



TO : MEMBERS OF THE GENDER ADVISORY COMMITTEE,
CO-ORDINATORS OF POLITICAL PARTIES

FROM : CODESA ADMINISTRATION

QUERIES : LOVEDALIA / LORRAINE

PLEASE WOULD NOMINATED HEADS OF DELEGATION OR CO-ORDINATORS FOR THE WORKING GROUP, ENSURE THAT THIS DOCUMENT IS DISTRIBUTED CONFIDENTIALLY TO ALL MEMBERS OF THE WORKING GROUP REQUIRING IT, INCLUDING DELEGATES, ADVISERS AND MEMBERS OF THE WORKING GROUP STEERING COMMITTEE (WGSC) WHERE APPROPRIATE.

THANK YOU.

GENDER ADVISORY COMMITTEE

- ANC
 - Negotiations Comm 011-333-4509
 - M Y L Myakayaka-Manzini 011-339-6649
 - F Adam 011-333-9090

- CISKEI GOVERNMENT
 - LS Mqalo 0401-95-2148
 - S N Sonjica 0401-95-2148

- DEMOCRATIC PARTY
 - Off : Z de Beer 021-461-0092
 - G Noero 011-486-1068
 - S Gon 011-782-3641 or 834-6701
 - J Kinghorn 011-442-5680
 - S Botha 01413-33033

- DIKWANKWETLA PARTY
 - K S Ngwenya

- INKATHA FREEDOM PARTY
 - S Felgate 0358-20-2167
 - S Vos 011-444-3198
 - Z C Kumalo 011-873-9527
 - D Bjorkman 011-646-0685

- INTANDO YESIZWE PARTY
 - M J Mahlangu
 - c/o J S Mabona 01215-2548
 - N Mabeko 01215-2808
 - F Sithole 01215-2808

- INYANDZA NATIONAL MOVEMENT
 - P M H Maduna 013140-606
 - F Baloi 013140-862
 - T G Nkambule (013140) 606

~~LABOUR PARTY~~

~~M Y K Bassier~~ ~~Courier~~
~~S M Landers~~ ~~031-703-2965~~

NIC/TIC

P G Gordhan 031-309-2278
P Pillay 031-507-8430
E Ramgobin 031-307-4001
H Narsee

NATIONAL PARTY

J Hunter

NATIONAL PEOPLE'S PARTY

M Mohanlall 021-403-2971
A Rambarran 031-307-4001

SOLIDARITY PARTY

D Moodley
M Reddy

SA COMMUNIST PARTY

G Fraser-Moleketi 011-836-8366 or
011-838-2816
F Wallace 011-834-6161
J Quince 021-47-8374
Z Mthimunya 011-836-8366

TRANSKEI GOVERNMENT

Z Titus 0471-23876
L N Jalula 0471-23876

TRANSKEI WOMEN'S COALITION

N Tsewana 0471-31-1837

UNITED PEOPLE'S FRONT

c/o PR Chief Min 0156-35244
M Chueu 0156-37112
M Lekganyane
O B M Mamabolo 0156-37112

XIMOKO PROGRESSIVE PARTY

J C Ackron 01526-23140
L B Kubay 01526-23551



MANCOM\SUB\GACMIN.04.05 (2)

MANAGEMENT COMM\SUB-COMM\GAC\MINUTES 4 MAY

DATE: 8 May

TO: **ALL DELEGATES AND ADVISORS TO THE GENDER ADVISORY COMMITTEE**

FROM: Michael Sachs

RE: **DRAFT MINUTES OF THE MEETING OF THE GENDER ADVISORY COMMITTEE HELD AT THE WORLD TRADE CENTRE ON MONDAY TO WEDNESDAY 4 - 6 MAY**

&

REPORT OF THE GENDER ADVISORY COMMITTEE TO THE MANAGEMENT COMMITTEE FOR CODESA II



MANCOM\SUB\GACMIN.04.05 (2)

MANAGEMENT COMM\SUB-COMM\GAC\MINUTES 4 MAY

THESE ARE DRAFT MINUTES AS APPROVED BY THE CHAIR. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE GENDER ADVISORY COMMITTEE, ITS STEERING COMMITTEE, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO RATIFICATION BY THE GENDER ADVISORY COMMITTEE AT ITS NEXT MEETING.

