

Women's Charters and Declarations: Building Another World

Rashida Manjoo

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WLUML



**WOMEN'S
CHARTERS AND
DECLARATIONS:**

Building Another World

Rashida Manjoo

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محاولاتنا زير اش مسام قوانيننا
Women Living Under Muslim Laws
النساء في ظل قوانين المسلمين
Femmes sous lois musulmanes

WLUML publications, including their annual journal *Dossiers* are meant to support the struggle for women's equality and autonomy, and the promotion of women's human rights worldwide. They are also intended to provide information about the lives, struggles and strategies of women living in diverse Muslim communities and countries while making the accumulated knowledge and experiences of women's rights movements accessible to a wide readership, as aids to activism for creating a more equitable world. They aspire to provide a collective transnational and intergenerational space to share experiences, strategies, analyses and initiatives.

Women's Charters and Declarations: Building Another World, is the third publication of WLUML Gender Equality Program launched in 2006, which intends to critically assess and examine the road maps women in various socio-political context have adopted in order to promote gender equality through the working of the state machinery. The two other publications are:

Dossier 29: Human Rights & Gender Equality



Dossier: Journal of Women Living Under Muslim Laws, issue 29 edited by Rashida Manjoo and Kristen DeRemer present the proceeding of a conference organized by WLUML on *Women's National Machinery*, which examined different mechanisms adopted in diverse countries for improving women's legal and social positions, as well as extent of their effectiveness within different political structures.

Electoral Politics: Making Quotas Work for Women



The goal of reducing gender inequalities in political representation has been elusive in many different kinds of political systems, even though women have made substantial progress in other areas, such as education, employment and healthcare. This wonderfully accessible book argues that gender quotas are an important strategy to improve women's political representation in legislatures and political parties and it lays out the history of this approach across the globe.

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About Women Living Under Muslim Laws (WLUML)

Women Living Under Muslim Laws is an international solidarity network with a mission to effectively advance women's equality, gender justice, and women's human rights through a variety of channels; providing information, research and analysis, training workshops and conferences, as well as facilitating a transnational and intergenerational collective space for women whose lives are shaped, conditioned or governed by laws and customs said to derive from Islam.

The network started in 1984 by nine women from Algeria, Morocco, Sudan, Iran, Mauritius, Tanzania, Bangladesh and Pakistan who came together and formed the Action Committee of Women Living Under Muslim Laws in support of local women's struggles. Since then WLUML has linked individual women and organisations and now extends to more than 70 countries ranging from South Africa to Uzbekistan, Senegal to Indonesia and Brazil to France. It links:

- Women living in countries or states where Islam is the state religion, secular states with Muslim majorities as well as those from Muslim communities governed by minority religious laws;
- Women in secular states where political groups are demanding religious laws; women in migrant Muslim communities in Europe, the Americas and around the world;
- Non-Muslim women who may have Muslim laws applied to them directly or through their children;
- Women born into Muslim communities/families who are automatically categorised as Muslim but may not define themselves as such, either because they are not believers or because they choose not to identify themselves in religious terms, preferring to prioritise other aspects of their identity such as political ideology, profession, sexual orientation or others.

What is in the Name: Our name **challenges the myth** of one, homogenous 'Muslim world'. This deliberately created myth fails to reflect that laws said to be Muslim vary from one context to another. The laws that determine our lives are from diverse sources: religious, customary, colonial and secular. Many different laws simultaneously govern us: laws recognised by the state (codified and uncoded) and informal laws such as customary practices, which vary according to the cultural, social and political context.

WLUML, as a network, has opted for an open structure which has been designed to maximise the participation of diverse and autonomous groups and individuals as well as collective decision-making. WLUML does not have formal membership and networkers are a fluid group of individuals and organisations who maintain regular two-way contact with the network. For more information please see the WLUML website at www.wluml.org

What are WLUML's mission and focus? Its mission is to strengthen women's individual and collective struggles for equality and their human rights, especially in Muslim contexts. It achieves this by breaking their isolation, by providing trainings, and by creating and reinforcing spaces for women to share experiences and lend support to one another. This support is created by making linkages between women within Muslim countries and communities, and with global feminist and progressive groups. In this way WLUML promotes the creation and strengthening of both local and transnational women's movements.

Publications, Research, and Media: WLUML conducts research, maps various analyses, mobilizes knowledge through the organization of training workshops, conferences, launch campaigns, circulates information regarding women's diverse experiences and strategies in Muslim contexts and helps to demystify the diverse sources of control over women's lives. It also runs the Feminist Leadership Institute for women in Muslim contexts. WLUML's current focus is on the four themes of: fundamentalism and identity politics, peace building and resisting the impact of militarisation on women's lives, promoting and protecting women's equality under laws particularly family laws, and sexuality and women's bodily autonomy. Violence against women, as a theme, cuts across all of WLUML's projects and activities. Its publications in English, French, Arabic (and some in other

local languages) are freely available on the website at www.wluml.org. Networkers also translate information into numerous other languages.

Collective Research and training projects:

- Exchange programme (1988)
- Mothers of Algiers (1987-1993)
- Qur'anic interpretations meetings (1990-2004)
- Women and Law in the Muslim world programme (1991-2001)
- Women's Reproductive Rights (1993- 1998)
- Vienna Tribunal Campaign (Women's Rights are Human Rights) (1991- 1995)
- Feminism in the Muslim World Leadership Institutes (1998, 1999, 2007, 2009)
- Gender, Militarization and displacement in Muslim contexts (1999-2002)
- Initiative for democratizing Afghan Family Laws – INSAF (2002 - present)
- Dress Codes and Modes: Politics of Women's Clothing in Muslim Contexts (2003 – Present)
- The International Coalition on Women Human Rights Defenders, <http://www.defendingwomen-defendingrights.org> (2005 – present)
- The Feminist Dialogue (2006 - present)
- The Global Campaign to Stop Killing and Stoning Women! (2007 - present)
- Violence is not Our Culture campaign, <http://violenceisnotourculture.org/> (2009 to present)
- *Women reclaiming and re-defining cultures: Asserting rights over body, self, and public spaces* (2008-2011)
- Gender Equality Program (2008-present).
- Women's Empowerment and Leadership Development for Democratization (2012 to present)

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About the Author

Rashida Manjoo holds a part-time post as a Professor in the Department of Public Law, University of Cape Town, South Africa. She is also the United Nations Special Rapporteur on Violence Against Women. She is the former Parliamentary commissioner of the Commission on Gender Equality (CGE), a constitutional body mandated to oversee the promotion and protection of gender equality. Prior to being appointed to the CGE she was involved in social context training for judges and lawyers, where she has designed both content and methodology during her time at the Law, Race, and Gender Research Unit, University of Cape Town and at the University of Natal, Durban.

Ms Manjoo has held numerous visiting professorships including most recently at the University of Virginia, USA. She served as the Des Lee Distinguished Visiting Professor at Webster University, USA where she taught courses in human rights, with a particular focus on women's human rights and transitional justice. She was also the Eleanor Roosevelt Fellow with the Human Rights Program at Harvard Law School (2006-07) and a clinical instructor in the program in 2005-6.

Table of Abbreviations

CEDAW – Convention on the Elimination of All Forms of Discrimination against Women

CHRAJ – the Commission on Human Rights and Administrative Justice

CIWL – Caribbean Institute for Women in Leadership

CPA – Comprehensive Peace Agreement

CSW – Convention on the Status of Women

DSW/ CD – the Department of Social Welfare and Community Development

ERP – Economic Recovery Programme

GPRS – Ghana Poverty Reduction Strategy

HR – Human Rights

IDEA – Institute for Democracy and Electoral Assistance

IMF – International Monetary Fund

KHRP – Kurdish Human Rights Project

KRG – Kurdish Regional Government

KWP – Kurdish Women’s Project

MOWAC – Ministry of Women and Children’s Affairs

NCW – National Committee for Women

NCW – National Council of Women

NCWD – the National Commission for Women’s Development

NFLS – Nairobi Forward Looking Strategies

NGO – Non-governmental Organization

PDS – Public Distribution System

SA – South Africa

SADC – Southern African Development Community

SAP – Structural Adjustment Program

SWAPO – South West Africa People’s Organization

UDHR – Universal Declaration of Human Rights

UN – United Nations

UNF – United National Front

UNIFEM – United Nations Development Fund for Women

WAJU – the Women and Juvenile Unit

WLUML – Women Living Under Muslim Laws

Foreword

The history of the modern women's charter goes back to the French revolution. Olympe de Gouges and many other proponents for women's equality objected to the exclusion of women from the rights that were articulated in the 1789 *Declaration of the Rights of Man and Citizen*. This declaration is celebrated as the emblematic dawn of democracy. Yet it excluded half the population from participating in political decision-making, even though women had played a crucial role in making the French revolution a reality. Olympe de Gouges, disappointed with the resistance of male revolutionaries to expand equality and citizenship rights to women, penned the women's charter, the *Declaration of the Rights of Woman and the Female Citizen* and launched it publically in 1791. While her dream of gender equality cost de Gouges her life (she was beheaded on the charge of wanting to be an 'statesman' in 1793), her dream has lived in the minds and souls of women worldwide who continue to work to make her dream a reality for all women.

Some two hundred years later, and after the creation of the *Universal Declaration of Human Rights* (UDHR) in 1948, once again many women (and some men) felt that the declaration did not sufficiently address their demand for gender equality and the incorporation of women into the social and political lives of their communities. Thus many committed women and men worked for almost two decades to create the *Convention of Elimination of All Forms of Discrimination Against Women* (CEDAW), which came to force in 1979. However, before long it became clear that this much celebrated document, representing one of the most important mechanisms for gender equality, was also not sufficient for the realization of women's demands for gender equality in their particular contexts. There was a need for both contextualization as well as vernacularization of the document before it could effectively service women. Furthermore, opponents of gender equality continued to propagate the myth that CEDAW was a creation of

“western” cultures and not suitable for their specific culture and society. This myth is particularly reinforced by conservative religious leaders and politicians in Muslim contexts. They conveniently ignore the fact that with the exception of Austria, barely an influential state, representatives of the Third World, including 6 Muslim-majority states, made up the committee of 20 people who prepared the document.¹ Another major obstacle facing proponents of gender equality was that many states that signed and ratified the convention did so by making reservations on major articles in the name of the protection of their national culture and religion, which in practice undermined the effectiveness of the convention.

It is in these contexts that in recent decades women in diverse cultural and political settings have turned their attention to developing their own charters as a means of articulating their collective demands. In doing so, they thus strategically bypass some of the actual and potential shortcomings of CEDAW, without attempting to replace it. Indeed CEDAW remains a major international reference point from which women can draw legitimacy for their gender equality demands. As Rashida Manjoo documents in this publication, the creation of national charters serves as a nucleus around which women from different walks of life can work together to develop contextualized collective strategies for realization of their demands at the local level.

At various times Women Living Under Muslim Laws (WLUML), as a transnational network with the history of linking women’s struggles for equality and human rights across diverse contexts, has been solicited for support in the preparation of launching national charters. In response WLUML has collected documents and discourses surrounding the creation of diverse national women’s charters, and also researched various ways that such charters and other mechanisms have worked (or not, as the case may be), as a teaching and training tool for interested parties. WLUML has disseminated the research by organizing workshops and trainings, as well as facilitating exchanges between interested women and individuals from

¹ The committee was made up of the following countries: **Afghanistan, Algeria, Argentina, Austria, Cameroon, Chile, Columbia, Czechoslovakia, Gabon, Guinea, Indonesia, Iran, Mongolia, Morocco, Pakistan, Panama, the Philippines, Poland, Togo and Venezuela.**

different nationalities. The continued interest of networkers in this field led to the creation of WLUML’s Gender Equality Program in 2008, with the intention of producing more systematic resources at the service of the activists working for realization of gender equality with a focus on women’s access to national decision making opportunities.

Rashida Manjoo and Kristen DeRemer were already involved in this project and had organized and edited the volume on *Women’s National Machinery*, which examined in different countries the various mechanisms adopted for improving women’s legal and social positions, as well as extent of their effectiveness within different political structures. This was published as Issue 29 of *Dossier: Journal of Women Living Under Muslim Laws*. Rashida Manjoo had also been very involved in the creation and revision of the South African Women’s Charter and the Women’s Commission, making her one of the most appropriate scholars to systematize WLUML efforts on creating a handbook for all those who are contemplating and strategizing the creation of their own national charters.

While she accepted the invitation by WLUML to create this handbook in 2009, before the completion of the project, she was appointed as the UN Special Rapporteur on Violence Against Women, its causes and consequences (UNSRVAW). Despite the immense demands of her mandate, she remained committed to this project, and we are very pleased to have it completed this year. This publication becomes the third in a series of recent WLUML publications - along with the aforementioned *Dossier 29*, and *Electoral Politics: Making Quotas Work for Women (2011)*² – intended to provide comprehensive background for proponents of gender equality to pave the ground for their effective planning for and realization of their goals.

Homa Hoodfar
Professor of Anthropology
Director of Gender Equality Program
Chair, WLUML Publication Committee

² Both publications are available for download, free or by donation, from WLUML’s website. For *Dossier 29* see: <http://www.wluml.org/sites/wluml.org/files/import/english/pubs/pdf/dossier29/dossier29-en.pdf>. For *Electoral Politics* see: <http://www.wluml.org/resource/electoral-politics-making-quotas-work-women>.

Chapter 1

Women's Charters in Historical Perspectives

“We women have been marching a long time to denounce and demand an end to the oppression of women and end the domination, exploitation, egotism and unbridled quest for profit breeding injustice, war, conquest and violence. Our feminist struggles and those of our foremothers on every continent have forged new freedoms for us, our daughters and sons, and all the young girls and boys who will walk the earth after us. We represent over half of humanity. We give life, we work, love, create, struggle, and have fun. We currently accomplish most of the work essential to life and the continued survival of humankind. Yet our place in society continues to be undervalued.... [P]atriarchy as the system oppressing women and capitalism as the system that enables a minority to exploit the vast majority of women and men. These systems reinforce one another. They are rooted in, and work hand in hand with, racism, sexism, misogyny, xenophobia, homophobia, colonialism, imperialism, slavery, and forced labour. They breed manifold forms of fundamentalism that prevent women and men from being free. They generate poverty and exclusion, violate the rights of human beings, particularly women's rights, and imperil humanity and the planet. We reject this world! We propose to build another world where exploitation, oppression, intolerance and exclusion no longer exist, and where integrity, diversity and the rights and freedoms of all are respected.

This Charter is based on the values of equality, freedom, solidarity, justice and peace" (Women's Global Charter for Humanity; Preamble, 2005).³

Women's charters are a poignant portrayal of the needs of women and their views on what they want from their government and society at large. They serve as a demand for change and improvement, and reflect a journey through a patriarchal maze at the state and non-state levels, while attempting to impact the fundamental norms and values of a society as it regards women's rights. The necessity for women to demand their human rights remains critical, as millions of women continue to face inequalities on a daily basis in nearly all areas of their lives. Understanding how a charter 'charts out' its path, and how it creates a positive impact, is critical to understanding the difficult journey in the quest of demanding change in societal attitudes towards women, and challenging the roots of institutional and individual belief systems that continue to oppress women. Through building a foundation of support for promoting women's rights, women's charters are sometimes the first step in the call for rights and freedoms to be part of a country's laws and policies. Often these documents are envisioned, written, and pursued by women for women, **but wider support on both the societal and state level is critical to the development, implementation and longevity of the issues raised within a charter.** Amongst others, one of the goals of this publication is to highlight strategies that women have adopted both historically and in more recent times, in order to strengthen and increase support for women's rights both at the state and non-state levels.

In 1789 the *Declaration of the Rights of Man and Citizen* was written and introduced to the public. The document "laid out rights and principles which

3 Women's Global Charter for Humanity; Preamble (2005). This charter was adopted by the 'World March of Women' on December 10th, 2004 and is based on five values: equality, freedom, solidarity, justice and peace. The World March of Women are using this charter as a tool in their fight against the inequality of women, directing their voices towards political and economic change. Using their networks in over 65 countries, the organization focuses on the 'globalization of solidarity', using education along with this solidarity, as part of their strategies towards numerous goals, including equality. For more information, see http://www.worldmarchofwomen.org/qui_nous_sommes/en/ (accessed 21 March 2012) and http://www.casac.ca/sites/default/files/Womens%20Global%20Charter%20for%20Humanity%20Pamphlet_0.pdf.

later formed a significant basis for the text of the Universal Declaration of Human Rights" (Bauer 1996:3). However, this document did not include women's rights, which raised serious concerns for many, particularly for the large number of women who had participated so actively in the revolution leading to the declaration. In response to this exclusion, the 18th century French feminist and one of the leading, if often neglected, intellectuals of the revolution, Olympe de Gouges, argued that because this document did not adequately reflect and protect the explicit rights of women, it was thus unacceptable as *the* dictating piece and fundamental building block of citizens and human rights. However despite the mobilization of large numbers of women and support from some intellectuals, the revolutionary council was unwilling to revise the declaration.⁴ In 1791, de Gouges penned a different document, and aptly titled it the *Declaration of the Rights of Woman and the Female Citizen*,⁵ in which she laid out the natural, inalienable and sacred rights of women.⁶ This document recognized many sources of women's legal and social oppression, particularly in the areas of economy and the institutions of family and parenthood, as well as public politics. It insisted on the

4 The exclusion of women was justified on the grounds that women do not go to war to protect the country. However, one could argue that women produce the soldiers that do go to war, and also work to support and feed the country while soldiers are at war. The second argument for their exclusion was that women do not have political imagination and thus are unsuited for the world of politics. Once women revolutionaries like de Gouges and many others successfully argued that they do have imagination, particularly if they are given opportunities, then male philosophers argued that women's imagination was a 'passive imagination', and not an active one. Although they were unable to produce evidence for this assertion, they nonetheless stuck to their decision of excluding women from politics Scott, Joan Wallach (1996: 19-57).

5 See Appendix 1 for the full text of the *Declaration on the Rights of Woman and the Female Citizen*, retrieved from <http://www.library.csi.cuny.edu/dept/americanstudies/lavender/decwom2.html>.

6 'Natural Law' is a view that certain rights or values are inherent in or universally recognizable by virtue of human reason or human nature and belong to all humanity. It can be said that the rights today we commonly refer to as Human Rights are derived from discourses of natural law as conceptualized by philosophers from Plato, Aristotle, Thomas Hobbes, Johan Locke and various other advocates of human equality.

recognition of women as independent individuals and full citizens with full political and social and economic rights. Although many earlier and subsequent women's charters exist, the significance of Olympe de Gouges' charter is its articulation of certain demands for women that at the time were considered a turning point in modern history, including the demand that states treat all men and women as equals and as citizens, not subjects.

Nearly 190 years prior to the drafting of the influential *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*,⁷ which is often considered the 'Women's Bill of Rights', Olympe de Gouges captured many of the same concerns that continue to plague women in the twenty-first century. The demands set forth in her document advocated for twenty-seven rights, including: the right to own and maintain property, the right to politically and socially resist oppression, the right to equal opportunity in the labour force, and women's right to political participation. Unfortunately, de Gouges was not heralded for this early attempt at bridging the gender divide. Instead, the *Declaration of the Rights of Woman* was met with condemnation and conjectures of de Gouges' irrational and unreasonable feminist behavior. The *Declaration* was never formally adopted or implemented into the French constitution of 1791. Falling victim to the very doctrine she denounced, de Gouges was eventually "accused of wanting to be a 'statesman' and forgetting the virtues suitable to her sex" (Bauer 1996:31). In 1793, she was executed by guillotine in France. The work of de Gouges unfortunately did not set a precedent for the attainment of women's human rights and gender equality. Instead, her revolutionary foresight barely made a splash in the midst of the French Revolution and her story remained buried beneath yellowing pages of feminist history. Recognizing her as a pioneer, French feminists and activists in recent decades have honored her with many writings and have requested that her remains be moved to the Pantheon where French intellectuals of the French revolution were laid to rest (Mousset 2007).

⁷ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the most comprehensive international convention on the advancement of women. CEDAW was adopted by the United Nations in 1979 and became an international treaty in 1981. Full text of the convention is available at, <http://www2.ohchr.org/english/law/cedaw.htm>., also see <http://www.un.org/womenwatch/daw/cedaw/> (accessed 21 March 2012)

The story of de Gouges' determination exemplifies the urge women have had throughout history to demand their rights and voice their concerns over exclusion, inequality, discrimination and oppression. The status of women in male-dominated and patriarchal societies resulted in a separation of the legal, political and social domains of life, into "private" and "public" spheres. This public/private divide reflected the practice of male representation of women in all public spheres of life with women being regarded as the property of men, whether in the roles as mothers, wives or daughters. The emancipation of women debates included demands, by many women authors and activists, for equal education opportunities, demands for justice and rights for women, and demands for participation in public life, amongst others. Throughout the 1800s, suffragist movements were also growing globally and included campaigns of protests and hunger strikes. The abolition struggles against slavery resonated with women's experiences of oppression, discrimination and exclusion and this also assisted in making debates on the emancipation of women more vocal and visible. Furthermore, the self-determination struggles in the colonized world also helped to give more impetus to activists who were involved in the emancipation of women struggles. Unfortunately, the democratic revolutions of the 18th and 19th century did not extend full citizenship rights to women, including the right to vote, to hold public office, or to own property.

World War I (WWI) served as an opportunity for the liberation of women: the home-front needed increased support while troops were at war, and women took on non-traditional jobs in public spaces, asserted their rights and also developed different skills (Brown, 2002; Thom, 2000). In the aftermath of WWI, despite women's activism playing a major role in ensuring that the 1919 Paris Peace Conference took place only, a few women were included as participants (Kelly & Eblen 2001). However the continuing demand for women's inclusion in political processes and forums did lead to the inclusion of women in both the League of Nations and the International Labour Organization. Post-WWI women's activism continued in respect of voting rights struggles and mass public campaigns for reproductive rights, including birth control and family planning. Furthermore, one of the consequences of World War II (WWII) was that of further changes to women's role in the workforce, which included actual military service, resistance against occupation forces, and widespread participation in male-dominated

industries (Rupp 1997). Post-WWII, even more intense discussions commenced concerning the idea of peace, as well as the promotion and protection of individual human rights. Such discussions included a focus on civil and political rights for all, and equal treatment and equal protection under the law, without discrimination.

The *United Nations Charter* of 1945 is the first formal document that emanated from the discussions on human rights and it includes a provision on equality and non-discrimination on the basis of sex. Following this initial articulation, the *Universal Declaration of Human Rights* (UDHR) of 1948, provided for a more comprehensive agreement on a universal vision of human rights on behalf of all women, men and children. It establishes a normative standard for all peoples and all nations, with equality and non-discrimination as foundational values. The subsequent developments have included standard-setting documents such as covenants, treaties and declarations, which reinforce the equality and non-discrimination principles, in a generic manner.

Unfortunately many of these developments have largely excluded women from both formational processes and the substance of international laws. This did lead to the invisibility and marginalization of women's issues and concerns, despite the creation of the Commission on the Status of Women (CSW) in 1947. It was not until 1979, after more than two decades of behind-the-scenes work and large-scale activism, that the issue of specific women's human rights laws were addressed, with the adoption of the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW). Thanks to the creativity and hard work of national and transnational women's movements, the *Vienna Declaration* of 1993 was another significant watershed event. This declaration explicitly, and for the first time, articulates the view that women's rights are human rights, and as such, that the achievement of demands for substantive equality and non-discrimination require the acceptance of principles of interdependence, indivisibility and universality of all rights.

Developments at the political and policy levels of the United Nations (UN) include, amongst others, efforts at securing the legal foundations of equality; the recognition of women's roles in development; the declaration of 1975 as International Women's Year, with the first UN World Conference

on Women being held in Mexico; and also the declaration of a UN Decade for Women between 1976 and 1985. These conferences, which brought thousands of women from across the world together, have created solidarity between activists and scholars within the wider movement, something that had previously not been possible for many reasons, including the lack of opportunity; North-South global political, economic and social divides; and various race, class and gender ideologies that existed, amongst other factors. Women worked together across such divisions, and developed methodologies and perspectives which they took to subsequent UN sponsored conferences, including the Vienna World Conference on Human Rights in 1993 to assert that "women's rights are human rights", the International Conference on Population and Development held in Cairo in 1994 (ICPD conference), as well as the Women and Development Conference in Beijing in 1995, in which an estimated 36,000 women from across the world participated (Bunch 2001).⁸ Regarded as the most seminal conference on women's concerns, the Beijing conference produced the *Beijing Declaration and Platform for Action*, which articulated in a coherent manner twelve critical areas of concern for women and the girl-child globally. This meeting also critiqued the lack of progress in implementation and enforcement of international norms and standards.

The passing of nearly two centuries since de Gouges' declaration has brought more visibility, tolerance for freedom of expression, more open women's rights discourse, and also an increased involvement of women in the political sphere. However, human rights are still not universally

⁸ These conferences brought together in one space women from different generations and different geographic regions of the world. They played a major role in strengthening transnational women's movements, and in particular, bridging the divide between the women from the global North and South. The fact that these conferences included government delegates, members of civil societies, and women's movements, also facilitated a better understanding of women's concerns beyond that which a state usually articulates. The declaration that emerged from the Fourth World Conference on Women in Beijing is considered one of the more advanced documents on women's rights. It can be accessed through <http://www.un.org/womenwatch/daw/beijing/platform/declar.htm>. See also *Holding on to the Promise: Women's Human Rights and the Beijing +5 Review* by Charlotte Bunch (2001).

protected and it is a continuous struggle for many women to attain rights. Despite the existence of international human rights laws and policies such as the UDHR, CEDAW, the *Beijing Declaration*, and numerous others, there remains a need—at the national level—to address specific issues and concerns of women in their social, economic, and political contexts. This requires the explicit articulation of demands and also the effective implementation of women's human rights.

The creation of national charters for women's rights has the potential to fill this gap between international norms and local interpretation, adaptation and implementation, or the lack of it, by raising awareness and leading policy makers towards adopting and implementing context-specific needs and demands. Some of the earlier national charters, such as the *Australian Women's Charter* (1943) and the *South African Women's Charter* (1954) are a reflection of the times in which they were written, but are also documents that have had a significant impact on demands for gender equality.⁹ Women's charters that have subsequently followed indicate a similar pattern in content, but also reflect an evolution that takes into consideration the context and reality of the time and space within which women live. Most importantly, many of the more recent charters reflect the inclusion of provisions found in formal human rights documents that have come into existence since 1945.

