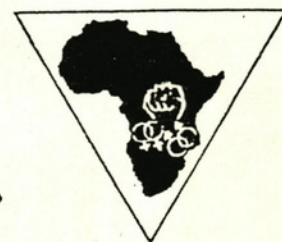


# Organisation for Lesbian and Gay Action

P. O. Box 7315  
Roggebaai  
8012  
Cape Town  
South Africa

# OLGA



17/12/93

Dear Albie

Your presence and your words at the  
First Cape Town Lesbian + Gay march  
was much appreciated!

As discussed with you briefly, I  
am enclosing for your information  
a copy of the now nationally endorsed  
Lesbian, Gay + Bisexual Rights Charter,  
together with a sample covering  
letter to give you the context of  
the National Meeting which took place  
after the march.

Yours in the human rights struggle,

Derrick

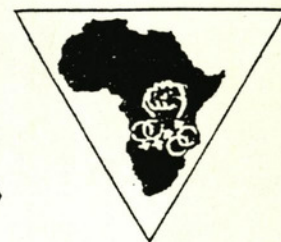
Derrick Fike  
for OLGA.



# Organisation for Lesbian and Gay Action

P. O. Box 7315  
Roggebaai  
8012  
Cape Town  
South Africa

# OLGA



15 December 1993

Dear

## National Lesbian, Gay and Bisexual Rights Charter

Many pink thanks for your contribution to the successful National Meeting on 11 December 1993, where we nationally endorsed the final Lesbian, Gay and Bisexual Rights Charter!

We are very excited to enclose the final Charter. As discussed on the weekend, we have all undertaken to use the Charter in the work done by our respective organisations, especially for community education. *(English and Xhosa copies enclosed)*

For the record, the following 11 organisations/groups have so far endorsed the Charter: ABIGALE, COGS, Equality Foundation, GAIN, GASA-OFS, GLAC, GLOW, Lavendar Hill Group, NGC, OLGA and Stellenbosch Outreach.

As agreed, we have also written to all other lesbian/gay/bisexual organisations who were unable to attend or who felt they needed more time to discuss the Charter before endorsing it. They have been asked to let us know by the end of January 1994 whether they would like to add their name to the list of organisations endorsing the Charter.

We wish you all well over the holiday season!

Yours in the pink,

Derrick Fine  
for OLGA



# LESBIAN, GAY AND BISEXUAL RIGHTS CHARTER

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## PREAMBLE

As lesbians, gay men and bisexuals, we commit ourselves to building a non-racial, non-sexist, non-homophobic and democratic South Africa.

Together with all other South Africans, we claim our right to freedom from discrimination, oppression and exploitation because of our race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language.

We believe that we are entitled to the fundamental rights and methods of implementation contained in this Charter.

## FUNDAMENTAL RIGHTS

### A. EQUALITY

1. As lesbians, gay men and bisexuals, we have a right to equality before the law and to equal protection of the law.
2. A Bill of Rights, anti-discrimination laws and other corrective measures shall be introduced to ensure adequate recognition and protection of this right.
3. All statutory and common law crimes which directly or indirectly infringe the principle of non-discrimination on grounds of sexual orientation, shall be abolished.

### B. DIGNITY

1. We have a right to respect for and protection of our dignity.
2. Laws and remedies shall be introduced to ensure adequate protection of this right.
3. We require particular protection against being harassed, abused or subjected to demeaning and degrading treatment.

### C. PRIVACY

1. We have a right to the protection of our personal privacy.
2. Unless justified on grounds which are generally and equally applicable to all other people, we shall not be subjected to searches of our persons, homes or property, seizure of our private possessions or violation of our private communications.



#### D. FREEDOM OF EXPRESSION

1. We have the same right as all other people to freedom of speech and expression, including freedom of the press and other media.
2. Material which promotes lesbian, gay and bisexual causes and interests shall be included in this freedom.
3. We have a right to assemble, to demonstrate and to present petitions.