DRAFT MINUTES OF THE MEETING OF THE GENDER ADVISORY COMMITTEE HELD AT THE WORLD TRADE CENTRE ON MONDAY TO WEDNESDAY, 4 - 6 MAY, 1992.

PRESENT (Addendum A)

APOLOGIES: Apologies were noted from the following:

The NPP advisor
The Dikwankwetla Party advisor.

1. Opening Prayer

2. Opening remarks by the chairperson

2.1 The meeting noted that, as per the agreement of the GAC at their last meeting, J Kinghorn of the DP, would be substituting for G Noero, of the DP, as chairperson in order that G Noero be enabled to present the DP submission on the gender implications of the issues raised in Working Group 2.

2.2 It was noted that advisors were now in attendance as requested by the GAC. In this regard it was noted that although advisors did not have speaking powers, the DMC/MC indicated that should the GAC agree on that advisors could speak, this would not be out of order.

3. Adoption of Agenda

3.1 The agendas for the 4, 5 and 6 May were accepted without amendment. (The agendas appear in consolidated form in addendum B)

4. Ratification of previous minutes

4.1 Noting that the minutes of the 27 -29 April had not been available to the members of the GAC before that day, the members of the GAC were given 30 minutes to study them before ratification.

- 4.2 The minutes of the meeting held on 27 - 29 April were ratified by the meeting with the following amendments:
- 4.2.1 Item 5.6 header amended to read "Women's National Coalition - Report"
 - 4.2.2 Item 6.1 header amended to indicate the reference to Working Group 1 and 3 in the content of the item.
 - 4.2.3 Item 7.8 to be omitted completely.
 - 4.2.4 An error in numbering of items 8, 9, 10 and 11 to be corrected.
- 4.3 With regards to the agreement reached in item 6.2.1.1 of the minutes of the meeting held on 27 - 29 April the South African Government indicated that it did not consider itself as having participated in the agreement (refer to item 5.4 below).

5. Matters arising from previous meeting

5.1 The GAC Office

Keys were made available for the GAC office during the course of meeting.

5.2 Press Statement

The Steering Committee drafted a Press Statement, which was ratified by the meeting, to be submitted to the DMC/MC for inclusion in the weekly CODESA press statement (Addendum C). It was agreed that those administrations/organisations/parties which had agreed to include their GAC delegates in their delegations to CODESA II would be explicitly mentioned in the press statement.

5.3 Facts pertaining to Gender Discriminatory Legislation

It was noted that, due to the voluminous nature of such facts (refer to item 6.1.1 of minutes, 27 - 29 April), the individuals who would provide them should attempt to divide legislation into Acts which immediately affect the period of transition and those which are generally gender discriminatory but which do not have immediate relevance.

5.4 Amendment to Working Group 1 Terms of Reference

Noting that the South African Government had indicated that it did not regard itself as having participated in the agreement on an amendment to Working Group 1 Terms of Reference (refer to item 4.3 above) and had objections to the formulation agreed to (as reflected in item 6.2.1.1 in the Minutes of 27 - 29 April) the meeting agreed that the proposed amendment to Item 1.1.4 (c) of the aforementioned document would instead read:

"The amendment and/or repeal of any remaining laws militating against free political

activity including the elimination of racial and gender discriminatory legislation."

5.5 A Definition of Sexual Harassment

5.5.1 The NIC/TIC and DP delegations submitted proposals on the reformulation of the definition of sexual harassment (refer to item 6.3.2 of the minutes of the meeting held on 27 April).

5.5.2 Noting the need to propose a general and concise definition the meeting agreed on the following formulation:

"Sexual harassment, in general terms, is defined as sexual advances without express consent, including innuendos or language of a defamatory or offensive nature, in all spheres, including political, social and economic life and in the media."

5.6 Proposal on the Media and Women

Noting inputs from various delegations on a recommendation regarding the media and women, the meeting agreed on a recommendation (Addendum D, Item 1).

5.7 Observer at Working Group 5 Meeting

Noting the urgent and pressing nature of the work facing the GAC, the meeting agreed not to send any observers to the Working Group 5 Meeting held on 4 May.

5.8 Land and Women

After the delegates had consulted their principals on the issue, no consensus could be reached on two proposals (Addendum E).

