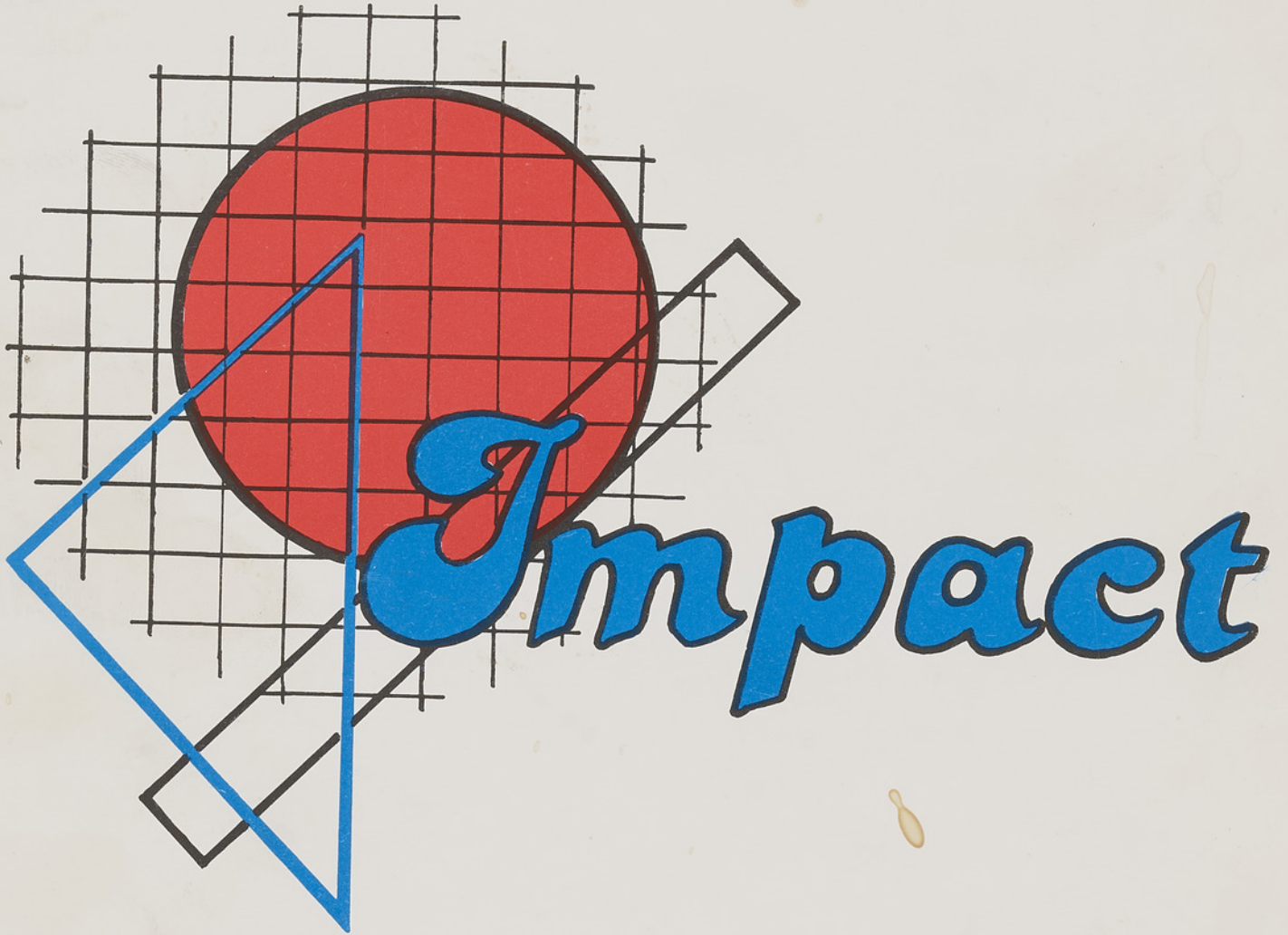


1. 12. 2

[2]

[GAC folder 12]



Executive Desk Pad

233 239
936 4287
233
298206
936 9095

Equality clause
 Bill of Rights
 Charter or other document

Private
 Public

Men & Women to receive
 equal standing before the
 law

Acts

Mat. Property Act. 88/1984
 (Partially rectified)

[2]

