

not necessarily compatible with the constitution and steps should be taken to research and deal with that incompatibility. Small claims courts should be spread further geographically and should sit on a circuit basis. The sitting times of the small claims courts should be in more suitable hours as people such as labourers and domestic workers, for example, cannot travel, and do not have transport, late at night.


Awareness and educational campaign

Commission No 7 felt that the Ministry should initiate an awareness and educational campaign around the rights of "women, children, aged, disabled, etc," people. The American, Canadian, Australia and Ghanaian legislation should be considered to see how disabled persons' rights are looked after. There should be an interim disability unit to study the problem and make recommendations. A task force should be set up to consider policy in relation to victim rights and general treatment of all victims in the justice system. The rights of children should be addressed to give children access to justice. Penalties for child abuse should be made heavier. The

Justice Department should identify and publicly state which office and which people will concern themselves with the issue of physical and sexual crimes against women. The Justice Department should participate in forums promoted by the "Broader Violence Against Women Movement". There should be a special court for sexual offences along the lines of the Wynberg Sexual Offences court. There should be services for women survivors of physical and sexual violence.


Funding of legal assistance

Before the final reporting, the Minister of Justice pointed out that the Forum was to "Try to develop an understanding as to the general feeling of role players with regard to the various issues we have discussed". This the Forum did, as can be seen from the summaries of the Commissions' reports. The writer would suggest that in many respects the topics for discussion covered the whole already much discussed legal system and that there could, with some benefit, have been a focusing on topics more closely related to access to justice for the citizen. Here, one topic was under-discussed. That is the funding of legal

assistance. The system can be modified to provide better adjudication, and the bulk of discussion was focused on this aspect. But, legal representation is always necessary and requires money. The qualifications for *in forma pauperis* aid and legal aid are such that a large proportion of the population does not qualify, and does not therefore have effective access to adjudication, no matter how good it is. The Bar councils and the Associations of Law Societies have attempted to alleviate the position of the people too rich to be legal aid clients but not rich enough to afford litigation, by relaxing their rules on contingency fees and fee instalment agreements, but this is just scratching the surface of the problem. Perhaps a deeper impression can be made by allowing legal aid in deserving cases, not on an all or nothing basis as at present, but on a sliding scale designed to supplement to a greater or lesser extent a litigant's or accused's lesser or greater means. This will not cure the problem of lack of funding, however, because such a scheme would, in itself, need extra funds. This question needs concentrated attention, and perhaps, half a forum for itself. 

The draft constitution: the courts and the administration of justice

THE General Council of the Bar was represented by A P Blignault SC and B M Griesel SC of the Cape Town Bar at the recent meeting with the Constitutional Committee of the Constitutional Assembly.

During this meeting the branches of the legal profession gave their views on Chapter 6 of the working draft of the Constitution. Chapter 6 deals with the courts and the administration of justice. 

Regsopleidingforum: Vrystaat

DIÉ regsopleidingforum wat op 29 November 1995 by die Universiteit van die Oranje-Vrystaat gehou is, is namens die Algemene Balieraad van Suid-Afrika bygewoon deur Jannie Lubbe SC.

Hy meld dat daar niks nuuts voortgespruit het uit hierdie forum nie. Dit was grootliks 'n herhaling van punte wat voorheen gemaak is. Daar was egter redelike konsensus dat 'n minimum van vier jaar studie (teorie) en een jaar prakties as vereiste moet geld vir die LLB-graad.

Geen finale besluit is geneem nie en 'n kleiner werkgroep is aangestel om die saak verder te ondersoek en aanbevelings te doen. 