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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

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The Chairperson
Technical Committee
Fundamental Human Rights
during Transition
World Trade Centre
Kempton Park
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Dear Sir/Madam

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)

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

VIROS-Bestuurder:
Mev. Patricia van der Velde
(LVR), B.Sos Wet (Hons)
(Sielk.), MA (Gesondheid-
sielkunde)

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

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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.")

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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

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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.

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