6. Discussion on the Gender Implications Raised in Working Group 2

6.1 The DP and SACP delegations presented submissions on General Constitutional Principles and the Constitution Making Body/Process which were distributed to the delegates present.

6.2 Discussion ensued on the principles and gender implications of:

- * An equality clause in the Constitution and Bill of Rights
- * The qualification of the proposed equality clause
- * "Affirmative action" and the Constitution and Bill of Rights
- * A charter or other document enshrining women's rights in the Constitution and Bill of Rights.
- * The Constitution Making Body/Process

- 6.3 The meeting agreed on a set of recommendations to Working Group 2 regarding Constitutional Principles and the Constitution Making Body/Process(Addendum D, Item 2).

7. Discussion on the Gender Implications of the Issues Raised in Working Group 4

- 7.1 The NPP presented a verbal submission on the developments in Working Group 4 and their gender implications.
- 7.2 The DP presented a submission on the gender implications of the issues raised in Working Group 4 which were given to the delegates present.
- 7.3 The Final Draft of the Report of the Task Group of Working Group 4 (5 May) was noted. This document was used as a basis for discussion on the issue.
- 7.4 It was noted that all recommendations made by the GAC concerning other Working Groups would apply to the TBVC states until the time of their reincorporation.
- 7.5 It was noted that a discussion on the TBVC states should recognise that each of these states had particular characteristics.
- 7.6 It was agreed that, due to time constraints, a full discussion on the gender implications of the issues raised in Working Group 4 would take place at the next meeting. In this regard it was noted that although the outcome of such a discussion could not be included in the report to the DMC/MC for CODESA II, it would, in any case, be useful to the delegates for such a discussion to take place.
- 7.7 It was agreed that a discussion on the gender implications of traditional leaders and their participation in CODESA might be incorporated into the discussion on Working Group 4 at the next meeting. In this regard delegates were advised to consult their principals on the issue in order to expedite discussion at the next meeting.

8. The GAC's Report to the Management Committee for CODESA II

- 8.1 The two GAC delegates to the Joint Steering Committee Meeting held on 5 May reported that the DMC/MC had indicated the following points regarding reports for CODESA II.
- 8.1.1 CODESA II would not be opened with speeches as was the case with CODESA I, but instead there would be a progress report.
- 8.1.2 The reports from the Working Groups and Committees should be in written form.
- 8.1.3 The reports should outline (a) areas where agreement had been reached, (b) areas where no agreement had been reached and (c) the way forward.
- 8.1.4 The reports should be submitted to the Secretariat no later than 7 May.

8.1.5 The report presented to CODESA II may be an ombud report covering all the Working Group and Committee reports in one package.

8.2 It was agreed that the report should reflect the areas where the GAC had reached no consensus as well as the recommendations that had been agreed upon. With regard to areas of no consensus it was agreed that the full proposals on which consensus could not be reached would be included in the report.

8.3 The draft report presented to the meeting was amended and adopted.

9. General

9.1 It was noted that, as requested by the DMC/MC a list of delegates who would be available to attend the CODESA II plenary as part of the representatives of Steering Committees and Committees had been submitted (Addendum F)

10. Next Meeting

9.1 It was agreed that the GAC would meet at 09H30 on Monday 11 May.

11. The meeting closed

Addendum A

The following people signed the attendance register:

ANC	M Manzini
ANC Advisor	N Zuma
Ciskei Government	SN Sonjica
Democratic Party	G Noero
Democratic Pty Advisor	S Botha
Dikwankwetla Party	K Ngwenya
Inkatha Freedom Party	Z Kumalo
IFP Advisor	D Bjorkman
Intando Yesizwe Party	FT Sithole
IYP Advisor	NN Maseko
Inyandza National Movement	G Nkambule
Labour Party	SM Saunders
LP Advisor	P Lategan
NIC/TIC	E Ramgobin
NIC/TIC Advisor	P Pillay
National Party	J Hunter
National People's Party	A Rambarren
Solidarity Party	M Reddy
Solidarity Party Advisor	D Moodley
South African Communist Party	Z Kota-Mthimunye
SACP Advisor	J Quince
South African Government	A Routier
SA Govt. Advisor	CI Roscher
Transkei Government	LN Jajula
Transkei Govt Advisor	AN Tsewana
United People's Front	MM Chueu

