



MANCOM\SUB\GACMIN.2704 (2)

MANAGEMENT COMM\SUB-COMM\GAC\MINUTES\27 APRIL

MINUTES OF THE MEETING OF THE GENDER ADVISORY COMMITTEE HELD AT THE WORLD TRADE CENTRE ON TUESDAY 27 APRIL AT 09H30.

Adopted by the GAC at the meeting held on 4 May

PRESENT: (Addendum A)

APOLOGIES: Apologies from the Labour Party were noted

1. One minute of silent prayer

2. Opening remarks by the chairperson

2.1 It was noted that the delegates from the IFP and NIC/TIC were substitutes who were attending a meeting of the GAC for the first time.

2.2 It was noted that, in discussions with the DMC/MC the following issues had been resolved:

2.2.1 An office for the GAC was being prepared

2.2.2 Internal and external submissions to Working Group 1 had been received as requested

2.2.3 Invitations to attend a Joint Steering Committees meeting on the 28 April at 15H00 had been received

2.2.4 The DMC/MC had clarified the matter of opening CODESA meetings with prayers by saying that controversy had centred around the opening of the CODESA I plenary with inter-faith prayers, but this did not affect the workings of other CODESA forums (refer to item 5.2)

2.3 The daunting nature of the task facing the GAC was noted and M Manzini was thanked for her constructive role in the previous weeks as Interim Chairperson.

3. Adoption of Agenda

3.1 The draft agenda was adopted with the following addition under Item 8 (General):

* 8.1 Task Group to assist the GAC in the identification of existing Gender discriminatory legislation.

3.2 It was noted that the agenda would serve for the meeting on Monday, Tuesday and Wednesday 27, 28 and 29 April respectively.

4. Ratification of the minutes of previous meetings

4.1 Noting that the minutes had not been available prior to the meeting, the delegates were given five to ten minutes to study them.

5.1 Amendments to the GAC's Terms of Reference

- 5.1.1 It was noted that the DMC has indicated to the GAC that many of the amendments to the GAC's Terms of Reference proposed by the GAC were of a procedural nature and, therefore did not require amendments to the Terms of Reference, but rather agreement between the GAC and the DMC/MC.
- 5.1.2 In this regard, it was agreed that previously agreed proposed amendments to the GAC's Terms of Reference would become proposals on the functioning of the GAC and not on amendments to the Terms of Reference, except for the proposed amendment to Item 1.2 would be maintained (refer minutes of the GAC meeting held on 21 and 22 April, Addendum C).

5.2 Opening Prayers

- 5.2.1 Noting that the DMC/MC had clarified the issue of prayers at the opening of meetings, the meeting accepted submission from E Ramagobin (Addendum B) on the importance of opening prayers subject to an amendment which acknowledges tolerance towards non-believers. The meeting agreed that the rapporteurs would redraft the document, noting the aforementioned amendment, and that the redrafted document would be submitted to the DMC/MC.

5.3 The Steering Committee and Rapporteurs

- 5.3.1 A summary on the functions and duties of the Steering Committee and Rapporteurs presented by the Chairperson, J Hunter, was noted (Addendum C).
- 5.3.2 With regards to the functioning of the Steering Committee, the meeting agreed that the Steering Committee would meet for the first hour of GAC meetings (ie 09H30 - 10H30 on Mondays and 08H30 - 09H30 on Tuesdays and Wednesdays) after which they would be joined by the full GAC meeting.

5.4 Press Statements

- 5.4.1 It was noted that the DMC/Secretariat had said that press statements from the GAC could be included in CODESA press statements released every Tuesday.
- 5.4.2 It was agreed that, in order to ensure better press coverage of GAC related matters, members of the GAC should alert journalists sympathetic to gender-related issues when press statements are due to be released through the DMC/MC.
- 5.4.3 It was noted that when members of the GAC spoke to the press they did so in their individual capacities as representatives of their respective administrations/organisations/parties.

5.5 Submissions

- 5.5.1 It was noted that the internal and external submissions to CODESA supplied to the

GAC would be used as reference documents where required.

5.6 Women's National Coalition - Report

5.6.1 The following was noted with regards to the Women's National Coalition Workshop which had taken place the previous weekend:

5.6.1.1 Over 60 organisations had been represented by over 300 delegates to the workshop.

5.6.1.2 The Workshop had been a historic occasion with regards to the involvement of numerous Women's organisations and parties from across the political spectrum.

