

The Constitution

of the Republic of South Africa, 1996



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The Constitution Of South Africa From A Gender Perspective

**Mfundo Mandla Masuku, Mbongeni
Shadrack Sithole**



The Constitution Of South Africa From A Gender Perspective:

The Constitution of South Africa from a Gender Perspective Sandra Liebenberg, 1995 Based on the proceedings of a conference held in Cape Town 1995 **Developing the Right to Social Security - A Gender Perspective** Beth Goldblatt, 2016-06-10 The right to social security found in international law and in the constitutions of many nations contributes to the alleviation of poverty globally Social security and its articulation as a human right have received increased attention in recent years both in response to austerity cuts to welfare in developed countries and as a means of lifting millions out of poverty in developing countries Women disproportionately affected by poverty in all parts of the world stand to gain from a right to social security that takes cognisance of gender discrimination and disadvantage This book interprets and redefines the right to social security from a gender perspective Drawing on feminist theory the book formulates a conceptual approach and a set of principles for a substantively equal gendered right to social security In so doing it challenges the relationship between the right to social security and traditional conceptions of work that exclude women's labour including their caring roles It argues that the right must have application at the transnational level if it is to address the changing nature of women's work due to globalisation The book applies the framework and principles it develops to a study of international law focusing on the work of key United Nations human rights bodies It also demonstrates the value of this framework in its analysis of three countries' social security programmes South Africa Australia and India In combining feminist thought on the nature of work and care with equality theories in developing the right to social security from a gender perspective this book expands the capacity of the right to advance gender equality and address gendered poverty

Constitutions and Gender Helen Irving, 2017-06-30 Constitutions and gender is a new and exciting field attracting scholarly attention and influencing practice around the world This timely handbook features contributions from leading pioneers and younger scholars applying a gendered lens to constitution making and design constitutional practice and citizenship and constitutional challenges to gender equality rights and values It offers a gendered perspective on the constitutional text and record of multiple jurisdictions from the long established to the world's newly emerging democracies *Constitutions and Gender* portrays a profound shift in our understanding of what constitutions stand for and what they do

Socio-economic Rights in South Africa Danie Brand, Christof H. Heyns, 2005 **Gender and the Constitution** Helen Irving, 2008-01-21 We live in an era of constitution making New constitutions are appearing in historically unprecedented numbers following regime change in some countries or a commitment to modernization in others No democratic constitution today can fail to recognize or provide for gender equality Constitution makers need to understand the gendered character of all constitutions and to recognize the differential impact on women of constitutional provisions even where these appear gender neutral This book confronts what needs to be considered in writing a constitution when gender equity and agency are goals It examines principles of constitutionalism constitutional jurisprudence and history Its goal is to establish a framework

for a gender audit of both new and existing constitutions It eschews a simple focus on rights and examines constitutional language interpretation structures and distribution of power rules of citizenship processes of representation and the constitutional recognition of international and customary law It discusses equality rights and reproductive rights as distinct issues for constitutional design Global Perspectives on Constitutional Law Vikram Amar, Mark V. Tushnet, 2009 The authors introduce students to the various ways that nations other than the United States resolve contemporary constitutional questions Covering both structural issues and individual rights each chapter presents foreign case materials on a particular topic comparing U S and other nations laws *Gender Competent Public Law and Policies* Marko Davinić, Svetislav Kostić, 2023-01-18 This book offers a new perspective on public law and public policies The collection of papers gathered here begins with an in depth discussion on gender perspectives in constitutional law which can support gender justice but also perpetuate patriarchal norms The book then analyzes the role of the European Ombudsman in the area of gender discrimination Despite its limited jurisdiction this institution has become a significant complementary tool in the protection of gender equality and the elimination of gender discrimination at the EU level Particular attention is paid to the importance of mainstreaming gender into public policies Thus the legal and institutional frameworks of Spain and Serbia are presented which can serve as an inspiration to other countries Another important aspect covered in the book is an analysis of systemic differences between the average wages of women and men in the six countries of the Western Balkans In turn the book presents a discussion on female genital mutilation as a highly gendered crime based on extreme versions of rigid patriarchal ethnic and religious norms and customs It is analyzed through the lenses of the Istanbul Convention as a tool for combating violence against women Particular attention is paid to femicide its definitions forms and phenomenological characteristics Having been only recently acknowledged femicide is still characterized by an inadequate judicial response in many countries In this regard a special focus is on German and Serbian experiences in acknowledging femicide and combating it through various measures Finally the importance of stalking laws is discussed as stalking is a highly gendered crime that many states fail to combat adequately The collection of essays offered in this book will be of interest to all those working in the field of public law to policymakers and to students and academics looking to broaden and deepen their research on various issues in public law and policies from gender perspectives *Global Gender Constitutionalism and Women's Citizenship* Ruth Rubio-Marin, 2022-10-06 Constitutions around the world have overwhelmingly been the creation of men but this book asks how far constitutions have affirmed the equal citizenship status of women or failed to do so Using a wealth of examples from around the world Ruth Rubio Mar n considers constitutionalism from its inception to the present day and places current debates in their vital historical context Rubio Mar n adopts an inclusive concept of gender and sexuality and discusses the constitutional gender order as it has been shaped by debates such those around same sex marriage and the rights of trans persons Covering a wide range of themes from reproductive rights to political gender quotas and violence against women

