

**WOMEN'S CHARTER FOR  
EFFECTIVE EQUALITY**

Working document adopted in principle at the National  
Convention convened by the Women's National Coalition,  
25 - 27 February, 1994.

# THE WOMEN'S CHARTER FOR EFFECTIVE EQUALITY

## Preamble

As women, citizens of South Africa, we are here to claim our rights. We want recognition and respect for the work we do in the home, in the workplace and in the community. We claim full and equal participation in the creation of a non-sexist, non-racist democratic society.

We cannot march on one leg or clap with one hand. South Africa is the poorer politically, economically, and socially for having prevented more than half of its people from fully contributing to its development.

Recognising our shared oppression, women are committed to seizing this historic moment to ensure effective equality in a new South Africa.

For decades patriarchy, colonialism, racism and apartheid have subordinated and oppressed women within political, economic and social life.

At the heart of women's marginalisation is the patriarchal order that confines women to the domestic arena and reserves for men the arena where political power and authority reside. Conventionally, democracy and human rights have been defined and interpreted in terms of men's experiences. Society has been organised and its institutions structured for the primary benefit of men.

Women want to control their lives. We bear important responsibilities but lack the authority to make decisions in the home and in society.

We want shared responsibility and decision-making in the home and effective equality in politics, the law, and in the economy. For too long women have been marginalised, ignored, exploited and are the poorest and most disadvantaged of South Africans.

If democracy and human rights are to be meaningful for women, they must address our historic subordination and oppression. Women must participate in, and shape the nature and form of our democracy.

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

The development of the potential of all our people, women and men, will enrich and benefit the whole of society.

We set out here a programme for equality in all spheres of our lives, including the law, the economy, education, development and infrastructure, political and civic life, family life and partnerships, custom, culture and religion, health and the media.

## **Article 1: Equality**

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 disadvantage that women suffer in all spheres of our lives. As a result similar treatment of women and men may not result in true equality. Therefore the promotion of true equality will sometimes require distinctions to be made. No distinction, however, should be made that will disadvantage women. Within this context programmes of affirmative action may be a means of achieving equality.

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

- \* 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.
- \* The state shall establish appropriate institutions to ensure the effective protection and promotion of equality for women. These institutions shall be accessible to all women in South Africa.

## **Article 2: Law and the Administration of Justice**

Women demand equality in the development, application, adjudication, interpretation and enforcement of the law. This can only be achieved if the social, economic and political position of women is taken into account in deciding policy, determining legislative priorities, and in formulating, applying, interpreting, adjudicating and enforcing all laws.

- \* At all times the law, and its application, interpretation, adjudication and enforcement, shall promote and ensure the practical realisation of equality for women.
- \* There shall be equality in the treatment of women in all legal and quasi-legal proceedings.
- \* Women shall have equal legal status and capacity in civil and customary law, including, amongst others, full contractual rights, the right to acquire and hold rights in property, the right to equal inheritance and the right to secure credit.
- \* All public and private institutions shall enable women to exercise their legal capacity.
- \* Positive and practical measures shall be taken to ensure equality for women complainants in the criminal justice system.

- \* There shall be effective equality for women offenders. This shall exclude the caning and execution of pregnant women.
- \* There shall be equality for women in the legal profession.
- \* Women shall be equally represented on, and participate in the selection of, the constitutional court, the judiciary, the magistracy, all tribunals and commissions, including the Human Rights Commission, and in the Department of Justice.
- \* There shall be educational programmes to address gender bias and stereotypes and to promote equality for women in the legal system.
- \* Women shall have equal representation on, and participation in, all traditional courts, alternative dispute resolution mechanisms and local community courts.
- \* There shall be accessible and affordable legal services for women. In particular the position of paralegals in assisting women to claim their rights shall be recognised.

### **Article 3: Economy**

Conventional definitions of the economy do not include a major proportion of the work performed by women. The key sectors of the South African economy are occupied and dominated by men. Women face social, economic and ideological barriers to full and equal participation in the economy. Women are perceived in terms of their domestic and reproductive role. Women participate in large numbers in sectors of the economy which are characterised by low wages and poor working conditions. Low remuneration is worsened by discrimination against women in the receipt of social benefits. As a result, many women are forced to make a living outside the formal economy.