MANAGEMENT COMM\SUB-COMM\GAC\MINUTES 4 MAY

UPF Advisor

OBM Mamabolo

Ximoko Progressive Party

LB Kubay

Chairperson: J Kinghorn/G Noero

Secretary: T Chikane

Minute-taker M Sachs

Addendum B

Agenda for the Meeting of the GAC held at the World Trade Centre on 4 - 6 May

1. Opening Prayer
2. Opening Remarks by Chairperson
3. Adoption of Draft Agenda
4. Minutes of the GAC Meeting held 27 - 29 April
 - 4.1 Ratification of the Minutes
 - 4.2 Matters arising from the minutes
 - 4.2.1 Rapporteurs Report
5. Adoption of proposed recommendation on the Media and Gender
6. A GAC observer at the meeting of Working Group 5
7. Joint Steering Committee meeting on 5 May
8. Discussion of the Gender Implications of the Issues raised in Working Group 2
9. Discussion of the Gender Implications of the Issues Raised in Working Group 4
10. Discussion of report to MC from GAC for CODESA II
11. Any Other Business
12. Closure

Addendum C

GAC PRESS STATEMENT 5 MAY 1992 (WORLD TRADE CENTRE)

The GAC of the MC at CODESA has met frequently over the last three weeks. GAC's role is to advise working groups and the Management Committee on issues that will arise in the process of transition with regards to gender implications, Consensus was reached by the GAC on a number of issues;

- (a) That all Gender discriminatory legislation in South Africa should be repealed in order that all women will be able to participate fully in the process of change and transition.
- (b) When the Interim Government is formed, the GAC recommends that women should be included in its composition and have their concerns addressed by this Interim body, as well as by the future constitution and Bill of Rights.
- (c) GAC is concerned about incidents of violence against women, both generally, and also where this violence is used to prevent women from participating in the political process other recommendations made by the GAC concerning women and sexual harassment and the image of women in the public media.
- (d) The NIC/TIC, SACP, NPP, IFP, NP, XPP, LP and the DP participants have agreed to include GAC members in their delegations to CODESA 2.
- (e) GAC is seeking to ensure that there is greater representation of women at Codesa 2.

Addendum D

Recommendations Agreed upon by the GAC at their Meeting on 4 - 5 May

1 The Media in the Transition (Recommendation to Working Groups 01 & 03)

The GAC recommends that Working Group 1 and Working Group 3 agree upon a politically neutral Independent Communications Authority which shall:

- * include gender conscious persons;
- * facilitate media access for women;
- * monitor and discourage sexist programmes, articles and advertising;
- * encourage non-sexist, non-discriminatory publications;
- * ensure the participation of women on all media bodies, at all levels;
- * organise that radio and television programmes which educate women about the democratic process and their right to participate therein without fear of intimidation, are prepared as a matter of urgency

2 Constitutional Principles

The GAC advises that:

- 2.1 It fully supports a Justiciable Bill of Fundamental Human Rights to be attached to the constitution.
- 2.2 It fully supports the concept of a qualified Equality Clause in the Bill of Rights and the Constitution.
- 2.3 It recommends that Working Group 2 address the problem of redressing and eliminating gender inequalities.
- 2.4 It recommends to WG 2 that they take note of the desirability of a document containing a set of ideals regarding gender issues, which should be accepted by a future Constitution Making Body as a document to be used by the courts to assist women in claiming and exercising their rights under the constitution and Bill of Rights to ensure gender equality.
- 2.5 The GAC further recommends to Working Group 02 that the Bill of Rights include some form of rights and protection for children.

Constitutional Language:

- 2.6 The GAC recommends that the terms "men and women" and "men, women and children" be used wherever respectively appropriate, in the drafting of the Constitution, in place of the terms "people" or "persons".

