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**CONSTITUTIONAL
ASSEMBLY**

**CONSTITUTIONAL
COMMITTEE
SUB-COMMITTEE**

**OVERVIEW OF SUBMISSIONS
RECEIVED AS AT
15 JANUARY 1996**



CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO : Members of the CC Subcommittee
FROM : Hassen Ebrahim, Executive Director
SUBJECT : Overview of Submissions received as at 15 January 1995
DATE : 19 January 1996

Honourable members

Attached is an overview of submissions received by the CA as at 15 January 1996.

P. O. Box 15, Cape Town, 8000
Republic Of South Africa

Tel: (021) 245 031, 403 2252 Fax: (021) 241 160/1/2/3, 461 4487, E-mail: conassem@iaccess.za



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THE NEW CONSTITUTION

CONSTITUTIONAL ASSEMBLY

OVERVIEW OF SUBMISSIONS RECEIVED AS AT 15 JANUARY 1996

NO	GOVERNMENT INSTITUTION	SUBJECT	SUMMARY
1	Ministry of Housing Ms Sankie D Mthembi-Nkondo	Housing	<p>White Paper on Housing: Government is under a duty to take steps and create conditions which will lead to an effective right to housing for all. It is also under a duty to refrain from taking steps which promote or cause homelessness. It is held that a person has a right to live in dignity, in habitable circumstances. Government therefore will vigorously promote an effective right to housing for all, within the resource and other limitations applicable to it.</p> <p>It is requested that no final decision on the recognition of housing as a right be taken until the Constitutional Assembly has had the benefit of considering the National Housing Board report on the matter.</p>

NO	ORGANISATION	SUBJECT	SUMMARY
1	African Ministers Churches	Religion; Equality; Life	Secular state - object to separation church / state. Sexual orientation - object to equality clause. Abortion - object.
2	Amnesty International	Life	Option 1
3	Integrated National Disability Strategy	Equality / Legislation	Falls under and covered by equality clause; everything else in document refers to legislation.
4	National Preparatory Committee for Beijing	Equality / Women	Insufficient mechanisms at all levels to promote the advancement of women.
5	Project Vote	Political Rights	Draft omits "guarantee that the government would enrol every eligible person as a voter"
6	South African Constitutional Property Rights Trust	Property	Propose distinction between 'property' & 'land'. Request meeting to explain solution.
7	State Archives and Heraldic Services	National Coat of Arms	Substantial Submission referring to all aspects of Coat of Arms

NO	INDIVIDUALS	SUBJECT	SUMMARY
1	Anderson C	Life	We need a referendum on death penalty which would prove that 80% of the population support it. English is the only international language therefore we only need English.
2	Anon	Life; Education	Death penalty - sentence according to crime without using death penalty. Education - no racial discrimination.
3	Barrett AG	Language; Equality; Freedom & security; Privacy; Assembly	Language - supports option 3 of 2nd Working Draft ie recognise all 11 languages. Regulate by national / provincial legislation. Death penalty - support. Property - not required. No housing/land clause so as not to raise expectations.
4	Bausar RP	Life; Legislation	Death penalty - support.
5	Bell S	Housing	A suggestion for housing could be building pre-fab houses.
6	Bham NGH	Language	Support one national language.
7	Bisogno I	Life	Abortion - should not be legalised.
8	Bissessur R	Life	The crime level is too high therefore the death penalty must be re-introduced.
9	Bresler HA	Life & Policing	Suggests a new right - a right to self-defence.

10	Brookes R	Life	Abortion tantamount to murder and should not be supported.
11	Brown KR	Application	Bill does not emphasise that rights also place responsibility on the self;
12	Burton-Durham P	Life	Death penalty - supports.
13	Carlisle MN	Property	Support protection of property.
14	Cassidy C	Life	A referendum will prove that the majority of SA is against abortion.
15	Chapman RE	Life	Death penalty - support.
16	Cloane TC	President; Bill of Rights	Cabinet - option 2 Equality - option 2 Life - option 2 Referendums - should be provision for Economic activity - option 3 Property - option 2 Education - option 1
17	Conway Cleaves P	Life	Constitution gives more rights to the criminal. The death penalty should be re-instated.
18	Cqamane C	Reserve Bank	Should not be independent; must become representative of public.
19	Curle UJ	Life; Bill of Rights	Support death penalty; Names to Rights must be functional eg marriage rights, citizen rights, political rights and trade rights.