- \* The state and the private sector should endeavour to provide jobs for women, especially for disabled women.
- \* There needs to be a reorganisation of the workplace in terms of hours and times of work to take account of family responsibilities.
- \* Since child-rearing and domestic labour is a social responsibility that should not be borne by women alone, 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.
- \* Equal access to all jobs, training and promotion must be ensured, especially for disabled women. To attain this, effective affirmative action programmes must be introduced.

- \* Measures must be adopted to attain equal pay for work of equal value.
- \* Women must be recognised as breadwinners. Their salaries must take cognisance of these economic responsibilities.
- \* Gender stereotyping and the categorisation of jobs on the basis of sex and gender, must be eliminated.
- \* Equal benefits must be provided including housing, pensions and medical aid, amongst others.
- \* There should be no discriminatory taxation. All dependents supported by women breadwinners should be recognised for tax deductions for women.
- \* Legal mechanisms are needed to protect women against unfair, monopolistic and other exploitative business practices that affect women's participation in the informal economy.
- \* Safe and healthy facilities must be provided for women in the informal sector.
- \* Women must be protected from sexual harassment and violence in all the places where women are working.
- \* Group benefits are needed for women outside formal employment, such as accident and disability insurance, group housing schemes, sick leave and maternity benefits.
- \* Women need access to credit which is not based on the need for collateral or linked to their marital status.
- \* Health and safety for commercial sex workers and their clients are needed. Prostitution should be decriminalised.
- \* Economic policy must secure a central place for women in the economy.
- \* The full participation of women in economic decision-making should be facilitated.
- \* The definition of what constitutes economic activity must include all women's work.
- \* Unpaid labour should be recognised as contributing to the creation of national wealth and should be included in the national accounts.
- \* Gender stereotyping of work in the home needs to be combatted.

#### **Article 4: Education and Training**

Education and training in South Africa has historically focused on schooling, higher education and vocational training in the workplace. It has been male-oriented, inaccessible, inappropriate and racially discriminatory. It has ignored women's needs and experience. Education and training is a continuous lifelong process. Education includes educare, adult basic and continuing education, primary, secondary and tertiary education and vocational training for the formal and informal economy. Education and training must meet the economic, social, cultural and political needs of women in South Africa.

- \* Every woman shall have the right to education and training at any stage of her life in order to realise her full potential.
- \* Every person has the right to equality within education irrespective of sex, gender, pregnancy, race, sexual orientation, age, disability, urban or rural location, domestic and child care responsibilities and financial status.
- \* Accessible and appropriate institutions shall be established to provide education to enable active participation by women, particularly rural women, single mothers, and disabled women.
- \* There shall be no negative gender stereotyping in both curriculum development and educational practice.
- \* Women shall be represented at all levels of the policy-making, management and administration of education and training.
- \* Women shall have special access to funds for education and training.
- \* Childcare facilities shall be provided at all education and training institutions.
- \* Human rights education to develop awareness of women's status, to build women's self-confidence, and enable them to claim their constitutional and legal rights should be implemented.
- \* Girls and women in educational institutions must be protected against sexual harassment and abuse.
- \* Sex education shall be provided for boys and girls at all levels of schooling.

#### **Article 5: Development, Infrastructure, and the Environment**

Women are primarily responsible for maintaining the household and the community. The majority of South Africans have been denied access to the full range of basic development resources and services necessary to sustain a healthy and productive life. Rural women and informal settlement residents in particular have been denied vital resources. The gradual

destruction of the natural environment- soil erosion, deforestation and air pollution - increases women's household, agricultural and community work responsibilities.

- \* Women should participate in designing and implementing development programmes to meet their needs.
- \* Employment generated from development and infrastructure programmes should benefit women.
- \* Adequate, accessible and safe water supplies and sanitation should be made available to all communities, including those in rural areas and informal settlements.
- \* Services such as communications and electricity or other appropriate sources of energy must be extended to all communities as a matter of priority.
- \* Women need safe transport networks.
- \* Women need affordable and secure housing with non-discriminatory subsidies and loans.
- \* Women must have equal access to land and security of tenure, including women living under customary law.
- \* Accessible health care, recreational, educational and social welfare facilities should be provided to women.
- \* There shall be protection of natural resources to benefit women.

## **Article 6: Social Services**

Social services, which are development orientated, should be a right and not a privilege. Inadequate social services place the burden for providing these on women, since women are primarily responsible for maintaining the household and the community.

