

C.82  
[82] TE  
ME

Civic Centre  
12 Hertzog Boulevard  
PO Box 2815  
Cape Town 8000  
Telex: 52-0966 CEECT SA  
Fax: (021) 211 980

Burgersentrum  
Hertzogboulevard 12  
Postbus 2815  
Kaapstad 8000  
Teloks: 52-0966 CEECT SA  
Faks: (021) 211 980



CITY OF CAPE TOWN  
CITY HEALTH DEPARTMENT  
STAD KAAPSTAD  
STADSGESONDHEIDS-  
DEPARTEMENT

**FAX COVER SHEET  
FAKS - BUIEBLAD**

TO:  
AAN: CHAIRPERSON,  
TECHNICAL COMMITTEE

FAX NO: (CODE) \_\_\_\_\_ (NO.) \_\_\_\_\_  
FAKSNR: (KODE) 011 (NR.) 397-2211  
OR  
397-2105  
TEL: 400-3400

FROM:  
VAN: ATICC, CAPE TOWN

DATE:  
DATUM: 11/8/1993

NUMBER OF PAGES:  
AANTAL BLADSYE: 4

MESSAGE/BOODSKAP:

Western Province AIDS Training,  
Information and Counselling Centre

Westelike Provinsie VIGS Inligting-,  
Raadpleging- en Opleidingsentrum

Ref: 5/6/6/1  
Ask for: Mrs van der Velde  
Date: 1993-08-10

The Chairperson  
Technical Committee  
Fundamental Human Rights  
during Transition  
World Trade Centre  
Kempton Park  
1619

Dear Sir/Madam

Ground Floor  
Podium Block  
Civic Centre  
12 Hertzog Boulevard  
Foreshore  
Cape Town 8000  
Tel: (021) 211-3400  
Fax: (021) 251-497  
Telex: 52 0966 CEECT SA

Grondverdieping  
Podiumblok  
Burgersentrum  
Hertzog-boulevard 12  
Strandgebied  
Kaapstad  
Tel: (021) 211-3400  
Faks: (021) 251-497  
Teleks: 52 0966 CEECT SA



872

2

re: THE ATTACHED SUBMISSIONS FROM THE AIDS CONSORTIUM AND THE SECOND NATIONAL CONFERENCE ON LEGAL RIGHTS AND AIDS, DATED 31ST JULY, 1993

ATICC Manager:  
Mrs. Patricia van der Velde  
(MSR) B. Soc Sci(Hons)  
(Psych), MA (Health  
Psychology)

VIROS-Bestuurder:  
Mev. Patricia van der Velde  
(LVR), B. Soc Wet (Hons)  
(Siek.), MA (Gesondheids-  
sielkunde)

The Western Province AIDS Training, Information and Counselling Centre wholeheartedly endorses the attached submissions to your Committee.

Until people living with HIV and AIDS have the reassurance that they will not be discriminated against, they will remain hidden, fearful of their livelihoods and general welfare. Inclusion of non-discrimination on the grounds of disability in the proposed list of protected rights will assist our and other organisations in fighting the spread of this frightening and, up until now, stigmatising disease.

We look forward to your positive response.

Yours faithfully

*Trish van der Velde*  
for  
MEDICAL OFFICER OF HEALTH



Kindly address all correspondence to:  
The Medical Officer of Health  
P O Box 2815  
Cape Town 8000  
Republic of South Africa

Rig asseblief alle korrespondensie aan:  
Die Mediese Gesondheidsbeampte  
Posbus 2815  
Kaapstad 8000  
Republiek van Suid-Afrika

RUM : HSEI

SUBMISSIONS TO THE TECHNICAL COMMITTEE ON FUNDAMENTAL RIGHTS DURING TRANSITION

In light of the Sixth Progress Report of the Technical Committee on Fundamental Rights during transition (15 July 1993), on behalf of the AIDS Consortium and those present at the Second National Conference on Legal Rights and AIDS, held in Johannesburg on 1 and 2 July 1993, we make the following submissions.

The AIDS Consortium strives to find effective ways of protecting and securing the rights of persons living with HIV or AIDS. As an end to this goal the AIDS Consortium supports a policy of non-discrimination on the basis of race, gender, sexual orientation, creed, religion, age, disability, medical condition, ethnic origin, language, colour or conscience.

It is now clear that:

1. an estimated 500 000 South African citizens are currently living with HIV or AIDS;
2. an estimated 500 people a day convert to seropositivity in South Africa;
3. infection with HIV constitutes a "disability" on the basis of which persons experience irrational and unjustifiable discrimination;
4. discrimination against people with disabilities persists in areas such as employment, housing, education, transportation and access to services; (MEDICAL BENEFITS, INSURANCE, "MEDICATION AVAILABILITY + COSTS.")

5. as a class individuals with disabilities are unquestionably able to perform in, contribute to and augment South African society;
6. the goals of eliminating discrimination and assuring equal opportunity to all individuals have now been widely accepted; and
7. discrimination against individuals with disabilities frustrates the goals of the Nation of South Africa.

On 1-2 July 1993 the Second National Conference on Legal Rights and AIDS was held in Johannesburg. Participants at the conference unanimously resolved that the Technical Committee be requested to specifically enumerate "disability" as a protected condition in Article 2(2) of the proposed list of protected rights.

#### CONCLUSION

We are advised that your committee, as well as the Negotiating Council have in fact accepted in principle the need for specific enumeration of protected conditions in the interim Constitution's anti-discrimination clause. We support and affirm this approach.

Specific enumeration of disability as a protected condition will avoid judicial uncertainty as to the interpretation of the provisions of Article 2(2). This removes any doubt as to whether a court will regard a particular condition or disability to be protected. Furthermore, enumeration will be vital in enhancing

P05

FAX NO. : 27 21 22 1961

JM : ASET

the educative role that a bill of rights would play in creating a climate of greater awareness and knowledge of AIDS and HIV and other disabilities amongst all South Africans.

31 July 1993.