

CONSTITUTIONAL RIGHTS FOR WOMEN : SOME EXAMPLES

1

Freedom Charter (1955)

'The rights of the people shall be the same regardless of race, colour or sex.'

'Every man and woman shall have the right to vote for and stand as a candidate for all bodies which make law.'

'Men and women of all races shall receive equal pay for equal work.'

'There shall be ... maternity leave on full pay for all working mothers.'

ANC Constitutional Guidelines (1988)

(u) Women shall have equal rights in all spheres of public and private life and the state shall take affirmative action to eliminate inequalities and discrimination between all sexes.

SA Law Commission (1989)

Article 2

'The right to human dignity and equality before the law, which means that there shall be no discrimination on the ground of race, colour, language, sex, religion, ethnic origin, social class, birth, political or other views or any disability or other natural characteristic: Provided that such legislation or executive or administrative acts as may reasonably be necessary for the improvement, on a temporary basis, of a position in which, for historical reasons, persons or groups find themselves to be disadvantaged, shall be permissible.'

Namibian Constitution

Article 10:

(1) All persons shall be equal before the law;

(2) No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.'

Equal Rights Amendment: USA

(1) Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Canadian Charter of Rights and Freedoms (1982)

Article 15:

(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

UN Convention on the Elimination of all kinds of Discrimination against Women (1979)

Article 5:

'State Parties shall take all appropriate measures:

- (a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.'

Ethiopian Constitution

Article 36:

'(1) In the People's Democratic Republic of Ethiopia women and men shall have equal rights.

(2) The state shall provide women with special support, particularly in education, training and employment so that they may participate in political, economic, social and cultural affairs on an equal basis with men.

(3) The state shall ensure that appropriate measures are progressively taken for women to be provided with health services, suitable working conditions and adequate rest periods during pregnancy and maternity.'

Sweden Instrument of Government

Chapter 2: Fundamental Freedoms and Rights

Article 16: 'No law or other decree shall imply the discrimination of any citizen on account of his sex, unless the relevant provision forms part of efforts to bring about equality between men and women ...'

GENDER
RTS