20	Cutler N	Life	Suggest right to bear arms.
21	Davies H	Life	Option 2
22	De Villiers JL	Rights & Privileges	Bill as now is, reflects privileges not rights. Rights are what one is born with, not conferred upon. Any person who violates anothers rights should lose all his or her rights under the constitution.
23	De La Harpe C	Life	Change constitution to include death penalty.
24	Ditabe KT	Language; Detention without trial; Christ	English must be the official language.
25	Dredge J	Life	Death penalty - support. Abortion - freedom of choice.
26	Durbach S	Religion; Life	Religion - freedom should not extend to Satanism. Death penalty - support.
27	Eaton A	Equality	Option s8(3)
28	Famdell A	Equality	Sexual orientation - discrimination outlawed.
29	Fanders CM	Equality	s8(3) - support.
30	Fernandez U	Equality for men	There should be equality for men in the constitution.
31	Fouche A	Life	Death penalty - support option 2 in Cl 10 (violent crime should be punished by death).

32	Fourie NJJ	Equality; life; Privacy	Equality - affirmative action should be ongoing in favour of those discriminated against in the future as well. Death penalty - should be re-introduced. Privacy - clause must be scrapped as we still need to apprehend criminals & plotters against the state.
33	Gale R	Reserve Bank	The meaning of "balanced economic growth" must be clarified.
34	Giddon CJ	Freedom of Expression	Object to pornography
35	Glauber I	Life	Death penalty - re-introduce to serve as deterrent.
36	Haw RC	Life	Death penalty - debate is not focused. The solution / alternative to death penalty is long-term moral and spiritual education.
37	Haw RC	RSA /Bill of Rights	Support federal S.A. Agrees with Bill of Rights and feels it should not be detailed; Agrees with all clauses except non-property clause; non-death penalty clause.
38	Hoffman Z	Life	Propose that constitution includes death penalty; Constituent Assembly should heed call of millions and re-introduce death penalty.
39	Humphrey D	Life	Abortion - should not be legalised.
40	Jansen S	RSA	Seat of Government - supports Cape Town as the seat of government.

41	Kellerman JO	Equality	Delete S 8(2) as it is discriminatory; Affirmative action not supported because it is reverse discrimination; If affirmative action is imposed, there has to be a time frame;
42	Ketler T	Religion	Secular state (s1) - objects.
43	Ketler T	Life	Supports option 1 in favour of abolishing death penalty. However abortion should be abolished unless the mother's life is threatened.
44	Knoetze M	Bill of Rights	Suggestions for grammar
45	Kohly J	Language	English only.
46	Kolia IA	Life	Death penalty - supports.
47	Kriel J	Bill of Rights	Suggestions for grammar
48	Kriemadis G	Language	There are too many languages; Life - support option 2 Religion - no clarity on whether there is a separation between Church and State;
49	Laing SM	Equality, Life, Land & Property	Equality - support for clause Life - support death penalty Property - support property rights
50	Lutting P & F	RSA	Secular state - objects.
51	Makhura GN	Life	Support death penalty

52	Malukleke E	Life	Death penalty - support.
53	Mapoma SX	Language	Isiswati should not be an official language as few Swazi's speak it. Only true SA languages should be allowed.
54	Matthana V	Life	Support the death penalty.
55	Mazibuko GV	Symbols	Symbols - suggest new name, flag; Language - should be 2 indigenous African languages; Anthem - one anthem, do not mix 2.
56	McDonagh JP	Limitations	Society has responsibilities as well as rights.
57	McGrath MJ	Life	Death penalty - re-introduce; no guarantee for a murderers life.
58	McMorran JA	Bill of Rights	Bill of Rights - agrees except affirmative action, dignity clause, supports death penalty.
59	Mhlongo JM	Life	Death penalty - re-introduce. Present laws are protecting criminals.
60	Miya B	Legislation	Equality - racism must be removed Workers' Rights - must be secured by government inspectors Land - must be given back to black traditional leaders
61	Mofikeng IC	Languages	Supports option 1.
62	Motlokoa A	Equality	Ex-convicts should not be discriminated against.
63	Mpyana MF	Language	Official language - English.