5.6.1.2 The workshop had set up a number of structures including a Steering Committee of elected individuals.

5.6.1.4 The Women's National Coalition would proceed to canvass women all over the country and draw up a Charter of Women's Rights to be submitted to a Constitution Making Body in the future.

6. Discussion of the Gender Implications of the Issues raised in Working Group 1

6.1 Gender Discriminatory Legislation (with regards to Working Group 01 and 03)

6.1.1 With regards to existing gender discriminatory legislation it was agreed that members of the GAC would, in their individual capacities, approach legal institutions or groups to ask for, on a voluntary basis, specific facts pertaining to South African or TBVC state legislation where such legislation is specifically gender discriminatory or has gender discriminatory implications, inter alia, the tabulation of any Acts with gender discriminatory implications with a brief summary of the subject matter of the said Acts.

6.1.2 With regards to the above agreement (Item 6.1.1) it was noted that the mentioned facts should be available to the GAC before 7 May.

6.1.3 With regards to the repeal of such legislation it was agreed to make a recommendation to Working Groups 1 and 3 (Addendum D, item 3).

6.2 Working Group 1 Terms of Reference

6.2.1 With regards to the amendment of the Terms of Reference of Working Group 1 the meeting agreed to make the following recommendation to the Management Committee for the MC's consideration (refer to Item 1.1.4 (c) of the Terms of

Reference of Working Group 1):

6.2.1.1 The amendment and/or repeal of any remaining laws, including customary laws, militating against free political activity, including the elimination of discriminatory legislation.

6.2.2 With regard to ensuring the free political participation of women, and noting Items 1.1.4 (k), (p) and (o) of the Terms of Reference of Working Group 1, the meeting agreed on a proposal to Working Group 1 (Addendum D, item 1).

6.3 Agreements reached in Working Group 1

6.3.1 The meeting agreed on a recommendation to Working Group 1 regarding the agreement reached in Sub-Group 2 of Working Group 1 on the definition of political intimidation (Addendum D, Item 8).

6.3.2 With regards to the recommendations above (Item 6.3.1) above, a definition of sexual harassment was outlined (Addendum E). H Narsi, the delegate from NIC/TIC, was assigned to adapt the aforementioned definition in order to make relevant to the issues raised in discussions in Working Group 1.

6.4 The composition and role of the security forces

6.4.1 Noting Item 1.1.4(c) of the Terms of Reference of Working Group 1 and with regards to the many acts of violence committed against women, allegedly by the armed forces, the meeting agreed on a number of recommendations (Addendum D, Item 6)

6.5 Political Prisoners

6.5.1 Noting the lack of agreement in Working Group 1 over the definition of political prisoners, no recommendations with regards to the gender implications of this issue could be agreed upon.

6.6 The meeting agreed that a discussion on the gender implications of media reform would take place the following week.

7. Discussion on the Gender Implications of the Issues raised in Working Group 3

7.1 It was noted that the interim arrangements should ensure that the interests of women and other gender issues are represented, in particular with regards to the interim arrangements for the budget, media, defence forces, land issues, local government and development In this regard

the meeting agreed on a recommendation to Working Group 3 re funding to ensure the meaningful participation of women in the transition (Addendum D, Item 2).

7.2 It was noted that each delegate would require legal advice before the GAC could begin an investigation of the gender implications of the Terms of Reference of Working Group 3

7.3 The submission from the Inyandza National Movement on the gender implications of the issues raised in Working Group 3 (Addendum F of the Minutes of the GAC Meeting held on 21 April) were broadly accepted in principle.

7.4 **The report by the Technical Committee to the Steering Committee of Working Group 3**

7.4.1 With regards to the report of the Technical Committee the meeting agreed on a number of recommendations (Addendum D, Item 5).

7.5 **Women and Foreign Relations in the Interim Period**

7.5.1 With regards to the participation of women in the Foreign Service in the interim and future period the meeting agreed on a recommendation (Addendum D, Item 9).

7.6 **Women and Local Government**

7.6.1 The meeting agreed on a recommendation regarding the role of women in local government in the interim and future periods (Addendum D, Item 4)

7.7 Noting that the delegate from the South African Government required consultation with her principal before a commitment could be made in discussions around the gender implications of aspects of the South African Government's land policy, discussion on this issue was deferred until the following week.

