

ENGLISH

# **WOMEN'S CHARTER FOR EFFECTIVE EQUALITY**

Adopted at the National Convention convened by the  
Women's National Coalition,  
25 - 27 February, 1994.

## **IMPORTANT NOTE ON THE CHARTER:**

While the Women's Charter has been adopted by the WNC, the women's organisations which are part of the WNC retain their freedom to reserve their position on particular clauses with which they do not wish to associate themselves.

# THE WOMEN'S CHARTER FOR EFFECTIVE EQUALITY

*The Women's Charter gives expression to the diverse experiences, visions and aspirations of South African women. We are breaking our silence. We claim respect and recognition of our human rights and dignity. We require effective change in our status and material conditions in the future South Africa.*

## PREAMBLE

We, women of South Africa, claim our rights. We claim full and equal participation in the creation of a non-sexist, non-racist, democratic society.

As women, we have come together in a coalition of organisations to engage in a campaign that enabled women to draw on their diverse experiences and define what changes are required within the new political, legal, economic and social system.

South Africa is the poorer politically, economically and socially for having prevented more than half of its people from fully contributing to its development.

Women's subordination and oppression has taken many forms under patriarchy, custom and tradition, colonialism, racism and apartheid.

We recognise the diversity of our experiences and recognise also the commonalities of our subordination as women.

We are committed to seizing this historic moment to achieve effective equality in South Africa. The development of the potential of all our people, women and men, will enrich and benefit the whole of society.

Women have achieved success and made invaluable contributions to society despite widespread gender discrimination.

We claim recognition and respect for the work we do in the home, in the workplace and in the community. We claim shared responsibilities and decision-making in all areas of public and private life.

Democracy and human rights, if they are to be meaningful to women, must address our historic subordination and oppression. For women to be able to participate in, and shape the nature and form of our democracy, the concepts of both human rights and democracy must be redefined and interpreted in ways which encompass women's diverse experiences.

We require society to be reorganised, and its institutions to be restructured to take cognisance of all women. In particular, women should have full opportunity and access to leadership positions and decision-making at all levels and in all sectors of society. Affirmative action could be one means of achieving this.

We hereby set out a programme for equality in all spheres of public and private life, including the law and the administration of justice; the economy; education and training; development infrastructure and the environment; social services; political and civic life; family life and partnerships; custom, culture and religion; violence against women; health; and the media.

## **ARTICLE 1: EQUALITY**

The principle of equality underlies all our claims in this Charter. We recognise that the achievement of social, economic, political and legal equality is indivisible. Our struggle for equality involves the recognition of the disadvantages that women suffer in all spheres of their lives. As a result, similar treatment of women and men may not result in true equality. Therefore the promotion of equality between men and women will sometimes require distinctions to be made. No distinction, however, should be made that would disadvantage women.

We demand that equality apply to every aspect of our lives, including the family, the workplace and the state. The claim to equality shall not be limited to our relationship with the state.

- \* The responsibility to ensure that the principle of equality informs all aspects of our lives shall not be limited to the state but shall be borne by all, including employers, family members and civil society.
- \* The principle of equality shall be embodied at all levels in legislation and government policy. Specific legislation shall be introduced to ensure the practical realisation of equality. Programmes of affirmative action could be a means of achieving equality.
- \* The state shall establish appropriate mechanisms to ensure the effective protection and promotion of equality for women, which shall be accessible to all women in South Africa.
- \* There shall be educational programmes and appropriate mechanisms to address gender bias and stereotypes and to promote equality for women in all spheres.
- \* Human rights education shall be provided to raise awareness of women's status, and to empower women to claim their constitutional and legal rights.

## **ARTICLE 2: LAW AND THE ADMINISTRATION OF JUSTICE**

The law and the administration of justice shall secure the practical realisation of equality for women. This can be achieved only with the full participation of women. Moreover, the position of women must be taken into account in deciding policy, determining legislative priorities, and in formulating, applying, interpreting, adjudicating and enforcing all laws.

- \* Women shall be fully represented on, and participate in, the selection of all candidates for all judicial and quasi-judicial structures, including traditional courts and alternative dispute resolution mechanisms.
- \* Women and men shall have equal legal status and capacity in civil and customary law, including, among others, full contractual rights, the right to acquire and hold rights in property, the right to inheritance and the right to secure credit.
- \* No institution, public or private, shall restrict or impede women in exercising their legal rights.
- \* Positive and practical measures shall be taken to ensure fairness and justice for women complainants and accused in the criminal justice system
- \* Women offenders shall not be disadvantaged. Consideration should be given to their relationships with their children.
- \* There shall be accessible and affordable legal services. The position of paralegals in assisting women to claim their rights shall be recognised.
- \* Women shall not be disadvantaged in legal and quasi-legal proceedings.