this book offers a comprehensive feminist account of constitutional law Truly international in scope and ambitious in subject matter this is an invaluable resource for students and scholars working on gender within multiple disciplines *Women and the Remaking of Politics in Southern Africa* Gisela G. Geisler, 2004 This study looks at women's struggle in Southern Africa where the last ten years have seen the most pervasive success stories on the African continent Tracing the history of women's involvement in anti colonial struggles and against apartheid the book analyses post colonial outcomes and examines the strategies employed by women's movements to gain a foothold in politics **Feminist Institutionalism in South Africa** Amanda Gouws, 2022-10-17 This book deals with feminist institutionalism through asking the key question can gender equality be designed It provides a critical analysis of the South African Commission for Gender Equality to assess its successes and failures over a more than 20 year period and provides insight into the design of structures of national gender machineries how they are designed influences the outcomes for gender equality The research in this collection sheds light on choices for institutional design of national gender machineries during democratic transitions the co-optation of institutions the silences and collusions of those selected to work in the institutions and the resourcing of institutions and their impact on policy making for women's substantive equality This book will have a broad appeal for scholars of feminist institutionalism

The Gender of Constitutional Jurisprudence Beverley Baines, Ruth Rubio-Marin, 2005 To explain how constitutions shape and are shaped by women's lives the contributors to this volume examine constitutional cases pertaining to women in twelve countries Analyzing jurisprudence about reproductive sexual familial socio economic and democratic rights they focus constructively on women's claims to equality asking who makes these claims what constitutional rights inform them how they have evolved what arguments work in defending them and how they relate to other national issues Their findings reveal significant similarities in outcomes and in reasoning about women's constitutional rights in these twelve countries challenging the tradition of distinguishing constitutional jurisprudence depending on whether the country has a written or unwritten constitution subscribes to civil or common law is a federal or unitary state limits constitutional adjudication to the public domain accords international norms binding or subject to incorporation force or relies on a specialized or general court to adjudicate constitutional matters Constituting Equality Susan Hoffman Williams, 2009-07-31 The book takes a design oriented approach to the broad range of issues that arise in constitutional drafting concerning gender equality

Gender Justice, Development, and Rights Maxine Molyneux, Shahra Razavi, 2002-11-07 This text examines contemporary issues such as neoliberal policies democracy and multiculturalism analyzing them from a gender perspective It examines how liberal rights and ideas of democracy and justice have been absorbed into the political agendas of women's movements **Women's Organizations and Democracy in South Africa** Shireen Hassim, 2006-06-26 The transition to democracy in South Africa was one of the defining events in twentieth century political history The South African women's movement is one of the most celebrated on the African continent Shireen Hassim examines interactions between the two as

she explores the gendered nature of liberation and regime change Her work reveals how women s political organizations both shaped and were shaped by the broader democratic movement Alternately asserting their political independence and giving precedence to the democratic movement as a whole women activists proved flexible and remarkably successful in influencing policy At the same time their feminism was profoundly shaped by the context of democratic and nationalist ideologies In reading the last twenty five years of South African history through a feminist framework Hassim offers fresh insights into the interactions between civil society political parties and the state Hassim boldly confronts sensitive issues such as the tensions between autonomy and political dependency in feminists engagement with the African National Congress ANC and other democratic movements and black white relations within women s organizations She offers a historically informed discussion of the challenges facing feminist activists during a time of nationalist struggle and democratization Winner Victoria Schuck Award for best book on women and politics American Political Science Association An exceptional study based on extensive research Highly recommended Choice A rich history of women s organizations in South African Hassim had observed at first hand and often participated in much of what she described She had access to the informants and private archives that so enliven the narrative and enrich the analysis She provides a finely balanced assessment Gretchen Bauer African Studies Review

