

CHARTER OF LESBIAN AND GAY RIGHTS (DRAFT VERSION)

From ORGANISATION OF LESBIAN AND GAY ACTIVISTS, 90.05.11

The headed sections that follow are in no particular order.

EMPLOYMENT

1. Discrimination against lesbian and gay people in the workplace shall be illegal with regard to recruitment, dismissal, promotion, and conditions of work.
2. Lesbian and gay employees shall have the right to be out of the closet in the workplace. This right shall apply equally to school teachers and others who work with the young.
3. Disciplinary action shall be applicable against employees who victimize colleagues because they are known to be gay or lesbian.
4. Conditions of service shall allow for the inclusion of Registered Partners (see no. 10) of lesbian and gay employees in pension schemes, compassionate leave, and co-parenting leave.

EDUCATION

5. It shall be illegal for negative or derogatory attitudes towards homosexuality and/or lesbian and gay people to be taught.
6. Education about sexuality, including homosexuality, shall be included in curricula. Teachers shall be qualified to provide education regarding homosexuality.
7. Pupils shall not be discriminated against because of being lesbian or gay.
8. There shall be openly understood procedures for complaints by pupils regarding discrimination on the basis of sexual orientation.

HOUSING

9. No lesbian/gay individual or couple shall be discriminated against with regard to housing on the grounds of their sexual orientation.

RELATIONSHIPS AND FAMILIES

10. There shall be provision for two persons of the same gender to enter into a Registered Partnership, which shall confer all the legal rights and liabilities of the marriage partnership. This shall include rights and liabilities regarding taxation, inheritance, pension, insurance, and next-of-kin status.
11. Lesbian and gay people shall have the right to produce and parent children. This shall apply whether they are single or involved in a couple relationship.
12. Lesbian/gay sexual orientation shall not be admissible as a factor in decisions regarding eligibility for custody, adoption, or fostering of children.

HEALTH AND WELFARE

13. Health and welfare workers shall be educated with regard to the particular problems faced by lesbian and gay people owing to the homophobic nature of our society; and they shall actively seek to combat homophobia.

14. Mental health problems in lesbian and gay people shall not automatically be assumed to be a result of their sexual orientation.

MEDIA

15. The government shall guarantee the free dissemination of newspapers, magazines and works of the imagination within South Africa of lesbian and gay people.

16. Censorship of publications dealing with homosexual sexual acts shall be enforced in parity with publications dealing with heterosexual sexual acts.

PRISONS

17. There shall be special protection for lesbian and gay people in prisons in respect of rape and other forms of victimisation.

IMMIGRATION

18. Sexual orientation shall not be a factor in decision-making regarding applications for immigration.

19. The government shall grant refugee status to gay and lesbian people who flee from countries where homosexuality is persecuted. Similarly, gay and lesbian people who do not wish to return to their own country because of fear of persecution shall be allowed to stay in South Africa.

EXISTING DISCRIMINATORY LEGISLATION

20. The current legislation which outlaws gay and lesbian behaviour shall be repealed, in respect of both the criminal and the common law.

21. The criminal offence of child molestation shall be redefined such that both the molester and the victim can be of either gender.

22. The criminal offence of child molestation shall be redefined such that the age of consent is the same whether the interaction is heterosexual or homosexual in nature.

23. All laws shall be reviewed in the light of the demands of this Charter.

24. Provision shall be made for legal redress in cases where persons believe they may have been discriminated against owing to lesbian or gay sexual orientation. Lesbian and gay people shall be represented in judicial fora.