⁹ See *Gender and War: Australians at War in the Twentieth Century* by Joy Damousi (1995): The Australian Women's Charter was devised by women to be included into government planning of post-war reconstruction. It documented a wide range of issues and objectives that were discussed at the Australian Women's Conference for Victory in War and Victory in Peace, held in Sydney in November 1943. It includes women's right to paid work, the necessity for adequate child-care, and the particular needs of rural and Aboriginal women, amongst others. It reflected the conference participants' agenda for women in the post-war world, an agenda that was influenced heavily by women's wartime experiences and one, which still holds relevance in the current world context. Also, Jane Barrett in *South African Women on the Move* (1987: 238) argues that the 1954 *South African Women's Charter* served to unify all women as equal, without laws or practices that discriminate against them. Citing the preamble of the Charter, she affirms the view that women have a "right to the advantages, responsibilities and opportunities that society offers to any one section of the population".

The Book

This opening chapter has sought to provide a brief overview of the history of women's charters since the French revolution and the evolution of the idea of influential charters in more recent times. The next chapter is two-fold in focus. It first discusses the different kinds of charters that exist, and secondly outlines the key steps that should be taken by women's rights advocates before launching the creation of a national charter. Once consensus is reached on the aims, objectives and the kind of charter that is needed, there arise careful considerations for the process of creating the document. Chapter three analyzes the importance of the various stages of planning and examines the important issues for the inclusion of diverse women who need the charter to reflect their demands as well, creating a charter that is for the benefit of all. By examining several case studies, chapter three demonstrates the sensitivity to historical and cultural context that has to be a part of planning and defining any charter's goals, as well as informing what strategies are adopted for the inclusion of women from different walks of life.

Chapter four examines three charters - from Aceh, Nepal and Sri Lanka - which were developed in times of political transition. Although not always successful, the explicit goal was to have these documents accepted as legally binding documents, or at least documents that contained provisions that would be legally binding, and thus included in their respective constitutions.

Chapter five reviews and discusses several charters that were more policy-oriented. These charters include: The Australian Women's Charter (1943), The South African Women's Charter for Effective Equality (1994); The Ghana's Women's Manifesto (2004), Zimbabwe: The Women's Charter (2000), Women's Charter of Rights in East Timor (2001), Afghan Women's Bill of Rights (2003); Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora (2004); the *Women's Manifesto* of Antigua and Barbuda (2009) and Sri Lanka Women's Manifesto (2010). Chapter six examines advocacy-oriented charters by focusing on seven different charters or declarations which include: the *Declaration of the Essential Rights of Afghan Women* (2000), the *India Charter of Demands for Women* (2009), the *Iranian Women's Rights Charter* (2009), the *Namibian Women's Manifesto*,

the *Charter for the Promotion of Women in Mauritania*, the *Declaration on the Rights of Women of Pakistan*, and the *South African Women's Charter* (1954).

The final chapter reflects on the impact of charter development processes on the women's movement in different countries. These categorizations however, as discussed in the different the chapters, can be overlapping and can be utilized differently during different historical junctures. Finally it must be noted that the categorization of the charters as described above, does not necessarily reflect the intention of the drafters, but is an interpretation of the author when reflecting on the content and the subsequent developments in different country contexts.

Chapter 2

The Nature and Modalities of Charters

There are important steps that need to be considered before embarking upon creating a charter. The goal of charters and the process of their creation vary in different contexts and thus their style and contents are very different. Examining the diverse forms a charter can take, we can distinguish four broad aspects, which often influence the formats and modalities of the charter documents. These include: (1) who are the role-players and leaders in the process; (2) what are the objectives and goals of the charter; (3) what are the types of charters that can be created; and lastly, (4) what are the content/themes of such charters? This chapter will briefly discuss these crucial aspects that proponents of creating a national women's charter have to consider.

Role-players (Leadership)

The drafting of a national women's rights document is often the catalyst that galvanizes women around a common agenda of promoting equality and advocating support for the goals that are being pursued. Building on the energy of a common struggle, a women's charter can represent thousands of voices, resonate amongst different generations, and cut across

socio-economic, racial and ethnic divides. For the drafters, **determining the right moment and including the appropriate people is essential to the legitimacy of the document. Though there is no recipe for who should be involved in the charter process, at the heart of every charter are the women for whom it is speaking, and therefore, the more inclusive it is, the more legitimate a document it would be.** Members of civil society, national and local women's organizations, rural and urban women all seem to play a role, depending on the context and the level of consultation. The common approach is to involve all those whose lives the charter will impact. Working closely with a broad section of civil society, and partnering with women's groups specifically can also provide insight into the potential challenges for charter creation and implementation. Challenges include addressing social stigmas, often attached to breaking gender norms and sometimes to women's participation in public life, and finding ways to frame issues to have an optimal impact on all women.

Meeting to discuss the idea of drafting a charter is often the first step in bringing women together to share common concerns, which can then be drafted into a series of statements or demands. The experiences and opinions of women from diverse backgrounds are critical in achieving a representational perspective, thus participants should hail from diverse sections of society, particularly the most marginalized who are too often left out of such processes. These initial brainstorming and drafting sessions often build momentum, creating unity amongst women who may never before have had the freedom, opportunity, or courage to share their views. In many instances, societal expectations restrain women and isolate them from developing an expectation that their situation could, and should, be improved. This opportunity, to express personal concerns in relation to cultural norms and also state policy, is often in itself a new and transformative experience, even before the drafting begins.

In some instances of political uncertainty, such as external and civil war, the drive for producing a charter may come from those in exile of one form or another, where because they have been removed, to some extent, from the daily political struggles, they may have the opportunity to reflect on broader and long-term concerns. For instance, the Afghan and Kurdish charter drafting processes began with members of their diaspora

cultivating a network of support and interest for developing a charter. In the case of Afghanistan, *Negar*, an NGO formed by Afghan women in exile in France, together with other Afghan activists, initiated this process and provided resources throughout the four-year process that culminated in the creation and recognition of the charter.¹⁰ Many meetings were organized to build an alliance across an ethnically diverse women's movement, mobilizing transnational support. In this instance, the continued efforts from the diaspora provided access to influential individuals and international leaders of diverse communities – particularly those working on women's concerns and gender equality – who would have been difficult to access without such involvement. In this way, Afghan women from their diverse social stands managed to build a broad network of women's rights advocates who mobilized in order to place women's concerns on the agenda during the opportune moment of drafting a new constitution for post-Taliban Afghan society.

10 *Negar* (<http://www.negar-afghanwomen.org/>) and other Afghan women in exile helped to organize a large meeting with over 200 Afghan women in Dushanbe, Tajikistan to articulate the basic demands of women against the background of draconian Taliban rule and anti-women laws. (See 'Women on the Road for Afghanistan' for details and reports from this meeting, available at: http://worfa.free.fr/homepage_english.htm). The choice of place was crucial because there were large numbers of Afghan communities in Tajikistan. Furthermore, given the shared border and ethnic familiarity between Afghanistan and Tajikistan, many women from inside Afghanistan could more easily participate in this meeting. It was not clear that participants at the time thought of their press release as a starting point of an Afghani women's charter. The fall of the Taliban, as well as many different and ongoing conferences and meetings, served as great advantages for the activists. In particular, there was a seminal meeting in September 2003 that was organized by Women for Afghan Women (WAW), held in Kandahar to discuss the topic of "Women and the Constitution". This led to the *Afghan Women's Bill of Rights* being developed, using the Dushanbe documents as the starting point. This *Bill of Rights* was signed and presented to President Karzai and other important institutions, even prior to the new Afghanistan constitution's finalization in 2003 see Piatti-Crocker & Kempton (2007; and Women for Afghan Women, <http://www.womenforafghanwomen.org/>). In their efforts at pushing for women's rights, WAW also developed alliances with various transnational women's organizations and the UN machinery. Amongst the collective achievements was gaining a 27 percent women quota in the Afghanistan parliament, and having the Afghanistan government sign CEDAW without any reservations, on March 5th, 2003, after having signed the original document on August 14th, 1980.

Similarly, the idea to create a Kurdish women's charter emanated from women's rights workers in the Kurdish diaspora. Kurdish women faced particular problems, largely due to the fact that the Kurdish population of 30 million people are spread throughout Iran, Iraq, Turkey and Syria – all with very different political structures – and also includes women in the diaspora, who were largely based in Europe. Kurdish women have been very involved in the struggle for justice and autonomy for their people, however their involvement has had little impact on removing many of the discriminatory cultural practices that existed against women. It was in this context that the Kurdish Women's Project (KWP), the Kurdish Human Rights Project (KHRP), and Kurdish women's organizations in Kurdistan, Iraq and other neighbouring countries where political circumstances allowed for such activities, came together to work on the charter for Kurdish women. After years of consultations and discussions, the charter was launched in June 2004 and sent to the Kurdish Parliament to be used as a reference tool in the development of laws that would protect Kurdish women's human rights. Women from the Kurdish regions and women in the diaspora worked together, with technical support from the London-based KHRP. The KHRP was established in 1992 and had developed extensive expertise in the field of human and peoples' rights, as well as rights based constitutional developments, which made them a key resource to provide technical support in developing a Kurdish women's charter.¹¹ Indeed, the partnering of resources between NGOs, the diaspora, women's groups, and civil society is a commonly woven theme throughout many of these charter-forming processes.¹² Thus the role of the initiators and their leadership in identifying and utilising technical knowledge, as well as their ability to bring people of diverse political and ideological positions together, is a significant achievement and reflects the considerable thinking and careful planning that was needed to achieve the intended goals.

¹¹ For more information on the Kurdish Human Rights Project, see their website: <http://www.khrp.org/>. For more information on the Kurdish Women's Project, see: <http://kurdishwomensproject.blogspot.ca/>.

¹² The full text of the *Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora* can be accessed through Google Books, at: [http://books.google.ca/books?id=76JxDqTUG98C&pg=PA9&lpg=PA9&dq="](http://books.google.ca/books?id=76JxDqTUG98C&pg=PA9&lpg=PA9&dq=).

Objectives and Goals

The objectives of a women's charter can be numerous and diverse, with the ultimate goal to ensure the compliance of the state with the demands laid out in the text of the charter. Though this may not be achieved immediately, the process of drafting a charter can serve as an invaluable first step towards breaking down barriers, and bringing the gender discussion into the public domain. Engaging the community, individuals, the state, and where relevant, various political oppositional leaders, to enter into such dialogues together, is essential to gaining trust and support in shaping the content of the charter. The process by which the 1994 South African Charter was developed is regarded as instrumental in engaging South Africans in "the process of building a women's movement in a deeply divided society" (Manjoo 2005:243-272).

Many charter-writing processes take place during moments of transition in a country. For example, the Zimbabwean process began in 1999 with a call for civil society to engage in writing a new national constitution.¹³ Recognizing this as an important moment to integrate women's rights into the constitution, a cohesive and active women's committee was established. Through this movement, women were able to consult nationwide on issues integral to a charter and to push forward the agenda of gender equal-

¹³ Zimbabwe, like most other African states, was colonized by British who exploiting its resources and even called it Rhodesia in honor of the first company who initiated colonization in the area. Subsequently many white European and particularly British moved to "Rhodesia" and occupied the best agricultural land as well as claiming ownership of its mineral resources. The development of nationalist movements in much of Africa forced the British government to grant independence to most of its colonies. When it became known that the British government was planning to agree to Black Nationalists demands and make Rhodesia a multi-party and multi-racial democracy, Ian Smith – a white supremacist who was the prime minister elect by the majority white government – made a unilateral declaration of independence from United Kingdom on November 11th, 1965. The United Kingdom did not re-establish control by force. A long and bloody-civil war ensued and finally in 1980s the African majority managed to oust Ian Smith and the white minority government and change the name of the country to Zimbabwe. In the 1990s, the government intended to change the constitution and thus it became an opportune moment for many groups, including women and trade unionists, to try to influence the new constitution.

ity and women's empowerment. The content was originally developed as a framework for women's rights that would take legal effect by incorporation into a national constitution. When this objective failed, in part because the government intended to seize the opportunity to expand its reign and hold over state structures, the goals and content were revisited in the quest to figure out a purpose for the charter. After two years of consultation, lobbying, and advocacy, what evolved was a revised charter that continues to serve as a capacity building and awareness-raising tool for women's rights.¹⁴ Similarly, the *Afghan Women's Bill of Rights* continues to be used by various women's organizations in their lobbying in areas related to women and social welfare, with the government as well as the UN machinery.¹⁵

14 Information received from Zimbabwe Women's Coalition: May 2008, email correspondence. (Given that many NGOs have been closed and due to the politically repressive atmosphere, the contact just wanted to be referred to as Netsai. No website exists).

15 A country's women's support apparatus -- or national women's machinery (NWM) -- can take several forms. It could be a ministry or secretariat of women's affairs, a council or commission for women or for the family that would address women's and/or gender issues. "Any state should have a mechanism in charge of the promotion of women, which is the central policy coordinating unit. Its main task is to support government-wide mainstreaming of a gender equality perspective in all policy areas," noted the UN Beijing Platform of Action. Indeed the UN initiated a call for the establishment of such a apparatus in the 1970s with the decade of women and development. Since then many state have established these mechanism. However the rate of their success had varied depending on how committed a state has been, the extent to which women's movement have been active and present in public sphere demanding the advancement of women. Such as a strong Gender Equality Act as well as a strong ombudsperson for gender equality, a parliamentary commission for gender equality, gender focal points in all governmental institutions, and a consultative commission on gender equality for the preparation of development plans. Furthermore the existence of a strong Gender Equality Act as well as a strong ombudsperson for gender equality, a parliamentary commission for gender equality, gender focal points in all governmental institutions, and a consultative commission on gender equality for the preparation of development plans. There are also International women's machinery at such as UNIFEM, CSW convention on Status of Women at the United Nation.

Types of Charters

Charters can play varying roles in different contexts and at different historical periods. Therefore, it is important that initiators be clear in what they intend to achieve from the charter that they wish to create. Below, we outline the major types of charters with brief references to the context in which they had been used.

Advocacy-Oriented Charters: Depending on various factors, such as the country's socio-political context, and the make-up of the drafters, advocates and activists, the voice of a charter has various intentions and outcomes. Aspirational or advocacy-oriented charters are those that serve as a guide for women's rights by identifying specific issues that pertain to their status, their position and the challenges posed by inequality, discrimination and oppression. The text is typically quite detailed and tends to take an anecdotal tone, as it elaborates on methods for pursuing change. The language of the text commonly reflects the format of demands and rights, without too much formality of tone. The 1943 Australian and 1954 South African Charters are examples that illustrate this point. Though aspirational charters may not be legally binding, their message serves as a standard for women's human rights demands and sets out benchmarks to be met by both civil society and the state. The document is often referenced as a tool for determining the needs of women, addressing gender norms and standards, and also serving as a framework upon which to measure progress.

One of the earliest advocacy-oriented charters was the South African *Women's Charter* of 1954, created by the Federation of South African Women. The demand was for an end to gender discrimination and all forms of oppression, and for the recognition of formal legal rights of women. The Charter reflected demands for both racial and sexual equality, but with a larger focus on addressing racial oppression and discrimination. This led to the unequal development of attention, by the liberation movements, to women's issues and a failure to address the more gender-oriented goals set out in the Charter. Forty years later, with the demise of the apartheid system, South African women again engaged in a debate on the emancipation of women. This led to the birth of the 1994 *Women's Charter for Effective Equality*, which more aptly reflected the needs and concerns of women, and the need for substantive equality (Manjoo 2005:246-7). This latter charter

was drafted in a more legalistic style with the intention of it becoming a legal document. Despite many hopes that it would form part of the South African Constitution, as a legally binding section in the Bill of Rights, it became mostly an advocacy tool for women's rights activists (Manjoo 2005). Nonetheless, the public discourses around it led to many of its norms finding their way into the Constitution. Among the most significant of these are the provisions on equality, non-discrimination and redress measures.

Policy/Legally-Oriented Charters: Some charters are developed with the explicit intention to be incorporated into a new constitution, or into a pre-existing constitution. Because of the intention to fit within a legal paradigm, both the language and format have to be compatible with existing legal frameworks. Also, to achieve the goals articulated in a charter, the wording has to be flexible enough to offer maximum interpretation, which would allow for societal transformation. Inevitably there is not the same level of detail provided in a policy-oriented charter, as one would find in an aspirational document. Policy-oriented charters are a more recent development and often reflect the language found in international human rights documents.

In many cases, such as the *Women's Charter of Rights in East Timor*, the intention was for the charter to be a stand-alone legally binding document, or to be adopted into a constitution in its entirety. Unfortunately, this did not come to fruition. Such charters often take on the role of a policy tool, and theoretically, they do influence governance decisions on women's rights, though they do not have the power of a legal document. Nevertheless, as in many other contexts, the goal of eventually incorporating the issues contained within the charter into the state constitution remains a fundamental goal of the East Timor Charter campaigners and advocates.¹⁶

¹⁶ A group of women were responsible for drawing up East Timor's Charter, to be proposed to the Constituent Assembly, which itself was responsible for drawing up East Timor's new constitution. Their campaign promoted the Charter to inform both men and women of the important issues facing women. A fundamental goal of the campaign was to ensure that these issues such as equality, security and political rights are incorporated in East Timor's constitution. For more information see <http://members.pcug.org.au/~wildwood/01augwomen.htm> (retrieved 22 March 2012). The full text of the *Women's Charter of Rights in East Timor* is available at: <http://www.undp.org.np/constitutionbuilding-archiv/elibrary/woman/ET%20Women's%20Charter.pdf> (accessed 22 March 2012).

The Afghan experience reflects a different and unique example of a charter that successfully established legal legitimacy. The drafting of a women's charter for Afghanistan began with a groundbreaking meeting in Dushanbe, Tajikistan in June of 2000, and produced the *Declaration of the Essential Rights of Afghan Women*. Three and a half years and 350,000 supportive signatures later, a majority of the Declaration was adopted into the new Constitution of Afghanistan. The drafters of the *Declaration* realized that the legality of this document was vital to its survival and they focused on a legalistic document with brief and succinct terminology, and used language and a format that reflected international human rights frameworks.

Content of Charters: The specific points of concern raised within a charter vary depending on the context, the culture, the pre-existing women's rights doctrines and the objectives of the document. Ensuring the charter reflects the needs and concerns of women is the most crucial component when drafting a charter and such needs and concerns determine the themes each charter will focus on. A charter serves as a document, which provides a clear and concise message on the expected rights women should have within the context of that society. Many charters also articulate the historical and social context within which women live in a country, so as to highlight the necessity for action on women's human rights.

The rights articulated often focus, in varying degrees, on civil, political, economic, social and cultural rights. The demands articulated in women's charters can be loosely defined by the following categories:

- Labour and Economic Rights;
- Family Law (including marriage, inheritance, custody, etc.);
- Equality and Non-Discrimination;
- Political and Civic Rights;
- Social Rights;
- Education;
- Health and Reproductive Rights;
- Violence against Women;
- Development, Environment and Resources;

- Access to Justice and Legal Rights;
- and Custom, Culture and Religion.

Obviously not all topics are relevant for every country, and some elements may diverge from these focus areas, based on needs and expectations, cultures and histories, levels of oppression and discrimination, and socio-economic realities. Often the charter also contains provisions calling for the establishment of regulatory mechanisms and structures to monitor the progress and implementation of the demands contained in the charter.

Many of the charters drafted since the 1980s draw critical areas of concern from CEDAW, the Beijing Declaration¹⁷ and the Beijing Platform for Action.¹⁸ These international human rights documents specifically articulate and elaborate on women's human rights and the acceptable normative framework to which each country should aspire. They also reflect the concerns of women in different geographic and temporal spaces and thus resonate with women in different circumstances.

To Sum up: Major points to keep in mind when embarking on the process of creating a charter include:

- The decision to create a charter must start with identifying the needs and historical realities of a given society as well as past experiences of the women's movement(s) in that context.
- Supporters of a charter have to identify what type of charter would best serve the interests and the diverse needs of women.
- Drafters need to reflect on who should most closely be involved.
- The legitimacy of a charter also depends on how broadly it has brought women of diverse walks of life together that see themselves and their demands reflected in the charter, thereby forming a cohesive community,

¹⁷ The Beijing Declaration was drafted at the Fourth World Conference on Women, in Beijing, China: September 1995. Full text of the Beijing Declaration is available at, <http://www.un.org/womenwatch/daw/beijing/beijingdeclaration.html>.

¹⁸ The Beijing Platform for Action was also developed at the Fourth World Conference on Women, in Beijing, China: September 1995. Full text of the Platform is available at, <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm#statement>.

- Equally important is to draw on the experiences of other women's charters in different contexts and to closely study their strategies, their successes and their failures. Only then can one move toward planning a national charter.

Chapter 3

The Process of Creating a Charter

The process of creating the charter has to be planned carefully, following the important stage of deciding the goals and the kind of charter, as was discussed in chapter two. This chapter will analyze the processes that need to be carefully planned and followed in order to create a charter that women from a broad sector of society feel they could be a part of and benefit from. Furthermore, the language and format of the charter has to correspond to its intended goals – for example, a legal document, an advocacy tool, etc. Generally, one can divide the process of writing a charter into four stages, that is (1) pre-drafting, (2) drafting, (3) launching and promoting the charter, and finally, (4) advocating for its adoption and implementation. Below we briefly discuss each of these stages and provide a few relevant examples.

Pre-drafting Stage

There is very little recorded information on what factors are taken into account and how a decision is made to start a charter drafting process. Most charters and declarations that are included in this publication reflect an opportune political moment that was seized by women's rights activists. Periods of transition in a country can be the perfect moment for pursuing efforts to influence new governmental processes that are being discussed,

as spaces are created for new mechanisms, and most importantly, there is an opportunity for civil society to express interests and concerns. Meeting to discuss and draft a charter is often the first step in bringing together women to share their perspective and highlight common concerns and needs. Drawing from different segments of society, the experiences and opinions of women from diverse backgrounds are critical factors in many charter processes. In some contexts the process is very inclusive of a broad spectrum of civil society, national and local women's organizations, and also rural and urban women. In some instances, activists residing outside of the country initially drive the process and try to obtain information on the country situation and the needs of women and often transmit the initiatives, achievements and lessons learned, of women in other contexts to advocates of women's rights to their countries. They often also make connection with the trans-national women's movement and thus act as major channel of communications. Clearly having an active and wide network within the country is crucial both for getting information on the needs of women inside the country as well as developing connections between the women and their charter demands. This is often a lengthy process, as women's groups have to meet with their networks to discuss the various concerns and prepare a report for the drafting committee. Such a process needs the solidarity of women regarding their particular issues and priorities. Thus, even the process of writing and preparing a draft in itself can be a tool of consciousness-raising and an articulation of various demands.

The advantage of working with a broad base of support from civil society is that it can provide insight into the various challenges – economic, social and cultural – that women face, and also importantly, how to frame issues so that there will be optimal impact for the average woman. As mentioned in chapter two, the 1994 South African Charter process mobilized women and was a mechanism for galvanizing them around social issues and women's equality. In this case, the ultimate goal was to “ensure that gender equality was part of the constitutional negotiation process and that the needs and interests were reflected in the laws and policies of a new South Africa” (Manjoo 2005:243-272).

Such initial brainstorming and drafting sessions often build momentum, creating unity amongst women who might have not had the freedom,

opportunity or choice to share their views with each other. In many instances, societal expectations restrain women and isolate them from developing the expectation that their situation could, and should, be improved. This forum, where they can express personal and political concerns in relation to women's human rights, is often a new and transformative experience. Also, for many women who are traditionally unable to express their individual views and feelings at a general societal level, such forums provide anonymity, as women are able to speak with a collective voice.

Identifying a strategy for moving a charter forward is an integral part of the process. As witnessed in Afghanistan, the media and public were encouraged to be involved in celebrating the coming together of women to take part in the historic event of writing a charter, despite potential security concerns. Also critical is assembling coalitions of support and identifying political or other influential allies who can help push forward the charter's agenda. In the case of Afghanistan, the opportunity to draft a charter for women's rights galvanized not only women in Afghanistan, but women of Afghan origin in Tajikistan, women in the diaspora, and a small number of international feminists, who all came forward to assist and join hands for this specific purpose.

Some of the Questions That Should Be Discussed at the Pre-drafting Stage Include:

- What is the anticipated outcome of this document?
- Is there an intention for it to become legalized and adopted into a constitution and/or used to guide the development of gender policy?
- Will it be developed as an aspirational document and used as an advocacy tool?
- Is this the best and most influential time to be embarking on this process?
- How does one ensure that as many voices as possible are heard in the consultation process?
- Will the credibility and legitimacy of the process be influenced by the leaders of the process, or will it be harmful to have certain people representing the initiative?

Drafting Stage

The importance of including participants who are representative of the population is a crucial factor to take into account in the drafting stage. Transparency at every level is also important, as a closed participant selection and drafting process can lead to a lack of ownership over the process. It can also create a climate of mistrust, divisive behaviour, lack of understanding, and general misconceptions. **Public participation, transparency, accessibility and accountability**, can reduce such risks and suspicions, and are critical values to uphold during the drafting process. Sharing information and knowledge at every stage through the most appropriate means at every level, and asking for feedback when it is possible, can enable those unable to take part in the drafting activities to feel that they are part of the process. It also helps, especially to keep the momentum going, to engage a wider group of women and other activists, even if at times this may slow down the process of finalizing the draft.

Nasrine Gross, one of the leaders of the Afghan process, highlights the importance of promoting women's rights broadly, but without overstepping cultural norms. She argues that one must ensure the language within the charter does not hide behind culture, but rather that it balances demands with realistic implementation goals. Furthermore, she argues that using terminology or references that will not be tolerated culturally will serve little purpose and will run the risk of de-legitimizing the content of the charter.¹⁹

¹⁹ Nasrine Gross is an Afghan writer and women's rights activist. She teaches at Kabul University and is the founder and president of the Roqia Center for Women's Rights, Studies, and Education. During the Taliban era and afterwards, she helped collect over 300,000 signatures worldwide in support of equal rights in the new constitution of Afghanistan. She participated in the Loya Jirga of Afghan Women in Brussels in November 2001. Gross participated in the constitutional Loya Jirga in 2003. She set up the Afghan women Roqia center for Rights Studies and Education (<http://www.kabultec.org/>). The center has organized seminars and workshops to discuss articles of the constitution as it pertains to women and she continues to organize workshops and training sessions for female candidates for the parliamentary elections. The center also conducts research and promote education for women. For more information on her visit <http://transcripts.cnn.com/TRANSCRIPTS/0110/14/sm.17.html> and <https://www.youtube.com/watch?v=B1StRnkxisg&feature=related>

Some of the following questions are important to ask in order to maximize the potential benefit and outcome of the charter drafting process:

- Does this document meet the concerns of women from a cross-section of society?
- Does the style of the charter match the intended use?
- What language(s) does the charter need to be translated into?
- Who is it aiming to influence?
- What are the next steps after the charter has been drafted and translated?
- Who is responsible for determining the next steps and monitoring the process?