## **ARTICLE 3: ECONOMY**

Women claim involvement in decision-making and full participation at all levels and in all aspects of the formal and informal economy. Economic policy must secure women's place in the economy. All definitions of economic activity (such as those used in the national accounts) must be expanded to specify informal sector and subsistence activities and must include all forms of unpaid labour.

- \* All women shall have access to jobs and skills training provided by the state and private sector.
- \* The full participation of women in economic decision-making should be facilitated.
- \* Effective affirmative action programmes must be introduced for women.
- \* There needs to be a flexible reorganisation of the workplace to take account of family responsibilities.
- \* There should be provision for parental rights, including paid maternity leave with job security, adequate provision of child care facilities and reasonable working hours to accommodate family responsibilities in the public and private sector.
- \* There shall be no categorisation of jobs on the basis of gender, nor shall gender stereotypes determine the work that women do.
- \* Measures must be adopted to attain equal pay for work of equal value.
- \* Recognition must be given to women who are breadwinners.
- \* There shall be no discrimination of any kind, such as that based upon gender or marital status, in the provision of benefits, including housing, pensions and medical schemes.
- \* There shall be no discriminatory taxation, including that based upon gender and marital status. Dependents supported by women shall be recognised for the purposes of taxation.
- \* The law shall protect women against unfair business practices and unfair labour practices, including in the informal sector.
- \* Women must be protected from sexual harassment and violence in all places where women work.
- \* Access to group benefits, such as accident and disability insurance, group housing schemes, sick leave and maternity benefits, shall be available to women, including those outside formal employment.
- \* Given that women's access to credit is currently based on their ability to supply collateral or is linked to their marital status, women need access to alternative means to obtain credit.
- \* Health and safety standards must be ensured in both the formal and informal sectors of the economy.
- \* Prostitution shall be decriminalised. Appropriate measures shall be taken to protect the health and safety of sex workers and their clients.

## **ARTICLE 4: EDUCATION AND TRAINING**

Women and girls claim the right to education. Education and training, including curriculum development, should acknowledge and accommodate the diversity of women's needs and experiences in every aspect of life. Education and training should be a continuous lifelong process, which should include educare, adult basic and continuing education, primary, secondary and tertiary education and skills training. Women shall participate at all levels in educational policy-making, as well as in the management and administration of

## education and training.

- \* Every women and girl shall have access to education and training to realise her full potential. In particular, no women or girl shall be excluded from education and training on the basis of pregnancy, domestic and child care responsibilities.
- \* Appropriate educational institutions and social services, including child care, shall be provided to enable the active participation of women in society. In particular, the participation of rural women, single mothers, and disabled women and girls must be addressed.
- \* Women and girls shall have equal access to special funds through affirmative action for education and training.
- \* Appropriate sex education shall be provided for girls and boys, women and men.
- \* Women and girls at educational institutions shall be protected against sexual harassment and abuse.

## **ARTICLE 5: DEVELOPMENT, INFRASTRUCTURE, AND THE ENVIRONMENT**

Women shall have access to the full range of basic development resources and services necessary to sustain a healthy and productive life. In particular, rural women and informal settlement residents require basic resources. Protection of natural resources shall take into account the needs of women.

- \* Women shall participate in designing and implementing development programmes to meet their needs.
- \* Employment generated from development and infrastructure programmes shall also benefit women.
- \* Adequate, accessible and safe water supplies and sanitation must be made available to all communities, especially in rural areas and informal settlements.
- \* Electricity or other appropriated sources of energy must be extended to all communities as a matter of priority.
- \* Women need safe transport networks and effective communications services.
- \* Women need affordable and secure housing.
- \* All women, including women living under customary law, must have access to land and security of tenure.
- \* All women shall have access to adequate health care, recreational, educational and social welfare facilities.

## **ARTICLE 6: SOCIAL SERVICES**

Women are primarily responsible for maintaining the household and the community. Accessible and affordable development orientated social services should be a right and not a privilege. These must be available to women in all areas of their lives, including in the home, the workplace, health and education. These social services include emotional counselling, family counselling, preventive care, material assistance, clinics and hospitals. Such services should be provided by both the state and the private sector in accordance with the principles of social justice, appropriateness and accessibility.

- \* The system of social services should cater for the special needs of groups such as the disabled, the elderly, single parents and rural women.
- \* Social pensions and disability grants should be available to all women, irrespective of age, on the basis of need.
- \* Appropriate, accessible and affordable mental health services must be provided for women.

## **ARTICLE 7: POLITICAL AND CIVIC LIFE**

Women shall have the right to participate fully in all levels of political, civic and community life.