64	Msolomba VCR	Citizenship; Language; Seat of Parliament	Citizenship (s3) - laws should be tightened. Languages (s6) - use English & another language indigenous to each areas. Capital - Parliament should move to Pretoria / any other town.
65	Msolomba VCR	Legislation	Education - suggestion for new schooling system; new grades and new disciplinary measures Language - avoid overloading school syllabi with languages; use English mainly Police - clamp down on police corruption
66	Mthembu M	Religion	Freedom of beliefs & opinion.
67	Nisbet PA	Environment; Animal rights	Environment - individuals 'duty' to protect. Animal rights - should be included.
68	Osman AE	Anthem; Freedom of expression; Life	Anthem - propose new/neutral anthem. Speech - abolish hate speech. Death penalty - support in cases of premeditated murder.
69	Peyters RG	Life' Anthem	Death penalty - support. Anthem - support Nkosi Sikeleli Africa / die Stem
70	Preston GS	Equality	Disability - there should be more "meaningful" rights of provision for the disabled.

71	Price DM	Equality	Option 2 - appears to make way for (say) a person of another gender claiming to be disadvantaged by being precluded from membership of a certain club or society whose own constitution restricts membership to those of a specific gender.
72	Richardson B	Life	Abortion - should not be legalised.
73	Rose BH	Language; Life; Labour Relations; Education & Housing	English should be official language; Support abolition of death penalty; Support right to join trade unions, but opposed to strikes; Housing and clean water should be the responsibility of local government; Support the right to basic education, free health care for children under 6 years and citizens over 60; It should be a Christian State.
74	Rose-Innes HFA	Language; Life; Traditional Leaders; et al	Language - option 3. Life - option 2 support death penalty. Labour relations - Option 3(c) include lockout. Property - option 3 is an essential right. Housing/land - not a constitutional requirement. Academic freedom - suggest debate on pornography. National Assembly - reduce numbers. Anthem - support present 'shortened' versions Flat - retain.
75	Sehleka PM	Language	Radio - to broadcast in all official languages in all provinces.

76	Skinner W	Language	English should be main official language and used in schools and tertiary institutions; A new approach to labour should be considered to stop the harmful effects of strike action.
77	Sleeman DA	Life, Security of Person, Religion	Life - oppose abortion on demand; Freedom & Security of person - clause can mean that woman can have and do what she likes with her baby; Oppose all the rights that allow abortion such as religion, belief and opinion, privacy.
78	Strauss C	Life; Religion	Death penalty & abortion - abolish Religion - the 'one God' should remain part of Constitution.
79	Sullivan M	Death Penalty	Support for death penalty
80	Tsatsa PZ	Children	Children's Bill of Rights - support.
81	van Gruening M	Equality	Sexual orientation - supports clause.
82	Van Rensburg B	Equality	Supports sexual orientation clause.
83	Van Jaarsveld AJ	Privacy of the Broederbond	Privacy - suggest clause to stop organisations like the Broederbond from operating.
84	Vogel MA	Life	Death penalty - support.
85	Wainstein M	Life; Federal system; Education	Life - option 2 Education - option 2 Property - option 2

86	Wium DJ	Anthem, Equality	We should compose a totally new anthem; Should ban gender, race and age discrimination.
87	Yoeman T	Abortion	Ban as it does not solve unwanted pregnancies.
88	Youngblood B	Equality, Life, Freedom & Security, Public Service, Policing	Equality - wording is ambiguous; Freedom & Security is unclear; Slavery and forced labour - prison reform will be hampered by this clause; Privacy - should include judicial review to stop indiscriminate police action; Expression - optional; should state all media and methods of public communication Assembly - the following was omitted: - "to be held responsible for any destruction or defacing of property and loss of adjacent business income; Political Rights - the following was omitted: "every adult citizen not convicted of a crime" and "except where there is a conflict of interest".