Launching and Promotion Stage

Finding interest and support, at the state and non-state levels, for the demands contained in a women's charter, can be both challenging and frustrating. A charter's goals and objectives will drive who is approached for participation and how. If the ultimate hope is translation of such demands into laws and policies, considerable outreach and lobbying efforts amongst key decision- and policy-makers in the spheres of government, health, education, housing, and so on, is required. If the charter is more advocacy-oriented, the charter needs to be frequently discussed and presented at various venues with women and civil society activists and organizations, as well as to influential figures to familiarize them with the nature and importance of the demands.

It is important to recognize that the enthusiasm that often penetrates the psyche of a large collective coming together, for such an important cause, can be overwhelming, emotional and extremely exhausting. Also, the anticipation of the value of a women's charter can bring unexpected or unmet expectations. Throughout this period, short-, medium-, and long-term plans are necessary to carry the energy and vision elaborated in the charter through the appropriate channels of implementation, towards legal or policy recognition. The ability to gain support from key political figures

and public officials also helps to create a sense of authority and legitimacy for the demands articulated within the charter.

It has been noted that political pressure can be an excellent tool. In the case of Afghanistan, the process of gaining support for the *Declaration of the Essential Rights of Afghan Women* was one that needed to maintain a political edge, since the goal was to have the *Declaration* ready before the new Constitution was signed. This meant that the drafters were racing against the clock, as the constitutional process was moving fast. The *Declaration* drafters were advocating on both fronts, contributing to the constitution-drafting process and ensuring women's voices and concerns were being heard there, while also pursuing supportive signatures from political figures that could influence the adoption of the *Declaration*. Leaders and high profile officials emerging in Afghanistan were crucial targets for the legitimization of the declaration's message. Their signatures validated the declaration beyond that of an aspirational tool and into one that was a valuable political tool. In this case, the drafters promoted the document with urgency and authority, as their signature campaign grew in both number and stature.²⁰

In Zimbabwe, after *The Women's Charter* was complete, the drafters printed thousands of copies in preparation for nationwide distribution. They targeted concerned organizations, women's groups, civil society organizations and policy makers. Their intention differed from the Afghan experience in that, at this point in their process, they realized their document would not be immediately incorporated into the constitution. Thus, distributing the document and conducting educational outreach on the substance of the Charter in order to create more awareness and to provide a tool for articulation of women's demands in their on-going struggle for rights.

Some of the questions that arise and should be thought through at the launching and promoting stage are:

²⁰ Personal communication with Asifa Kakar (who was involved in the Afghanistan constitution writing process) and Palwasha Hassen, who participated in the *loya jirga* (the grand council who debated and adopted the constitution), and Najia Hanafee, who is the founder of the women's Political Participation Forum. For further discussion on women's rights in Muslim contexts, see also Bauer (1993) and Keddie (2012).

- What are the next steps after the charter has been drafted and translated into different national languages?
- Who is responsible for determining the implementation strategy and also for monitoring the process?
- Are there potential social, cultural or religious tensions that could arise as a consequence of the charter's content?
- If so, how will that be addressed and will it negatively impact the legitimacy of the charter?
- If the organizing committees are not prepared for the various developments and concerns that arise, how will they make the most of their efforts when opportunities arise and plans come to fruition?

Implementation Stage

The conception, design and drafting of a charter are tremendous achievements in and of themselves. However, beyond the paper demands, the supportive signatures, and the excitement, lies the real challenge of implementation. An ideal charter process will have mechanisms in place that can support the message of the charter, turn words into action, monitor adherence and evaluate its impact. Without active promotion of adherence, it is easy for good intentions to dissipate, leaving the charter to potentially get lost in a clutter of bureaucracy. For example in Afghanistan, although the main drivers for the implementation of the Dushanbe Declaration were located in the diaspora, these women were able to utilize their resources and political leverage in both the United States and the European Union to build international support for their cause. Their ability to travel and focus primarily on the task of promoting the declaration became a focused mission for them. This hard work paid off and many aspects of their declaration were adopted into the new constitution of Afghanistan.

In the case of the Kurdish Women's Charter, implementation or enforcement mechanisms were never developed, partly due to the complexity of the political contexts and having to deal with very different state structures, thereby leading to the failure of the charter to move forward. Many activists wonder whether, if they were more prepared and had developed appropriate implementation mechanism, they could have taken advantage

of the situation, at least in the Iraq Kurdish context, where the community leaders had negotiated a considerable degree of autonomy from the central Iraq government apparatus. Implementation is inevitably influenced by the amount of centralization and bureaucracy in place. Knowing which levels of government (community, municipal, provincial, federal, etc.) can have the most impact in achieving a charter's aims is also important to map out.

Incorporation into a constitution is a significant accomplishment, yet it is not the final step in the process towards broader gender equality and the promotion of women's rights. In fact, this is usually the start of an ongoing dialogue and effort on the part of the state and civil society to implement and realize the expectations within the charter. Often in charters, and sometimes in constitutions as well, many articles exist that are purely aspirational. In other words, the incorporation of charter demands into a constitution does not necessarily mean the realization of a right. Yet the symbolic inclusion of such demands ensures that an obligation exists and a state can be held accountable for the realization of the right, at least at some future date.

In the case of Zimbabwe, the Charter's role has come to serve as an educational and awareness-raising tool for advocacy purposes. The Charter ensures uniformity of interpretation and implementation amongst the diverse groups who are promoting women's rights in Zimbabwe. According to the Women's Coalition, the Charter continues to thrive and is as relevant as when it was drafted in 2001.²¹ All individuals joining the Women's Coalition, and member organizations, are expected to be familiar with the charter's demands and use it as a reference tool. The document has come to serve as a link between activists and organizations of different generations, as the story of its origin is shared with each new individual and group. Over time, the Charter is assuming the status as the "Bible of women's rights in Zimbabwe".²²

21 For details of women's right debates leading to the writing of the charter, as well as details of the charter, see *Gender and Constitutional Issues: A report by research unit of the Zimbabwe NGO Forum (Special Report 2: March 2001)*, available from: <http://www.docin.com/p-50086852.html> (accessed 18 March 2012).

22 Netsai, email correspondence March 2008. Netsai is an activist based in Zimbabwe who participated in the advocacy campaigns around the charter.

The Sri Lanka's Women's Charter mandated the establishment of a national women's machinery, i.e. the National Committee for Women (NCW). The purpose of the NCW is to monitor the state's policy on women as contained in the Charter. Although some state policy on women was derived from the Charter, the document is not legally binding and remains a policy tool. Implementing areas of concerns relating to women's rights into other government institutions, or harnessing the interest of state lawmakers, has been slow and relatively unsuccessful in Sri Lanka.²³

It has been stated that the Kurdish Women's Charter has been cited and used as a platform for many groups who participated in it and it has spurred legislation within the Kurdistan Regional Government (KRG). Judges in the KRG have also referred to the Charter in their judgments, which indicates its legitimacy in the eyes of the authorities.²⁴ Though the KRG has demonstrated its support for the Charter, governments in the region were not keen to adopt the Kurdish Women's Charter, accusing it of promoting propaganda for separatist behaviours. Although the process of drafting the charter was open, there was not enough effort put outside the Kurdish region in mobilizing women's groups within the intended countries such as Turkey, Iran and Syria, to support the document in order to make it more acceptable for the states in question. Despite the efforts of the drafters to promote the document as one benefiting all women within Kurdish regions, and also Kurdish women in the diaspora, it was viewed as a mechanism advocating special rights specifically limited to Kurdish women, and thus rejected by the various governments where Kurdish people live. The Kurdish situation emphasizes how deep-seated perceptions and mistrust between minorities and central states have the ability to raise tensions and lead to suspicion in societies where cultural, social or ethnic tensions run high. Therefore it is also important to identify the individuals, organizations, and institutions both within the state structures and civil society organizations not just from the ethnic group concerned but also the wider society that can be invited to lend their support to the documents.

23 Chulani Kodari, email correspondence May 2008. Chulani is a women's rights activist based in Sri Lanka who worked on the drafting of the Sri Lankan Charter.

24 Rachel Bernu, email correspondence April 2008. Rachel is the Managing Director of the Kurdish Human Rights Project (KHRP).

To Sum up: As the case examples above illustrate, it is of utmost importance that the necessary time is invested to reflect and plan different stages of the preparation of a charter, in terms of its goals, the process of drafting, but also making sure that it will work for the benefit of women. In the next three chapters we examine the different charters and their goals, with attention to the historical contexts in which they were developed. We also look at the elements that contributed to the extent of their success or lack thereof.

Chapter 4

Legally/Constitutionally Orientated Charters

Many charters and declarations are developed during a time of transition and/or constitutional reform. This chapter examines three charters – from Aceh, Nepal and Sri Lanka – which were developed with the explicit goal of being accepted as legally binding documents, or at least as documents which contained provisions that ought to be legally binding. In some instances these documents have been accepted in their totality, and therefore they function in similar ways to a national charter for women. This means that citizens can hold their government responsible for the charter's implementation and can thus use the existing mechanisms, such as the legal system (including courts and tribunals), to demand its implementation. In other contexts it may be used as a guideline to influence gender equality in various clauses of the constitution. Times of transition are normally opportune moments for influencing the development of an equitable constitution, as it is a time that a nation is re-examining its long term goals, its values and its obligations to all its citizens. Times of transitions normally occur after a long period of instability, such as civil wars, long-term social and political unrest, and objections to the status quo. This means that women may have time to organize and to prepare a collective document that expresses their aspirations for the future.

Sri Lanka Women's Charter (1993)²⁵

Political and Social Context: The Women's Charter was developed prior to the Sri Lankan presidential election that took place in 1994. The Sri Lankan Women's Charter was created through a participatory and inclusive process and was one of the first collaborative efforts between the Ministry of Women's Affairs and women representatives from NGOs, academia, the legal sphere, and more. It was created as a means of translating CEDAW commitments into the Sri Lankan context. *The state adopted the Women's Charter on March 3rd, 1993 and established the National Committee on Women recognizing that discrimination against women is a reality in Sri Lanka despite the country's constitutional guarantee of non-discrimination on the grounds of, inter alia, sex, and despite Sri Lanka's ratification of international instruments.* The National Committee on Women and over the years various Ministries responsible for women's affairs have been in the process of drafting a Bill known variously as a "Women's Rights Bill", or a "Bill to establish a National Commission on Women", as envisaged by the Women's Charter. This has not been adopted as yet.

The rights stated within the Sri Lankan women's Charter are based on the principles stated in the Universal Declaration of Human Rights. It also adopts many standards endorsed by the Convention on the Elimination of All Forms of Discrimination against Women. The Charter seeks to eliminate gender discrimination, especially as regards the workplace, and looks to provide equal economic opportunities to all its citizens by neutralizing any possibilities of injustices or prejudices.

Excerpt from the Charter of Women's Rights

Preamble: Whereas the Constitution of the Democratic Socialist Republic of Sri Lanka recognizes that gender equality and freedom from discrimination on the grounds of sex is a fundamental right, and provides

²⁵ *Sri Lanka Women's Charter* is available in full at: http://www.kln.ac.lk/units/cgs/pdf/Women's_Charter.pdf. For more information see: <http://www.actnowsrilanka.org/en/act-now/constitutions> (accessed 12 April 2012).

for its enforcement in the Courts of Law; Whereas the Constitution provides for affirmative legislative and administrative intervention to eliminate gender inequalities; Whereas the Universal Declaration of Human Rights affirms the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all rights and freedoms without distinction of any kind, including distinction based on sex; Whereas Sri Lanka endorsed these international standards and has accepted by ratification, international obligations under the Convention on the Elimination of All Forms of Discrimination Against Women; Concerned that discrimination against women continues to exist, recognizing that gender-based violence is a violation of human rights and fundamental freedoms in that it impairs or negates women's enjoyment of these recognized rights and freedoms; Desiring to restate laws, policies and measures on gender equality that have been realized, and set down new commitments and standards; Desiring that the rights, principles and policies specified in the Charter shall, be respected by and shall guide the actions of all persons, institutions, organizations and enterprises;

The Government of Sri Lanka declares as follows: The State shall in all fields, in particular in the political, social, economic and cultural fields, take all appropriate measures, including the promulgation of legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Relevant Provisions Regarding These Key Goals Include:

- "The State shall promote the participation of women in organizations and associations that are involved in trade union and political activity" (Article 2(ii));
- "The State shall take all measures to ensure for men and women: access to the same educational opportunities in pre-schools, primary, secondary and tertiary, technical, vocational and professional

education including co-educational, non-formal, and continuing education, training and extension programs” (Article 9(i)(a));

- “The same right to engage in economic activities for financial benefits” (Article 10(i)(a));
- “Equal access to appropriate technology including access to improved technology” (Article 10(i)(e));
- “Equal access to a healthy working environment including safe drinking water, adequate sanitary facilities and basic medical and welfare facilities” (Article 10(i)(j)).

The Charter also focuses attention on marriage and family relations, ensuring that women are treated as equals in their private lives as well as in public spheres. This is demonstrated with provisions such as:

- “The same rights and responsibilities during marriage and at its dissolution” (Article 7(c));
- “The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children” (Article 7(d));
- “The State shall ensure: women’s right to control their reproductive ability” (Article 13(iii)(a)); and
- “The State shall: work towards the elimination of negative social attitude towards widows, divorcees, single parents, single women and any vulnerable groups of women” (Article 15(i)).

Other Issues and Rights Addressed in the Charter:

- Political and Civil Rights (Articles 2-6)
- Rights within the Family (Articles 7-8)
- Right to Education and Training (Article 9)
- Right to Economic Activity & Benefits (Articles 10-12)
- Right to Health Care & Nutrition (Articles 13)
- Right to Protection from Social Discrimination (Articles 14-15)

- Right to Protection From Gender-Based Violence (Articles 16)
- Establishment of the National Committee (Articles 17-23)

One interesting and important aspect of the Charter, which is not commonly stated in other charters and declarations, is the establishment of an accountability mechanism such as a National Committee, which would examine the improvement made on the objectives of this charter. Relevant provisions include:

“There shall be established for the purpose of examining progress made on the realization of the obligations undertaken by this Charter and for monitoring the achievement of its objectives, a national Committee on Women, hereinafter referred to as the “Committee”” (Article 17(1)); and

“The functions of the Committee shall be as follows: to entertain and scrutinize complaints of gender discrimination and channel such complaints where appropriate to the relevant administrative authorities and concerned persons or bodies for necessary action... to monitor such action and require annual reports of progress from relevant administrative authorities and make these reports widely available within the country” (Article 19(a)(c)).

Although the charter was adopted, unfortunately the long civil war, which has resulted in the erosion of democracy in the country, has limited the successful outcomes for Sri Lankan women’s charter efforts. This is in part because, despite two decades of negotiations, the National Committee for Women has not yet completed the drafting of the “Women’s Rights Bill”, meant to be based on the *Women’s Charter* which would provide guidelines for incorporating women in various social, economic and political institutions within and outside the state. This state of affairs has encouraged Sri Lankan women to prepare a new women’s manifesto, thereby mobilizing women again to actively demand equality in law, policies and their implementation, as will be discussed in the next chapter.

Charter of Rights of Women in Aceh (2008)²⁶

Political and Social Context: The *Charter of Rights of Women in Aceh* was adopted in 2008 and was the result of a year-long consultative process. The context included the tsunami in 2004, which helped trigger a peace agreement between the Free Aceh Movement (a separatist group seeking independence for the Aceh region of Sumatra from Indonesia) and the Indonesian government (Enarson 2009). This resulted in partial autonomy for the province of Aceh. This Charter is one of the initiatives of the newly quasi-autonomous region. The drafting of the Charter was followed by the drafting and adoption of the *Women's Empowerment and Protection of Women's Rights Qanun (Law)*, which was the result of a consultative process among those involved with the drafting of the *Charter* as well as lawyers, academics, activists, religious scholars and members of government. The law incorporates elements of CEDAW, existing law, *shari'a* and local custom. The *Qanun* was adopted by the Achenese parliament in 2010. This achievement was possible because women had mobilized to struggle against Muslim fundamentalist forces that were promoting sectarianism against Christian communities of Aceh, and also attempting to introduce and enforce a version of *shari'a* law which would limit women's mobility and rights. The women involved possessed an understanding of both Islam and the *shari'a*, which was uncommon in the culture of the region. They were also well connected to women's right activists within Indonesia and therefore could mobilize support both nationally and transnationally. Such mobilization is a key factor in being able to take advantage of opportune moments that may come along unexpectedly.

The rights claimed within the *Charter* closely follow definitions of universal rights laid out in the UDHR and CEDAW. Drawing on the Beijing Platform for Action and other declarations, some additional rights such as the right to affirmative action in education/employment, the right to a

clean environment and sustainable use of resources, and the right to an abortion in cases of rape, were added.

The Charter's focus on the interaction between women's rights and religious law, also led to unique provisions such as:

- "Muslim women in Aceh shall be guaranteed access to special education on the peaceful and equitable application of *shari'a*" (Article 2);
- "Women in Aceh have the right to incur a marriage-contract according to Islamic Law" (Article 8);
- "Women in Aceh and their future husbands shall have the right to premarital education in line with the teaching of their religion" (Article 10); and
- "Women in Aceh shall have the right to guarantees that they shall not be arbitrarily divorced by way of '*talak*'"²⁷ (Article 11).

The Charter also focuses particularly on equal protection under the law and equal legal standing. These provisions are primarily found in Article 11, which includes stipulations such as:

- "Women in Aceh shall have the right to be viewed and treated in the same way as men before the law, whether as regards access, opportunities or outcomes" (Article 11(2));
- "Women in Aceh shall have the right to be provided with separate rooms for the victim and the accused during the judicial process" (Article 11(4));
- "Women in Aceh who fall victim to sexual crimes shall be guaranteed the right to special treatment and to get guarantees from the government as regards their security and safety" (Article 11(7)); and

²⁶ "Aceh Adopts First Charter on Women's Rights in Islamic World" (2008) http://www.fnfasia.org/index.php?option=com_content&view=article&id=247:aceh-adopts&catid=26:indonesia&Itemid=58; and <http://www.idlo.int/docnews/250DOCF.pdf>.

²⁷ *talak* is a divorce according to Islamic rules

- “Women in Aceh shall be guaranteed the availability of female-specific complaint mechanisms where they have been denied just treatment as part of the legal process” (Article 11(10)).

Excerpts from the Charter of Rights of Women in Aceh

Preamble: The principal objective of the establishment of a state is to provide protection, justice and welfare to its people. In striving to achieve such protection, justice and welfare, men and women are the principal resources of the state. It is time for Aceh to respond to the complex problems facing women through policies and regulations – particularly through legal products that promote justice – designed to encourage protection, development, recognition and the fulfillment by the state of the rights of women so as to provide the foundation for the development and empowerment of just and equitable society. The protection, development, recognition and fulfillment of the rights of women can be seen from the extent to which the government guarantees acknowledgment, respect and just and equitable treatment to women in various fields of life. Accordingly, any action that tends to demean and sideline women in whatever walk of life must be eradicated, as women are citizens worthy of the same respect that is accorded to men.

Chapter 1 of the Aceh Charter deals with basic rights, divided into seventeen distinct articles as follows:

Article 1 - Right to life and security of person

Article 2 - Religious Devotional Rights

Article 3 - Right to Freedom from Discrimination, Intimidation and Violence

Article 4 - Right to Peace and Security

Article 5 - Right to Fair, Equal and Non-Discrimination Treatment

Article 6 - Right to Recognition and Respect

Article 7 - Right to make Decisions and to take Responsibility for oneself

Article 8 - Rights of Women within the Family

Article 9 - Right to Organize and Express Opinions

Article 10 - Right to Education

Article 11 - Right to Legal Protection and Equality before the Law

Article 12 - General and Reproductive Health Rights

Article 13 - Political Rights

Article 14 - Right to Access to, and Control of, Resources

Article 15 - Right to sustainable Environment and Natural Resources

Article 16 - Cultural, Artistic, Scientific, Information, Technology and Sporting Rights

Article 17 - The Rights of Women in Special Circumstances

Chapter II of the Aceh Charter deals with the concluding provisions in the following order:

(1). As part of the effort to fulfill the rights of women in Aceh, as set out in this Charter, both governmental and non-governmental institutions must adopt special temporary measures in order to ensure equal opportunities for all.

(2). The fulfillment of the rights of women in Aceh, as set out in this Charter, must not be circumscribed on account of marital status, pregnancy, miscarriage, or any other issue related to reproductive health.

(3). The Charter of Rights of Women in Aceh is aimed at the entire community, governmental and non-governmental institutions, and equivalent organizations to be agreed on together.

(4). Every policy and regulation that will be made or implemented must ensure the protection and fulfillment of the rights of

women in Aceh, as set out in this Charter of the Rights of Women in Aceh.

We support and acknowledge the contents of this Charter of the Rights of Women in Aceh, which contain a fundamental recognition of the need to protect and fulfill the rights of women in Aceh. In the name of justice and humanity and the common good: wives, girls, sisters and mothers of Aceh, we invite all components of society to acknowledge, respect and put these rights into effect through all the policies and regulations that are to be implemented in Aceh.

Comments: Although research is needed to assess the extent that these articles are interpreted and implemented in the best interests of women, particularly within family and religious institutions, the preparation of this charter as well as it being accepted as a legally binding document is a considerable achievement. It indicates that women can successfully organize and develop a legally binding document that works towards their equality.

Charter for Women's Rights - Ensuring Equality Through the Constitution in Nepal (2008)²⁸

Political and Social Context: Politically Nepal was kingdom with very little democratic structure until the last decade of 20th century. Due to general dissatisfaction and mobilization for social, political, and economic reform, the state was forced to implement some half-hearted reforms, which proved insufficient for progressive change. Nepal's political system became very unstable, leading to over ten years of unrest and civil war. In 2005, several weeks of mass protests by major social forces and political parties resulted in a 12-point peace agreement on November 22nd, 2005. In April 2006, an interim government was established which included members of various political parties, but in particular the Maoist party,

²⁸ Centre for Development and Population Activities, www.womenact.org.np/contents.php?mainid=156; (accessed on 2 April 2010)

which was the largest and most organized in the region. Within two years, the interim government had organized a nation-wide election for a constitutional assembly. This took place in May 2008 and by July 2008 a new constitution was prepared that paved the way for the establishment of a federal multi-party representative and democratic republic. The first President of Nepal, Ram Baran Yadav, was sworn in on 23 July 2008. During the years of mobilization large numbers of women had joined various parties, especially the Maoist party, and had participated in the struggle for democracy. The idea of gender equality and women's rights became an integral part of the various communist and leftist ideological perspectives. Even though such ideologies have not been put into practice, they have provided the basic spark for demanding equality and an end to customary discriminatory practices. The numerous weeks of mass demonstrations in 2005 also politicized hundreds of thousands of women. The two-year period between the organizing of the interim government and the election of the constitutional assembly in 2008, provided a space for women to organize and prepare a charter that would guarantee their rights, and, ensure that in the future the law would be responsive to women's human rights.

Excerpts from the Nepal Charter of Women's Rights

Excerpt from Preamble: On 21 November 2006, Nepal ended 12 years of armed conflict with the signing of a Comprehensive Peace Agreement (CPA) between the Government of Nepal and the Communist Party of Nepal (Maoist). The agreement facilitated the peace process and as a consequence, Nepal has expressed commitment to political and economic development, social transformation and political transition. The agreement highlighted issues of universally accepted fundamental human rights, a competitive multi-party democratic system, sovereignty of the people, rule of law, social justice, equality, independent judiciary, adult franchise, periodic elections, full freedom of the press, right to information, transparency and accountable political parties. Moreover, by adopting a policy on State restructuring, it has emphasized ending discrimination based on class, caste, ethnic origin, gender, religion, culture, regionalism, minority, and backwardness, for the protection of the rights and welfare of its citizens.

Women have suffered gravely from the inequitable social structure that limits their access to resources and decision-making processes, further undermining their ability to face the negative impact of conflict. Women are especially vulnerable to unsafe employment overseas, rape, forced pregnancy, unsafe motherhood, sexual exploitation, malnutrition and the risk of HIV/AIDS. Consequently, women face huge social, financial and health problems throughout their lives. The UN Resolution 1325 has not been adequately implemented. Women have been drawing the attention of the government, political parties and civil society in seeking out their role in assisting the peace process at local level and in institutionalizing peace at the national level. However, neither their voices are heard nor their efforts have been taken into consideration.

Addressing gender disparity and empowering women is critical for the peace process and building a new Nepal. Since women comprise 51% of the population, they can achieve significantly if power sharing takes place on the basis of gender, caste, ethnicity, and region. Therefore, this Charter has been prepared by declaring women's unity, their recognition and their success.

Comments: Many of the rights claimed in the Nepal Women's Charter can be traced to the definitions of universal rights as found in international law and include the right to protective sexual and reproductive health for women, the right to involvement in policy-making after armed conflicts, and the right to a basic education. One of the major areas of focus in this Charter is the attempt to eliminate the adverse consequences of customary laws and traditional practices that have restricted women's roles in society. Various clauses of Article 5 of the charter address these concerns in detail. In particular, it demands the inclusion of the following constitutional provisions in regard to women:

5.1 Socio-Economic Foundation:

5.1.1 Ending Discrimination;

5.1.2 Cultural Rights;

5.1.3 Economic Rights;

5.1.4 Rights of Rural Women;

5.2 Political Framework for Restructuring of State:

5.2.1 Institutional Structures in Political System;

5.2.2 Ensuring Women's Inclusive Participation at All Levels of the State;

5.2.3 National Women's Commission should be a Constitutional Body;

5.2.4 Women's Citizenship Rights;

5.3 Political, Social and Cultural Rights:

5.3.1 Rights to Special Service and Care in Maternity;

5.3.2 Ensuring Equality;

5.3.3 Marriage and Family Relations,

5.3.4 Property Rights in the Family;

5.4 Security:

5.4.1 Security at Home;

5.4.2 Security in the Public Sphere;

5.4.3 Right to Security for Women in Foreign Employment;

5.4.4 Right to Justice for Victims;

5.5 Peace, Justice and Reconciliation.

In particular the charter articulates the following concerns:

- "Restrictions should be imposed on the attitudes that consider women as commodities." (Article 5.1.1);
- "The Constitution must guarantee cultural rights. However, these rights must end all social practices and beliefs that include patriarchal norms and values, customary laws and regulations that restrict and prohibit women's advancement and development, and reinforce violence." (Article 5.1.2); and

- “Constitutional provisions should ensure to void automatically any customary law, act, practice and tradition that is discriminatory to women.” (Article 5.3.2).