8. **Discussion on the Gender Implications of the Issues raised in Working Group 2**

8.1 The Sub-Group set up to look into the gender implications of the discussions in Working Group 2 by the GAC Interim Steering Committee meeting on 10 April gave out a written report (Addendum I).

8.2 It was noted that Working Group 2 should take into consideration the fact that, while universal adult franchise was agreed upon, customary law often defined women as adult at an age later than that of men or in Roman Dutch Law.

8.3 The delegate from the DP, G Noero gave the other delegates submissions from the DP regarding constitutional principals and the concept of a Women's Charter. Noting the comprehensive nature of the documentation it was agreed that discussion of the proposals would take place at the next meeting.

8.3.1 Noting that G Noero would have to present the DP submissions at the next meeting, it was agreed that she would be entitled to bring in a substitute from the DP who

would occupy her position as Chairperson for the duration of the discussions on the DP submissions

9. Report from the Joint Steering Committee Meeting held on Tuesday 28 April

- 9.1 J Hunter reported from the meeting of the DMC and Working Group Steering Committees which the GAC attended (Addendum F).
- 9.2 It was agreed that G Noero, the delegate from the DP, and one of the rapporteurs should attend the next Joint Steering Committee meeting on 5 May.

10. General

- 10.1.1 The submission from the Transkei Women's Coalition on the problems of disabled people in SA (Addendum G) was accepted by the GAC for presentation to the Daily Management Committee.
- 10.1.2 The meeting agreed that the GAC should, through the DMC, send a letter of congratulation to the newly elected female Speaker of the House of Commons in the British Parliament (Addendum H).
- 10.1.3 The meeting agreed on a recommendation to the DMC/MC on the use of non-sexist language in CODESA documentation (Addendum D, Item 7).

11. The meeting closed

Addendum A

The following people signed the attendance register:

ANC	M Manzini
Ciskei Government	SN Sonjica
Democratic Party	G Noero
Dikwankwetla Party	K Ngwenya
Inkatha Freedom Party	ZC Kumalo
Intando Yesizwe Party	FT Sithole
Inyandza National Movement	FS Baloi
Labour Party	MYK Bassier
NIC/TIC	H Narsi
National Party	FE Boonzaaier
National People's Party	A Rambarren
Solidarity Party	M Reddy
South African Communist Party	Z Kota-Mthimunye
South African Government	A Routier
Transkei Government	LN Jajula
United People's Front	MM Chueu
Ximoko Progressive Party	LB Kubay

Chairperson: J Hunter

Secretary: T Chikane
Minute-Taker: M Sachs

STATEMENT ON PRAYERS AT CODESA MEETINGS

The GAC notes with regret a decision taken by Codesa not to begin it's meetings with prayers.

South Africa's Population comprises of people of many different faiths and also people who do not believe. In laying the foundation for a new society, the guiding principles have to include religious tolerance.

The opening of Codesa 1 by prayers led by the different religious sectors marked the beginning of a culture of tolerance and cross-cultural respect.

If such tolerance is now withdrawn, it would signify very clearly that we are not serious about achieving a new spirit in this country.

It is important that we recognise the value of prayer and of seeking divine guidance in our deliberations, and emphasize the need for the reinstatement of inter-faith prayers at Codesa meetings and in particular at Codesa 2.

While we also recognise that silence can be a form of prayer, it does not actually entrench a spirit of tolerance and acceptance that South Africa does have many different religions and beliefs. We think therefore that it is essential that we have the mainline religions recognized and given the opportunity to open Codesa 2.

We in the Gender Advisory Group therefore strongly urge that the tradition of opening our meetings with an inter-faith prayer be reinstated.

FUNCTIONS OF THE STEERING COMMITTEE AND RAPPORTEURS

A Function of the Steering Committee

1. Prepare Agendas
2. Formulate media strategy
3. Establish programme to be discussed
4. Additional guidelines with regard to need for a rapporteur
5. Nominate chairperson for work group meetings
6. Handling of submissions
7. Determine Procedures
8. Make Recommendations
9. Identify any other function which must be addressed

Functions of the Rapporteur

1. Present reports after every meeting
2. They are not scribes or minute takers
3. They have to have drafting ability: the ability to synthesize discussions and be creative in their writings.
4. The Steering Committee is responsible for submitting the report to the Management Committee and it is the work of the rapporteurs to prepare the report which the Steering Committee will discuss and then submit it to the GAC.
5. The report can be sensitive - rapporteurs must be elected by consensus.
6. The rapporteurs cannot write up a report on the basis of minutes - debates must be written up to give the flavour of the discussion - whether there was consensus arrived at.
7. Rapporteurs should be members of the Steering Committee.

