

ANNEXURE A

Respondents to Discussion Paper 80 in order of receipt of submissions

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- 1 **Mr SG Abrahams**
- 2 **Dr A Jaffe, Acting Director Health Service: KwaZulu-Natal Provincial Administration**
- 3 **L Kwitshana, Chief Research Technologist: Medical Research Council**
- 4 **Ms Justice L van den Heever**
- 5 **St John Vianney Seminary**
 Comment by Fr H Ennis
- 6 **The Society for Advocates: Natal**
 Comment by Adv JE Hewitt SC
- 7 **The South African Dental Association**
 Comment by Dr JT Barnard, Executive Director
- 8 **Ministry of Caring of the NG Church: Synod Southern Gauteng**
- 9 **General Council of the Bar of South Africa**
 Comment by the Laws and Administration Committee
- 10 **National Council of Women of South Africa**
 Comment by Ms Eily Murray, National Adviser: Laws and the Status of Women
- 11 **Commissioner of Correctional Services**
 Comment by Ms TM Magoro, Director: Health and Physical Care
- 12 **Department of Education: Provincial Administration Western Cape**
 Comment by Mr BP O'Connell, Head: Education
- 13 **Department of Health: Provincial Administration Western Cape**
 Comment by Dr K Vallabhjee, Directorate: Policy and Planning; and Prof Leslie London of the Department Community Health, University of Cape Town. The respondents indicated that the response should not be regarded as an official view of the Department of Health: Provincial Administration Western Cape
- 14 **Inkatha Freedom Party**
 Comment by Dr Ruth Rabinowitz, IFP Spokesperson on Health. The IFP's proposed "Measures to Prevent the Spread of HIV Bill" and supporting research material were regarded as part of the comment
- 15 **Prof F Van Oosten, Department of Public Law: University of Pretoria**
- 16 **Dr CA Pieterse, City Medical Officer of Health: Durban**
- 17 **Family Farmer**
- 18 **Dr Lorraine Sherr, Royal Free Hospital School of Medicine: University of London**
- 19 **Adv David Buchanan SC, Australian Supreme Court**
- 20 **Dr JH Olivier, City Medical Officer of Health: Pretoria**
- 21 **Ms Michelle Dimbleby**
- 22 **National Council for Persons with Physical Disabilities in South Africa**

Comment by Mr Johan Viljoen

23 **Prof CR Snyman, Department Criminal and Procedural Law: University of South Africa**

24 **Tshwaranang Legal Advocacy Centre to End Violence Against Women**

Comment by Ms Lebo Malepe

25 **The South African Medical Association**

Comment by Mr A Volschenk, Head: Human Rights, Law and Ethics

26 **EJ Hamilton**

27 **Director of Public Prosecutions: Cape of Good Hope**

28 **Regional Court President: Free State Regional Division**

Comment by Regional Court President WA Du Plessis and Regional Court Magistrate IM Menong

29 **Regional Court President: Cape Regional Division**

Comment by Acting Regional Court President AP Kotze

30 **Regional Court President: Northern Transvaal Regional Division**

Comment by Regional Court Magistrates PJ Johnson and RS Matlapeng

31 **Lawyers for Human Rights**

Comment by Lawyers for Human Rights' HIV/AIDS and Human Rights Programme, Pietermaritzburg

32 **Regional Court President: Natal Regional Division**

Comment by Regional Court Magistrate WC Singh

33 **Regional Court President: Southern Transvaal Regional Division**

Comment by Regional Court Magistrates LJ Van der Schyff and JL Brink

34 **Department of Welfare and Population Development: Gauteng Province**

35 **The AIDS Consortium**

Comment by Ms Morna Cornell, Director

36 **AIDS Legal Network: National Office**

Comment consisted of a combined response by the following individuals and organisations: Ms M Caesar (National Coordinator, AIDS Legal Network); Mr S Margardie (Campus Law Clinic, University of Natal); Dr A Grimwood (National Chairperson, NACOSA and Medical Officer of Health, City of Cape Town); Ms A Strode and Ms C Barrett (Lawyers for Human Rights, Pietermaritzburg); Ms S Shutte (Life Line, Cape Town); Mr D Smit (private legal consultant); Ms L Hatane (NACOSA, Western Cape Province); Mr P Moodley (NACOSA Lobbying Office); Ms C Bower (Rape Crisis, Cape Town); Mr G Hendriks (Triangle Project); Ms J Gallenetti (Legal Aid Clinic, University of Cape Town); Ms A Van den Bergh (Legal Aid Clinic, University of the Western Cape)