The Charter also calls for a change in the existing society, seeking the inclusive participation of women in the democratic political process and any peace-making efforts. Article 5.2 is primarily focused on the restructuring of the state’s political framework, and includes provisions such as:

- “While restructuring Nepal to a federal system...the Federal States should guarantee to take measures to modify social and cultural patterns for eliminating prejudices and practices based on the idea of inferiority or the superiority of either sex or stereotype roles for men and women.” (Article 5.2.1);
- “Fifty per cent of women’s participation should be ensured from local to national levels of policy as well as decision-making...provision should be made for the reservation of 50% seats in the judiciary, executive, legislative, constitutional organs, commissions and other structures of the State.” (Article 5.2.2);
- “The National Women’s Commission should be made a constitutional body.” (Article 5.2.3); and
- “Women’s equal participation must be guaranteed in all structures of the State that are due to be constituted with reference to the peace process.” (Art 5.5.2).

The Charter tries to eradicate inequity within familial and communal gender roles as well as in the political sphere, with provisions such as:

- “Arrangements should be made in the constitution that men and women have equal responsibility in reproductive and childcare roles.” (Article 5.3.1);
- “Equal right to marry and to freely choose a spouse and enter into marriage with the free and full consent of both women and men...the constitution should nullify child marriage and polygamy.” (Article 5.3.3);

- “Equal rights should be applied for husband and wife, daughter and son to acquire, own, sell and otherwise dispose of their property.” (Article 5.3.4); and
- “Women’s right to protection against all types of violence at home should be guaranteed by the constitution as the fundamental right of all women.” (Article 5.4.1)

Vision: We envision that in two years, all Nepalese women will have gathered to celebrate the passage and ratification of a new constitution in Nepal that enshrines the principle of substantive gender equality and social justice, at all levels of women’s lives [...]

Comments: Although women did not get 100% of their wishes granted, the development of the charter galvanized women, thereby enabling notable achievements in the inclusion of women’s right in the constitution. In the constitutional elections, women were successful in occupying 197 out of 601 seats. That is approximately a 33% representation, which meant that women could be present in all 10 parliamentary committees (see IDEA, 2011).²⁹

To Sum up: Many charters and manifestos are written during the time of political transition or constitutional reforms, with the view of being adopted as official documents that would become legally binding. Thus such charters should include clauses and outline mechanisms that would enable women’s organizations and citizens to monitor their implementation. Even when the charters do not include certain clauses in the actual document, it is important to identify the mechanism and the body that oversees and evaluates the implementation of the charter provisions and the progress towards realisation (or the lack thereof). The composition of such bodies needs to be thought about in advance, with reflections on the inclusion

²⁹ The publication *Women members of the Constitution Assembly: a study on the contribution of women in constitution making in Nepal* by IDEA is an interesting research document that provides a comprehensive overview of women in political movements in the country based on research and interviews of the 197 member of the Constitutional Assembly. The goal is to make the contribution of women more visible. The publication is available from: <http://www.idea.int/publications/women-members-of-the-constituent-assembly/upload/978-91-86565-35-0.pdf>.

of representatives of women's movements, government officials, parliamentary members, and so on. The design of the mechanism has to be based on a good, comprehensive understanding of the various decision-making structures of the state machinery, as well as of the workings of various government entities. Advocates also need to reflect on whom such monitoring bodies will report to and to ensure that such an office/body is effective (see Manjoo 2008).³⁰

³⁰ *Dossier: Journal of Women Living under Muslim Laws, Issue 29, 2008*; Guest editor Rashida Manjoo. This issue includes the process of a conference that was intended to examine various forms of women's machinery and women's commissions across the world, in order to assess which electoral system worked for women along with which political system. The goal of the conference was to provide information for those who are campaigning to either set up a women's machinery in their respective states, or for those who were demanding a reform of the women's machinery because the existing system had not been effective in improving women's socio-economic or legal position.

Chapter 5

Policy Orientated Charters

In this chapter we examine nine charters/manifestos that reflect more substantively on policy orientation, in their efforts to influence and shape laws and policies. They tend to demonstrate a wider variety of demands that are very specific to the policy field that each addresses. The various charters that have been chosen include the early post-war documents as well as more recent ones, in order to outline the strategies that may be adopted in preparing a policy-oriented charter. The charters discussed below include: the *Afghan Women's Bill of Rights*, the *Women's Manifesto of Antigua & Barbuda*, the *Australian Women's Charter*, the *Women's Charter of Rights in East Timor*, the *Women's Manifesto for Ghana*, the *Charter for the Rights and Freedoms of Women in Kurdish Regions and the Diaspora*, the *South African Women's Charter*, the *Women's Manifesto of Sri Lanka* and the *Women's Charter of Zimbabwe*.

The Australian Women's Charter (1943)

Political and Social Context: The Australian Women's Charter is a post-World War II initiative put forward by women for reforms that should be incorporated into government planning of post-war reconstruction. The charter documented a wide range of issues and objectives that were

discussed at the Australian Women's Conference for Victory in War and Victory in Peace, held in Sydney in November 1943 (Caine 1998, Lake 1999).³¹ The range of issues addressed included: women's right to paid work, the necessity for adequate child care, and the particular needs of rural and Aboriginal women. The document reflected the conference participants' agenda for women in the post-war world, and was heavily influenced by women's wartime experiences.

The Charter reflected both the realities of women's participation during the war, and also their demands for basic rights post-war. While focusing in large part on employment concerns, the Charter also details women's obligations to their country, as well as their role in reconstruction efforts. Some relevant provisions include:

- "This Australian Women's Conference, representing every State and 90 organizations in the Commonwealth, called after four years of war affirms its unshakeable belief that the hopes of all women for a world in which justice and liberty and equality will exist depends entirely upon winning the war and eradicating Fascism in any form in every country";
- "Therefore this Conference calls upon every woman to take her full share in the war effort by either enlisting in the defense forces, undertaking work on the land or in industry, or enrolling as a voluntary worker, and by subscribing to war loans";³²
- "This Conference further affirms its belief that if we are to win the peace it is necessary to plan for peace while carrying on the war, and while noting with satisfaction the action of the Government in creating a Ministry of Reconstruction, exhorts the Government to make fuller use of the vision, enthusiasm, practical wisdom and capabilities of women in the planning of reconstruction."

³¹ For a short review, see: <http://www.womenaustralia.info/biogs/AWE1022b.htm> (accessed 19 March 2012).

³² Reference to government bonds sold to the nation in order to pay for the war and the country's reconstruction after the war.

Issues And Rights Addressed in the Charter: This charter outlines a comprehensive approach to the demands and needs of women in various stages of their lives, whether they live in cities or rural areas, as well as considering issues relating to Aboriginal women. These articles cover multiple areas under the titles of: (1) Women in war and peace, (2) Women in public life, (3) Women at the peace conference, (4) Equal status, opportunity, responsibility and reward, (5) Equal rights legislation, (6) Employment and social security, (7) Employment of women, wage earners and professional women, (8) Women's employment board and amendment to Commonwealth conciliation and arbitration, (9) Trained nurses, (10) Trade unions and women's employment, (11) Service women, (12) Voluntary workers, (13) Women as mother and/or home-maker, (14) Health, (15) Education, (16) Housing, (17) Community centers, (18) Child care, (19) Birthrate, (20) Alcohol, (21) Moral standards, (22) Rehabilitation, (23) Country women, (24) Aborigines, (25) Legal reforms, (26) Divorce, (27) Widow's pensions, and (28) Census.

The Charter goes beyond identifying women's rights to also present a vision of how the country could best be rebuilt following the war. Specific goals include increasing the birthrate by removing early-age barriers to marriage, prohibiting alcohol consumption, and reforming communities.³³

Excerpts from the Australian Women's Charter

This Conference is of the opinion that an increase in the birthrate is of vital importance to Australia, and that the low birthrate is largely attributable to lack of economic security, of adequate housing, and of facilities for the care of babies and children to relieve the

³³ As part of post-war efforts, governments usually plan to make up for the heavy loss of the population. Given the unparalleled loss of lives during the WWII many governments were concerned about increasing their population and this article refers to that. In Australia, at that time the age of marriage was set at 18, any marriage earlier than the required age could be made official with court permission, which could be a lengthy procedure. This article speaks to both these and similar concerns.

mother of the continuous care and strain of a young family; we recommend:

- (a) the removal of obstacles to early marriage;
- (b) the guaranteeing of economic security;
- (c) the provision of suitable family homes;
- (d) adequate child endowment;
- (e) provision of day nurseries, nursery schools and supervised playgrounds in all residential areas;
- (f) safeguarding maternal health;
- (g) the development of a baby nurses' scheme through baby clinics which would make casual nursing service available to parents of families.

We believe that the abuse of alcohol is an important contributing cause of poverty, disease, immorality and crime; we recommend that:

- (a) every community shall have the democratic right restored to them to vote whether alcoholic liquor shall, or shall not, be sold in their district;
- (b) direct or indirect advertising of alcoholic beverages be prohibited;
- (c) an educational publicity campaign be directed against the evils of indulgence in alcohol, through the schools, press, radio and other agencies.

Whereas the experiences of many countries over the last 100 years has demonstrated that the regulation of prostitution encourages vice, stimulates the white slave traffic, creates a false sense of security from venereal infection, and imposes cruel injustice and humiliation upon the women concerned while allowing men to go free; and whereas the economic inequality of women tends to lower their dignity and status; therefore we

declare our unswerving opposition to the licensing of vice by registration of prostitution, registration of brothels, or any other form of regulation, including the compulsory examination and detention of women on suspicion, and we recommend

- (a) an equal moral standard for men and women;
- (b) a widespread publicity campaign on (i) the need for early treatment of sufferers from venereal disease; (ii) the causes of venereal disease such as promiscuous sex relations, ignorance about sex matters, bad housing, economic insecurity, the existence of undesirable places of amusement abuse of the use and sale of alcohol, etc.;
- (c) that sufferers from venereal disease be under the supervision of officers of the Health Department, assisted by social workers and almoners, instead of the Police Department;
- (d) the provision of adequate facilities for the free and secret treatment of venereal disease;
- (e) the adoption of scientific methods for the rehabilitation of girls and women who have contracted promiscuous habits;
- (f) the education of children in the laws of reproduction through the scientific approach of botany and biology, leading up to education of adolescents in the emotional and ethical aspects of sex relations and the significance and responsibilities of family life;
- (g) that male partners in immorality and patrons of prostitutions be regarded as equally guilty of an offence under the law;
- (h) that ample facilities for healthy recreation be provided;
- (i) that the sale of liquor be strictly controlled;

(j) the prohibition of the publication or distribution of literature calculated to stimulate crime, sexual laxity and other anti-social behavior.

Comments: While the provisions above support many of the government's policies, the demands include the removal of discriminatory aspects towards women; for instance adopting an equal moral standard for men and women. It encourages democratic policies that are important for the health of the nation, and mindful of all citizens. This includes placing control on and attempting to eradicate venereal disease – under the supervision of the Health Department, instead of the Police Department. Furthermore, it proposes to make these services confidential to reduce stigmatization, and to encourage more people to ask for medical help to deal with their problems. In essence, their strategy was to present themselves as allies and supporters of the government, while simultaneously working beyond the government's scope to improve certain social conditions that adversely affected marginalized peoples. Given the diversity of this document, the charter resonated with many different women and women's organizations, regardless of what their most significant concerns were. Working with these documents also created a sense of connection and solidarity amongst the many diverse women involved. Almost all the women's organizations that existed at the time (about 90 of them) had participated in the planning and development stages to create the charter.³⁴ As well, this document and associated writings provide an ongoing means of intergenerational communication, providing memory and testimony to help strengthen the work of younger generations. The charter is also a good example of how women strategized to work with the state, and to help direct its agenda towards the path of gender equality.

The 1943 charter remains an important historical document, paving the way for continuous struggles for gender equality and policy revision in Australia. In 2001, women's organizations in Australia came together to

³⁴ For a complete list of these organizations, see: <http://www.womenaustralia.info/biogs/AWE1022b.htm> (accessed 19 March 2012).

produce the *Australia Women's Charter for Political Reform*.³⁵ This Charter is concerned with particular issues that make women's participation in politics difficult, such as discrimination within political establishments, money politics, the media, and so on. The 2001 charter demonstrates that it is possible, if the circumstances demand, to produce a charter that deals with specific areas of concern; particularly those concerns that had been overlooked by prior charters.

The Women's Charter for Effective Equality (South Africa 1994)³⁶

Political and Social Context: As noted in Chapter 2, the 1954 South African Women's Charter was an aspirational document that broadly demanded an end to all forms of oppression and discrimination. It was drafted in a context of a legacy of Dutch and British colonialism, and the subsequent racial apartheid-era system that was created by the incoming Nationalist government of 1948. The 1994 Charter is set against the fall of the apartheid government and the historic 1994 victory of the liberation movements in the nation's first multi-racial democratic election. The Charter takes a strong stance towards providing extra consideration for the struggle of the growing women's rights movement. As such, the Charter promotes affirmative action and the development of new systems and infrastructure to accelerate the status of women as equals in society including:

- “flexible reorganization of the workplace to take account of family responsibilities” (Article 3);
- “equal access to specific funds through affirmative action for education and training” (Article 4);
- “safe transport networks and effective communications services” (Article 5); and

³⁵ For more information on the *Australian Women's Charter for Political Reform*, see <http://www.womenintopolitics.org.au/charter/charter.html> (accessed 29 October 2012).

³⁶ For full text of *The Women's Charter for Effective Equality* see: <http://www.kzn-health.gov.za/womenscharter.pdf> (accessed 29 October 2012).

- “the system of social services that caters for the special needs of groups such as the disabled, the elderly, single parents and rural women” (Article 6).

To protect against historical inequalities, the Charter also aims to ensure equal access in all areas of South African society—political, economic, and social. By safeguarding women’s ability to declare and exercise their rights, these equal access objectives further the ultimate goal of gender parity and give precedence for women’s access to:

- full representation and participation in “the selection of all candidates for all judicial and quasi-judicial structures, including traditional courts and alternative dispute resolution mechanisms” (Article 2);
- “accessible and affordable legal services” (Article 2);
- “jobs and skills training provided by the state and private sectors” (Article 3);
- “group benefits, such as accident and disability insurance, group housing schemes, sick leave and maternity benefits” (Article 3);
- “alternative means to obtain credit” (Article 3);
- “land and security of tenure” (Article 5);
- “adequate health care, recreational, educational and social welfare facilities” (Article 5); and
- “the necessary training to fully utilize the media, as decision-makers, participants, consumers and producers.” (Article 12).

Many of the objectives listed within the Charter are similar to those listed within other prominent statements on women’s rights including the *Beijing Declaration and Platform for Action* and CEDAW. However, while CEDAW (Article 6) advocates that states “shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”, the *South African Women’s Charter* (Article 3) makes a notable departure by supporting the decriminalization of prostitution while insisting that “appropriate measures shall be taken to protect the health and safety of sex workers and their clients”.

Excerpts from the South African Women’s Charter for Effective Equality

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 organizations 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 recognize the diversity of our experiences and recognize 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 reorganized, and its institutions to be restructured to take cognizance 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 program 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 civil life; family life and partnership; custom, culture and religion; violence against women; health; and the media.

The charter is a comprehensive document that covers many aspect of public and private life; thus it is intended to be used as a guideline for national and regional policies in order to address the historical discrimination that women have faced. The areas covered are: Article 1: Equality; Article 2: Law and the Administration of Justice; Article 3: Economy; Article 4: Education and Training; Article 5: Development, Infrastructure, and the Environment; Article 6: Social Services; Article 7: Political and Civic Life; Article 8: Family Life and Partnerships; Article 9: Custom, Culture and Religion; Article 10: Violence against Women; Article 11: Health, Article 12: Media.

The Women's Manifesto for Ghana (2004)³⁷

Political and Social Context: Ghana gained its independence from Britain in 1957 and became a parliamentary democracy. The government is elected by universal suffrage; however, the legislature is not proportionate, with low-population districts receiving more representatives per person than those with high populations. Despite this, Ghana has had long years under various military rules, with the result that democracy and party politics remain under-developed. Although the country is well endowed with natural resources, massive poverty has resulted from rampant corruption, political instability and bad economic policies. Added to its economic challenges is Ghana's excessive international debt (USD 18 billion at the end of 2011). The interest payment on this debt has resulted in a lack of investment in infrastructure and human development. The debt has brought Ghana under the control of international agencies, particularly the World Bank and IMF, which have enforced structural adjustment policies (SAPs), and the privatization of natural resources and social services. These

policies have brought further hardship to citizens, within a country where a substantial segment of people were already living in extreme poverty.

In response to these economic and political hardships, the *Women's Manifesto for Ghana* was developed throughout the election year in 2004 by the Grand Coalition on the Women's Manifesto for Ghana. The Manifesto is clearly intended to influence various government policies. It calls for the strengthening of institutions with the mandate to promote women's rights, including the Ministry of Women and Children's Affairs (MOWAC), the National Commission for Women's Development, the Commission on Human Rights and Administrative Justice (CHRAJ), the Department of Social Welfare and Community Development DSW/CD and the Women and Juvenile Unit (WAJU) of the Police Service. The Manifesto was also used as a political and advocacy tool in the 2009 elections.

The *Manifesto* relies heavily on international statements of rights; it specifically states that the authors are concerned by the failure of the Ghanaian State to honour its obligations under the 1992 Constitution, as well as its commitments under CEDAW and the *Beijing Declaration and Platform for Action*, amongst others. The manifesto acknowledges as sources of obligations the core UN documents, the African Charter on Human and Peoples Rights, and the Nairobi Forward Looking Strategies (NFLS).

Economic policies receive a great deal of attention in the Manifesto. In addition to addressing specific problems, the Manifesto targets the Structural Adjustment Policies (SAP), also known as the Economic Recovery Program (ERP), of the World Bank and International Monetary Fund. The following indicate the level of their concerns:

- "after close to two decades of reforms...social groups such as women, children and the disabled have suffered particular forms of hardship;" and
- "The ERP failed to address poverty, create jobs, secure livelihoods and social security and improve human development. Instead, it has led to the retreat of the State from its social responsibilities."

³⁷ For the full text of the *Women's Manifesto for Ghana*, see: <http://library.fes.de/pdf-files/bueros/ghana/02983.pdf> (accessed 29 October 2012).

Solutions offered to address women's disadvantages in the economic sector include calling on the government to review the aforementioned program and to:

- "...reverse practices which have given control of national economic decision making to the international financial institutions and foreign governments and to ensure the full participation of citizens in economic policy making" (1.3);
- "...implement the provisions in the Beijing Platform for Action which relate to valuing and accounting for unpaid work" (1.6);
- "...strengthen its agricultural policies particularly in the food crop sector to reverse decades of bias in favor of cash crop production" (1.9); and
- "...ensure that social security arrangements are put in place to cover all working women and men in the formal and informal sectors and in rural and urban areas by the year 2015" (1.11).

The *Manifesto* calls into question the stereotypes and misrepresentations of women as reflected in the media and also focuses on the poor reporting practices on sex crimes. The document highlights the role of the media to shape not only culture, but also to influence women's participation (or lack of participation) in democracy and decision-making. Specific solutions relating to the media include:

- "That government, through Parliament, passes into law a gender-responsive Freedom of Information Bill to enhance access to information and ultimately benefit women and the marginalized in society by 2005" (7.2);
- "That government enact legislation, regulations and guidelines that address concerns such as pornography and the exploitation of women, raised by new information and communication technologies such as the Internet" (7.3); and
- "That the National Media Commission implement affirmative action policies to achieve gender equality in the appointment of members of Public Media Boards and heads of media institutions by 2008" (7.7).

In regards to implementation, the *Manifesto* includes a significant number of tangible goals with clear timelines for implementation. The document demands the passage of several pieces of specific legislation, and also supports deadlines for other essential reform processes:

- "That the government initiate a constitutional review process to be completed by the year 2010 to ensure that all constitutional provisions promote the principles of fundamental human rights and freedoms and economic and social rights for all women and men on an equal basis" (5.1).
- "That the government develops a comprehensive National Gender Policy by the year 2006 and publicize and fully implement its provisions by the year 2012" (10.1).
- "...political parties ensure that by the year 2008, there is at least 50% representation of women in party executive and other decision-making structures" (4.2).
- "...all political parties promote affirmative action to progressively increase the number of women candidates for parliamentary elections in order that there is at least 30% representation of women by the year 2008 and 50% representation by the year 2012" (4.3).
- "...by the year 2008 at least 50% of appointees to public offices, such as boards of corporations and institutions and the higher echelons of the bureaucracies, are women" (4.5).

Excerpts from the Women's Manifesto for Ghana

Preamble: The Women's Manifesto is a political document. It sets out critical issues of concern to women in Ghana and makes demands for addressing them. The Manifesto is a direct result of concern about the insufficient attention given to critical issues affecting women. It is also a result of concern about the under-representation of women in politics, policy and decision-making levels and in public life in general. The Manifesto therefore provides a platform of a common set of demands for the achievement of gender equality and equity and sustainable national development. It allows women to articulate their concerns in the 2004

Elections and beyond. Women are thereby empowered to use their votes as a bargaining tool and recruit others to do the same. The Manifesto provides female and male candidates with an agenda once they are elected to parliament and the District Assemblies. Finally, it would ensure political party accountability as they would ultimately be assessed on the basis of where they stand in relation to issues that concern women as outlined in the Women's Manifesto.

Initiated by ABANTU for Development, the Manifesto brings together various demands made by Ghanaian women over the years as part of their struggles for national development and women's rights. The process of developing and promoting the Manifesto also built upon the experiences of other countries in Africa that have embarked upon similar processes.

Summary of Issues and Demands Addressed in the Ghana's Manifesto:

1. Women's Economic Empowerment

- Colonial Domination and Poor Post-Independence Policies
- Economic Growth through Structural Adjustment Program (SAP)
- HIPC Initiative and Ghana Poverty Reduction Strategy (GPRS)
- An Alternative Approach –Key Policy Issues

2. Women and Land

- Land Tenure, Administration System and Women's Rights
- Marriage and Land Rights
- Land Tenure Reform

3. Women, Social Policy and Development

- A Universal Basket of Social Provision
- Water and Sanitation
- Health

- Education
- Social Development Trends and the Question of Social Policy for Ghana

4. Women in Politics and Decision-making

- The Pivotal Role of Women in Ghanaian Society and History
- Women's Participation in Politics and Decision Making
- Low Representation in Local Government

5. Women, Human Rights and the Law

- Laws, Instruments and Conventions to Improve Women's Status and Promote Gender Equality
- Women Continue to Live with Discrimination and Biases

6. Discriminatory Cultural Practices

- Ghanaian Culture and Its Positive Elements
- The Use and Abuse of Culture in Relation to Women
- Marriage, family and community life
- Institutional Cultures and Gender Inequality

7. Women and Media

- The Media in the Fight for a just and Equitable Society
- A Liberalized Media, Commercial Pressures and the Representation of Women
- Structural Challenges in the Media Sector and the Issue of Gender Equity

8. Women, Conflict and Peace

- The Endemic Nature of Communal Conflict in Ghana and West Africa
- Women and Men Experience Conflict Differently

9. Women with Special Needs

- Constitution and Rights of Persons with Special Needs
- Discrimination Against Women with Disabilities
- Disadvantaged Women and Equality
- National Machinery for the Advancement of Women in Ghana
- Using Ministries as National Machinery for Women's Advancement: Some Lessons
- The Need for a National Gender Policy Framework for Ghana
- Civil Society Institutions and Women's Rights

A Call to Action

The most important task ahead of us in the coming years is to strengthen our coalitions and networks to ensure that they are up to the tasks of promoting, monitoring and assessing progress in the implementation of the *Manifesto*. Success comes to those who are organized and make demands. This is a task no one can take up on our behalf. It requires that we engage in sober reflection, learn from the experiences of others and develop a new organizational culture in a difficult terrain. Women in Ghana have a rich history of organization and effective campaigning. We should tap into these traditions to strengthen our organizations.

Comments: Therefore, while the policy manifesto is addressing the government, its advocates are deeply conscious that ultimately such a document needs to work to improve the lives of women in Ghana.

Zimbabwe: The Women's Charter (2000)³⁸

Political and Social Context: Zimbabwe's resistance movement had put an end to the white government of Ian Smith (Rhodesia), which had declared

38 For the full text of *The Women's Charter* of Zimbabwe, see: http://www.zwla.co.zw/index.php?option=com_content&view=article&id=65:zimbabwean-women&catid=35:news-and-media&Itemid=63 (accessed 29 October 2012).

unilateral independence from the British Empire as well as white rule over a black majority in 1965. By 1979 a new constitution was written and a multi-racial and multi-party election was held. However, women had not had a chance to organize and put their own demands forward when the 1979 constitution was written. When there was greater discussion concerning the drafting of a new constitution in 2000, women decided to organize and draft a charter for submission to the constitutional assembly.

The aim of the Zimbabwe *Women's Charter* was to inform the constitution-making process occurring during that period. In a context where women were empowered to demand constitutional change, women's groups' forged alliances with other civil society and democratic forces, and organized meetings throughout the country to discuss the development of a Women's Charter. The Charter was adopted by a national conference on 12-13 October 2000. When the state failed to incorporate the principles of the *Women's Charter* into the draft constitution, the women's movement along with other democratic forces organized sufficient support to defeat the constitutional referendum in 2000. They argued that, among other things, the draft constitution did not guarantee women's rights to equal social and economic standing, including health care and education; it did not uphold their right not to experience violence; it did not offer equal political representation or protect women from discriminatory cultural practices; and it generally ignored the wishes of the people.