RECOMMENDATIONS AND ADVICE AGREED UPON BY THE GAC AT THEIR MEETING ON 27, 28 AND 29 APRIL

1. The Free Political Participation of Women

- A) The rights of access of women to public facilities and meeting venues should be ensured, as should their right to meet with political organisations. This recommendation is necessary so that women can participate without fear and on an equal footing in the political process. The right of access of political organisations to public facilities, and their right to meet with potential voters, is meaningless if women are excluded from the venues and meetings whether by community or private oppression.
- B) That the roles mentioned here (Item 1.1.4 (o) of the Terms of Reference of Working Group 1) concerning educative and informative campaigns should be broadened to include specific educational campaigns informing women of, inter alia, their right to vote, particularly in areas where women are unlikely to be reached by usual media.

2. The Funding of Programmes for Women

The GAC urges that Working Group 3 reach an agreement on the principle of funding and programmes to ensure the meaningful participation in, and education about the democratic electoral process. In order that women be timeously informed about the franchise, and thus enabled to participate in interim elections without fear of pressure or intimidation, it is suggested that such agreement be expeditiously concluded.

3. Gender Discriminatory Legislation

The GAC recommends the repeal of all legislation in South Africa and the TBVC states which discriminates on the basis of race, creed or gender which circumscribe and impede free political, economic or social activity. We suggest that this be attended to by a general law asserting certain basic civil and political rights, combined with an omnibus law repealing all legislation in accordance with a schedule of Acts to be provided by the GAC. We advise Working Groups 1, 2, 3, 4 and 5 to assist in the identification of such legislation.

4. Women and Local Government

The GAC advises that special mechanisms be created to promote the participation and representation of women in local government structures, so that these structures more closely reflect the gender composition of the populace. Any projects undertaken during the life of CODESA and the Interim or Future Governments should be aimed at the interests of all groups in local communities including women.

5. The Technical Report to the Steering Committee of Working Group 3

The GAC advises the Technical Committee, Working Group 3 and its Steering Committee on the following points concerning the Technical Committee's recommendations:

- 5.1 In addition to Item 7.1 of the report:
"* Shall include women in its composition."
- 5.2 Item 10 of the report should state:
"The transitional executive structure will be constituted by legislation agreed to by Codesa, will have a multi-party character, including women and be . . ."
- 5.3 The reference to "persons" in line 14 of Item 10 of the report should be replaced by a reference to "men and women".
- 5.4 Line 5 of Item 14 of the report should read:
"Save for agreement that the TEC must have multi-party character, including women, the precise criteria . . ."
- 5.5 It is also recommended that the proposed TEC should include a Gender Structure, the exact nature of which is still to be determined.
- 6. On the composition and role of the security forces**
- 6.1 The many acts of violence committed against women allegedly by the security forces are a source of grave concern. In this regard the GAC recommends that:
- 6.1.1 any such crime be immediately investigated;
 - 6.1.2 violent crime against women be treated with stricter and more stringent disciplinary action;
 - 6.1.3 when searches of homes are conducted, women police must accompany male police;
 - 6.1.4 the position of high ranking officers who are unable or unwilling to maintain adequate control over their forces be urgently reviewed;
 - 6.1.5 any peace keeping force should include women within their structures at all levels;
 - 6.1.6 the gender sensitivity of these forces (as in item 6.4.1.5) be monitored;
 - 6.1.7 all individuals be informed of their rights with regard to the role and functions of these forces (as in 6.4.1.5);
 - 6.1.8 these forces (as in 6.4.1.5) be trained to be gender sensitive and to ensure that they do not violate the rights of women.
- 6.2 It is also recommended that any Security Force established in the country, including the TBVC states, must begin to immediately redress race and gender imbalances both in their composition and functioning at all levels and introduce a Code of Conduct and norms which will create confidence among all the people of South Africa.

