

DRAFT of OLGA'S PROPOSALS
on
THE ANC CONSTITUTIONAL GUIDELINES

PLEASE NOTE :

In addition to the comments made in the General Motivating Document (as above), specific motivation will in due course be given for each clause or section of the proposals as below.

1. PREAMBLE.

* Paragraph 6 to be amended to read as follows :

" The Constitution must give firm protection to the fundamental human rights of all citizens. There shall be equal rights for all individuals, irrespective of race, colour, creed, gender, sexual orientation, economic or social status, or disability. In addition, it requires the entrenching of equal cultural, linguistic and religious rights for all."

2. BILL of RIGHTS and AFFIRMATIVE ACTION.

* Clause "h" to be amended as follows :

" The Constitution shall include a Bill of Rights based on the Freedom Charter. Such a Bill of Rights shall guarantee the fundamental human rights of all citizens, irrespective of race, colour, creed, gender, sexual orientation, social or economic status, or disability, and shall provide appropriate mechanisms for their protection and enforcement."

* Clause "k" to be amended as follows (should it be decided to retain this clause at all) :

" All citizens adversely affected by the advocacy or practice of racism, sexism, heterosexism, fascism, nazism or the incitement of ethnic or regional exclusiveness, shall have recourse to legal protection. "

3. LESBIAN and GAY CLAUSE.

* Suggested new clause "y" (International Clause becomes "z"), headed "Lesbian and Gay People" :

" A Charter protecting the rights of lesbian and gay people shall be incorporated into the Constitution."

4. PRINCIPLES of STATE POLICY.

* Following the example of the Namibian Constitution, should it be decided to have a separate chapter headed "Principles of State Policy", it is suggested that the following be included after the introductory paragraph (as below) :

" The State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at the following :

...

...

... enabling lesbian and gay people to participate openly in all spheres of society by repealing all legislation discriminating against lesbian and gay people, and by enacting legislation to ensure non-discrimination against lesbian and gay people."

5. LESBIAN and GAY CHARTER.

* It is suggested that a Charter headed "Lesbian and Gay Charter" be incorporated as an Annexure to the Constitution, together with other possible Charters (eg workers, women), after the following introductory paragraph :

" The rights of the following groups , which are recognised as requiring specific protection, are given further definition :

... (Annexure A)

... (Annexure B)

... Lesbian and Gay People (Annexure C) ..."

(Please see draft of OLGA's proposed Lesbian and Gay Charter attached)