- \* Women shall have full opportunity and access to leadership and decision-making positions at all levels of government.
- \* Rural women must be part of the decision-making structures in traditional communities.
- \* Women shall have equal access to, and the right to representation on, public bodies.
- \* All governmental institutions, including traditional institutions, and non-governmental organisations shall be restructured in accordance with the principles of equality and democracy.
- \* Every woman must have the right to acquire, change or retain her nationality on a non-discriminatory basis and to pass it on to her children.
- \* Every woman must be free from political intimidation and threat to her person.
- \* A variety of mechanisms must be available for women as individuals and as groups to influence legislative change which affect their lives.

## **ARTICLE 8: FAMILY LIFE AND PARTNERSHIPS**

All family types should receive recognition. Acknowledgement of women's responsibilities must be reflected in their decision-making powers within the family and in the management of the household. Domestic cares, duties and obligations should be shared by partners and all members of the household.

- \* The diversity of family types must be recognised and treated fairly.
- \* Women shall have freedom of choice in establishing relationships.
- \* Women and men shall have such rights in respect of, among other things, division of property; maintenance and arrangements in respect of minor and/or dependant children both during and at the dissolution of a marriage; as are required to ensure fair and equitable treatment of both with regard to their respective means, earning capacity, needs and responsibilities.
- \* Women shall also have the right to decide on the nature and frequency of sexual contact within marriage and intimate relationships.
- \* Women should have equitable access to the financial resources of the household, and access to information with regard to the economic management of the household.
- \* The integrity of the partnership has to be maintained without external and familial interference, except where there is reason to believe physical, sexual and psychological abuse is occurring.

- \* Women, including women married under customary law or by religious rites, shall also be entitled to guardianship over their children.
- \* Women shall have adequate, effective and enforceable maintenance and/or social welfare benefits for themselves and their children.

## **ARTICLE 9: CUSTOM, CULTURE AND RELIGION**

Customary, cultural and religious practices frequently subordinate women.

- \* Custom, culture and religion, insofar as these impact upon the status of women in marriage, in law and in public life, shall be subject to the equality clause in the Bill of Rights.
- \* All women shall have the freedom to practise their own religion, culture or beliefs without fear.
- \* Women, including those under customary law, must have the right to inherit.

## **ARTICLE 10: VIOLENCE AGAINST WOMEN**

Violence in all its forms is endemic to South African society. Both sexual and domestic violence are pervasive and all women live under the threat of, or experience, violence.

- \* Women shall be entitled to security and integrity of the person which shall include the right to be free from all forms of violence everywhere.
- \* There shall be legal protection for all women against sexual and racial harassment, all forms of abuse and assault. The family advocate should also be entitled to act on behalf of the abused woman in the family.
- \* Facilities, staffed by trained personnel, where women can report all cases of criminal and other abuse, and undergo the appropriate examination and treatment, shall be provided by the state.
- \* There shall be accessible and affordable shelters and counselling services for survivors of rape, battery, sexual assault, incest and other forms of abuse.
- \* Appropriate education and training must be provided for police, prosecutors, magistrates, judges, district surgeons and other people involved in dealing with cases of rape, battery, sexual assault, incest and other forms of abuse.
- \* The state shall be responsible for public education about the dignity and integrity of the person.

## **ARTICLE 11: HEALTH**

Equal, affordable, accessible and appropriate health care services, which meet women's specific health needs, and which treat women with dignity and respect, shall be provided. Women should be made aware of their rights in relation to health services. Health services must be appropriately orientated to meet women's health needs and priorities. Basic life-sustaining services, such as water and sanitation, which ensure good health, must be made accessible to all South Africans by the state.

- \* Women have the right to control over their bodies, which includes the right to make reproductive decisions.

- \* Access to information should be provided to enable women to make informed choices about their bodies and about health care. This includes information pertaining to reproductive health services, sexually transmitted diseases including AIDS; contraception, cervical and breast cancer; infertility; ante-natal, labour and post-natal care.
- \* Education about reproductive health services should be provided free of charge to both men and women.
- \* Every person shall have access to adequate nutrition.
- \* Single and married women should have access to membership of any type of medical aid or insurance scheme, without discrimination on the basis of gender.

## **ARTICLE 12: MEDIA**

The diversity of women's lives and experiences, and their contributions in all areas of public and private life, shall be reflected in the media. This diversity shall be reflected in a positive, active and life-affirming manner. Negative and injurious portrayals of women and narrowly defined roles must be challenged. The dignity of women should be preserved and promoted by the media.

- \* Women shall be adequately represented in all media institutions, including film, print and electronic media.
- \* Women must have access to the necessary training to fully utilise the media, as decision-makers, participants, consumers and producers.
- \* The different ways in which women and men are represented in the media must be monitored.