At the time that *The Women's Charter* was being drafted, many of the provisions were aimed at strengthening the recognition and protection of women's equality in all facets of national life, in the constitution-making process. Relevant provisions include:

- "The principle of equality between women and men should be addressed in all legislation and policy instruments and additional legislation should be developed to rectify the imbalances of the past and all discriminatory laws must be repealed immediately" (Equality and Non-discrimination 1);
- "There should be a justiciable Bill of Rights in a new Constitution to protect human rights and it should include a clear and un-ambiva-

lent statement of full equality between women and men” (Equality and Non-discrimination 2);

- “The State has an obligation to educate its people on their rights to equality, both before the law and in all aspects of society” (Equality and Non-discrimination 7); and
- “Whilst fully respecting the role culture and religion play in family and all other aspects of life, these must not undermine the attainment of full equality between men and women in the public and private spheres” (Equality and Non-discrimination 8).

The Charter also concentrates on reforms to the judicial system aimed at increasing its responsiveness to domestic violence and to the protection of women. Thus, the *Charter* features detailed demands for reforms of the judicial and law enforcement systems that will enable women and girls to access the judicial system, as a means to reinforce their equal status. Special mention is made regarding the rights of the disabled to participate in the justice system. These provisions are found in the section entitled “Law and the Administration of Justice”, which contains statements such as:

- “Provisions must be included in the law and in the processes and procedures of the administration of justice to ensure that all courts are litigant- and victim-friendly. This must be specially implemented for the benefit of rape victims, victims of domestic violence, and victims of child sexual and other abuse” (3);
- “Special assistance and protection must be made available to those who are mentally or physically disabled when they engage with any judicial processes” (4);
- “The criminal justice system should be made more sensitive to the needs of women in cases of violence against women, including domestic violence” (8);
- “Police officers must be compelled to and receive gender training to ensure they are sensitive to women’s cases” (9); and
- “Police officers must be compelled to provide protection for women against all forms of violence” (10).

Excerpts from the Zimbabwe Women’s Charter

Preamble: We the women of Zimbabwe, as full citizens representing over half the Zimbabwean people: Having contributed equally to the development of the nation throughout its history; Having contributed equally to the struggle for the independence of our nation; Having suffered oppression through patriarchy, custom and tradition, colonialism, racism, male-dominated totalitarianism and capitalism; Finding ourselves still discriminated against in all aspects of national life – legal, political, economic and social, cultural and religious; As workers in every sphere of national life; As the mothers of the people and of future generations; Claiming the birthright of every human being to have freedom and equality; In recognition of our role in the foundation and development of the country; Make the following basic demands:

1. constitutional, legislative and policy measures that actively address gender imbalances;
2. full and equal participation in all aspects of national life;
3. freedom from all forms of oppression;
4. full and equal rights in the legal, political, economic, social and cultural framework of our nation;
5. the removal of discrimination against women in all aspects of public, corporate and private life;
6. affirmative action where necessary to right the injustices of the past against women and to give women equal partnership in the future;
7. guarantees of safety of person and property and active measures to end violence against women;
8. a plan of action, a time frame for implementation and a realistic allocation of national resources to fulfill these objectives.

Implementation Mechanisms

The national institutional mechanisms for implementing programmes to promote gender equality and women's rights and to monitor progress are not yet fully developed. Gender equality is not yet integrated into policies and development programs and practices at all political, economic, social, private and public institutions.

1. An independent Gender Commission should be established to guide, monitor and evaluate the implementation of legislation and policy in relation to women's gender issues. The national budget should provide adequate funding for the Commission.
2. Measures must be taken to strengthen the capacity of those engaged in gender-focused research and to increase the production of gender-sensitive information.
3. Government, political parties, the private sector and civil society organizations should adopt the goal of bringing gender into the mainstream in all aspects of their management, policies, programs, procedures and organizational behavior.
4. Public interest litigation should be established to enforce women's gender rights.
5. There must be a consistent gender audit of policies, the budget, and legislation.

Women's Charter of Rights in East Timor (2001)³⁹

Political and Social Context: Portuguese officials, who had colonized East Timor in 1916, withdrew from the territory in late 1975 and East Timor declared its independence. However, later that year, the Island was militarily invaded by Indonesia with the tacit agreements of major

³⁹ <http://members.pcug.org.au/~wildwood/01augwomen.htm> (accessed on 2 November 2012)

powers including the USA and Australia, and was declared Indonesia's 27th province. East Timorese never accepted the occupation. Despite decades of harsh treatment, periodic massacres and a program of cultural and physical genocide, they continued to resist the occupation. In 1999, Indonesia relinquished control of the East Timor region and it became an independent nation. The UN accepted the task of overseeing the elections and also assisted in setting up the new state institutions. On May 20th, 2002, East Timor, a predominantly Roman Catholic nation, became an independent state and began to re-build its infrastructure, which had been severely damaged during its anti-colonial struggle.

The Women's Charter of Rights in East Timor was a result of advocacy prior to independence. A working group on Women and the Constitution, composed of several civil society organizations was formed to develop a women's charter prior to the setting up of a Constituent Assembly in 2001.⁴⁰ The *Charter*, with over 8,000 signatures, was presented to the United Nations Transitional Administrator in Timor Leste, and later to the Constituent Assembly. The new Constitution of East Timor, adopted in March 2002, takes a weaker approach to women's equality than the *Charter* demanded, but it does have among its fundamental principles the promotion and guarantee of effective equality of opportunities between women and men, and the principle of non-discrimination on grounds of gender.

The ten articles that make up the *Women's Charter of Rights in East Timor* are a list of rights demanded for inclusion into the Constitution. The demands closely reflect principles laid out in the UDHR, the Vienna Declaration, and CEDAW. The document seeks to ban all forms of discrimination and establish basic human rights for women and children with provisions such as:

- "The Constitution must prohibit all forms of discrimination, including in all matters of law. The State may implement positive measures to promote equality between men and women" (Article 1);

⁴⁰ For a concise account of women's activism in East Timor see Cristalis and Scott (2005)

- “The Constitution must guarantee equal rights of women in political activities and public life, including the right to vote, to run for elected office, to participate in government policy decision making, and to participate in organizations concerned with communal and national politics” (Article 3);
- “The Constitution must guarantee the rights to livelihood, shelter, sanitation, electricity, water, transportation and communication, health and education, and social security in case of sickness, unemployment or incapacity to work. Women must participate in development programs at every level” (Article 6);
- “The Constitution must protect children’s basic rights, including the right to food, shelter and social services, the right to be cared for by parents and family, and the right not to carry out work beyond the child’s age capacity” (Article 10).
- “The Constitution must provide an institutional mechanism to ensure the protection and realization of women’s rights in East Timor”.

Like the *Afghan Women’s Bill of Rights*, the East Timor women’s charter had a double mission: firstly, to influence the constitution with respect to women’s rights, and secondly, to influence post-independence reconstruction of the region. Similarly to the experiences of the Afghan women who had suffered particularly under the Taliban regime, due to its anti-woman visions, women in East Timor had also suffered, particularly under the Indonesian occupation. They were targeted because of their reproductive capacity – as the intention had been to diminish the population of East Timor, thereby reducing their resistance and their chance of setting up an independent state. These policies had especially heightened women’s political interests and had mobilized them to struggle against the Indonesian rule, and later to demand gender equality in post-construction laws and policies. Another similarity is highlighted when looking at the charter itself as a concept designed by the women. It was their own demand to set up a constitutional mechanism to insure that gender equality is observed in all legal and policy documents.

Afghan Women’s Bill of Rights (2003)⁴¹

Political and Social Context: The *Afghan Women’s Bill of Rights*, as discussed above, was drafted with the goal of influencing the drafting of the Afghan Constitution, which took place after the USA invaded Afghanistan in 2001. An interim president was elected by the 2002 *Loya Jirga* (Grand Council), with the undertaking that a new constitution would be drafted and adopted within the next two years. An interesting development during this early period was setting up the Ministry of Women. The highly respected human rights activist, Dr. Sima Samar, was appointed as the Minister, which was a first for Afghanistan. This development was necessary in order to respond to women’s grievances and the deterioration of their social and legal position under the Taliban regime.⁴² Also, such an institution was necessary to facilitate women’s access to the government and to provide a public forum to air their demands.

Women activists were very aware that unless their demands were presented as a collective effort, and articulated on behalf of women from all walks of life, their voices would be dismissed. Thus women leaders drafted and distributed the *Bill of Rights* throughout the country and encouraged various women’s groups and civil society organizations to put together workshops and discussions around the documents. They also mobilized support from across many other civil society organizations, in particular journalists whose central mission was freedom of expression, as well as those groups that were working on family laws and the eradication of violence. As a united network of organizations, they presented the document to the president, who assured them that their rights would be explicitly included in the new constitution. The *Loya Jirga* adopted the Afghan Constitution

41 <http://www.womenforafghanwomen.org/events/BillofRights.html>; (accessed 2 April 2008)

42 Dr. Sima Samar, who lost her husband to the war, set up schools and training hospitals in Quetta, Pakistan as well as some 24 informal schools in various provinces in Afghanistan. She is an award-winning lawyer for human rights activists, and also a fearless and outspoken critic of the Taliban regime. Under threat of death from Taliban supporters, she was later transferred to head the independent Human Rights Commission in Afghanistan.

in 2004, and although it failed to incorporate all of the provisions in the *Afghan Women's Bill of Rights*, it did present at least a partial victory for women's rights activists. It incorporated a quota system for women in government and also contained an equality clause.

The *Afghan Women's Bill of Rights* was written with two goals in mind. First, it was to direct attention to the women's demand for rights as equal citizens, and secondly, it focused specifically on issues relating to the country's post-conflict rebuilding. These were the concerns on the minds of all Afghan women regardless of their class, ethnicity or religion. Indeed the dual focus of the document and its simplicity gave it more legitimacy both in the eyes of the public but also by many officials. Many of the demands echo the Beijing Declaration's E.1 platform principle which aims to increase the participation of women in conflict resolution and decision-making, and Article 28 of the Universal Declaration of Human Rights which prescribes "a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

In contrast to the *Declaration of the Essential Rights of Afghan Woman* (2000) which was written by Afghan women during the era of the Taliban (sometimes referred to as the Dushanbe document), the *Bill of Rights* not only includes broad goals of economic and educational inclusion, but also specific provisions such as:

- "...the prevention and criminalization of sexual harassment against women publicly and in the home, of sexual abuse of women and children, of domestic violence, and of 'bad blood-price' (the use of women as compensation for crime by one family against another)" (Article 3);
- "Reductions of the time before women can remarry after their husbands have disappeared, and mandatory government support of women during that time" (Article 4); and
- "Minimum marriageable age set at 18 years" (Article 14).

Excerpts from the Afghan Women's Bill of Rights

The excerpts reflect both process and substance:

On September 5, 2003, in the historic city of Kandahar, we, the Afghan Muslim participants in the conference, "Women and the Constitution: Kandahar 2003", from Kabul, Mazar-e-Sharif, Kandahar, Herat, Wardak, Jousjan, Badakhshan, Samangan, Farah, Logar, Gardez, Kapisa, Uruzgan, Paktia, Helmand, Baghlan, Sar-e-Pul, having considered the issues of the constitution that affect the futures of ourselves, our children, and our society, make the following demands on behalf of the women of Afghanistan.⁴³ Moreover, as representatives of all of Afghan women, we demand that these rights are not only secured in the constitution but implemented.

1. Mandatory education for women through secondary school and opportunities for all women for higher education.
2. Provision of up-to-date health services for women with special attention to reproductive rights.
3. Protection and security for women: the prevention and criminalization of sexual harassment against women publicly and in the home, of sexual abuse of women and children, of domestic violence, and of "bad blood-price" (the use of women as compensation for crimes by one family against another).
4. Reduction of the time before women can remarry after their husbands have disappeared, and mandatory government support of women during that time.
5. Freedom of speech.
6. Freedom to vote and run for election to office.

⁴³ See <http://www.womenforafghanwomen.org/events/BillofRights.html>; (accessed 2 April 2008)

7. Rights to marry and divorce according to Islam.
8. Equal pay for equal work.
9. Right to financial independence and ownership of property.
10. Right to participate fully and to the highest levels in the economic and commercial life of the country.
11. Mandatory provision of economic opportunities for women.
12. Equal representation of women in the *Loya Jirga* and Parliament.
13. Full inclusion of women in the judiciary system.
14. Minimum marriageable age set at 18 years.
15. Guarantee of all constitutional rights to widows, disabled women, and orphans.
16. Full rights of inheritance.

Additional demands affecting the lives of women:

1. Disarmament and national security.
2. Trials of war criminals in international criminal courts and the disempowerment of warlords.
3. A strong central government.
4. A commitment to end government corruption.
5. Decisive action against foreign invasion and protection of the sovereignty of Afghanistan

Comments: Afghan women broadly, including human rights activists, have produced a document that can be used in the current context as well as in the future. Thus, women can mobilize around the charter and demand that their rights are to be respected. They have also managed, with considerable success, to push for the inclusion of women in various development policies. Women's right advocates believe, once the political upheaval has subsided and Afghanistan is more politically and economically stable, that they will be able to mobilize around their *Bill of Rights* and push for the advancement of women.

Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora (2004)⁴⁴

Political and Social Context: The Kurdish *Charter for the Rights and Freedoms of Women* came about after the invasion and military occupation of Iraq. Sovereignty was transferred to the Iraqi Interim Government in June 2004. A new Constitution of Iraq was then approved by referendum in 2005, a new Government of Iraq was elected and a new transitional constitution came into effect. On January 30th, 2005, three elections were held in the Kurdish region: (1) for the Transitional National Assembly of Iraq, (2) for the Iraqi Kurdistan National Assembly, and (3) for Provincial Councils. The Law of Administration for the State of Iraq for the Transitional Period recognized the autonomy of the Kurdistan Regional Government during the interim between "full sovereignty" and the adoption of a permanent constitution.

The process of developing a women's charter took a long time and faced many challenges, including having to overcome male resistance, and most importantly, attempting to create a legitimate document which would be acceptable to all Kurdish women whether they lived in Iraq, Turkey, Iran or in different parts of Europe and North America. The process preceded the election of the new Iraqi Government in 2005, as well as the drafting of the new transitional Constitution in 2005. It also preceded the elections taking place in the Kurdish region in early 2005. The Charter aimed to influence

⁴⁴ See Kurdish Human Rights Project: www.khrp.org/khrp-news/human-rights-documents.html (accessed 2 April 2008).

the processes mentioned above, but it was also aimed to be a guide for elected officials enacting or amending laws affecting women in the Kurdish region of Iraq. The ultimate hope was for the Charter to be adopted into law.

The Kurdish *Charter* was initiated by a number of Kurdish women in exile. It was a collective effort between the Kurdish Women's Project (KWP) and the Kurdish Human Rights Project (KHRP). The *Charter* was launched on 22 June 2004 in the British House of Lords, and on 12 July 2004 in the Kurdistan Regional Parliament. The *Charter* continues to be used today as a benchmark against which to measure new laws, and as the basis of advocacy campaigns. In 2005, Iraqi women – including many Kurdish women leaders – successfully fought to change a draft of the new Iraqi constitution which allowed religious law to be used to decide personal matters. In 2008, the Kurdish Regional Government (KRG) of northern Iraq passed a Personal Status Law, replacing the original law drafted in 1959, governing matters such as marriage, divorce and inheritance. Although it did not incorporate the provisions reflected in the Kurdish *Charter*, it did limit polygamy. The rights claimed within the *Charter* closely follow definitions of women's rights as set out in CEDAW and are based on the United Nations and the Universal Declaration of Human Rights. Some additional rights such as the right to legal services and the right to protection against violence were drawn from ideas present in the Beijing Platform for Action and other covenants, declarations and recommendations.

The Charter focuses on universal and general human rights in the areas of law and politics, family and marriage, employment, education, health and social welfare. The main issues highlighted in the Charter are the elimination of all forms of discrimination against women, in all areas of life, and the eradication of violence against women.

Several provisions that address violence against women are included. The *Charter* in Article 5 uses the definition of violence against women as found in international law. In addition to specific provisions on trafficking (Article 6) and female genital mutilation (Article 8), state action is demanded to eliminate violence against women in general:

“All appropriate measures shall be taken to condemn and eliminate violence against women and no custom, tradition or religious consideration should be invoked to avoid this obligation with respect to its elimination, in particular:

- (a) Prevent, investigate and, in accordance with the existing legislation, punish acts of violence against women, whether those acts are perpetrated by the State, by non-state actors or by private persons;
- (b) Develop penal, civil and other sanctions in domestic legislation to punish and redress acts of violence against women, e.g. consider “honor killings” as murders, and provide shelters and protection for women and their children;
- (c) Abolish cruel, inhuman and degrading measures of punishment such as stoning, which are mainly executed against women.”

The Charter also demands equality in several aspects of public and private life, including:

- “The right to vote in all elections and to be eligible for election to all publicly elected bodies” (Article 2);
- “The same rights and responsibilities shall exist for both spouses during marriage and at its dissolution, including reproductive rights” (Article 3); and
- “The right to the same employment opportunities and to equal remuneration” (Article 4);
- “Girls shall be afforded the same conditions and the same access to education, vocational training and studies as boys, the recommended minimum of nine years of compulsory and free education for children” (Article 7).

The fact that the Charter has extensively covered many aspects of Kurdish women's concerns has made it acceptable to Kurdish women from different sectors of society and many different walks of life. However by the same token, many of the Kurdish political leaders felt its demands are

too futuristic and that Kurdish society (one can infer male citizens/leaders), were not ready to accept it. Nonetheless, the charter for the first time provided a written document where women had articulated their demands. Given that Iraqi Kurdish leaders felt they needed the support of their women, they did not totally dismiss it, but treated it as a forward-looking document, and one that had to be revisited in the future. This means that there is more opportunity for women activists to rally support for the charter among both women and men, affording them more leverage and legitimacy in the future. As will be discussed in the following chapters, the charter has become a major tool for consciousness-raising among diverse Kurdish communities, regardless of which country they live in.

Excerpts from the Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora

Preamble: The Kurdish Women's Project and the Kurdish Human Rights Project,⁴⁵ *Noting* that law is the foundation of justice and equality and political, social, cultural and economic security and a safeguard for the protection of individual's rights, *Convinced* that a firm foundation for a modern society in the Kurdish regions can only be achieved through democracy and equality, *Convinced* that only a separation of religion from state can guarantee a free democratic society, *Noting* the importance of enacting, amending and implementing legislation which is based on universal human rights as they are codified in the Charter of the United Nations, in the Universal Declaration of Human Rights, in the international covenants on human rights and other conventions, resolutions, declarations and recommendations, *Concerned* that religion is often misused in order to legitimate an infringement of rights guaranteed in a democratic society and fosters discrimination against women, *Aware* that a change in the traditional role of men as well as the role of women in the Kurdish society and in the Kurdish family is needed

45 Kurdish Human Rights Project: www.khrp.org/khrp-news/human-rights-documents.html (accessed 2 April 2008).

to achieve full equality between men and women, *Determined* to implement the principles set forth in the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women, we therefore find it necessary to highlight Kurdish women's demands for equality in order to bring about a fundamental transformation for all women within the Kurdish regions and the Kurdish Diaspora. [. . .]

Comments: The *Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora* urges the elimination of discrimination against women in private and political life. It also urges the full participation of Kurdish women in political, economic, educational, cultural and all other fields, and the implementation of rights for women irrespective of their religious, political or other beliefs. The creation of this charter, given that Kurdish communities are divided between several countries with different political structures which has impacted the development of Kurdish civil societies itself, was an exercise of collective solidarity for women and proponents of gender equality

"Together We Must": The Women's Manifesto of Antigua and Barbuda (2009)⁴⁶

Political and Social Context: Antigua and Barbuda are small Caribbean countries. Their political systems as well as their language and culture have all been strongly influenced by the British colonial power. They have Parliamentary and multi-party systems of government. However, although women are prominent in the economy and public life, and had gained suffrage in 1951, the country's political systems and economic policies have not always served women's interests. In Antigua and Barbuda, women hold 10.5% of the seats in the Lower Houses of Parliament, which translates into 2 out of the 19 positions. The percentage is higher, however, when we note

46 The Women's Manifesto Takes to the Streets; <http://antiguapressreleases.com/node/220> (accessed 11 June 2010).

that women hold 29.4% of the seats in the upper house or senate – 5 out of 17 positions.⁴⁷

In the run-up to the 2009 election, the Caribbean Institute for Women in Leadership (CIWL) brought women from different spheres, political parties and organizations, to produce a non-partisan document that articulates women’s demands. The document provided a platform for a common set of demands for the achievement of gender equality and a space to articulate concerns. It was agreed at a CIWL workshop in December 2008, with participants drawn from diverse NGOs, women’s groups and other Antiguan and Barbudan civil society organizations, that they would work collaboratively to promote the acceptance and use of the Manifesto by government, political parties, the private sector and civil society through the elections and beyond. The women subsequently engaged in weekly meetings and discussions about how to further disseminate the Manifesto and to get the document onto the political agenda, once the general elections had passed.

While drawing largely from international statements on universal rights, additional specific provisions were also included. Amongst these is the recognition of women as care providers in relation to access to health care, particularly for those women who provide care to family members living with HIV; the need to review and strengthen child protection policies and services to prevent violence against women and children; and the formalization of work agreements for domestic workers. The Manifesto reflects a combination of women’s interests specifically but also the interests of other under-represented groups, in order to reflect the many other marginalized individuals in society. In many ways, this document is more than simply a women’s Manifesto. It is a document that demands social justice for women as well as other excluded citizens. Examples of this focus include:

- “We demand equal opportunity legislation that includes, as grounds for discrimination: (I) barriers faced by teen mothers when attempting to reintegrate themselves into the school system and access the work force (II) unequal treatment of those who are

⁴⁷ Statistics taken from <http://www.ipu.org/wmn-e/classif.htm> (accessed 23 March 2012).

physically and mentally challenged (III) the elderly and those affected by HIV;” and

- “Access and opportunities for persons with disabilities to all private, public businesses, commercial buildings and spaces.”

This Manifesto was specially tailored for an election year and demands very specific representation and participation levels of women in politics, decision-making, and public life. Some political demands for the election include:

- “Therefore we demand a minimum of 40% female candidacy nomination in all party races at all levels. This advances a better representation of women in proportion to our representation in the population, as part of our international obligations and commitments as articulated in the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);”
- “Affirmative action implemented in all key decision making area such as Boards, Commissions and appointed positions, to ensure a minimum 40% female representation;” and
- “The prerequisite of a gender analysis and gender impact survey to all national and international policies and agreements.”

Excerpts from the Women’s Manifesto of Antigua and Barbuda

The aim of “Together We Must” is to bring together the various demands made by women in Antigua and Barbuda, and ensure they are integrated in the agendas of political parties for the general elections 2009. We are demanding for women’s priorities to be made national priorities in post election governance charters and all subsequent decisions made by the State.

For many years we have struggled for inclusion in national development and for recognition of our rights. This Manifesto builds upon the experiences of other countries in the Caribbean that have embarked upon similar processes. Efforts of our sisters in Grenada,

St. Kitts and Nevis and Trinidad and Tobago, combined with our own efforts highlight the need to ensure that this Manifesto is one of several interconnected efforts.

- It is owned by a broad constituency of women.
- It is non-partisan.
- It calls for the right to full social, economic and cultural equality.
- It recognizes the vital need for the equal participation of women in politics and in the decision-making process.

Our Pledge

We, the women of Antigua and Barbuda from various organizations, of diverse backgrounds, religions, occupations, and ages; Cognizant that women constitute the majority of registered voters and form the majority of members of political parties; Concerned that women must have the right to participate equally in all aspects of political, social and economic life; Calling for equal involvement in the planning and decision-making that affects our lives; and, Convinced that this Manifesto provides a common platform for action necessary for effective advocacy for gender equality and national development, therefore rededicate ourselves to the struggle for a just, independent, democratic, peaceful and gender equitable society, and hereby present this Manifesto, “Together We Must” as an affirmation of our commitment to collective action, and as an agenda of minimum demands for action on gender equality and equity in our twin island state.

We, the women of Antigua and Barbuda demand action, and call on all political parties to support our demands for:

- Official recognition of the economic value of women’s work in the home to society;
- Equal representation in decision making;

- Equal access to services;
- Freedom from violence;
- Economic independence for all women;
- Improved health and educational services; and,
- Protection and respect of women’s human rights - irrespective of our political affiliation, class, race, or status.

How Will a Manifesto of The People Influence The Political Agenda?

This Manifesto is a direct result of deep-seated concerns about the insufficient attention given to critical issues affecting women; to the under-representation of women in politics and decision-making levels; and to the status of women in public life in Antigua and Barbuda. This manifesto not only draws attention to the needs and concerns of women, but attempts to chart the way forward to address women’s issues. This Manifesto provides a platform of a common set of demands for the achievement of gender equality and equity and sustainable national development. It creates the space to articulate our concerns in the 2009 Elections and beyond. Finally, it ensures political parties’ accountability as they would ultimately be assessed by women on the basis of their stance in relation to issues that concern women as outlined in this Women’s Manifesto.

Since 2004, the number of seats held in parliament by women has doubled. However, this is still only a fraction of those seats held by their male counterparts. There has been no move towards equality in parliament since 2005.⁴⁸ However women have used the Manifesto as a means of mobiliza-

⁴⁸ Information taken from http://www.indexmundi.com/antigua_and_barbuda/seats-held-by-women-in-national-parliament.html (accessed 23 March 2012).

tion of women, particularly for amendment of the Education Act and Health care , which disadvantages women who have family responsibilities.⁴⁹

Sri Lanka Women's Manifesto (2010)⁵⁰

Political and Social Context: The general context of Sri Lanka was outlined earlier in Chapter Four when we discussed the earlier charter of Sri Lankan women in 1993. The *Sri Lanka Women's Manifesto* was released by Sri Lanka's largest opposition group – the United National Front (UNF) – ahead of the April 2010 parliamentary polls. The ruling party, the United People's Freedom Alliance, won the April 2010 elections. It is clear that the 1993 Charter and the 2010 Manifesto have influenced the political landscape, in that various political parties have made it a practice from early 2000 to state commitments to advance the status of women. While the 1993 Women's Charter was a policy document adopted by the government of the day, and approved by cabinet, the Manifesto remains a civil society document. The fact that political parties feel they have to include particular commitment in their election platform, in itself, is an important gain as women are viewed as political citizens and they have to attend to their demands if they want their vote and political support.

The recommendations and rights provided within the *Sri Lanka Women's Manifesto* are largely derived from the Beijing Platform for Action, as well as the Convention on the Elimination of All Forms of Discrimination against Women.⁵¹ Many of the rights demanded address eradicating stereotypes and preconceived notions of gender inequalities. Proposed changes include

49 See: <http://antiguapressreleases.com/proposed-amendment-education-act-discriminates-against-young-women>

50 For the full manifesto documents see: http://www.peacewomen.org/assets/file/wps_women_manifesto_2010.pdf (accessed 19 March 2012).