37 **Triangle Project**

Comment by Ms Annie Leat, Acting Director

38 **Sex Worker Education and Advocacy Taskforce (SWEAT)**

Comment by Ms Jill Sloan, Director

39 **Palliative Medical Institute**

Joint response compiled by Ms NG Duba, Coordinator

- 40 **Prof S Lötter, Faculty of Law: University of South Africa**
- 41 **AIDS Legal Network: KwaZulu-Natal**
- 42 **Democratic Nursing Organisation of South Africa**
- 43 **Lowveld AIDS Training, Information and Counselling Centre (ATICC)**
- 44 **Mr Martin Williams**
- 45 **Regional Court President: North West Regional Division**
 Comment by Regional Court President PB Monareng
- 46 **The Law Society of the Cape of Good Hope**
 Comment by the Criminal Law and Procedure Committee
- 47 **AIDS Law Project**
 Comment researched and compiled by Ms Hilary Axam with assistance from Ms Anita Kleinsmidt, Ms Fatima Hassan and Mr Mark Heywood
- 48 **National AIDS Convention of South Africa (NACOSA)**
- 49 **Regional Court President: Northern Cape Regional Division**
 Comment by Regional Court Magistrate CJS Möller
- 50 **Department of Correctional Services: Port Elizabeth Management Area**
- 51 **National Association of People Living with HIV and AIDS (NAPWA)**
- 52 **Business South Africa**
- 53 **Dr PJ Haasbroek**
- 54 **Director of Public Prosecutions: Witwatersrand Local Division**
 Comment by Adv AP De Vries SC
- 55 **South African Police Service (Legal Component, and Serious and Violent Crimes Component of the SAPS Detective Service - referred to in the Report as SAPS Detective Service)**
- 56 **District Medical Officer: Pretoria**
 Comment by Dr AF Ferreira
- 57 **Mr Ted Leggat, Researcher: Centre for Social Development Studies University of Natal**
 Comment as published in the *Mail and Guardian* of 5-11 March 1999
- 58 **South African Law Commission: Sexual Offences Project Committee**
 Extract from South African Law Commission Discussion Paper 85: Sexual Offences, The Substantive Law
- 59 **Cabinet**
 Comment by Dr AM Omar, MP then Minister of Justice on behalf of Cabinet
- 60 **Adv Z Van Zyl, Deputy Director of Public Prosecutions: Witwatersrand Local Division**

ANNEXURE B

List of experts who attended a consultative meeting on 3 February 2000

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Criminal law and procedure

- 1 Prof John Milton, School of Law: University of Natal Pietermaritzburg
- 2 Prof CR Snyman, School of Law: University of South Africa
- 3 Prof Ferdi Van Oosten, School of Law: University of Pretoria
- 4 Mr Ronald Louw, School of Law: University of Natal Pietermaritzburg
- 5 Mr Justice RW Nugent, High Court of South Africa Johannesburg
- 6 Mr PB Monareng, Regional Court Mmabatho
- 7 Ms HH Honono, Magistrates' Court Pretoria
- 8 Adv Zaais Van Zyl, Office of the Director of Public Prosecutions Johannesburg
- 9 Adv Gert Nel, Office of the Director of Public Prosecutions Pietermaritzburg
- 10 Adv Retha Meintjes, Office of the Director of Public Prosecutions Pretoria
- 11 Dr Tertius Geldenhuys, Legal Services: South African Police Service
- 12 Mr Garry Prins, Detective Services: South African Police Service

Human rights issues

- 13 Mr Mark Heywood, AIDS Law Project: Centre for Applied Legal Studies at the University of the Witwatersrand
- 14 Ms Lebo Malepe, Tshwaranang Legal Advocacy Centre to End Violence against Women
- 15 Ms Bronwyn Pithey, Rape Crisis
- 16 Ms Vicci Tallis, Private Consultant: Gender and HIV/AIDS
- 17 Ms Promise Mtembu, Young Positive Living Ambassadors
- 18 Ms Mary Caesar, AIDS Legal Network
- 19 Mr Nkululeko Nxesi, National Association of People Living with HIV/AIDS

Public health

- 20 Dr David Allen, Directorate HIV/AIDS and STDs: Department of Health
- 21 Dr Graham Nielsen, Directorate HIV/AIDS and STDs: Department of Health

HIV/AIDS and behavioural science

- 22 Ms Nolwazi Gasa, Department of Psychology: University of Natal Pietermaritzburg
- 23 Mr Pierre Brouard, Centre for the Study of AIDS: University of Pretoria

Members of the South African Law Commission Sexual Offences Project Committee

- 24 Ms Zubeida Seedat, member of the South African Law Commission
- 25 Ms Joan Van Niekerk, Child Line
- 26 Ms Charlotte McClain, South African Human Rights Commission

- 27 Ms Edmara Mtombeni, Department Correctional Services
- 28 Dr Rose September, Institute for Child and Family Development: University of the Western Cape
- 29 Adv Gordon Hollamby, researcher South African Law Commission
- 30 Adv Puleng Matshelo-Busakwe, researcher South African Law Commission

Members of the South African Law Commission HIV/AIDS Project Committee

- 31 Mr Justice Edwin Cameron, Judge of the Constitutional Court of South Africa (at the time) (Chairperson)
- 32 Dr Maila John Matjila, Department of Community Health MEDUNSA
- 33 Prof Christa Van Wyk, Department of Jurisprudence University of South Africa
- 34 Prof Thandabantu Nhlapo, full-time member of the South African Law Commission (at the time)
- 35 Ms Ann Strobe, Lawyers for Human Rights
- 36 Ms Mercy Makhalemele, National Association of People Living with HIV/AIDS
- 37 Adv Anna-Marié Havenga, researcher South African Law Commission