7 Non-Sexist Language in CODESA documentation

The GAC recommends that CODESA documents should explicitly define the word "person" as referring to both men and women.

8. Political Intimidation and Women

8.1 With regard to the agreement reached by sub group 2 of Working Group 1 on the Definition of Political Intimidation, the meeting recommended that the following additions be made to the activities which would, as per the aforesaid agreement, be considered, in particular, as forms of political intimidation (refer to Item 4.2 of the Minutes of the meeting of Sub-Group 2 of Working Group 1, 2 March):

- 8.1.1 To compel women, both within and outside the home, by virtue of the "power" vested in men with whom they may associate, to adopt a particular political position; or to similarly prevent women from engaging in free political activity.
- 8.1.2 To use political patronage in any form that threatens or denies an individuals political, social and economic rights, especially noting that women are frequently the victims of such practices.
- 8.1.3 To sexually harass any individual and thereby prevent him/her from the freedom of the right of expression/opinion, association and movement.

8.2 With regards to agreements reached by Sub-Group 2 of Working Group 1 about the implementation and interpretation of the National Peace Accord, the meeting recommended that the following additions be made (refer to Item 6.1.6 and Item 6.4.1, respectively, of the minutes of Sub-Group 2 of Working Group 1, on 7 April):

- 8.2.1 That the reference to "Business representatives" in clause 7.4.4.3 of the NPA be interpreted to include representatives from professional and women's organisations.
- 8.2.2 The NPA make special efforts to include representatives of relevant local and tribal authorities as well as local women's structures into all RDRC and LDRC structures.

8.3 With regards to item 8.2.2. above (and with specific reference to items 6.1.6, 6.3.2, 6.4.2, 6.5.2, 6.6.2, 6.6.3 and 6.8 of the minutes of the meeting of WG1 SG2,7 April) it was recommended that as part of its input on the interpretation and implementation of the NPA Working Group 1 recommend that women be included in all structures created by the NPA, RDRC's and LDRC's to ensure that gender implications of all decisions and functions of these structures, are considered.

9. Women and the Foreign Service

Noting that South Africa's foreign relations have mainly been conducted by men, in the future period

women should be trained, employed, promoted and recognised on an equal basis with men within the diplomatic service. Any existing discriminatory regulations and practices with respect to gender and race in South Africa's foreign service need to be removed.

DEFINITION OF SEXUAL HARASSMENT

(As adapted from C Sutherland and S Brazilli;Raven Press;1991;p197)

Unwelcome sexual advances, requests for sexual favours , and other verbal or physical conduct of a sexual nature ... when:

- * submission to such conduct is made, either explicitly or implicitly, a term or condition of an individuals employment;
- * submission to or rejection of such conduct by an individual is used as the basis for employment on a daily basis;or
- * such conduct has the purpose or effect of unreasonably interfering with and individuals performance or daily life creating and intimidating, hostile or offensive environment.

REPORT FROM THE JOINT STEERING COMMITTEE MEETING ON 28 APRIL BY J HUNTER

1. Liaison with Working Groups

It was noted that the GAC would be allowed to attend Working Group meetings. Working Group 5, in particular, invited the GAC to attend one of its meetings the following week.

2. Delegates to the GAC

The Management Committee reported that it had accepted the recommendation that the GAC could be composed of one delegate and one advisor for each participating administrations/organisations/parties.

3. Rapporteurs Reports

It was noted that Rapporteurs reports from the five Working Groups would be made available to the GAC.

4 Representation of Women at Codesa II

The Management Committee reported that it had acted on the GAC's recommendation and sent a circular to all administrations/organisations/parties urging them to include more women in their delegations to the plenary of CODESA II and, in particular include their delegates to the GAC in their delegations.

5. Progress in Working Groups

A general discussion was held regarding the progress made in the Working Groups. All Working Groups indicated that they would be able to submit reports outlining the areas of disagreement and those issues on which consensus was reached, by the following week. It was noted that every Working Group should make recommendations to the DMC/MC with regards to the workload facing them. It was suggested that , in this regard, a team of experts be compiled. It was noted that each Working Group was required to report to CODESA II about their position and make recommendations.