51 Both of these documents are now considered as a basic guide for gender equality. For 4th World Conference on Women, Beijing see; <http://www.un.org/womenwatch/daw/beijing/platform/declar.htm> and for CEDAW see <http://www.un.org/womenwatch/daw/cedaw/>

amending customary laws and discouraging harmful social practices such as virginity testing and female genital mutilation.

The issues that touch all aspects of women's public and private lives are discussed in detail in separate sections of the Manifesto. These include:

- Women, Peace and Security which is an important concern of women, particularly those affected by the long civil war;
- Promoting and Protecting Human Rights and Ending Impunity;
- Addressing the Root Causes of the Conflict;
- Special Needs of Women and Women in Decision-Making;
- Improving women's participation and representation in Political structures;
- Violence is a major tool of oppression of women in all levels of private and public life and the state must take appropriate action to eliminate the violence and its sources.
- Economy is access to a job in the labour market. It is the foundation for gender equality and the state must adopt policies that improve women's access to jobs and economic security.
- Media plays a pivotal role in representation of women. It is important that the representation of women avoids gender stereo-typing in a manner that perpetuates gender discrimination. The media is one of the most potent weapons to promote positive images of women through newspapers, journals, radio, TV and video visuals. But sexism in advertisements, cartoons, articles and editorials still prevails.
- Health is an essential need of every citizen but particularly women who are the major caregivers to the next generations. Although Sri Lankan state has provided non-discriminatory access to health care there are great variations in different regions that must urgently be addressed.
- Education is vital as it guarantees women access to information, economic opportunities and political awareness. Thus the

manifesto demands that education of women be made a priority in national policies.

- Culture and Society often affect women negatively through oppressive social practices, which are excused on the grounds of culture, tradition and customary law. These include many remnants of feudal social structures and attitudes of the past, such as the caste system based on hierarchy and inequality, and the practice of dowries, which makes daughters a 'liability'. The prevalence of patriarchy in the home, in society, and in the law, has led to various types of discrimination against women, and to male domination and son preference. There also still exist numerous taboos, superstitions and negative attitudes towards women that must be addressed at a national level through consistent government policies.
- Law Reform remains central to the improvement of gender equality and much remains to be done in the area of law reform of both general and customary laws. The Manifesto outlines the variety of the reforms that must be done.
- Supportive Measures for women such as a higher budget for policies affecting women, as well as allocating funds for research on issues of concern to women. This also includes setting up a time line and making sure that policies are effective.

Some of the specific aims in this Manifesto are to protect women against violence and eliminate any objectification of their sexuality. The Manifesto seeks to address these inequalities with provisions including:

- "Increased free legal-aid facilities for women affected by violence" (clause 3 of article on violence);
- "State-sponsored shelters and other facilities island-wide for battered women, and women subject to sexual violence" (clause 4 of article on violence);
- "Clear recognition in the Constitution of the right of women to be free from all forms of violence. A woman should be able to petition

a court for a breach of fundamental rights when she has been subject to violence, private, or public" (clause 9 of article on violence);

- "Support for a continuous media-watch in three languages to monitor and expose sexism" (clause 4 of article on media);
- "Avoid using women as degrading, sexual and commercial objects to attract the attention of male viewers" (clause 1 of article on Code of Ethics for Gender Representation); and
- "Avoid portraying women in subservient roles and as 'stupid' individuals" (clause 3 of article on Code of Ethics for Gender Representation).

The Manifesto also addresses issues of a sensitive nature, such as homosexuality and sexually-transmitted diseases, with provisions such as:

- "Strengthening of HIV/AIDS prevention among women" (Health (6));
- "Decriminalization of homosexuality and lesbianism among consenting adults, in keeping with modern laws" (Law Reform (7)); and
- "Introducing laws against hate speech that incites hostility to ethnic groups, women, and individuals" (Law Reform (8)).

As with the Sri Lanka Women's Charter of 1993, this Manifesto also takes the issue of accountability seriously and recommends the implementation of a system ensuring that its provisions will be put in action. Such measures are found in the last section, with specific recommendations such as:

- "Prioritization and setting up of a timeline for appropriate public and private bodies to meet targets on all recommendations and reforms related to women" (Supportive Measures (2));
- "Ministry of Women's Affairs: the further training of ministry officials in gender issues" (Supportive Measures (4)); and
- "Gender-disaggregated Data: gaps in economic and social statistics need to be filled, as the contribution of women to the economy and households is undervalued" (Supportive Measures (6)).

Excerpts from the Sri Lanka Women's Manifesto

Introduction: In the last decades important changes have occurred in the lives of Sri Lankan women, and progress was made in reforming laws, improving women's economic and social status, and increasing gender awareness among many sectors of the population. Women are nearly 90% literate and more visible than ever before in the public domain. Sri Lanka had the world's first woman Prime Minister, as well as a woman President, and more recently the country had its first woman Vice-Chancellor, Supreme Court Judge, Secretary General of Parliament, Secretary to a Ministry, Governor of the Southern Province, General Manager of the Bank of Ceylon and Registrar, Colombo University.

Women also play an important part in the state bureaucracies, in diplomacy, the private sector, medical, legal and teaching professions, the arts, and in many other areas. The proportion of female workers in semi-skilled and unskilled jobs has also increased. In addition to bearing the burden of poverty, women, still face many types of economic exploitation, political exclusion, legal discrimination and social oppression. Moreover, violence against women, patriarchal practices and harmful traditional attitudes towards women still prevail.

Women also are confronted during elections with violence and intimidation, often preventing free and full participation. In a period of ethnic conflict, women and children not only lose male relatives in combat, but they also form 80% of the displaced. They are frequently victims of violence and harassment. Despite the fact that women form half the population and were granted the vote as far back as 1931, representation of women in the institutions of governance at all levels has been deplorably low. In Parliament, there has been a decline from 4.8% in 1994 to 4% in 2000, a small rise to 4.1% in 2001 and, to 4.8% in 2004.

More women are needed in parliament and local bodies, especially at decision-making levels not only because it is their right, but also to put forward issues affecting women, and to take

gender-sensitive positions on matters of national and international interest, including the peace process and tsunami rehabilitation. This document is an important tool for many activists, as it articulates their demands to the government, as well as lobbying for policy change.

To Sum up: The diversity of the charters examined in this chapter were intended to provide an idea of how extensive the goal of a charter or manifesto can be, as well as how effectively their proponents had managed to utilise them to improve women's rights and promote gender equality. What stands out also is the use of diverse international documents, such as the Beijing Platform of Action, CEDAW or other regional documents, such as the African Charter on Human Rights, Peoples' Rights and the Rights of Women (better known as the Maputo Protocol), and also models of national charters (such as the South African women's charters which were drawn up in 1954 and 1994), with the goal of influencing policies and constitutions.⁵² These charters and similar documents become even more important when governments have signed international treaties, as advocates then have two documents that reflect the obligations of the state; one national and the other international. Therefore it is important to examine these documents closely and to try to identify gaps and contradictions in the existing national legislative and policy framework, against the provisions in international documents, so as to address them in the charter.

The extent to which these charters/manifestos can be successful depends on the national, political and economic circumstances, but also increasingly, the international environment. For instance in 1985, the *Nairobi Forward Looking Strategies for the Advancement of Women*, which

⁵² This charter that came to existence in July 2003, after six years of campaigning and lobbying by various women's organizations. In particular, Women in Law and Development in Africa (WiLDAF) and later Equality Now, campaigned strongly for the creation and adoption of such documents to promote women's human rights in the context of Africa. The documents guarantee comprehensive rights to women including the right to take part in the political process, to social and political equality with men for control of their reproductive health, and an end to female genital mutilation. For the Maputo Protocol text, see: <http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol%20on%20the%20Rights%20of%20Women.pdf>.

emanated from the UN World Conference on Women, was signed by a majority of developing countries. Also prior to the 1995 UN world conference, which was held in Beijing, many governments commenced a rushed process of legal and political reform. Therefore a good knowledge of these international commitments can be particularly helpful in preparing a charter intending to influence national policies. In the next chapter we look at the use of charters as a mobilization and consciousness-raising tool, which also serves in developing a sense of collectivity and as a means of articulation for collective demands.

Chapter 6

Advocacy Orientated Charters

In this chapter we analyze seven charters or declarations, which are advocacy oriented. They include: the *Declaration of the Essential Rights of Afghan Women* (2000), the *India Charter of Demands for Women* (2009), the *Iranian Women's Rights Charter* (2009), the *Namibian Women's Manifesto*, the *Charter for the Promotion of Women in Mauritania*, the *Declaration on the Rights of Women of Pakistan*, and the *South African Women's Charter* (1954). Some of these charter had originally been written with the idea of influencing the drafting process of the constitutions, though subsequently have been used as an advocacy tool.

Women's Charter – South Africa (Adopted at the Founding Conference of the Federation of South African Women - Johannesburg, 17 April 1954)⁵³

Political and Social Context: During the apartheid era in South Africa, the Federation of South African Women was made up of women from diverse organizations, trade unions, and different political ideologies who

⁵³ South African History Online, www.sahistory.org.za/pages/governance-projects/womens-struggle/orgs-fedsaw.htm (accessed 2 April 2008).

came together to develop the Women's Charter. It was adopted in 1954 and signified a movement towards ending discrimination specifically, and a broad attempt to bring together all South African women (and men) regardless of race, class, personal status, geographical location and political ideologies. It included references to "wives and mothers, working women and housewives, Africans, Indians, European and Coloured." The Women's Charter serves as a unifying proclamation that South African women do not shoulder the nation's burdens separately from men, and it consistently emphasizes this shared burden and the strength of South African women. For example:

- "We women do not form a society separate from men. There is only one society, and it is made up of both women and men."
- "We women share with our menfolk the cares and anxieties imposed by poverty and its evils."
- "We women have stood and will stand shoulder to shoulder with our menfolk in a common struggle against poverty, race and class discrimination, and the evils of the colourbar."
- "As women there rests upon us also the burden of removing from our society all the social differences developed in past times between men and women, which have the effect of keeping our sex in a position of inferiority and subordination."
- "Thousands of African women, like Indians, Coloured and European women, are employed today in factories, homes, offices, shops, on farms, in professions as nurses, teachers and the like. As unmarried women, widows or divorcees they have to fend for themselves, often without the assistance of a male relative."

The Women's Charter also criticizes South African society for incivility based on "the status of women - [as] a test of civilization." The Women's Charter places the blame for these inequalities on "the refusal of a large section of our men folk to concede to us women the rights and privileges which they demand for themselves." The Women's Charter specifically denounces traditional practices and laws that hinder progress including:

- "The laws of marriage such as are found amongst our African, Malay and Indian people, which have the effect of placing wives in the position of legal subjection to husbands, and giving husbands the power to dispose of wives' property and earnings, and dictate to them in all matters affecting them and their children;"
- "The law [seeking] to enforce upon [women] the status of a minor;" and
- The fact that women are "denied the same status as men in such matters as the right to enter into contracts, to own and dispose of property, and to exercise guardianship over their children."

Excerpts from the south African Charter⁵⁴

Preamble: We, the women of South Africa, wives and mothers, working women and housewives, African, Indians, European and Coloured, hereby declare our aim of striving for the removal of all laws, regulations, conventions and customs that discriminate against us as women, and that deprive us in any way of our inherent right to the advantages, responsibilities and opportunities that society offers to any one section of the population.

The goals of the charter

We declare the following aims: This organization is formed for the purpose of uniting women in common action for the removal of all political, legal, economic and social disabilities. We shall strive for women to obtain:

1. The right to vote and to be elected to all State bodies, without restriction or discrimination.

⁵⁴ For the entire document, see: <http://www.anc.org.za/show.php?id=4666> and <http://domza.blogspot.ca/2009/08/womens-charter-1954.html> (accessed 21 March 2012)

2. The right to full opportunities for employment with equal pay and possibilities of promotion in all spheres of work.
3. Equal rights with men in relation to property, marriage and children, and for the removal of all laws and customs that deny women such equal rights.
4. For the development of every child through free compulsory education for all; for the protection of mother and child through maternity homes, welfare clinics, crèches and nursery schools, in countryside and towns; through proper homes for all, and through the provision of water, light, transport, sanitation, and other amenities of modern civilization.
5. For the removal of all laws that restrict free movement, that prevent or hinder the right of free association and activity in democratic organizations, and the right to participate in the work of these organizations.
6. To build and strengthen women's sections in the National Liberatory movements, the organization of women in trade unions, and through the peoples' varied organization.
7. To cooperate with all other organizations that have similar aims in South Africa as well as throughout the world.
8. To strive for permanent peace throughout the world.

This charter, which was an aspiring document, remained one of few documents that had tried to bring diverse women together. Indeed after the end of the apartheid system, it was re-examined both for content and process, to guide the process of developing the 1994 charter, within a context of constitutional reform.

Declaration on the Rights of Women of Pakistan (1976)⁵⁵

Political and Social Context: Large numbers of the Muslim community broke away from India in 1948 and formed the independent Islamic Republic of Pakistan. The initial design of the state ensured a democratic parliamentary federal republic with Islam as the state religion. The first Constitution of Pakistan, which was adopted in 1956, implemented a secular institutional structure for the country. However the constitution has been frequently suspended by military action. In 1977, General Zia-Ul-Haq suspended the constitution and "Islamicized" many aspects of the country, including the family law system amongst other legal procedures.⁵⁶ These developments had a significantly negative impact on women. Although the secular constitution was re-instated in 1985, women's legal and social positions remained one of discrimination and inequality. The constitution, as the country's most important document, lays the foundations of the current government. Despite reservations by some religious leaders, women gained the right to vote alongside male citizens. However, the representation of women in the parliament has remained low, despite the fact that Pakistan had chosen Benazir Bhutto as the leader of a democratic socialist state. She was elected for two non-consecutive terms in (1988 – 1990) and (1993 – 1996).

The 1976 *Declaration on the Rights of Women in Pakistan* was produced a year before a military coup brought Pakistan's religious right wing to power. This development highlights the stark contrast between national aspirations at that time and the subsequent discriminatory practices of the new regime. Drawing on Islam and the Pakistani Constitution, the

⁵⁵ <http://library.un.org.pk/gsd/cgi-bin/library>; accessed on 6 June 2008; copies of the documents are also available at Shirkat Gah: Women's Resource Center (<http://www.shirkatgah.org/>) and Women Living Under Muslim Laws (www.wluml.org). Apparently there was a failed attempt to include an earlier women's charter documents in the 1956 Pakistani Constitution. The Assembly had passed the charter earlier in 1954, but in the final analysis it was excluded in a compromise with conservatives representatives (email communication with Farida Shaheed).

⁵⁶ For concise review of the political development as it pertains to gender equality and Democracy see Farida Shaheed. 2008. *Gender, religion and the quest for Justice in Pakistan* (UNRISD).

Declaration includes provisions relating to discrimination, inequality and prejudicial and customary practices. There is no recorded information on who drafted this declaration, who was involved in the consultation process, or its legitimacy and acceptance by women's rights activists. However, the simple language indicates that it was drafted with the idea of mobilizing the public and was meant to be a consciousness-raising document. It also names the government as its addressee. Even if it was written by the Office of Women's Affairs, it indicates that the drafters were very conscious of the profound public awareness and the public discourse surrounding the issue of women's political involvement. The government is addressed as being necessary to change not just laws, but also public attitudes and traditions that discriminate against women. A coincidence or otherwise, it is interesting that it was drafted in the same year as the first UN Women's Conference which was held in 1975 in Mexico City. What is known through informal discussions with various women activists is that in the subsequent eras, women's organizations have tried to utilize the document to improve women's legal position.

Excerpts from the Declaration on the Rights of Women in Pakistan

Article 1

Discrimination against women is contrary to the injunctions of Islam, violates Constitutional guarantees and constitutes an offence against human dignity.

Article 2

All appropriate measures should be taken to abolish prejudicial practices, customs and usages which are discriminatory against women and to ensure adequate legal protection for safeguarding the rights of women.

Article 3

All appropriate measures shall be taken to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and other practices based on the idea of inferiority of women.

Article 4

All appropriate measures shall be taken to ensure to women without any discrimination; (a) the right to vote in all elections and be eligible for election to all publicly elected bodies; (b) the right to hold public office and to exercise all public functions.

Article 5

Without prejudice to safeguarding of the unity and harmony of the family, which remains the basic unit of any society, all appropriate measures shall be taken to ensure to women their rights according to personal law and in particular:

- a. the rights to acquire, administer and to enjoy, to dispose of, and inherit property, including property acquired during marriage;
- b. the right to equality in legal capacity and the exercise thereof;
- c. the right to enter into marriage with their consent;
- d. the right of release from marital bond in accordance with her personal law including the right of "*khula*" (divorce)⁵⁷;
- e. the right to maintenance in accordance with law during the subsistence of marriage;
- f. the right to the custody of her children in accordance with her personal law;
- g. the right to receive her dower debt and articles of dowry within the shortest possible time on divorce;
- h. the right to be protected against false accusations by the husband as to her chastity with a view to deprive her of her right to custody or guardianship of children or to receive maintenance;
- i. the right to maintenance of children during the period they are in her custody.

⁵⁷ The right of a woman in Islam to seek a divorce or separation from her spouse, often by returning the marital gift

Article 6

As far as possible the whole time Family Courts shall be set up for the disposal of cases expeditiously under the Family Laws.

Article 7

Substantial tax relief shall be given in case of gifts made in favour of mother, wife, daughter or sister.

Article 8

All appropriate measures shall be taken to ensure women equal opportunity in education at all levels.

Article 9

All efforts will be made to ensure adequate health-care to women.

Article 10

Multipurpose centers for women shall be set up within the shortest possible time to impart training and knowledge to women and enable them to take up productive occupations.

Article 11

All appropriate measures shall be taken to ensure to women proper opportunities in economic and social life, in particular: (a) the right to receive vocational training, to work, to free choice of profession and employment and to professional advancement and (b) the right to equality of treatment in respect of work of equal value.

Article 12

To ensure an effective right to work, measures shall be taken to prevent their dismissal in the event of marriage or maternity and to provide paid maternity leave with guarantee of returning to former employment, and to provide the necessary social services including child-care facilities.

Article 13

Piece-work and part-time work shall be provided to women where feasible.

Article 14

Stringent rules and regulations shall be made to ensure that men in the course of their employment treat women working in the same office, factory or field with respect and dignity.

Article 15

Every effort shall be made to provide appropriate accommodation and transport facilities for working women as essential basic facilities and to ensure dignity and security.

Article 16

Representation of women in all commissions and committees set up by the Government and in delegations sent abroad shall be progressively increased.

Article 17

Qualified women shall be associated in policy-making and planning in the Federal and Provincial Governments.

Article 18

The mass media shall be geared to adopt positive and constructive portrayals of women in their multiple roles in society.

Article 19

The Federal and Provincial Government, autonomous and statutory bodies, voluntary organizations and individuals shall be required to do all in their power to promote the implementation of the principles contained in this Declaration.

Declaration of the Essential Rights of Afghan Women (2000)⁵⁸

Political and Historical Context: During the 20th century, Afghanistan had emerged as the site of a proxy war between Russian and American forces,

⁵⁸ <http://users.erols.com/kabultec/conf.html>; (accessed 2 April 2008)

which subsequently led Afghanistan into a state of civil war. After many political struggles for power internally during the 1980s, by 1994 the Taliban movement pushed out their competitors and established their rule throughout most of Afghanistan. Their ideology was based on a mixture of the Pashtun tribal code and the Wahabi interpretation of Islamic *shari'a*. This led to the imposition of severe restrictions on women's mobility, dress codes and access to education (by closing all educational institutions for women), which is currently the case in Saudi Arabia. They also imposed very harsh and inhumane punishments on the general population, but more specifically on women. Such practices and restrictions created extreme hardship for women, many of whom were the bread-winners of their families. Consequently, large numbers of women and their families joined millions of Afghan refugees who were already in neighbouring countries. It was under these conditions that Afghan women acknowledged that they would need to come together to mobilize against such developments, both nationally and internationally. As mentioned in previous chapters, they organized a meeting in Dushanbe with approximately 200 women from inside the country, as well as women from the diaspora. Women came together to produce a document, which they would later promote as a declaration of the essential rights of Afghan women.

The *Declaration of the Essential Rights of Afghan Women* is a statement and affirmation of rights resulting from the June 2000 Conference for Women of Afghanistan. The document, in section 2, explicitly cites both international and domestic documents as sources of rights, including the United Nations Charter, the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Discrimination against Women, the Beijing Declaration, and the Afghan Constitutions of 1964 and 1977. The listing of rights is based on the concept of the fundamental right to "life with dignity". Moreover, with the exception of the provision on mandatory dress, the rights within the document are universal.

The Declaration highlights the severe and tragic conditions of more than twenty years of war in Afghanistan; and it acknowledges the systemic problems and the broader societal impact of the Taliban regime, particularly on women. In paying particular attention to addressing the rule of the Taliban, it notes that:

- "...all the rules imposed by the Taliban concerning women are in total opposition to the international conventions (cited in Section II);" and
- "...torture and inhumane and degrading treatment imposed by the Taliban on women, as active members of society, have put Afghan society in danger."

It also addresses violence in Afghanistan generally and the causes and consequences of violations of women's rights, including factors such as poverty and the lack of freedom of movement which pushes women into prostitution, involuntary exile, forced marriages and the selling and trafficking of daughters.

Excerpts from the Declaration of the Essential Rights of Afghan Women

Section I

Considering that the Universal Declaration of Human Rights, as well as the international statements addressing the rights of women, are systematically trampled in Afghanistan today. Considering that all the rules imposed by the Taliban concerning women are in total opposition to the international conventions (cited in Section II). Considering that torture and inhumane and degrading treatment, imposed by the Taliban on women, as active members of society, have put Afghan society in danger. Considering that, under conditions devoid of their rights, women find themselves and their children in a situation of permanent danger. ... Considering that discrimination on the basis of gender, race, religion, ethnicity and language is the source of insults, beatings, stoning and other forms of violence....

Section 2

The section lists all the international and national documents which inform this Declaration.

Section 3

The fundamental right of Afghan women, as for all human beings, is life with dignity, which includes the following rights:

1. The right to equality between men and women and the right to the elimination of all forms of discrimination and segregation, based on gender, race or religion.
2. The right to personal safety and to freedom from torture or inhumane or degrading treatment.
3. The right to physical and mental health for women and their children.
4. The right to equal protection under the law.
5. The right to institutional education in all the intellectual and physical disciplines.
6. The right to just and favourable conditions of work.
7. The right to move about freely and independently.
8. The right to freedom of thought, speech, assembly and political participation.
9. The right to wear or not to wear the *chadari* or the scarf.⁵⁹
10. The right to participate in cultural activities including theatre, music and sports.

⁵⁹ Chadari refers to various types of veiling/hijab worn in Afghanistan. The more restricted form is the *borqa*, which is like a tent with mesh over the eyes to see. This was a type of hijab that Pashtun women who would leave their village and go to different villages or towns would wear. However, while many young women in urban centers did not wear any form of veiling, the majority of urban Afghan women wore a loose, usually white, head cover. These were more symbolic rather than restricting veils. The Taliban, who took power in 1994, made it mandatory for all women to wear the *borqa* chadari.

Section 4

This Declaration developed by Afghan women is a statement, affirmation and emphasis of those essential rights that we Afghan women own for ourselves and for all other Afghan women. It is a document that the State of Afghanistan must respect and implement.

Afghan women used this document to mobilize support against Taliban policies that heavily discriminated against women, both inside and outside the countries in question. This document was particularly effective in mobilizing transnational support for the plight of Afghan women, given that it was rather difficult to collectively organize women inside Afghanistan.

Namibian Women's Manifesto (2004)⁶⁰

Political and Historical Context: Namibia was under the control of South Africa between the end of WWI until 1966, when the UN ended this control through the passing of a resolution. However, South Africa refused to recognize the resolution and continued to act as a colonizing power. The consequence of this was that from 1966, the South-West Africa People's Organisation (SWAPO) – a guerrilla force for national independence – was launched and regular attacks between SWAPO and the South African Defense Force became normal practice. When this long war ended, a new constitution was drafted in 1990 and a national election was held. The nationalist forces of SWAPO won the majority of seats, enabling them to form a new national government. However, the women of Namibia have not benefited much from such developments. Although they participated in the economy, their share of decision-making had remained very limited. The Namibia Women's Action for Equality Party was set up in 1994 in order to address the gender imbalances in politics and the economy. However,

⁶⁰ The *Namibian Women's Manifesto* was compiled by *Sister Namibia* in collaboration with women and men activists from all spheres of society. See *Sister Namibia* sister@iafrica.com.na for more information on the publishers of the document.

the resistance to gender equality has remained a major challenge. It is within this context that Namibian women developed their own Manifesto to mobilize women and pursue a place in the national government to address women's equality issues.

The *Namibian Women's Manifesto* advocates for a nation-wide "gender agenda", expanding the aspirations of Article 95 of the Namibian Constitution, which declares the country's commitment to "ensure equality of opportunity of women, to enable them to participate fully in all spheres of Namibian society". The Manifesto draws its aims from four documents signed and ratified by the Namibian government: the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action, the Southern African Development Community (SADC)⁶¹ Declaration on Gender and Development, and the Protocol on the Rights of Women in Africa (IKhaxas 2004).

The topics encompassed within the manifesto include:

1. Women in politics and decision making,
2. Women's human rights,
3. Education and training for women,
4. Women and HIV/AIDS (which is a great concern of the nation in general and women in particular - given the limited resources available to deal with this global health concern),
5. Women's reproductive health and rights,
6. Women and the economy,
7. Women and poverty,
8. Women and the environment,
9. Women and the media,
10. Women and peace, and
11. The National Gender Machinery.

⁶¹ For more information, see <http://www.sadc.int/>.

Excerpts from the Namibian Women's Manifesto

The Manifesto outlines its major goals as:

1. Urge voters to consider issues that are important to women and children when voting for a candidate or party in elections at all three levels of government.
2. Mobilize women as 52% of the electorate to actively participate in all aspects of elections.
3. Lobby political parties to include at least 50% women candidates on their party lists for the National Assembly and Local Authority elections and to alternate women and men on the lists; as well as to nominate equal numbers of women and men as candidates in the Regional Authority elections.
4. Call on the President to appoint an equal number of women and men as ministers in the cabinet.
5. Raise awareness and generate support for women's concerns in NGOs and civil society.
6. Persuade political parties and the government to prioritize the interests of women and children in policy development and implementation; and
7. Monitor and evaluate progress in women's advancement in the above areas.