Women will have equal
 contractual capacity

Equal standing before the law

Individual right to give
 consent

Right of each party to receive
 economic benefit from marriage,
 whether in law, or by "common
 law"

Women & men are equally free to
 offer their labour and have such
 offers accepted - ie. not to be
 prejudiced (eg. UK Sex Discrimi-
 nation Act 1975)
 Also: Equal standing of women
 and men

Free contractual capacity of
 married women

Individual Rights
 "Social Rights"

5. Reference and rectifying mechanisms

- White women married pre-1984
- Black/white legislation to be harmonised
- Black women married pre 02/12/1988
- TBVC states legislation to be harmonised
- Customary union - excluding Natal
- Boys and girls (Marriage Act 25 1956) allowed to enter into marriage at different ages
- Common Law (as above) ; - Husband as head of the family
- Rape within marriage (example State vs Ncanywa)
- "Common Law" relationship
- WCAU - affects men
- Discrimination against women in employment practices
- Fire brigade - local authority restrictions
- Defense Force . No combat/precedence of male same rank
- Fire Brigades restrictions. Police resignation on marriage
- see also: Transkei Defense Act of 1978
- Companies Act 61 of 1973 (para 218) Husbands consent
- Labour Relations Act 28 of 1956
- Domestic Workers -
- No stipulation of re-employment after birth

Reference and rectifying mechanisms

- **Government Service Pensions - Regular Law**
Men contribute 8% to pension fund
Women contribute 6% to pension fund

- **Public Service Act iii of 1984:**
Women excluded from housing subsidy if married
Discrimination to women and men
- **Public Service Act iii of 1984:**
Payment for removal of household effects applies to men
and unless women can prove

- **Medical Aid** applicable only to the families of married men,
but only

- **Conditions of service for Women Teachers**
Married women must resign. They may be re-employed in a
temporary capacity, subject to 24 hours notice (2.18)

- **Unmarried women are excluded from pregnancy benefits**
U.I.F. ACT

4. Specific Principles

Equality of outcome of offering
labour

Right of each party to receive
economic benefit from marriage

Equality of outcome of offering
labour

Equality of outcome of offering
labour

Equal standing in law

Equal standing in the law

AGENDA.

- ① Identification of legislation from TOR ~~to be changed~~.
 - 1.1 Agreement on legislation for transition.
 - ② Discussion each of the laws. agreed on in 1-1 above.
 - ③ ~~Final Report~~ ^{Drawing up of} Report
-

ITEMS TO BE LED

- ① TOR.
- ① Security of employment. (CALS) ^{1a} Citizenship Act / Law reform (ANC)
- 1a. ② Draft proposal to CAC from TC.
- 2a) Clarification from UCT / MURRAY.
- ③ Ciskei document
- ④ "Some instances of discrimination against women" UNISA Document
- ⑤ "Homosexuality as a gender issue."
- ⑥ Nursing Act.
- ⑦ Como Article on Transition.
- ⑧ ~~Collective doc~~ ^{Synthesis} Synthesis of documents [Bjorkman]

29/ Tech. 9:00
members 10:30

RECOMMENDATIONS.

~~Hereditary~~ Chiefs

STRUCTURE

- ① F12 BLOCK ON
Ctrl F8
Size

15 June 92

↓ Bjorkman Chair.

9:30 - 1:00

Agenda

- ① Table previous document. Identification of legislation from GAC terms of reference - transformation
- ② go through each of laws identified documents. identify
- ③ Referral

Submissions.

- ① Draft proposal GAC i.c.

terms of reference

- ① Security domestic workers

labour law, Public, Family law

- ③ Ciskei document.

④ ANC Submission - Law form citizenship

- ⑤ Some instances of discrimination against women in common law

- ⑥ Homosexuality

⑦

⑧

Submissions

Preamble

Citizenship Act

- Transitional legislation that is Gender discriminatory legislation in the transitional period that is legislation which indirectly

Blocknote:

- Man who marries a foreigner - children and women automatically become S.A. but does not apply via-via
- 2. ^{agreed} Citiz. ^{law} is gender discriminatory^{1.}

1. A Alien Control Act.

has been repealed to be looked at.

2. Basic Condition of Employment Act. 3/983

dis agreed, motivated discussed - ^{1. Act.} principle - labour legislation

Identify the legislation

- 1. Citizenship Act
- 2. Labour Relation of Employment for Domestic Workers
- 3. Basic labour condition relations.