On Agreements Reached Regarding Constitutional Principles:

- 2.7 Regarding the "Provisional Areas of Commonality that Already Exist" in Working Group 02 as adopted by the Steering Committee of WG 02 on 27 April, the GAC recommends the following (refer to Document prepared by the Steering Committee of Working Group 2 on 27 April):
- 2.7.1 Item 1.1.3 should be amended to read "The diversity of languages, cultures and religions will be acknowledged, within the non-racial and non-sexist principles of the Constitution."
 - 2.7.2 Item 1.1.7.1 should be amended to read "A judiciary that will be independent, non-racial, impartial, gender sensitive and inclusive of women."
 - 2.7.3 Item 1.1.7.2 should be amended to read "An entrenched and justiciable Bill/Charter of Fundamental Rights, which will protect the rights of women and children."
 - 2.7.4 Item 1.2.2 should read "At each level there shall be democratic representation, consistent with non-racial and gender sensitive principles."
 - 2.7.5 Item 1.3.1 should read "A new constitution shall provide for effective participation of minority political parties consistent with democracy, non-racialism and non-sexism"

Constitution Making Body/Process:

- 2.8 The GAC recommends that when drawing up the electoral procedures, methods should be sought to encourage full participation of women. This should apply to both encouraging women to exercise their political rights to campaign and stand for election as well as to vote. These provisions would include, among others, education programmes, elimination of sexual harassment (refer to item 1.3), drawing up of electoral lists and giving women reasonable exposure in the media.
- 2.9 The GAC strongly recommends that all parties include a fair proportion of women in their electoral lists. It is essential that women are evenly distributed within the lists, to ensure their inclusion in the elected body.
- 2.10 The GAC recommends that any committees set up by the Constitution Making Body must contain an adequate number of women.
- 2.11 The GAC recommends that the Constitution Making Body should consider a sub-committee to monitor and raise gender issues in the drafting of the Constitution and the Bill of Rights.
- 2.12 The above 4 proposals should apply to future elections at a local, regional and national government level.

Addendum E

Proposals regarding the Land and Women Presented at the GAC Meeting on 4 - 6 April

Proposal 1: That Working Group 3 suggest an urgent Commission of Enquiry into legislation which prevents women's access to land ownership in South Africa and the TBVC states, and that the results of such an enquiry be immediately embodied in legislation.

Proposal 2: That Working Group 3: (1) look into those laws which prevent/inhibit women's ownership of or access to land in South Africa and the TBVC states, with the intention of amending or repealing those laws and (2) that there should be an immediate moratorium on the sale and transferral of all state property to private or corporate individuals and organisations.

Addendum F

GAC DELEGATES TO APPEAR ON THE ~~PL~~ ~~PLENARY~~ OF CODESA II PLENARY

- | | | |
|----|--------------------|---------------------|
| 1. | Mavivi Manzini | ANC |
| 2. | Anne Routier | SAG |
| 3. | Gill Noero | DP |
| 4. | Nomsa Jalula | Transkei Government |
| 5. | Zou Kota-Mthimunye | SACP |
| 6. | Joan Hunter | NP |
| 7. | Faith Sithole | IYS |

All these people are available to be selected.



MANCOM\SUB\GAC\REPORT.0705

MANAGEMENT COMM\SUB COMM\GAC\REPORT 7 MAY

REPORT OF THE GENDER ADVISORY COMMITTEE TO THE MANAGEMENT COMMITTEE OF CODESA

Due to enormous public pressure about the lack of representation at CODESA of women, who form 53 % of the population, and subsequent suggestions and submissions by women's organisations, political parties and other organisations, the Management Committee of CODESA decided to form the Gender Advisory Committee. The GAC is a subcommittee of the Management Committee charged with the special task of looking into the Terms of Reference, minutes and decisions of each of the Working Groups, and those of the Management Committee, and advising on their gender implications. All CODESA participants have so far sent representatives to the GAC with the exception of the Boputhatswana and Venda Governments.

The GAC met for the first time on 6 April and has diligently studied the Terms of Reference, minutes and most of the decisions already taken by the Working Groups as well as internal and external submissions from women's organisations and political parties, with an unusual spirit of unity. The GAC has reached consensus on many issues, but consensus was not reached on others.

1. RECOMMENDATIONS AND ADVICE ON THE GENDER IMPLICATIONS OF ISSUES RAISED IN WORKING GROUP 01

1.1 The Free Political Participation of Women

Noting the Terms of Reference of Working Group 01, Items 1.1.4 (k), (p) and (o), the GAC recommends the following:

- 1.1.1 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.
- 1.1.2 The right of access of political organisations to public facilities, and their right to meet with potential voters, is meaningless unless women may participate in the democratic process on an equal footing without fear of public or private harassment and intimidation.
- 1.1.3 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.