- \* Social welfare services should be provided by both the state and the private sector in accordance with the principles of social justice, equality, appropriateness and accessibility.
- \* Social services should apply to all areas of women's lives, in particular in the home, the workplace, health and education.
- \* The system of social services should pay special attention to the needs of rural and disabled women.
- \* Pensions should be provided to women on an equal basis.

- \* Disability grants should be available to all women irrespective of age on the basis of need.
- \* Accessible and affordable social services should be provided to women.

### **Article 7: Political and Civic Life**

Women have traditionally been excluded from participation and decision-making in political, civic and community life. Democracy requires that the political playing field between men and women be levelled by acknowledging women's right to participate equally in all political activities.

- \* Women shall have equal opportunity and access to leadership and decision-making positions at all levels of government.
- \* Rural women have the right to be part of decision-making structures in traditional communities.
- \* Women shall have equal access to, and representation on, public bodies.
- \* Traditional institutions shall be restructured in accordance with the principles of equality and democracy.
- \* There shall be adequate and appropriate support services to facilitate the full political participation of women.
- \* Women shall have the right to acquire, change or retain their nationality and to pass it on to their children.
- \* Women shall be free from political intimidation and threat to her person.

### **Article 8: Family Life and Partnerships**

There are many different types of families which have not enjoyed the same rights, duties and benefits. Women bear an unequal burden in maintaining the family and yet have little power to make decisions.

- \* All family types shall be recognised and treated equally.
- \* Women shall have equality within the family and within marriages and intimate relationships.
- \* Women shall have the right to choose the partner of their choice.
- \* Women shall have equal rights during, and at the dissolution of, a marriage.



- \* Women married under customary law shall have the right to inherit from their husbands.
- \* Women must have the right to decide on the nature and frequency of sexual contact within marriage and intimate relationships.
- \* Partners and all members of the household should endeavour to share domestic responsibilities.
- \* Women should have equal access to the financial resources of the household.
- \* Women should have equal decision-making powers 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 physical, sexual and emotional abuse occurs.
- \* Women shall have 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 practice frequently subordinate women. Roles that are defined for women are both stereotypical and restrictive. Women are often excluded from full participation, leadership and decision-making in religious and cultural practice.

- \* Custom, culture and religious practices, insofar as they relate to the status of women, 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.

### **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 experience secondary victimization at all stages of the criminal justice system.

- \* Women shall be entitled to security and integrity of the person which shall include the right to be free from all forms of violence in the home, in communities, in the workplace and in public spaces.

- \* The state should be responsible for public education about the dignity and integrity of the person.
- \* There shall be legal protection for all women against sexual and racial harassment, abuse and assault.
- \* Facilities staffed by trained personnel where women can report cases of rape, battery and sexual assault, undergo medical examination and receive appropriate treatment and counselling shall be provided.
- \* Appropriate education and training for police, prosecutors, magistrates, judges, district surgeons and other persons involved in dealing with cases of rape, battery, sexual assault and incest must be provided.
- \* There shall be accessible and affordable shelters and counselling services for survivors of rape, battery and sexual assault.

### **Article 11: Health**

Health services in South Africa have traditionally been unequal, inaccessible and inappropriate. Women in particular are unaware of their rights in relation to health services. Health Services have not been appropriately oriented to meet women's health needs and priorities. The lack of basic life-sustaining services, such as water and sanitation, has denied the majority of South Africans access to the resources necessary to ensure good health.

- \* Equal, affordable and accessible health care services which meet women's specific health needs shall be provided.
- \* Women have the right to control over their bodies which includes the right to reproductive decisions.
- \* Access to information and knowledge to enable women to make informed choices about their bodies and about health care should be provided.
- \* Education about family planning and family planning services should be provided free of charge to both men and women.
- \* Every person shall have access to adequate nutrition.
- \* Appropriate and accessible mental health care services must be provided to women.

### **Article 12: Media**

In South Africa women do not enjoy equal access to, or coverage in the film, print and electronic media. Very few women own or control media institutions or occupy executive or editorial decision-making positions. Women are marginalised and trivialised in the media. The principles of freedom of speech and the press should not justify the portrayal of women in a manner that is degrading and humiliating or promotes violence against them.

