

# African National Congress Western Cape Region

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### FACSIMILE TRANSMISSION

Date: 15/2/94 Fax Number: 222626

To: Albie Sachs Attention:

From: Sue No. of pages (incl. this one): 4

Message:

Please fax to  
Carl at 011-333-8870

**AFRICAN NATIONAL CONGRESS****DEPARTMENT OF INFORMATION AND PUBLICITY****PO Box 61884, Marshalltown 2107, Johannesburg  
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**To: ANC WESTERN CAPE MEDIA LIAISON  
Attention: SUE DE VILLIERS (URGENT!)  
Fax No: (021) 478-432  
Date: 15 February 1994  
No. of pages including this one: 3  
Sent by: Carl Niehaus**

**Message:**

Dear Sue

Please ask Albie Sachs to answer these questions urgently for us.

We are placing an add about gay rights in the next edition of EXIT and it will be good if addition these questions can be answered.

We need the answers by the latest tomorrow morning at 10:00. Please let me know asap if Albie can do it, so that I can make alternative arrangements if he can't.

Many thanks

Amandla!

Carl

PS. Please remember to send me the information about the people who have endorsed madiba during the past weekend. Thanks.

## QUESTIONS FOR THE ANC

The Bill of Fundamental Human Rights contained in the new South African Constitution protects the right of all South Africans to equal treatment by the law. It also prohibits discriminatory practices against individuals on various grounds. Discrimination on the basis of race and also on the basis of sexual orientation is outlawed. This provision means that for the first time gay and lesbian South Africans should be accorded no different treatment legally to that afforded heterosexual South Africans.

- 1 Did the ANC support this provision in the Bill of Fundamental Human Rights? Why?
- 2 Does the ANC have an official policy on gay and lesbian equal rights issues? If so, what is the policy?
- 3 Now that this provision forms part of the South African Constitution, how do you see your party supporting the right of gay and lesbian South Africans to protection from discrimination?
- 4 The Constitution also provides for affirmative action programmes to be instituted to assist groups who have traditionally experienced discrimination to achieve full freedoms under the Bill of Fundamental Human Rights. What affirmative action programmes relating to the gay and lesbian community does the ANC envisage instituting or supporting?
  - 4.1 A recent judgment of the Cape Provincial Division of the Supreme Court held that the sodomy laws, which discriminate against some male gays in particular cannot survive inquiry under the new Bill of Fundamental Human Rights. Will the ANC support the repeal of such legislation which discriminates against gay people?
  - 4.2 Will the ANC support a Bill providing for civil recognition of stable and committed partnerships for both gay and non-gay South Africans along the same lines as that adopted in 1988 by the Danish Parliament?
  - 4.3 Under an ANC government, would a gay or lesbian person who was suitably qualified be able to be a General in the future National Defence Force?
  - 4.4 Will the ANC support and prescribe a programme of sensitivity education for civil servants and particularly members of the Police Force about gay and lesbian issues and rights as part of an affirmative action programme?
- 5 As a significant minority grouping, how important is the gay and lesbian vote to the ANC in this election?
- 6 Has the ANC opened a dialogue with any gay and lesbian support groups in order to establish a formal policy and understand the particular areas of discrimination which they encounter?
- 7 The ANC has been careful to balance the various constituencies within its ranks by ensuring representation of such groups in its official election lists. To what extent has the gay and lesbian community been represented on the ANC's election lists at both provincial and national level?
- 8 At the NUMSA Congress in Johannesburg in 1993, a motion by the Western Cape branch calling for discrimination on the basis of sexual orientation as an unfair labour practice was defeated and many delegates voiced vociferous opposition. Many of the members of NUMSA are also members of the ANC. Does the ANC agree that discrimination on the basis of sexual orientation in a labour context constitutes an unfair labour practice?
- 9 A succession of ANC leaders have made derogatory remarks about gay people and then retracted them. These include Thabo Mbeki and Tokyo Sexwale. Other leaders such as Tony Yengeni have made derogatory comments without retracting them. Why should gays and lesbians support the ANC in this election when there appears to be no guarantee of their rights being understood and protected by the leadership of the ANC?

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The ANC espouses a strong alliance in this election together with the SACP. Without exception, Communist countries around the world have been the most repressive in dealing with gays and lesbians. Cuba, a country lauded by Comrade Mandela as a friend of the ANC has one of the most vociferous campaigns in the modern world against homosexuals. What is the position of the ANC's alliance partner, the SACP, on gay and lesbian equal rights issues? Why should gays and lesbians believe that the South African experience will be any different to the Cuban experience?

\*\*\*\*\* TX REPORT \*\*\*\*\*

Feb. 15 1994 9:21PM

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