1.2 Agreements on Political Intimidation and Women

With regard to the agreement reached by sub group 2 of Working Group 1 on the Definition of Political Intimidation, the GAC recommends 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):

- 1.2.1 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.
- 1.2.2 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.
- 1.2.3 To sexually harass any individual and thereby prevent him/her from the freedom of the right of expression/opinion, association and movement.

With regards to item 1.3.3 above the GAC defines sexual harassment, in general terms, as sexual advances without express consent, including innuendos or language of a defamatory or

offensive nature, in all spheres, including political, social and economic life and in the media.

1.3 Agreements of the Interpretation of the National Peace Accord

With regards to agreements reached by Sub-Group 2 of Working Group 1 re the implementation and interpretation of the National Peace Accord, the GAC recommends 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):

- 1.3.1 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.
- 1.3.2 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.
- 1.3.3 With regards to item 1.4.2 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) the GAC recommends 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.

1.4 On the Security Forces, Free Political Activity and Women

Noting that the many acts of violence committed against women allegedly by the security forces are a source of grave concern, the GAC recommends that:

- 1.4.1 any such crime be immediately investigated;
- 1.4.2 violent crime against women be treated with stricter and more stringent disciplinary action;
- 1.4.3 when searches of homes are conducted, women police must accompany male police;
- 1.4.4 the position of high ranking officers who are unable or unwilling to maintain adequate control over their forces be urgently reviewed;
- 1.4.5 any peace keeping force should include women within their structures at all levels;
- 1.4.6 the gender sensitivity of these forces (refer to item 1.5.5) be monitored;
- 1.4.7 all individuals be informed of their rights with regard to the role and functions of these forces (refer to item 1.5.5);

- 1.4.8 these forces (refer to item 1.5.5) be trained to be gender sensitive and to ensure that they do not violate the rights of women.

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.

The GAC also recommends 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.

1.5 Working Group 01 Terms of Reference

The GAC proposes that Item 1.1.4 (c) of the Terms of Reference of Working Group 01 should be amended to read as follows:

"The amendment and/or repeal of any remaining laws militating against free political activity including the elimination of racial and gender discriminatory laws."

1.6 The Media in the Transition (Recommendation to Working Groups 01 & 03)

The GAC recommends that Working Group 1 and Working Group 3 agree upon a politically neutral Independent Communications Authority which shall:

- * include gender conscious persons;
- * facilitate media access for women;
- * monitor and discourage sexist programmes, articles and advertising;
- * encourage non-sexist, non-discriminatory publications;
- * ensure the participation of women on all media bodies, at all levels;
- * organise that radio and television programmes which educate women about the democratic process and their right to participate therein without fear of intimidation, are prepared as a matter of urgency

2. Recommendations and Advice on the Gender Implications of the Issues Raised in Working Group 02

2.1 Constitutional Principles

The GAC advises that:

- 2.1.1 It fully supports a Justiciable Bill of Fundamental Human Rights to be attached to the constitution.
- 2.1.2 It fully supports the concept of a qualified Equality Clause in the Bill of Rights and the Constitution.
- 2.1.3 It recommends that Working Group 2 address the problem of redressing and eliminating gender inequalities.
- 2.1.4 It recommends to WG 2 that they take note of the desirability of a document containing a set of ideals regarding gender issues, which should be accepted by a future Constitution Making Body as a document to be used by the courts to assist women in claiming and exercising their rights under the constitution and Bill of Rights to ensure gender equality.
- 2.1.5 The GAC further recommends to Working Group 02 that the Bill of Rights include some form of rights and protection for children.

2.2 Constitutional Language

The GAC recommends that the terms "men and women" and "men, women and children" be used wherever respectively appropriate, in the drafting of the Constitution, in place of the terms "people" or "persons".

2.3 On Agreements Reached Regarding Constitutional Principles

Regarding the "Provisional Areas of Commonality that Already Exist" in Working Group 02 as adopted by the Steering Committee of WG 02 on 27 April, the GAC recommends the following (refer to Document prepared by the Steering Committee of Working Group 2 on 27 April):

- 2.3.1 Item 1.1.3 should be amended to read "The diversity of languages, cultures and religions will be acknowledged, within the non-racial and non-sexist principles of the Constitution."
- 2.3.2 Item 1.1.7.1 should be amended to read "A judiciary that will be independent, non-racial, impartial, gender sensitive and inclusive of women."