- \* Women must have equal access to all media and media institutions.
- \* The contribution of women in all areas of public and private life must be reflected in the media.
- \* The promotion of equality, including affirmative action, in employment must redress current imbalances in the status of women in the media.
- \* There is a need to monitor the representation of women in the media.
- \* Negative or injurious stereotypes of women must be eliminated.

**This Charter gives expression to the common experiences, visions and aspirations of South African women. We are breaking our silence. We call for respect and recognition of our human dignity and for a genuine change in our status and material conditions in a future South Africa.**

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South Africa's military presence in Namibia ended last weekend much as it began in 1915, with a whimper rather than a bang. A hundred South African naval ratings and coloured infantrymen paraded in the civic-centre car park in the presence of SADF chief General George Meiring. The only deep-water harbour in Namibia, Walvis Bay was vital to the military's arsenal during the years spent fighting 'communism and Soviet expansionism', Meiring explained, conveniently forgetting the 'klap' his troops got from the Cubans. He added that the SADF were 'realists' and would 'abide by the politicians' decision'. PHOTOGRAPH: GUY ADAMS

# Charter reflects women's needs

Two years' research by the Women's National Coalition has reached fruition with the presentation of a draft women's charter.

**Ferial Haffajee reports**

ONE of the first documents to be presented to the government of national unity in June will be a draft women's charter.

The Women's National Coalition last week brought two years' work to virtual completion when it presented the charter to a conference of over 300 delegates representing more than 80 women's organisations.

The Coalition is unlikely to demand the charter's inclusion in the Bill of Rights. Instead, it will be used as a political document to lobby parliament and organise women.

The charter is detailed, offering something for all South African women. Flowing from Coalition research into women's needs, it

includes sections on the economy, law, education, development, rape and battery.

It speaks as much to urban executives through calls for equal taxation as to rural woman by stating that "custom, culture and religion shall be subject to the equality clause in the Bill of Rights" and by promising them a say in development projects.

Women leaders will find comforting its promise that no tier of government will be without women representatives. Many ideas in the charter aim to improve the lot of women in the informal sector while other working women are catered for by a package of proposals which includes equal access to education and training, equal pay and improved child-care facilities.

The charter dodges the issue of polygamy, promotes freedom of choice on abortion and calls for the legalisation of prostitution. These nettles may take time to grasp but changes likely to occur soon after the installation of a government of national unity may see higher numbers of women judges and magis-

trates, gender balance in the human rights and gender commissions as well as in the constitutional court. The charter also calls for state-funded counselling centres for women who are battered and raped, but does not promise free health care.

In a move that took some by surprise, the ANC Women's League supported a National Party motion for the dissolution of the Coalition. "Most regions felt that because the charter is ready, there is no reason for the Coalition to continue," said Thandi Modise, deputy president of the League.

The conference instead decided to extend the life of the Coalition to the end of June when the charter will be presented to the first parliamentary session of a government of national unity.

New faces will lead the Coalition: some full-time staffers have left, while parliamentary candidates who also held leadership positions in the Coalition have had to step down. The Coalition's steering committee is to meet soon to decide on replacements.

ton, where prisoners have downed tools; Bloemfontein, where prisoners are on hunger strike; Boksburg, where prisoners are refusing to work or eat; and Rustenburg.

In Johannesburg central prison, inmates and awaiting trialists who have joined the campaign were forced to have their meals and subjected to intimidation and assaults, Bhudu said. At Modderbee, prisoners were force-fed and told they were not allowed to take part in the campaign. In Bethlehem and Pretoria local prison, inmates are refusing to work.

Bhudu said he had reports of violence at Leeuwkop and Bethal prisons: "Prisoners were assaulted, tear-gassed, set upon by dogs, and many have been put in isolation cells in an attempt to stop them from striking."

Department of Correctional Services spokesman Captain Koos Gerber confirmed "sporadic incidents" had occurred at "some prisons" where inmates "were refusing food and embarking on go-slows and work stoppages".

However, he said this could not be described as "mass action" as less than one percent of the prison population was involved.

He said it was unclear whether the protest action would spread but that it was in prisoners' interests that they "stop such irresponsible behaviour as soon as possible".

The Independent Electoral Commission has meanwhile agreed to meet prisoners' representatives over the right of inmates to cast votes in the April election.

Next week's meeting at the World Trade Centre with SAPOHR will discuss whether the Electoral Act can be amended to enfranchise prisoners.

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