5.1 Sub-Group 2 of Working Group 1

Sub-Group 2 of Working Group 1 reported that it would divide their submission into the following three areas:

- * Areas of Agreement
- * Areas of no Agreement
- * Areas of Firm Consensus

5.2 Working Group 2

It was noted that reports from Working Group 2 would be submitted to the GAC. The reports would cover:

- * General Constitutional Principles

* A Constitution Making Body

5.3 Working Group 5

Working Group 5 noted its concern about the lack of progress made. Sub group 2 of Working Group 5 noted the importance of producing an electoral act before elections could take place.

6. The Future of the GAC

The way forward after Codesa II was discussed and it was noted that, due to the large amount of unfinished business facing the GAC, the GAC could possibly continue to function after the plenary session.

7. Next Meeting

The GAC was invited to attend the next joint Steering Committee meeting on Tuesday 5 May at 13H00.

**THE TRANSKEI WOMEN'S COALITION ON THE PROBLEMS
DISABLED PEOPLE IN SOUTH AFRICA**

INTRODUCTION

It is the right of every individual to enjoy the wealth of his/her country and therefore every person has a right to have access in that.

We should bear in mind that the necessity of preventing physical and mental disabilities of assisting disabled persons to develop their abilities in the most varied fields of activities and of promoting their intergrations as far as possible in normal life.

In order to maintain the wealth, every person has to contribute activity ~~wha~~ether being able or disabled.

Each individual potential has be used up to its utmost best. Therefore the Transkei Women's Coalition has specifically identified the disabled to be people, with potential, who will efficiently contribute towards the development and running of their country.

We reaffirm our faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person and social justice. We as mothers also need to see that these people has a place in the new South Africa.

1. PROBLEMS OF THE DISABLED PEOPLE

- 1.1 Attitudes: Family
Community
Employment
Government
- 1.2 Rejection\overprotection
- 1.3 Ridicule
- 1.4 Discrimination

"They are further handicapped by inherent prejudices and attitudes to disabled people. Presence of an impairment leads to rejection and isolation from experiences that are part of normal development."

2. Disadvantaged even with regard to the basic human rights
Maslow's Theory of needs."No provision for those people in perpetuity. There is an element of welfare which frees caregivers who look after the permanently disabled.

- 2.1 First level - Shelter, food, clothing, love etc.
- Second level- Security, education, intergration.
- Third level - Belonging, acceptance, empathy.
- Fourth level- Self esteem, achieve, and grow.
- Fifth level - Selfactualisation, Dignity.

3. UNDERDEVELOPMENT

These people are underdeveloped, as a result of illiteracy, forcefull restricted to read up to standard 7 and become only telephonists, this be forced to school leavers early when the ability, capability and eagerness to read more is there. Blacks suffer the most in the above aspect.

4. EMPLOYMENT

Discriminated against or exploited and easily sacked. Abuse of authority by officials towards the disabled people.

5. PENSION/DISABILITY RIGHTS

Many people of those in power do not see the urgency for the grants. These people are expected to leave upon the mercy of Almighty God.

6. ARCHITECTURAL BARRIERS

6.1 Government Structures

The disabled are forced to get into administrative offices, Court Rooms, Magistrate offices etc.

6.2 Business Structures

They are still consumers even if they are disabled, barriers like narrow footpaths, steps, revolving entrances in shops or chemists bar their entry. Parking bays, roads, pavements with no ramps pose a problem to mobility.

6.3 Housing

The disabled people need to be considered for housing, housing plans should accommodate them all the time because even the able might end up disabled at the end of the day. Some of them have families even if they are disabled due to violence etc.

6.4 Inhumane Treatment of the Disabled

Institutions:

6.4.1 If one is blind and stays with an abled person for assistance, the able will be chased away because she/he is not blind, meanwhile, that person is there to assist the relative in washing, feeding and walking. Review of institutional policies is necessary.

6.4.1 Inadequate Rehabilitation and Health Services

The disabled suffer a lot in the above aspect because, even if a person could still develop the remaining potential. The black population has nothing to offer for these group of people. Home care not available.

6.4.2 Lack of Resources and Facilities

There is a great problem in getting suitable wheelchairs, spectacles, hearing aids, shoes at a cost made for the group of people. At the worst, when these aids are out of order, the repairs system is not available or exceptionally scarce. All the resources and facilities are far beyond the disabled financial resources.

7. Transkei Women's Coalition stand for the basic human rights of the underdeveloped, disadvantaged and discriminated disabled people.