The Black (formerly Inabal 1965

is so far as the particular blend of "custom", tradition and parliamentary Statute combine to reinforce patriarchal relations and structures in the towns and rural areas. The political participation of women will necessarily be affected

for further discussion

Common Law Property Act 1984

Dealing Mechanism to be brought into

Abolish - Criminals not allowed to vote

man who does it classified as Criminal

1 Civil Servants - Courses PUBLIC SERVICE ACT III of 1984

- 2.A. the legislation to be amended.

labour relation Act - teachers, nurses in particular

+ decided ~~that~~ not to discuss law it for G.I. as an impediment to free political activity in transitional period.

1 - Homosexuality and FREE POLITICAL ACTIVITY

- clause used to prevent homosexual to participate or say - homosexual is criminal - ^{discrimination is} direct and indirect.

Freedom to participate in political issues.

+ Immorality Act common law 23/57 ^{as} amended in 84

Principle

+ ability to participate in political issues.

1 Ciskei Document.

(INPUT ON GENDER)

1949 - Migrant labour - Miskoma - WGI ^{white} black-migrant + recommend WGI to look into

1 Document ¹⁹⁶⁵ Security of employment for domestic workers

Gender discrimination

The black (formerly Tribal) 1965

in so far as the particular blend of "custom", tradition and parliamentary statute combine to reinforce patriarchal relations and structures in the townships and rural areas, the political participation of women will necessarily be affected

↑ for further discussion

1 Common law Property Act 1984

+ Disabling mechanism to be brought afore.

Abortion - Criminals not allowed to vote
woman who does abortion and a person who does is classified as criminal

Criminal law

agreed that the issue is transformation not transitional
Cosmopolitan on taxation

agreed to table this transition document as transformation for future reference.
Synthesis of documents (Bjorkman)

Discussion

- Structure
- 1 Acts agreed upon - specific issues
 - 2 clause - vote clause were possible
 - 3 recommendation

agreed that committee looks into it

1 RECOMMENDATIONS.

Citizenship

refer Citizenship and act 70/1991
Clause 1991 as amended by SA.

- the ~~spouse~~ "This Act should be amended to ensure that

the spouse and family of a woman receive the same benefits and treatment under the act as do the spouse and family of a man". Some should apply to men

Motivation

Certain people are excluded from voting.

Doc. 2. Item 1-1.

clause: not specified

Illegal immigrants

classified Contract labour - people who stayed more than 5 years

- Waiting Period
 Gender discrimination ^{came} for period of 7 years ^{at least} ← as a migrant laborer
 - If person been here and named and must be
 able to claim citizenship ^{civil law} ^{gender discrimination}
 within a customary ^{Common Law} ^{legal} ^{marriage} union with a woman and
 is ^{see} excluded from claiming from the Union
 citizenship of the spouse of the country are
 both ^{are} admissible in S.A. T.B.C.
 To be said with ^{conjunction} recommendation.

+ Recommendation

- It should ensure that 1.1. Citizenship Act. ^{still amended}
 furthermore the waiting period required ^{Citi. shld}
 be waived in case of those individuals who
 lived in S.A. for at least 5 years. - ^{burden of proof of residency}
 WGI - ^{must be fairly applied} prove death

1.1. This act should be amended to ensure that the spouse and
 family/ children of a woman receive the same benefits and
 treatment under the act as do the spouse and family
 of a man

EAIRLY

to take account of particular
 REFER ACT TO WGI

3 Homosexual - 1984 Immorality Act amended in common
 law

Homosexual is a crime under S.A. law. are ^{maybe} prevented
 from enjoying ^{full} political participation

1 Act. 22 Act 22 of 1923 Criminalizes homosexuality

2. Common law Criminalizes as a crime against
 society

+ Rec. ^{of 87} ²³ Item Clause be repealed and its integrity
 reference to common law society

Rec. 3.

No indivi shld discriminated against his or her sexual
p reference

Mrs Tajula

Mrs Luma

Mrs N.S. Miswani

Mrs. L.B. Kubay

Mrs Mazzini Masiori

~~Mrs H. H. Tajula~~

Mrs S. H. Srijal

ZORA KUMALO

IFP.