Furthermore, reflecting the goals of Namibia's National Gender Policy, the Manifesto places a special emphasis on fighting under-representation of women by advocating that:

1. Political parties include 50% women candidates on "zebra" party lists in all Local Authorities and National Assembly elections.
2. Political parties nominate an equal number of women and men as candidates for Regional Authorities elections and educate constituencies to vote for women.

3. The Electoral Commission educate voters on the importance of women's participation as well as the importance of voting for women in elections.
4. The ruling party implement gender balance in the cabinet.
5. Government pass the "50/50 Bill" or a similar legislation to ensure that at least 50% of candidates are women in future elections at all levels of government.

The Manifesto's provisions on gender parity extend through all areas including the economy, education, the environment, media, and peace-building. To further these objectives, the Namibian Women's Manifesto Network includes provisions such as:

- "The two education ministries and all educational institutions develop and implement gender policies, which include affirmative action measures for the promotion of women, substantive career guidance to broaden the subject choices for girls and fair and effective policies and procedures for dealing with teenage pregnancy, sexual harassment and violence";
- "Government ensure women's participation in the formulation of economic policy and in economic planning at all levels, and promote women's representation on the boards of parastatals, financial bodies and private companies"; and
- "Government promotes women's access to land, live stock, credit, technical and business training as well as appropriate technology and ensure women's representation on land boards".

The Manifesto also criticizes gender inequality for contributing to the HIV/AIDS pandemic in Namibia as well as the Southern Africa region. Turning its attention to men who refuse to wear condoms, women who feel powerless to refuse unprotected sex, and HIV/AIDS campaigns that exclude women with disabilities and lesbian women, the Manifesto advocates several actions including that:

- "the Ministry of Health and Social Services speedily roll out medical treatment such as 'Nevirapine' to all pregnant women with HIV/AIDS, in order to prevent transmission of the virus to their babies;"
- "the Ministry of Health and Social Services provide all people living with HIV/AIDS with affordable treatment when they need it, and train medical and nursing staff to counsel and treat HIV/AIDS patients with respect and dignity;"
- "government reintroduce and pass the Sterilisation and Termination of Pregnancy Bill of 1996 and provide access to safe abortion as part of a comprehensive family planning framework which provides safe, accessible and affordable contraception, including the female condom;" and
- "government introduce reproductive and family health programs to empower men to become responsible sexual partners by, for example, taking responsibility for contraception and safer sex practices and having vasectomies to prevent unwanted children."

Namibian women have continued their mobilization with some success and long-term planning. Indeed research has been conducted and hundreds of workshops have been organized involving women from all regions, ethnic groups and political affiliations. They have managed to build a consensus across the nation. Furthermore they have also established networks with other African and transnational women's right organizations, to support their call for 50/50 representation for men and women. Over years of working on advancing gender equality, increasingly women realize that the most effective way is to ensure the 50/50 representation of women in all decision-making positions including legal bodies. Through their long-term planning they have the broad support of the women and the public. However, the major obstacle to achieve the demand for a national law on equal representation is linked to male leaders of the dominant political parties, who do not want to see their seats go to women. Below we outline

the different phases of planning and mobilization of women in Namibia, as it indicates short-term step-by-step strategies to achieve long-term goals.⁶²

Phase 1 (1999): Development of the *Namibian Women's Manifesto* and organization of workshops across the country in local languages. These were very successful and provided a sense of ownership for the women who realized they should have the same rights as men.

Phase 2 (2000): The 50/50 Campaign: Women and Men in Government – Get the Balance Right! Given that equal access to the Namibian political structure was the major goal of the Manifesto, they focused on building their campaign around women having access to 50% of the candidates' lists of political parties, organized according to one man and woman consecutively.⁶³

Phase 3 (2001-2): Developing and Mobilizing Support for the 50/50 Bill. In this phase they demanded the amendment of the electoral bill and took their message to 50 towns to meet with women but also men and built support at a local level. They also met with traditional leaders, local notables and elders. They then conducted more than 105 workshops, taking their messages to 70 schools, 88 churches, 9 traditional leaders, 17 regional councillors and 32 local councillors. This extended campaign made it easier for the large segments of the public to understand the significance of the campaign and lend their support to it. At the other end of the spectrum, many lobbied the parliament and vocalised their demands, to which Parliament agreed in 2002, but subsequently rejected in January 2004, when the time came to vote. This made it clear that the men were not willing to give up the seats they occupied, even if they agreed that, in principle, those seats should go to women.

Phase 4 (2003): Engendering Local Government: Strengthening Communities through the Participation of Women. In preparation for the local election, the network of women's activists and organizations went into

62 For a good summary of the step-by-step phases of their activism, see Frank (2000, 2004)

63 For more on various forms of political candidate lists, see Hoodfar and Tajali (2011, chapter 3).

action and campaigned tirelessly. They met with local leaders and organized neighbourhood workshops to advocate and highlight the importance of having women elected to the local council. They reminded the government of their responsibilities in terms of the international obligations they had undertaken under CEDAW and the Beijing Platform of Action. Ultimately in 2004, when the local election was finalized, 45% of the elected local councillors were women. This was a great victory for women and a major political change.

Phase 5 (2004): Engendering the Regional Authorities and National Assembly Elections. After their success in the 2004 local elections, women focused their energies on the 2009 national election. They prepared their pamphlets and ran workshops to encourage women to partake in politics and the national elections. They presented the results of various national research studies on the question of women in politics. Although they did gain some success and managed to increase the percentage of women to 24.4% of the total seats in the parliament (19 out of 78) and 26% for the upper house (7 out of 26), they had hoped that they would reach at least 33%, which is seen as a "critical mass". A critical mass would enable women enough support and leverage to push for reforms that would address and reverse the historical exclusion of women from public decision-making positions.⁶⁴ Nonetheless, the women's caucus in the parliament is very active, engaging women from all parties to form alliances across party lines.⁶⁵ Much strategic planning has gone into achieving the long-term goal, though large-scale mobilization and step-by-step accomplishments. The process provided a major practical experience for those interested in promoting women's entry into political and decision-making structures.

64 See <http://www.ipu.org/wmn-e/classif.htm>. The upper house election took place in 2010.

65 For more detail on the women's caucus see, http://www.parliament.gov.na/womens_caucus.php

Charte Pour la Promotion des Femmes en Mauritanie (2007) Charter for the Promotion of Women in Mauritania⁶⁶

Political and Historical Contexts: Mauritania was a colony of France and gained its independence in the 1960s. However, political instability and troubled ethnic relations as well as the dream of greater Mauritania drove the country to war with its neighbours and weakened the country. On the social front, slavery was practiced among many of its citizens, particularly amongst the Moorish. In 1981 slavery was legally abolished, making Mauritania the last country in the world to abolish slavery. A process of political liberalization opened the way for a multi-party election in 1992. In 2006 they passed a new constitution that recognized gender and racial equality, and in 2007 they had their very first fully-fledged multi-party and fair election in which the president was elected in the second round. Although Mauritania has signed most of the international conventions in relation to women's rights, including the CEDAW – which was signed and ratified (albeit with reservation) in 2001 – the law remains deeply discriminatory against women in the institutions of marriage, politics and the social and economic spheres. Violence against women, such as domestic violence, female genital mutilation, rape and other forms of sexual abuse remain widespread throughout the country, and the on-going ethnic conflicts as well as various wars are worsening the situation. Indeed, there is no specific law that prohibits violence against women and the state does little to combat it. It is in this context that some 70 women's organizations and NGOs came together to write their own women's charter of rights as well as a report on CEDAW in 2007.⁶⁷

The rights declared within the Charter draw on the rights outlined in the Convention on the Elimination of all Forms of Discrimination Against

⁶⁶ The English text used is an unofficial translation by Janine Moussa (2010). Copy is on file with the author.

⁶⁷ 2007 was a turning point for the Mauritania's women's movement. Not only did some 70 NGOs and women's groups come together to draft a CEDAW shadow report, they also produced a manifesto of demands for the 2007 presidential election, which also formed the women's charter. For details on the shadow report, see: <http://cedaw.wordpress.com/2007/04/10/mauritania/>.

Women, as well as *shari'a* law, which the Charter interprets as protecting the fundamental rights of women with concern to equality. The Charter specifically focuses on three primary areas: increasing political representation of women in decision-making positions; improving reproductive healthcare; and addressing the needs of rural women. These priorities are highlighted in the closing declaration of their demands from the 2007 presidential candidates in 2007, which set out three primary goals:

- “Establish by decree and implement faithfully the proportion of at least 20% of women in decision-making positions in public administration;”
- “Adopt a law on reproductive health to promote a less risky childbirth;” and
- “Ensuring the economic and social development of rural women through special measures in the areas of education, vocational training, health, access to basic social services.”

Excerpts from the Charter for the Promotion of Women in Mauritania

In Mauritania, women represent over 52% of the population. A state which excludes from public affairs more than 50% of its life force, cannot realize its sustainable development. Around the world, and especially in Muslim states, progressive governments have allowed women to partake in development, a sine qua non for the evolution of states and peoples. However, the sexist mentality slows this trend, as evidenced by the situation of women in our country:

1. Access Of Women in Spheres Of Decision

In this area, our country has many paradoxes. Despite their numerical importance, women occupy only 6% of positions of power. Besides the fact that it violates the fundamental right of every citizen to take part in the affairs of his country, this is contrary to international

conventions ratified by Mauritania, which provide that at least 30% of decision-making positions should be held by women and that positive measures of discrimination or special measures must be used towards this end. On the other hand, the exclusion of women as written is not in sync with our cultural and religious heritage, based on *Sharia* law that protects the fundamental rights of women in a context of equity and complementary.

2. Reproductive Health of Women:

Mauritania is the only country in the region not to have legislation on reproductive health, even though the rate of maternal mortality (747 deaths per 100,000 live births) is among the highest in Africa. Currently, the health policy does not take into account these alarming statistics. It is therefore urgent to remedy this most worrisome situation within the context of safe motherhood and reproductive health in general.

3. Rural Women

Over 60% of the female population is living in rural and suburban environments. Their situation is characterized by poverty, illiteracy, precarious living conditions and lack of professional qualifications. These women have no economic and social protection. Both *de jure* and *de facto* they are excluded from the developments taking place in Mauritania. Improving this situation depends on the requisite political will in addition to adopting gender as a crosscutting approach to development projects.

Mauritanian women have developed alliances with Arab women as well as women in other African countries. They are working together to promote women's equality and to bring women's issues to the public sphere and national agenda, using both national and transnational mechanisms.

India - Charter of Demands for Women (2009)⁶⁸

Political and Social Context: The *Charter of Demands for Women* was developed due to a national campaign by *Wada No Todo Abhiyan*, which is a national campaign seeking to hold the government accountable to its promise to end Poverty, Social Exclusion & Discrimination.⁶⁹ Prior to the 2009 elections, civil society groups came together to prepare the *All India People's Manifesto*. Over 400,000 people engaged in consultations held in 365 parliamentary constituencies across 29 States. The *Charter of Demands for Women* forms part of the *All India People's Manifesto*. The women's charter was developed through local-level consultation with both men and women, across 100 parliamentary constituencies. The women's charter calls for *inter alia*,⁷⁰ equal representation and participation; equal property rights for women; women's right to work; an end to violence against women; greater access to public facilities and places; and stronger national and State Women's Commissions.

The Charter contains rights in eight broad categories, which include:

1. Equal Political Representation and Participation
2. Protection from Violence
3. Priority for Girls' Education
4. Equal Property Rights for Women

⁶⁸ See: www.peoplesmanifesto.in (accessed 5 June 2010; link no longer available).

⁶⁹ Wada Na Todo Abhiyan emerged from the consensus amongst human rights activists and social action groups who were part of the World Social Forum 2004 (Mumbai) on the need for a forceful, focused and concerted effort to make a difference in the fact that one-fourth of the world's poor live in India, and continue to experience intense deprivation from opportunities to learn, live and work with dignity. Its goal was to monitor the promises made by the government of India to meet the objectives of the UN millennium Declaration in 2000. Their main focus was the right to livelihood, health and education. For more details see <http://www.wadanatodo.net/aboutus/default.asp> (accessed 19 March 2012).

⁷⁰ *Inter alia* is a legal term meaning "among other things".

5. 5. Right to Work and Entrepreneurship Support
6. Special Programs for Women
7. Greater Access to Public Facilities and Public Places
8. Stronger National and State Women's Commissions

While some of the rights claimed reflect those articulated in international statements, many of the rights are much more specific. For example, the Charter makes a number of demands for reforming India's political system to increase women's participation at the national level, including the following from Section 1:

- "Implement the Women's Reservation Bill;"
- "Create a Women's Secretariat at the *Panchayat/Ward* (local elected councils) level to provide technical support for the functioning of Women *sarpanches* (elected leaders/councilors at the local level) and Elected Representatives, and make it possible for all women to access public programs and policies;"⁷¹
- "Create a separate 'Women's Grievance Redress Day' each month at the *Panchayat/* local council Office to encourage and enable women residents to approach the local authority with their needs and problems;"
- "Prevent family members from representing women elected representatives and create special safeguards against the arbitrary removal of women *sarpanches/council heads*;" and
- "Make mandatory the representation of women in the composition of all Public Committees."

⁷¹ India has one of the more successful women's quotas for local councils, which reserves 30% for women. Women have been very active and successful in these councils. However, the government has been slow in providing support for them. Furthermore, in some contexts male relatives interfere with their decision or insist on representing them in the council. For more information, see Baviskar & Mathew (2009) and Basu (2009).

Another unique aspect of the Charter is its focus on reforming India's property rights system so that women have more stakes in property ownership. The following provisions from Section 4 outline the demands to achieve equal property rights for women:

- "Equal participation of women must be mandatory in all asset building, livelihood promotion and community development programs;"
- "Enforce the joint ownership of land and housing and provide special incentives such as reduction of registration fees to encourage ownership of property by women;" and
- "Enable women from minority communities to have an equal right to the husband's property after divorce and legal sanction to adopt children."

Additionally, the Charter focuses on the right to work and giving support for entrepreneurship. Section 5 includes strong provisions demanding better treatment for women in the job market:

- "Ensure Women are given Farmer Status;"
- "Ensure Equal Pay for Equal Work in all sectors (formal and informal);"
- "Introduce Reservation for Women in the Private Sector;"
- "Simplify procedures for women to open bank accounts and avail of credit; loans undertaken under *Mahila Rashtriya Kosh* should be waived;"⁷²
- "Promote Women's Entrepreneurship Development and support women artisans & producers at the village level through the man-

⁷² *Mahila Rashtriya Kosh* is a society under the Department of Women and Child Development to assist the banking needs and development of welfare activities. It is a kind of micro finance for women ran by the government. Although they were instituted to support the poor, they have not been very successful. See <http://rmk.nic.in/> for more information.

datory purchase of women produced products by public offices and agencies;” and

- “Prioritize the management of *Public Distribution System* (PDS) and Fair price shops by Women’s groups.”⁷³

Excerpts from the Indian Charter of Demands for Women

A first-of-its-kind effort is being made by citizens’ groups and civil society organizations across the country to create a national agenda through a localized process of consultation and dialogue. The *‘All India People’s Manifesto’*, an initiative of *Wada Na Todo Abhiyan*, is bringing local groups together to discuss and develop a 10-point development agenda for each constituency. This effort aims to inspire people to engage with the national elections as an opportunity not only to cast their vote, but also shape the future that they want for themselves and for the country. *Wada Na Todo Abhiyan* is a national campaign working with local partners across 23 states to hold the government accountable to fulfill its promise to End Poverty & Social Exclusion.

This collective mobilization has resulted in many small and significant changes, including the passage of a 30% political quota for women in the congress. Male members of the congress have been resisting this for decades before March 2010.⁷⁴ Moreover since the mobilization for the creation of the *All India People’s Manifesto* and the *Charter of Demands for Women* as part of this national mobilization, citizens’ participation in India has increased considerably and has given voice to many who were hardly heard at the national level.

⁷³ *Public Distribution System* (PDS) is an *Indian* food security system. As of date there are about 4.99 lakh *Fair Price Shops* (FPS) across *India*.

⁷⁴ See <http://www.guardian.co.uk/world/2010/mar/09/india-parliament-approves-female-quota> (accessed 19 March 2012).

Iranian Women’s Rights Charter (2009)⁷⁵

Political and Historical Context: While Iranian women had gained some moderate rights under the modernist regime of the Pahlavi dynasty (1924-1979), after the 1979 revolution and the establishment of the new regime and the Islamic Republic, women lost many of these hard won rights. This loss included the cancellation of reforms of Muslim marriage laws that granted women more equal rights in marriage than traditionally was granted to them. Furthermore, many of the new laws introduced by the Islamic Republic relegated women to second-class citizen status in the name of religion. These policy changes belittled women’s active participation in the economy and politics, including their huge presence in the 1979 revolution, where their black veils became the symbol of the revolution’s major demands of democracy and social justice. Unfortunately, the new regime chose to turn the veil into a symbol of compulsory segregation and inequality, all in the name of Islam.

These developments mobilized women to demand gender equality. However, the severe political oppression by the new regime disrupted the women’s movement, as well as other political opposition movements. The regime wielded religion as its political weapon, and denounced oppositions as those waging war against God. During the devastating Iran-Iraq War (1981-1988), when Iraq, with the backing of the USA and western European countries, launched against Iran in its attempt to topple the regime, provided perfect excuse for the regime to execute thousands of activists as apostates in the name of insuring national security. These activists included a large number of women, who were simply demanding democracy and social justice. Other women activists were either pushed underground, or moved outside the country, from where they continued their activism by publicizing the dire situation of women’s and citizen’s human rights.⁷⁶

By the 1990s, gradually the political atmosphere changed slightly, and Iran, which had been ostracized by the world community, was eager

⁷⁵ Plans for mobilisation around the charter were overshadowed by the 2009 post-election political upheaval.

⁷⁶ For more discussion and detail on the impact of these development on women’s movement and women’s activism see (Paidar 1995)

to find ways to become re-integrated back into the international community. Opening spaces for discussion on women's rights was viewed as an opportunity for progressions. Gradually this opened the possibility for women to organize into collective solidarity around issues such as violence against women and the environment, as well as permanently repealing laws prescribing stoning to death as a punishment, and reforming family laws. They adopted CEDAW as part of their campaigning platforms, and demanded that the Iranian government sign and ratify the document. However, many international laws, particularly CEDAW, were viewed as 'western' impositions, particularly by religious conservative forces, despite the role of many Muslim states in the development of the CEDAW. It was in this context that diverse women organizing inside Iran decided to come together to create a collective document to articulate their demands. Such an endeavour would bring the diverse women's organizations and women activists together around issues of interest and could potentially mobilize and politicize more women. They organized small workshops and meetings to discuss women's charters and translated sources that documented the experience of creating a women's charter in other countries. They made these resources available through their websites and blogs, which had become very popular as the only uncensored channel open to activists to share and exchange their views and experiences. They devised strategies that enabled women to work in small groups, as it was not possible in the Iranian context to organize large meetings. The research, consultation and drafting of various sections of the charter itself emerged as a tool for spreading consciousness, bringing a new wave of energy to activists. Thinking and working around a common goal created an invisible bond of solidarity amongst groups, paving the way for women to mobilize together with greater speed when political opportunities presented themselves. After many meetings and consultations, a committee was appointed and a call for public participation in the process was issued in 2007. Consultations, focus groups, reports and subsequent collective debates lasted two years, and in May 2009 the first draft of the women's charter was launched.

The drafting committee launched the draft in May 2009 and invited women's organizations, interested individuals, scholars of women's rights, and members of civil society to submit their comments and suggestions for further revisions of the charter, which was presented as a work in progress,

a tool of consciousness-raising and a means of galvanizing the diverse women's organizations and women activists around the issues of the charter. The original plan was to revise it within six months and re-launch the documents. However, after the disputed presidential election of June 2009 and huge protest rallies, the government once again unleashed its police and security forces and hundreds of women and pro-democracy activists were jailed, executed or forced to go into exile. Many women's magazines, along with other independent print media, websites and social media – which were the main channels of communication for the women's movement – were closed down.

The rights claimed within the *Iranian Women's Rights Charter* draw significantly from the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action. Article 1 of the Charter was insistent on the amendment of the various articles of the constitution that discriminated against women, in order to ensure gender equality. For example, the present constitutional provisions on family law, grant very limited rights to women within marriage. The Charter proposed reforms of family law in such way to make the marriage a democratic and egalitarian institution. The demands include: the right to choose a spouse, the right to custody and guardianship over children, the ending of polygamy, equal rights to divorce, the recognition of women's contribution to the household, and women's joint right with their husbands to be the head of the household. More broadly, the Charter addresses the right to freedom of movement, the right to equal education and scholarships, the right to equal opportunities in employment, and the right to affordable athletic resources, amongst others. Other rights, such the right to avoid criminal liability as an adult until the age of 18, and the right to assemble, are drawn from other declarations and conventions and also the Iranian Constitution. Article 2 of the charter clearly articulates that women must be represented in equal proportions in parliamentary and all law making bodies in order to make it possible to truly change the text and spirit of laws to promote gender equality

The charter includes 14 articles, and many clauses that define various aspects of each of these articles:

- Article 1 – Equality
- Article 2 - Law Making and Judicial Mechanism
- Article 3 – Violence against women
- Article 4 – Family
- Article 5 – Social Harm
- Article 6 – Education and Vocational Training
- Article 7 – Economy and Employment
- Article 8 – Human Rights and Civil Liberties
- Article 9 – Politico-Social Rights
- Article 10 – Women’s Health and Athletics
- Article 11 – Public and Private Space
- Article 12 - The Environment and the Expansion of the Infrastructure
- Article 13 – Mass Media, Art and Culture
- Article 14 – Ethnic, Religious and Racial Minorities

Excerpts from the Charter:

Article 1: Equality

“Equality and elimination of gender discrimination is the essence and foundation of our demands. We demand these rights as women, as citizens of Iran and as a diverse group of individuals who for more than a hundred years have been committed to the struggle toward obtaining our human and civil rights. We believe that gender equality is an indispensable necessity toward obtaining liberty and justice - these forever ideals of Iranian society. Equality within the bounds of society, culture, economy, politics and law are five pillars, which are interconnected and impossible to sever. As members of society, we, the Iranian women, demand to have the

same rights, liberties and opportunities, as men do- be it in the context of family, the work place, or the civil and political arena.

Through this charter, we demand equal and full participation towards construction of a free and discrimination-free Iran. In addition by substantiating this charter, we aim to prevent the significant social and economic damages, which are caused by neglecting the role of women in the whole of society. We ask that the governmental institutions including the judicial and the executive branch set up special mechanisms to ensure the real implementation of gender equality at all levels of society.”

Civil organizations that rise from the masses as well as grass root organizations are the most legitimate environment for change toward gender equality. Through the utilization of media, women’s voices shall play a pivotal role in eliminating discrimination and mainstreaming gender equality in society. Ultimately, the private sector and its guilds will serve as one of the pillars of social and capital accumulation, playing a very effective role in eliminating discrimination and furthering the principle of gender equality.”

The nature and status of religious laws in the country, and the way that the government has assumed power to interfere with all aspects of private as well as public life, which has largely impacted women negatively. The charter includes several unique provisions as well as programs for the government to counteract the existing discriminatory social and legal practices, which is not always found in other charters. For example:

- 1) “Any law that permits the police and the security forces to intervene with the privacy rights and personal lives of men and women must be abolished” (Article 2);
- 2) “Women must have the right to choose their spouses, free of any cultural and legal restrictions” (Article 4);
- 3) “Women of every religion and ethnicity must have the right to choose their clothing including (adopt or not adopt) *hijab*” (Article 8).

The Charter also focuses on equal legal standing, the recognition of other family responsibilities aside from childcare, and the objectives of the media. Accordingly, the Charter contains detailed provisions intended to ensure equal legal standing, removal of censorship from media sources promoting women's rights, and the recognition of eldercare. These provisions include provisions such as:

Equal Legal Standing:

- “In order to implement the principle of gender equality, the government must set aside a budget and put in place programs and procedures for spending that budget toward combating gender segregation” (Article 1 (3));
- “Women demand equality on the face of the laws as well as equal interpretation and implementation of the laws” (Article 2 (1)); and
- “Gender equality must be taken into consideration in every context, including the judicial and executive branches, all policy-making bodies and any other legal context” (Article 2 (3)).

Recognition of Eldercare:

- “The judicial system must take legal action and combat any act of neglect or violence against the elderly population and in particular elderly women” (Article 3 (11));
- “The government must provide and continue to improve access to childcare and elder care for students of any level, teachers, professors, employees of educational and vocational training” (Article 6 (5)); and
- “The government, labor institutions and the private sector, must support women by creating public and governmental facilities for child and elder care, responsibilities that currently remain entirely on women's shoulders” (Article 7 (2)).

Media Objectives:

- “Elimination of gender discrimination and promotion of equality must be articulated in the missions and regulations of all media outlets” (Article 13 (1));
- “Restrictive laws and procedures such as publication permits, various forms of scrutiny or any other obstacles interfering with the publication and distribution of women's literature and gender studies must be declared illegal and abolished” (Article 13 (5));
- “The government must provide financial and special support for publishing and distributing women's books and publications” (Article 13 (6));
- “All obstacles to website and weblogs by and for women must be eliminated” (Article 13 (8)); and
- “Media and educational institutions must have a policy toward equality and combating promoting male superiority. Educating men regarding domestic skills and child rearing must be implemented into educational programs” (Article 13 (11)).

This document has remained one of the few collective documents in Iran that the often divergent women's movements continue to work with. The Charter and Iranian women's continued effort to build a more egalitarian country, despite the extreme oppression that has continued since 2009, is a lesson they learned from their Afghan sisters.

To Sum up: This chapter, along with chapters 4 and 5, has explored some of the different ways that women's charters—both in the way they are created and the way they are utilized—have and continue to be central tools for the introduction of reforms as well as for education, public discussion and consciousness-raising across women's movements globally. In a politically repressive context such as Iran, the creation of a charter acted as a mechanism for solidifying a more progressive collective outlook on women's rights and gender equality. On the other hand, in the context of long years of civil war and repression in Afghanistan under Taliban rule, women inside Afghanistan and those in the diaspora took advantage of

an opportune moment to create documents that served as a basis for the creation of Afghan women's bill of rights in an effort to influence the development of the country's constitution. On the other hand, women in India and Namibia used the creation of a charter as a tool to raising consciousness at the national level, and to articulate their demands and negotiate with the state, insuring that their voices are heard. The creation of charters, whether they are for policy intervention or to influence the constitution or for the mobilization of women's rights activists, remains a very significant tool for achieving women's rights and building solidarity and alliances across differences. Besides being a mechanism to eradicate injustices against half of humanity, a charter itself is a tool of preserving women's political experiences and transmitting those experiences and strategies to future generations.

