

VOLKSRaad  
POSBUS 15 KAAPSTAD 8000  
TELEFAX 52 0800  
TELEFOON (021) 403-2911

TEL NO:

#680 P01



PARLEMENT VAN DIE REPUBLIEK  
VAN SUID-AFRIKA

29 October 1993

FAX

SUBMISSION TO TECHNICAL COMMITTEE ON THE CONSTITUTION

FOURTEENTH REPORT

OMBUDSMAN:

3(2) (b)

During discussion in the Council, we reserved our position on whether the subclause as presently phrased is not in conflict with the privacy clause of the Bill of Rights, and whether the word public should therefore be inserted before building or premises.

We would now like to argue that there are sufficient statutory provisions for the gathering of evidence of criminal offence and that this provision is not truly compatible with the function of an Ombudsman.

HUMAN RIGHTS COMMISSION

6(1)

During debate in Council, we supported the ANC in asking for a representative Commission, and raised the question whether Commissioners representative of constituencies ought to be considered. We wish to refine this by suggesting the following simple insertion:

"There shall be a HRC which shall consist of 11 fit and proper persons who are representative of South African citizens.

The ideal Commissioners would be persons in touch with the aspirations of given sectors of society (in view of 3(c) especially), but not bound by constituencies. An example would be female legal academics familiar with the women's movement and recognised as leading thinkers but not formally representing the movement. There is a good case for part-time rather than full-time Commissioners to avoid any dangers of the ivory tower.

*Dene Smuts*

DENE SMUTS MP