#### E. FREEDOM OF ASSOCIATION

1. We have the same right as all other people to freedom of association, including the right to form relationships and to live together.
2. The law shall recognise the right of two people of the same gender to legalise their relationship as a registered partnership, which shall include the right to share property and wealth, to inherit, to next-of-kin status, and to share nationality. This shall also include socio-economic and employment benefits such as insurance, pensions, taxation, housing, medical aid, and compassionate leave.
3. Whether we are in a registered partnership or not, we shall have the same rights as all other people in respect of children. This shall include the right to produce children through alternative insemination, to adopt, foster and have custody and guardianship of children, and to enjoy maternity/paternity leave benefits.

### METHODS OF IMPLEMENTATION

As lesbians, gay men and bisexuals, we are entitled to the enforcement of our rights, which shall include the following corrective measures:

#### A. EDUCATION

1. Non-discriminatory education about gender, sexual orientation and sexuality shall be included in the curricula of schools, tertiary institutions, and youth and community programmes.
2. Staff in health, welfare, police and other law enforcement agencies, and in the armed forces, administration of justice and public service, shall receive training on issues relating to gender, sexual orientation and sexuality, including education on new non-discriminatory laws and measures.
3. We call on and encourage the private sector, the trade union movement and political parties and organisations to include non-discriminatory material on gender, sexual orientation and sexuality in their educational programmes.
4. We call on and encourage religious communities of all faiths to understand the faith experiences and other life experiences of lesbians, gay men and bisexuals, and to accept and promote full participation by lesbians, gay men and bisexuals in the life of their religious community.



## B. LAW AND THE COURTS

1. All laws shall be reviewed to ensure that they follow the principles of non-discrimination and equality before the law, as enshrined in the Bill of Rights.
2. The law relating to sexual acts shall, regardless of the gender and sexual orientation of the participants, focus on whether there was actively given consent, deal with sexual violence and abuse, and set a uniform age of consent.
3. The same standards shall apply in sentencing in cases involving sexual harassment, abuse or violence, regardless of whether the conduct is heterosexual, bisexual or homosexual.
4. The same standards shall apply in censoring exploitative or violent sexual acts in the media, regardless of whether the acts are heterosexual, bisexual or homosexual.

## C. POLICING

1. Harassment and entrapment of lesbians, gay men and bisexuals by the police and other law enforcement bodies, shall be unlawful.
2. Police and other law enforcement bodies shall protect all people against abuse, including the prevention of harassment, victimisation and 'bashing' of lesbians, gay men and bisexuals.

## D. ACCESS TO COMPLAINTS, SERVICES AND INFORMATION

1. Lesbians, gay men and bisexuals shall have equal access to all channels and bodies created for the reporting, investigating and hearing of complaints relating to abuse, victimisation and discrimination.
2. We shall also have equal access to all public facilities providing advice, information, support, counselling, health care and welfare services.
3. Youth and students in particular shall have access to sex education and to counselling to give them support with discovering their sexuality.

## E. EMPLOYMENT

1. It shall be an 'unfair labour practice' for employers to harass, abuse or discriminate against employees because of their sexual orientation.
2. Lesbian, gay or bisexual employees, including teachers and others working with young people, shall not be victimised if they are open about their sexual orientation in the workplace.
3. Lesbians, gay men and bisexuals shall have equal access to employment in the armed forces.

## F. HOSPITALS AND PRISONS

1. Lesbians, gay men and bisexuals shall have equal access to visit partners/lovers in hospitals and other places of care.
2. We shall also have equal access to visit partners/lovers in prison and other places of custody.
3. Lesbian, gay or bisexual prisoners shall be protected from harassment and abuse.



## G. IMMIGRATION

1. Sexual orientation shall not be a basis for discrimination in decision-making regarding applications for immigration or asylum.
  2. Persecution because of sexual orientation should be accepted as a ground for granting asylum status.
  3. A registered partnership shall be recognised as a basis for admission to immigrant or permanent residence status.
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**Nationally endorsed on 11 December 1993**