Gender, Judging and the Courts in Africa J. Jarpa

Dawuni,2021-11-29 Women judges are playing increasingly prominent roles in many African judiciaries yet there remains very little comparative research on the subject Drawing on extensive cross national data and theoretical and empirical analysis this book provides a timely and broad ranging assessment of gender and judging in African judiciaries Employing different theoretical approaches the book investigates how women have fared within domestic African judiciaries as both actors and litigants It explores how women negotiate multiple hierarchies to access the judiciary and how gender related issues are handled in courts The chapters in the book provide policy theoretical and practical prescriptions to the challenges identified and offer recommendations for the future directions of gender and judging in the post COVID 19 era including the role of technology artificial intelligence social media and institutional transformations that can help promote women s rights Bringing together specific cases from Kenya Uganda Ghana Nigeria Zambia Tanzania and South Africa and regional bodies such as ECOWAS and the African Commission on Human and Peoples Rights and covering a broad range of thematic reflections this book will be of interest to scholars students and practitioners of African law judicial politics judicial training and gender studies It will also be useful to bilateral and multilateral donor institutions financing gender sensitive judicial reform programs particularly in Africa The Open Access version of this book available at www.taylorfrancis.com/books/oa-edit/10.4324/9780429327865/gender-judging-courts-africa jarpa dawuni has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

Diversity Quotas, Diverse Perspectives Stefan Gröschl, Junko

Takagi,2016-05-13 Legislative and institutional affirmative and positive action policies intended to increase accessibility and

the participation of historically disadvantaged groups in employment and education have been with us for some time particularly in Anglo Saxon countries One of the major issues they are intended to address is gender inequality Proponents of these policies have hailed quota initiatives as a key to promoting equal opportunities and reducing discrimination At the same time affirmative action policies and processes have been challenged in courts and have caused controversy in educational establishments highlighting the fact that these practices can have negative consequences Exploring the application of quotas and affirmative action at an institutional or organizational level from a variety of different perspectives the contributions in Diversity Quotas Diverse Perspectives provide an understanding of the complexity and controversial nature of policies and actions in different countries Even within Europe implementation has varied widely from country to country For example while most European countries have employment quotas for people with disabilities there is little consistency among the European Union's member states when it comes to quotas and other policies relating to ethnic minorities in employment and educational settings Focussing here particularly on gender related initiatives but raising questions pertinent to other aspects of diversity the contributions from international researchers investigate variances between and differing justifications for policies The book offers a global perspective on the subject and expands the discussion of it beyond Anglo Saxon contexts

The African Perspective of Sexual Orientation and Gender Identity in Higher Education Mfundo Mandla Masuku, Mbongeni Shadrack Sithole, 2025-05-23 This book uses a deconstruction context to highlight the challenges faced by the LGBTQIA communities in African Higher Education The discursive approach adopted in the book is critical in enabling the editors and their authors space to articulate the subtle problematic and context sensitive issues that drive exclusionary and unequal practices that students face in campus life The book goes on to present an advanced argument for integrating African epistemologies such as Ubuntu with social justice frameworks to foster cultural competence and diversity in higher education

Essays on the Evolution of the Post-Apartheid State Mcebisi Ndletyana, 2015-02-01 This book critically examines the challenges successes and failures of the post 1994 South African state against the humane values enshrined in its constitution nonracial democracy and respect for all generations of human rights civil political social economic resources and the environment and gender and communication The book sheds light on the difficulties faced by the State when trying to bring together a diverse society comprised of traditional South African Western based and other African immigrant cultures into a cohesive nation with a common South African identity The views of the essays may not be entirely consistent and the issues they raise may be contentious This merely affirms the truism that the State is a contested terrain The aim of this book is to deepen the search for an understanding of the theory of the State as it applies to a transforming society such as ours and to trudge the dividing line between theory and practice so they can feed into each other in a progressive spiral towards the desired end state

Generation, Gender and Negotiating Custom in South Africa Elena Moore, 2022-06-16 This book investigates how customary practices in South Africa have led to

negotiation and contestation over human rights gender and generational power Drawing on a range of original empirical studies this book provides important new insights into the realities of regulating personal relationships in complex social fields in which customary practices are negotiated This book not only adds to a fuller understanding of how customary practices are experienced in contemporary South Africa but it also contributes to a large discussion about the experiences impact and ongoing negotiations around changing structures of gender and generational power and rights in contemporary South Africa It will be of interest to researchers across the fields of sociology family customary law gender social policy and African Studies Welfare, Religion and Gender in Post-apartheid South Africa Ignatius Swart, Amanda Gouws, Per Pettersson, Frouwien Bosman, Johannes Erasmus, 2012-04-01 The topic covered by this book is important crucially so in post apartheid South Africa and the research is meticulous This has resulted in an impressive collection of material concerning welfare religion and gender in twenty first century South Africa which includes both theoretical reflections and an abundance of empirical data Professor Grace Davie Professor Emerita of Sociology University of Exeter UK

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