We request the authorities concerned with the new constitution to spell out clearly the matters affecting the disabled people. Bearing in mind that may be able today and be disabled tomorrow.

7.1 The constitution should look into the following:

- Quota system in employment
- Mainstreaming of education
- Removal of architectural barriers by law
- Housing - Even if unmarried, houses should be allocated to them, suitable to their needs for independent living
- Pension/Disability rights as well as attendants allowance to be included in their pensions.
- Transport - Accessive transport be provided by law.

8. Recommendations

Education

Mainstream and compulsory education for physically disabled people to be intergrated in schools for the able.

Training facilities should be available for the disabled.

Housing : Every house build should be built to suit the needs of the disabled.

Health : Rehabilitative resources and material resources are inadequate and unsatisfactory, statistics submitted by hospitals should include the number of disabled served by those hospitals.

Mobility: Wheelchairs ordered by relevant department should be suitable for daily wear and tear of constant use.

Have sides that do not come out.

Disabled should be contacted for the type of wheelchair they need.

Transport: Taxis and buses must have access for the disabled by law.

Employment: The disabled need equal opportunities of employment facilities just like any able person, as long as one has the potential for the job.

CONCLUSION

The future constitution should look seriously into this presentation bearing in mind the present accident rate and violence. Every human being should be considered in the drawing/planning of the new constitution.

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MANAGEMENT COMMITTEE\SUB-COMMITTEE\GACMINUTES\27 APRIL

Ms Betty Boothroyd,
c/o The British Embassy,
Cape Town.

Addendum H

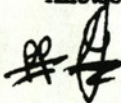
Dear Ms Boothroyd

On behalf of the newly formed Gender Advisory Committee of the Convention For a Democratic South Africa (CODESA), we offer you our heartfelt congratulations, on your unique appointment as Speaker of the British Parliament.

Our newspaper reports tell us that you were elected against heavy odds - as a member of the Labour Party, as a back bencher and as a women. The fact that none of these factors defeated you in your quest is a heartening indication to those of us who are beginning the move into what we intend will be a non-racial, non-sexist and democratic South Africa.

The actions of women such as yourself inspire us to believe that we as the women of South Africa can turn mere intentions into actions.

We greet you
Khotso Uxolo Peace



CHAIRPERSON,
THE DAILY MANAGEMENT COMMITTEE
CODESA



THE GENDER ADVISORY COMMITTEE

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

PO Box 507, Isando, 1600, South Africa.
Telephone (011) 597-1108/09. Fax (011) 597-2211

CODESA'S GENDER ADVISORY COMMITTEE

**WORKING GROUP 2 - GENERAL CONSTITUTIONAL PRINCIPLES
CONSTITUTION - MAKING BODY/PROCESS**

TERMS OF REFERENCE

The GAC should note with optimism the statement made to Working Group 2 at its meeting of 20 January 1992 : The Terms of Reference of WG2 are "open-ended and delegates should be free to broach any issue relevant to the group's work".

POSSIBLE AREAS OF CONCERN AND ACTION

1. FIRST ASSIGNMENT OF WORKING GROUP 2

1.1 General constitutional principles

- 1.1.1 To investigate, report upon and make recommendations with regard to general constitutional principles which should be enshrined in and not contradicted by any other provisions of a new constitution
- 1.1.2 Identification of the key issues and problems that need to be addressed
- 1.1.3 Identification of areas of commonality and agreement which already exist

1.2 Specific areas for consideration by WG2

- 1.2.1 The following areas for discussion clearly lead the way to full constitutional rights for women and as such should be used as the springboard for any negotiations between the GAC and WG2 :
 - a. non-sexist state and society
 - b. equality before the law
 - c. equal franchise for adults
 - d. common voters' roll
 - e. diversity of interests
- 1.2.2 The reference to a "justiciable bill of fundamental human rights" is a crucial area of concern to the GAC and I recommend that it be treated as a special issue on its own. (See point 3.5.2 below.)

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1.2.3 The issue of the "rigidity" of the constitution needs careful consideration as any issues relating to gender not included in the initial drafting of the constitution may be ineligible for inclusion at a later date.

1.2.4 Two crucial issues are :

a. the ultimate power of the interpretation of the constitution being vested in the judiciary, and

b. the principle that judges be appointed by an independent commission.

