

# NATIONAL DIRECTORATE

713 Van Erkorn Building  
 Pretorius St., Pretoria 0002  
 Telefax: (012) 325-6318  
 Telephone: (012) 21-2135

LAWYERS  
 for  
 HUMAN  
 RIGHTS

## TELEFAX TRANSMISSION

DATE 4 FEB 1992  
 MESSAGE FOR CODESA-ATT: MAC MATHARAJ  
 FAX NUMBER 011 397 2211  
 SENDER Paula McBride  
 NUMBER OF PAGES (INCL. THIS ONE) 3  
 COMMENTS \_\_\_\_\_  
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THANK YOU

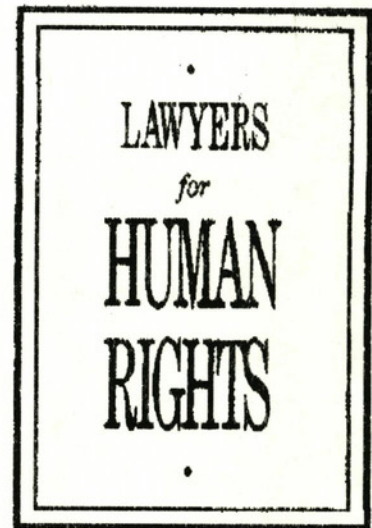
NB > See cc. at bottom of letter.  
 > Treat this as a submission to WG4.  
 > Accordingly (a) circulate to WGSC4 as a submission,  
 (b) inform WGSC4 further copies available as, when & in  
 number of copies they may need.  
 (c) File copy in WG4 submission file.  
 > Receipt acknowledged one phone to Mrs. Paula McBride.

Mac 4/2/92

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Our ref:  
Your ref:  
Date:



Dr E H Venter MP  
Parliament  
CAPE TOWN

FAX : 021 451 676

3 February 1992

Dear Dr Venter,

RE : SOCIAL ASSISTANCE BILL 1992

In Lawyers for Human Rights we have been most disturbed by the introduction of the abovementioned Bill, and wish here to express our objection to it on the following basis :


1. In effect this Bill will remove a statutory right to a pension (currently enjoyed by literally hundreds of thousands of war veterans and aged or disabled persons) and place their welfare at the Discretion of the Director General. As you are well aware, there are very few legally enforceable rights to social assistance in our country, and to remove this one is not only unacceptable but incomprehensible to us.
2. The Bill also introduces the requirement that an applicant for "social assistance" must be a South African Citizen. In the Social pensions Act the requirement was that the person requesting such assistance must either be a South African Citizen or have resided in the Republic for a substantial period. In effect the Bill under discussion would deprive all those persons living in South Africa but technically members of TBVC states, of the right to receive a pension. Social pensions legislation of the TBVC states contain a similar provision whereby applicants must be resident in the territory and must be either a citizen or have resided in the territory for a substantial period of time. Citizens of Bophuthatswana, e.g., residing in South Africa, will be cast

into a no-man's land by this Bill as they will be disqualified from receiving a pension in both territories.

3. At CODESA, Working Group Four has been given the task of examining the reincorporation of the TBVC states. This is therefore a question very firmly on the political agenda of all major political parties, including your own, and we find the introduction of this Bill incongruous to say the least.

The explanatory memorandum on the objects of the Bill creates the impression that the Bill is merely technical in nature, aiming to embody laws relating to social aid schemes in one Act. With respect, this memorandum is misleading, and we sincerely hope that this was not intentional. Our recommendation to the Joint Parliamentary Committee would be for the immediate withdrawal of this Bill, and we hope that this recommendation will be treated with the seriousness required. The aged and disabled in our society are our responsibility - we believe that at the very least the minimal rights they now have must be retained.

Yours Sincerely



BRIAN CURRIN  
EXECUTIVE DIRECTOR

CC. DEMOCRATIC PARTY  
CODESA SECRETARIAT - WORKING GROUP FOUR  
AFRICAN NATIONAL CONGRESS - LEGAL DEPARTMENT