- 2.3.3 Item 1.1.7.2 should be amended to read "An entrenched and justiciable Bill/Charter of Fundamental Rights, which will protect the rights of women and children."
- 2.3.4 Item 1.2.2 should read "At each level there shall be democratic representation, consistent with non-racial and gender sensitive principles."
- 2.3.5 Item 1.3.1 should read "A new constitution shall provide for effective participation of minority political parties consistent with democracy, non-racialism and non-sexism"

2.4 Constitution Making Body/Process

- 2.4.1 The GAC recommends that when drawing up the electoral procedures, methods should be sought to encourage full participation of women. This should apply to both encouraging women to exercise their political rights to campaign and stand for election as well as to vote. These provisions would include, among others, education programmes, elimination of sexual harassment (refer to item 1.3), drawing up of electoral lists and giving women reasonable exposure in the media.
- 2.4.2 The GAC strongly recommends that all parties include a fair proportion of women in their electoral lists. It is essential that women are evenly distributed within the lists, to ensure their inclusion in the elected body.
- 2.4.3 The GAC recommends that any committees set up by the Constitution Making Body must contain an adequate number of women.
- 2.4.4 The GAC recommends that the Constitution Making Body should consider a sub-committee to monitor and raise gender issues in the drafting of the Constitution and the Bill of Rights.
- 2.4.5 The above 4 proposals should apply to future elections at a local, regional and national government level.

3. Recommendations and Advice on the Gender Implications of the Issues Raised in Working Group 03

3.1 The Funding of Programmes for Women

The GAC advises 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.

3.2 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 made on 27 April:

3.2.1 In addition to Item 7.1 of the report:

"* Shall include women in its composition."

3.2.2 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 . . ."

3.2.3 The reference to "persons" in line 14 of Item 10 of the report should be replaced by a reference to "men and women".

3.2.4 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 . . ."

3.2.5 It is also recommended that the proposed TEC should include a Gender Structure, the exact nature of which is still to be determined.

3.3 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.

3.4 The Media in the Transition (Recommendation to Working Groups 01 & 03)

The GAC recommends that Working Group 1 and Working Group 3 agree upon a politically neutral Independent Communications Authority which shall:

- * include gender conscious persons;
- * facilitate media access for women;
- * monitor and discourage sexist programmes, articles and advertising;
- * encourage non-sexist, non-discriminatory publications;
- * ensure the participation of women on all media bodies, at all levels;
- * organise that radio and television programmes which educate women about the democratic process and their right to participate therein without fear of intimidation, are prepared as a matter of urgency

3.5 Women and the Foreign Service

Noting that South Africa's foreign relations have mainly been conducted by men, as from the interim government 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.

3.6 Land and Women

The GAC wishes to place on record that no consensus could be reached on the following proposals concerning land and women:

Proposal 1: That Working Group 3 suggest an urgent Commission of Enquiry into legislation which prevents women's access to land ownership in South Africa and the TBVC states, and that the results of such an enquiry be immediately embodied in legislation.

Proposal 2: That Working Group 3: (1) look into those laws which prevent/inhibit women's ownership of or access to land in South Africa and the TBVC states, with the intention of amending or repealing those laws and (2) that there should be an immediate moratorium on the sale and transferral of all state property to private or corporate individuals and organisations.

4. General Recommendations to Codesa (to all Working Groups)

4.1 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.

4.2 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.

5. Conclusion and The Way Forward

In conclusion, and in view of the short period of time which the GAC had had at its disposal, the GAC wishes to point out that, as of 7 May, proposals and recommendations on the proceedings of Working Group 4 and 5 have not yet been formulated, and that there are certain areas in other Working Groups on which consensus has not yet been reached. The GAC would also wish to look at present discriminatory legislation which needs to be repealed or amended. The GAC therefore recommends that it continues with its work after CODESA II both in terms of uncompleted work, feed-back on its submissions from the relevant Working Groups and forthcoming agreements emanating from the various Working Groups and committees.