Clearly the compositions of both the judiciary and the independent commission are of crucial importance. The GAC will need to make recommendations about the number of women, specifically black women, appointed to both. (Please refer to the accompanying article from The Star dealing with this issue.)

1.2.5 The GAC needs to appoint a legal expert to investigate the issue of the "preservation of Roman Dutch law and its judicial systems" and the implications for gender rights in a new constitution.

1.2.6 The concept of a "genuine devolution of power" has clear ramifications for women and warrants further investigation by the GAC.

1.2.7 Whatever "economic principles", if any, are enshrined in a new constitution, they need to be able to redress the imbalances of women's economic power in South Africa. The SACP recommended that the constitution should not prescribe economic policies or provisions.

1.2.8 A further issue raised by the SACP and the ANC was that of "affirmative action" in some way being included as an essential point in the constitution. The DP asked for a balance between defensive and assertive rights in a Bill of Rights.

2. SECOND ASSIGNMENT OF WORKING GROUP 2

2.1 Constitution-making body/process

2.1.1 to investigate, report upon and make recommendations re appropriate constitution-making body/process

2.1.2 identification of key areas and problems

2.1.3 identification of areas of commonality and agreement already existing

2.2 The terms of reference for this first assignment include a list of Specific issues to consider about the constitution-making process. What follows are extracted points which appear to be of direct or indirect interest to the GAC.

2.2.1 The "process through which a new constitution may be formulated" needs in some clear way, to guarantee the direct participation of women.

2.2.2 Two further questions are how far the process can be taken by Codesa itself and at what stage a special constitution-making body should be constituted. However these issues are decided, the GAC must be able to ensure that gender issues play a major role.

2.3 Specific issues to consider about the constitution-making body raise the following points, most of which have already been mentioned and all of which have direct bearing on gender issues:

2.3.1 its composition

2.3.2 its legal status

2.3.3 its authority, particularly relating to a tiered system of government

2.3.4 its method of functioning

2.3.5 status of its decisions

2.3.6 appropriate electoral process

2.3.7 On 7 April, the Chairperson made a number of recommendations about the body, two of which emphasise the the urgency of the GAC's involvement in the decision-making of WG2 :

- a. the body to be bound by the parameters of agreements at Codesa, including the Bill of Rights
- b. decisions regarding procedures to be made only as agreed to by Codesa

3. PROVISIONAL AREAS OF COMMONALITY THAT ALREADY EXIST IN WG2
(extracts only)

- 3.1 South Africa will be a democratic, non-racial, non-sexist, sovereign state.
- 3.2 The constitution shall be the supreme law.
- 3.3 All will enjoy universally accepted human rights, civil liberties including freedom of religion, speech and assembly.
- 3.4 The legislative branch of government will embrace (inter alia)...universal adult suffrage, a common voters' roll....
- 3.5 The judicial branch of government will include :
- 3.5.1 A judiciary that will be independent, non-racial and impartial. (There is no reference to "non-sexist".)
- 3.5.2 An entrenched and justiciable bill of rights. (No reference is made to a specific charter on gender issues. Quite clearly, the GAC is in a powerful position to push this issue. What emerges from the Women's Coalition workshop may be the bargaining document.)
- 3.5.3 A legal system that guarantees the equality of all before the law.
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DOCUMENTS NOT IN PACK

Numerous documents referred to in the minutes of WG2 were not included in the pack given to GAC delegates. I suggest that the following documents are released by the Secretariat to the GAC for perusal:

1. submissions re draft constitutional principles from all delegates
2. draft principle on bill\charter of fundamental rights from SC
3. draft principle on economic issues from SC
4. submissions re constitution-making body and its procedures from delegates (also statements re transitional arrangements)
5. submissions from non-Codesa organisations/individuals (incl summary of these)

AGENDA FOR WORKING GROUP 2'S MEETING OF 21/4

inter alia :

1. inclusion of new provisional area of commonality : open, accessible and accountable government
2. discussion document :

KEY ISSUES TO BE ADDRESSED (extracts)
(drawn up by SC, distributed to WG2 on 11/2)

5. The bill/charter of fundamental rights including :
 - 5.1 Its nature and scope
 - 5.2 Affirmative action
 - 5.3 Second generation rights
6. Role of traditional leaders

F WALLACE (SACP)
1992-04-14