Chapter 7

Conclusion: Reflections on the Role of Charters in Women's Struggles for Equality and Non-Discrimination

The passing of nearly two centuries since Olympe de Gouges' publication of the *Declaration on the Rights of Woman and the Female Citizen*, and continuous activism by women across the world, has brought more visibility to struggles for rights and justice, more tolerance, if not acceptance, of women's equal rights and freedom of expression. Women across diverse societies and social strata have engaged in national and transnational public spheres, arguing and demanding their rights and joining the global struggle for basic human rights for women in areas of civil, cultural, economic, political and social rights. They have joined hands across the globe in demanding international instruments and machinery for the protection of their sexual and reproductive rights, and ending violence against women. However, at the national level, in many contexts, a systemic structural shift that recognizes the human rights of women is still not a reality. Thus, there is an on-going struggle, largely by women, for the recognition and acceptance of the notion that rights are universal and applicable to all peoples. Despite the existence of international human rights laws and policies such as the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Discrimination against Women, the Beijing Declaration and numerous other normative documents, there remains a need, at the

national level, for explicit demands for the articulation and implementation of women's human rights, which encompasses their full political, economic, and civil rights.

A charter for women's rights has the potential to fill this gap by raising awareness and guiding policy makers towards adopting and implementing policies that address context specific needs and demands. The content of a charter may provide a blueprint for rights needed to promote and protect women's human rights. It may also outline mechanisms for the enforcement of such rights and as such, may help to educate and incite debates on the need for specific attention to the basic and strategic needs of women, given the specificity of different national contexts. Earlier charters, such as the *Australian Women's Charter* (1943) and the *South African Women's Charter* (1954), are a reflection of the times, but also documents that have had a significant impact on gender equality demands. Charters that have subsequently followed indicate a similar pattern in content, but also reflect an evolution that takes into consideration the context and reality of the time and space within which women live. Most importantly, many of the more recent charters reflect the inclusion of provisions found in formal human rights documents, which did not exist at earlier times. As indicated in many of the charters, there are certain common threads that emerge. Some illustrative examples include:

- a. The demand for the promotion of equality and the prohibition of discrimination on the basis of sex (and sometimes also gender) is found in many charters. In earlier charters, it is clear that the demand is for formal equality, i.e. equality of treatment; and not substantive equality, i.e. equality of outcomes. The latter form of equality would include explicit demands for positive measures to promote real equality rights for women.
- b. The issue of economic rights includes addressing discriminatory labour laws and practices, the lack of economic opportunities for women, the reality that many women are primary breadwinners, that women are disproportionately impacted by poverty, that an unregulated workplace can be exploitative and abusive for women,

and that women are entitled to just and favorable conditions of work.

- c. Political and civil rights demands usually address the issues of participation and representation in political and public life, freedom of association and movement, and access to justice and legal rights, amongst others.
- d. As regards social and cultural rights, the demands reflect the reality of women's oppression and subordination because of the use of 'culture', 'tradition', and religion as justifications for the violation of women's human rights. Many charters reflect a demand for freedom to practice one's own religion, tradition and culture, *but* insist that this must be subject to the equality and non-discrimination standard. Some charters address, in very specific terms, issues of marriage, inheritance, custody of children, property, nationality, status and so on.
- e. Opportunity and access to education for girls and women is also generally articulated, *but* this is also supplemented by demands for education within a non-discriminatory and non-sexist environment.
- f. Health and reproductive rights broadly include a focus on access to health care information and services, but also to a woman's right to maintain control over her body, including the right to reproductive decision-making.
- g. Many charters also acknowledge the reality of violence against women and girls in educational settings, and hence this aspect is also addressed. The widespread and endemic nature of violence against women, both public and private, is an issue that resonates globally, whether in times of peace, transition or conflict. Charter demands usually include legal, policy and programmatic measures that address both the response to and the prevention of violence against women.

Determining the right moment, the appropriate language, the goals and objectives, the consultation process, the participants and so on, is essential to the legitimacy, credibility and adaptability of the document. In

many cases, the charter is not a legally binding document as most governments are reluctant to bind themselves legally to accept the demands contained in the charter, even if the articulated demands follow its policies. However, the significance is to create a document that has the power to influence new legislation and policies, as well as to shape the norms and standards of women's human rights. Pursuing practical and realistic goals that are achievable, but which do not accept compromises on the core needs of women, are difficult and require sustained political action and the commitment of political will.

Keeping the content of the document focused, and the ambitions of the drafters grounded in realities and the realistic possibilities of the state to deliver their demands, is also crucial to its potential for success. Including unsustainable rhetoric in a charter of demands may lead to a dismissal of the entire document or may lead to the (often politically expedient) adoption of certain demands, without the state having the ability, or the political will, to actually meet them.

Charters and declarations that are included in this publication came about largely during opportune moments of transition. In a post-conflict context in particular, the legal or social structures previously in existence may no longer meet the needs of the population and the window of opportunity that opens up has to be taken quickly and decisively. This is often the time for re-evaluation of existing laws and a clear opportunity to implement new or more specific guidelines and laws on issues of women's rights. Therefore, it is important for women to take advantage of the potential opportunities and prepare themselves through research and collective actions to make sure their demands have legitimacy, particularly amongst women from diverse socio-economic and cultural backgrounds, to successfully influence the shape of the new constitution and legal system. It is now routinely accepted that women's rights activists have a role to play in shaping the new agenda, but in many contexts, women have not strategized to take advantage of political opportunities and may not have the capacity to effectively influence the situation to benefit women. To utilize these opportunities, even when adequately prepared, requires an intensification of effort on the part of women to form coalitions and networks to help provide expertise, financial resources and solidarity.

As illustrated in the chapters above, the drafting of a women's rights document such as a charter or a declaration is often a huge endeavor and has the potential to change legal and policy frameworks in a country. It also has the propensity to spark motivation and galvanize women around the common agenda to promote equality and to advocate in pursuit of justice for women. Building on the energy of a common struggle, a women's charter can represent thousands of voices across many indicators of difference, whether age, race, class, geographical locations, ethnicities, educational status, religions, customs, and socio-economic factors, amongst others. The existence of different forces of change, amongst and between women, does require understanding and the acceptance of compromises during the negotiation process of a charter. There may also have to be acceptance of the inclusion of international actors in the process, whether as funders or technical assistance providers, or both. The inclusion of women from the diaspora in the charter development process is also common to some country examples – but it is clear that local activists largely drive the process.

The coalition-building and networking process that occurs when developing a charter also has the possibility to strengthen the demands of a diverse yet united group of women, who are able to focus on their common basic and strategic needs. In developing a charter, such coalitions and networks emerge as a political force – one that demands the recognition and realization of women's rights as human rights, whether in the personal or the public space. The charter creation process also renders the invisible visible, and opens up the space for greater and more focused accountability at the national level.

In conclusion, as many of the charters and declarations above illustrate, the efforts involved in drafting a charter go beyond that moment of history. The demands articulated in such documents can continue to influence and shape a society – depending on how the process and the demands are remembered, recorded and subsequently utilized, whether in advocacy, accountability, or any other activities. The conceptual and paradigm shifts that occur preceding, during and following the charter development process have the potential to influence the way a country addresses women's human rights in the future. Transformation and social justice needs continue to drive the demand for clear articulations of women's human rights,

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whether through charters, declarations, laws or policies. It is hoped that such demands continue to contribute to changing the realities and circumstances of women's lives.

Glossary

Apartheid - A system of racial segregation enforced by the National Party governments of South Africa between 1948 and 1994.

Hijab: Head covering/ scarf traditionally worn by Muslim women.

Khula – The right of a woman in Islam to seek a divorce or separation from her spouse.

Loya Jirga – The Grand Council

Machinery (*with reference to the UN and women's movements*) – Organizations, councils, committees, office of women's status, activist groups, meetings, processes, documents, etc whose purpose is to further the progression towards women's equality.

Mahila Rashtriya Kosh - a society under the Department of Women and Child Development to assist the banking needs and development of welfare activities.

Panchayat/Ward - Local elected councils, to provide technical support for the functioning of Women 'sarpanches'.

Quanun – Law

Sarpanches – An elected leader at a local level

Sharia Law - Moral code and religious law of Islam

Appendix 1

Declaration of the Rights of Woman and the Female Citizen (1791)⁷⁷

The Rights of Woman⁷⁸

Man, are you capable of being just? It is a woman who poses the question; you will not deprive her of that right at least. Tell me, what gives you sovereign empire to oppress my sex? Your strength? Your talents? Observe the Creator in his wisdom; survey in all her grandeur that nature with whom you seem to want to be in harmony, and give me, if you dare, an example of this tyrannical empire. Go back to animals, consult the elements, study plants, finally glance at all the modifications of organic matter, and surrender to the evidence when we offer you the means; search, probe, and distinguish, if you can, the sexes in the administration of nature. Everywhere you will find them mingled; everywhere they cooperate in harmonious togetherness in this immortal masterpiece.

Man alone has raised his exceptional circumstances to a principle. Bizarre, blind, bloated with science and degenerated--in a century of enlightenment and wisdom--into the crassest ignorance, he wants to command as a despot a sex which is in full possession of its intellectual faculties;

⁷⁷ <http://www.library.csi.cuny.edu/dept/americanstudies/lavender/decwom2.html> (accessed 5 April 2008).

⁷⁸ Original sourcing: From Darline Gay Levy, Harriet Branson Applewhite, and Mary Durham Johnson, eds., *Women in Revolutionary Paris, 1789-1795* (Urbana, University of Illinois Press, 1980), pp. 87-96

he pretends to enjoy the Revolution and to claim his rights to equality in order to say nothing more about it.

Declaration of the Rights of Woman and the Female Citizen (1791)

For the National Assembly to decree in its last sessions, or in those of the next legislature:

Preamble: Mothers, daughters, sisters, representatives of the nation demand to be constituted into a national assembly. Believing that ignorance, omission, or scorn for the rights of woman are the only causes of public misfortunes and of the corruption of governments, have resolved to set forth a solemn declaration the natural, inalienable, and sacred rights of woman in order that this declaration, constantly exposed before all members of the society, will ceaselessly remind them of their rights and duties; in order that the authoritative acts of women and the authoritative acts of men may be at any moment compared with and respectful of the purpose of all political institutions; and in order that citizens' demands, henceforth based on simple and incontestable principles, will always support the constitution, good morals, and the happiness of all.

Consequently, the sex that is as superior in beauty as it is in courage during the sufferings of maternity recognizes and declares in the presence and under the auspices of the Supreme Being, the following Rights of Woman and of Female Citizens.

Article I

Woman is born free and lives equal to man in her rights. Social distinctions can be based only on the common utility.

Article II

The purpose of any political association is the conservation of the natural and imprescriptible rights of woman and man; these rights are liberty, property, security, and especially resistance to oppression.

Article III

The principle of all sovereignty rests essentially with the nation, which is nothing but the union of woman and man; no body and no individual can exercise any authority which does not come expressly from it (the nation).

Article IV

Liberty and justice consist of restoring all that belongs to others; thus, the only limits on the exercise of the natural rights of woman are perpetual male tyranny; these limits are to be reformed by the laws of nature and reason.

Article V

Laws of nature and reason proscribe all acts harmful to society; everything which is not prohibited by these wise and divine laws cannot be prevented, and no one can be constrained to do what they do not command.

Article VI

The law must be the expression of the general will; all female and male citizens must contribute either personally or through their representatives to its formation; it must be the same for all: male and female citizens, being equal in the eyes of the law, must be equally admitted to all honors, positions, and public employment according to their capacity and without other distinctions besides those of their virtues and talents.

Article VII

No woman is an exception; she is accused, arrested, and detained in cases determined by law. Women, like men, obey this rigorous law.

Article VIII

The law must establish only those penalties that are strictly and obviously necessary.

Article IX

Once any woman is declared guilty, complete rigor is exercised by law.

Article X

No one is to be disquieted for his very basic opinions; woman has the right to mount the scaffold; she must equally have the right to mount the rostrum, provided that her demonstrations do not disturb the legally established public order.

Article XI

The free communication of thoughts and opinions is one of the most precious rights of woman, since that liberty assures recognition of children by their fathers. Any female citizen thus may say freely, I am the mother of a child which belongs to you, without being forced by a barbarous prejudice to hide the truth; (an exception may be made) to respond to the abuse of this liberty in cases determined by law.

Article XII

The guarantee of the rights of woman and the female citizen implies a major benefit; this guarantee must be instituted for the advantage of all, and not for the particular benefit of those to whom it is entrusted.

Article XIII

For the support of the public force and the expenses of administration, the contributions of woman and man are equal; she shares all the duties and all the painful tasks; therefore, she must have the same share in the distribution of positions, employment, offices, honors, and jobs.

Article XIV

Female and male citizens have the right to verify, either by themselves or through their representatives, the necessity of the public contribution. This can only apply to women if they are granted an equal share, not only of wealth, but also of public administration, and in the determination of the proportion, the base, the collection, and the duration of the tax.

Article XV

The collectivity of women, joined for tax purposes to the aggregate of men, has the right to demand an accounting of his administration from any public agent.

Article XVI

No society has a constitution without the guarantee of rights and the separation of powers; the constitution is null if the majority of individuals comprising the nation have not cooperated in drafting it.

Article XVII

Property belongs to both sexes whether united or separate; for each it is an inviolable and sacred right, no one can be deprived of it, since it is the true patrimony of nature, unless the legally determined public need obviously dictates it, and then only with a just and prior indemnity.

Postscript

Woman, wake up; the tocsin of reason is being heard throughout the whole universe; discover your rights. The powerful empire of nature is no longer surrounded by prejudice, fanaticism, superstition, and lies. The flame of truth has dispersed all the clouds of folly and usurpation. Enslaved man has multiplied his strength and needs recourse to yours to break his chains. Having become free, he has become unjust to his companion. Oh, women, women! When will you cease to be blind? What advantage have you received from the Revolution? A more pronounced scorn, a more marked disdain. In the centuries of corruption you ruled only over the weakness of men. The reclamation of your patrimony, based on the wise decrees of nature - what have you to dread from such a fine undertaking? The *bon mot* of the legislator of the marriage of Cana? Do you fear that our French legislators, correctors of that morality, long ensnared by political practices now out of date, will only say again to you: women, what is there in common between you and us? Everything, you will have to answer. If they persist in their weakness in putting this non sequitur in contradiction to their principles, courageously oppose the force of reason to the empty pretensions of superiority; unite yourselves beneath the standards of philosophy; deploy all the energy of your character, and you will soon see these haughty men, not groveling at your feet as servile adorers, but proud to share with you the treasures of the Supreme Being. Regardless of what barriers confront you, it is in your power to free yourselves; you have only to want to....

Marriage is the tomb of trust and love. The married woman can, with impunity, give bastards to her husband, and also give them the wealth which does not belong to them. The woman who is unmarried has only one feeble right; ancient and inhuman laws refuse to her for her children the right to the name and the wealth of their father; no new laws have been made in this matter. If it is considered a paradox and an impossibility on my part to try to give my sex an honourable and just consistency, I leave it to men to attain glory for dealing with this matter; but while we wait, the way can be prepared through national education, the restoration of morals, and conjugal conventions.

Form for a Social Contract between Man and Woman

We, _____ and _____, moved by our own will, unite ourselves for the duration of our lives, and for the duration of our mutual inclinations, under the following conditions: We intend and wish to make our wealth communal, meanwhile reserving to ourselves the right to divide it in favour of our children and of those toward whom we might have a particular inclination, mutually recognizing that our property belongs directly to our children, from whatever bed they come, and that all of them without distinction have the right to bear the name of the fathers and mothers who have acknowledged them, and we are charged to subscribe to the law which punishes the renunciation of one's own blood. We likewise obligate ourselves, in case of separation, to divide our wealth and to set aside in advance the portion the law indicates for our children, and in the event of a perfect union, the one who dies will divest himself of half his property in his children's favor, and if one dies childless, the survivor will inherit by right, unless the dying person has disposed of half the common property in favor of one whom he judged deserving.

That is approximately the formula for the marriage act I propose for execution. Upon reading this strange document, I see rising up against me the hypocrites, the pruders, the clergy, and the whole infernal sequence. But how it offers to the wise the moral means of achieving the perfection of a happy government! . . .

Moreover, I would like a law which would assist widows and young girls deceived by the false promises of a man to whom they were attached; I would like, I say, this law to force an inconstant man to hold to his obligations or at least an indemnity equal to his wealth. Again, I would like this law to be rigorous against women, at least those who have the effrontery to have recourse to a law which they themselves had violated by their misconduct, if proof of that were given. At the same time, as I showed in *Le Bonheur primitif de l'homme*, in 1788, that prostitutes should be placed in designated quarters. It is not prostitutes who contribute the most to the depravity of morals, it is the women of' society. In regenerating the latter, the former are changed. This link of fraternal union will first bring disorder, but in consequence it will produce at the end a perfect harmony.

I offer a foolproof way to elevate the soul of women; it is to join them to all the activities of man; if man persists in finding this way impractical, let him share his fortune with woman, not at his caprice, but by the wisdom of laws. Prejudice falls, morals are purified, and nature regains all her rights. Add to this the marriage of priests and the strengthening of the king on his throne, and the French government cannot fail.

Appendix 2

Women's Global Charter For Humanity 2005⁷⁹

Preamble

We women have been marching a long time to denounce and demand an end to the oppression of women and end the domination, exploitation, egotism and unbridled quest for profit breeding injustice, war, conquest and violence. Our feminist struggles and those of our foremothers on every continent have forged new freedoms for us, our daughters and sons, and all the young girls and boys who will walk the earth after us.

We are building a world where diversity is considered an asset and individuality a source of richness; where dialogue flourishes and where writing, song and dreams can flower. In this world, human beings are considered one of the most precious sources of wealth. Equality, freedom, solidarity, justice, and peace are its driving force. We have the power to create this world.

We represent over half of humanity. We give life, we work, love, create, struggle, and have fun. We currently accomplish most of the work essential to life and the continued survival of humankind. Yet our place in society continues to be undervalued.

⁷⁹ http://www.worldmarchofwomen.org/qui_nous_sommes/charte/en; accessed on 10 April 2010

The World March of Women, of which we are a part, views patriarchy as the system oppressing women and capitalism as the system that enables a minority to exploit the vast majority of women and men.

These systems reinforce one another. They are rooted in, and work hand in hand with, racism, sexism, misogyny, xenophobia, homophobia, colonialism, imperialism, slavery, and forced labor. They breed manifold forms of fundamentalism that prevent women and men from being free. They generate poverty and exclusion, violate the rights of human beings, particularly women's rights, and imperil humanity and the planet. We reject this world!

We propose to build another world where exploitation, oppression, intolerance and exclusion no longer exist, and where integrity, diversity and the rights and freedoms of all are respected.

This Charter is based on the values of equality, freedom, solidarity, justice and peace.

EQUALITY

Affirmation 1: All human beings and peoples are equal in all domains and all societies. They have equal access to wealth, to land, decent employment, means of production, adequate housing, a quality education, occupational training, justice, a healthy, nutritious and sufficient diet, physical and mental health services, old age security, a healthy environment, property, political and decision-making functions, energy, drinking water, clean air, means of transportation, technical knowledge and skills, information, means of communication, recreation, culture, rest, technology, and the fruit of scientific progress.

Affirmation 2: No human condition or condition of life justifies discrimination.

Affirmation 3: No custom, tradition, religion, ideology, economic system or policy justifies the inferiorization of any person or authorizes actions that undermine human dignity, and physical and psychological integrity.

Affirmation 4: Women are full-fledged human beings and citizens before being spouses, companions, wives, mothers and workers.

Affirmation 5: All unpaid, so-called feminine tasks related to supporting life and social maintenance (household labor, education, caring of children and intimates, etc.) are economic activities that create wealth and that should be valued and shared.

Affirmation 6: Trade among countries is equitable and does not harm peoples' development.

Affirmation: Every person has access to a job with fair remuneration, in safe and sanitary conditions, and in which their dignity is respected.

FREEDOM

Affirmation 1: All human beings live free of all forms of violence. No human being is the property of another. No person may be held in slavery, forced to marry, subjected to forced labor, trafficked, sexually exploited.

Affirmation 2: All individuals enjoy collective and individual freedoms that guarantee their dignity, in particular: freedom of thought, conscience, belief and religion; freedom of expression and opinion; to express one's sexuality in a free and responsible manner and choose the person with whom to share one's life; freedom to vote, be elected and participate in political life; freedom to associate, meet, unionize and demonstrate; freedom to choose one's residence and civil status; freedom to choose one's courses of study and choose one's profession and exercise it; freedom to move and to be in charge of one's person and goods; freedom to choose one's language of communication while respecting minority languages and a society's choices concerning the language spoken at home and in the workplace, and to be informed, learn, discuss and gain access to information technologies.

Affirmation 3: Freedoms are exercised with tolerance and mutual respect and within a democratic and participatory framework, democratically determined by the society. They involve responsibilities and obligations towards the community.

Affirmation 4: Women are free to make decisions about their body, fertility and sexuality. They have the choice about whether they will have children.

Affirmation 5: Democracy is rooted in freedom and equality.

SOLIDARITY

Affirmation 1: International solidarity among individuals and peoples is promoted free of any form of manipulation or influence.

Affirmation 2: All human beings are interdependent. They share the responsibility and the intention to live together and build a society that is generous, just and egalitarian, based on human rights; a society free of oppression, exclusion, discrimination, intolerance and violence.

Affirmation 3: Natural resources and the goods and services necessary for all persons to live are quality public goods and services to which every individual has equal and fair access.

Affirmation 4: Natural resources are administrated by the peoples living in the area, in a manner that is respectful of the environment and promotes its preservation and sustainability.

Affirmation 5: A society's economy serves the women and men composing that society. It is based on the production and exchange of socially useful wealth distributed among all people, the priority of satisfying the collective needs, eliminating poverty and ensuring the balance of collective and individual interests. It ensures food sovereignty. It opposes the exclusive quest for profit to the detriment of social usefulness, and the private accumulation of the means of production, wealth, capital, land, and decision-making power by a few groups and individuals.

Affirmation 6: The contribution of every person to society is acknowledged and paves the way to social rights, regardless of the function held by that person.

Affirmation 7: Genetic modification is controlled. There are no patents on life or the human genome. Human cloning is prohibited.

JUSTICE

Affirmation 1: All human beings regardless of their country of origin, nationality and place of residence are considered to be full-fledged citizens, with fair and equal entitlement to human rights (social, economic, political, civil, cultural rights, sexual, reproductive and environmental rights), within an egalitarian, fair and genuinely democratic framework.

Affirmation 2: Social justice is based on the equitable redistribution of wealth to eliminate poverty, limit wealth acquisition, and satisfy essential needs to improve the well-being of all people.

Affirmation 3: The physical and moral integrity of every person is protected. Torture and humiliating and degrading treatment are forbidden. Sexual violence, rape, female genital mutilation, violence against women, sex trafficking and trafficking of human beings in general are considered crimes against the person and crimes against humanity.

Affirmation 4: An accessible, egalitarian, effective and independent judiciary is put in place.

Affirmation 5: Every individual benefits from social protection guaranteeing her or him access to care, decent housing, education, information and security in old age. Every individual has sufficient income to live in dignity.

Affirmation 6: Health and social services are public, accessible, quality and free of charge; this includes all treatments, and services for all pandemic diseases, particularly HIV.

PEACE

Affirmation 1: All human beings live in a peaceful world. Peace is achieved principally as a result of: equality between women and men, social, economic, political, legal and cultural equality, rights protection, and eradication of poverty, ensuring that all people live in dignity and free of violence, and that everyone has employment, enough resources to feed, house, clothe and educate themselves, is protected in old age, and has access to health care.

Affirmation 2: Tolerance, dialogue and respect for diversity are foundations of peace.

Affirmation 3: All forms of domination, exploitation and exclusion, of one person over another, one group over another, of a minority over a majority, of a majority over a minority, or of one nation over another, are excluded.

Affirmation 4: All human beings have the right to live in a world free of war and armed conflict, foreign occupation and military bases. No one has the right to decide on the life or death of individuals and peoples.

Affirmation 5: No custom, tradition, ideology, religion, political or economic system justifies the use of violence.

Affirmation 6: Armed and unarmed conflicts between countries, communities and peoples are resolved through negotiations, which bring about peaceful, just and fair solutions at the national, regional and international levels.

CALL

This Women's Global Charter for Humanity calls on women and men and all oppressed peoples and groups of the planet to proclaim, individually and collectively, their power to transform the world and radically change social structures with a view to developing relationships based on equality, peace, freedom, solidarity and justice.

It calls on all social movements and all forces in society to take action so that the values promoted in this Charter can be effectively implemented and political decision-makers adopt the measures necessary for their implementation. It is a call to action to change the world. The need is urgent!

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The development of women's charters, manifestos and declarations serve as a demand for change and improvement in the status and lives of women; they are an articulation of the need and demand for gender justice and the development of a collective good. These documents have given women a platform to demand their rights and voice their concerns over exclusion, inequality, discrimination and oppression. They serve as tools to challenge the roots of institutional and individual belief systems that continue to oppress women. Such documents also reflect a journey through a patriarchal maze at the state and non-state levels, in an attempt to reshape the fundamental norms and values of a society as regards women's rights.

Although the passing of nearly two centuries of struggles has brought more visibility and despite the existence of international human rights laws and policies, the necessity for women to demand their human rights remains critical - as millions of women continue to face inequalities on a daily basis in nearly all areas of their lives. This is indicative that despite existence of international human rights laws and policies, there remains a need to address specific issues and concerns of women in their social, economic, and political contexts. The central goal of this publication is to highlight and analyze strategies that women have adopted both historically and recently, to raise their collective voice in their demand for equality and the effective implementation of their human rights, at the state and non-state levels. As such a women's national charter is also a tool of democratization.

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عورتوں کی زیرِ اسلام قوانین

Women Living Under Muslim Laws

النساء في ظل القوانين الإسلامية

Femmes sous lois musulmanes