Groups Alliance	- Inclusion of a clause for animal protection in Bill of Rights	- Environmental Rights
26.	Christian Science Committee on Publication for the Northern Province of South Africa	- Freedom to choose health care and practice of Christian Science	- Religion, Belief and Opinion
27.	Community Peace Foundation	- Entrenching a horizontal application of the Bill of Rights	- Nature and Application of Bill of Rights
28.	Confederation of Employers of Southern Africa	- Address application of rights by also including a horizontal application of the Bill of Rights	- Nature and Application of Bill of Rights
29.	Conscientious Objector Support Group	- Everyone should have right to conscientious objection to military service	- Obligations, Rights and Duties of Citizens - Freedom of Conscience
30.	The English Academy of Southern Africa	- Religious equality - Freedom of conscience and academic freedom is greatly welcomed. - Equality of language is problematic, although minority languages should be protected.	- Religion, Belief and Opinion - Freedom of Expression - Language and Culture
31.	Human Rights Institute of South Africa	- A hierarchy and status of the international human rights treaties should be included in the Constitution.	- Relationship between Charters of Human Rights and the Bill of Rights

32.	Institute for Human Rights Education	- Every citizen is entitled to information towards a full understanding of the Constitution and the Bill of Rights.	- Nature of the Bill of Rights
33.	Inyangas National Association	- Wish that the Association be established to operate in the whole country.	- Customary and Traditional Law
34.	Leer and Aktuele Sake, NED Geref Kerk	- New Constitution should follow basic Christian principles. - Based on this premise, there should be religious freedom and the acknowledgement of human dignity.	- Nature of Bill of Rights - Religion, Belief and Opinion - Human dignity
35.	Medical Research Council, Community Health Research Group	- Implementation of government policy can be jeopardised by a reliance on competing individual rights	- Nature and Application of Bill of Rights
36.	The Novalis Institute	- Article 26 of the UN Universal Declaration of Human Rights be included in new Constitution.	- Education
37.	Resources Aimed at the Prevention of Child Abuse and Neglect	- Equality should also be applied to gay women - Every women should have the right to choose what happens to her body.	- Equality - Life
38.	SACCAWU	- Parental rights proposal for working women and men.	- Children - Social Rights

39.	United Christian Action	- Freedom has to be based upon and in accordance with the 10 Commandments.	- Nature of Bill of Rights - Religion, Belief and Opinion
40.	The Women's Lobby	- Right to life and termination of pregnancy.	- Life