

# Xingwana condemns silencing of women during Traditional Courts Bill hearings

The Minister of Women, Children and People with Disabilities, Lulu Xingwana, says women should not be prevented from voicing their opinions during the Traditional Courts Bill public hearings currently underway.



(Image: GCIS)

Delivering her Budget Vote Speech to the National Council of Provinces on Friday, Xingwana said in some provinces, women were told they were not invited and should not be there. In some cases, women were rudely interjected and silenced. She has strongly condemned this.

"Women's right to self-representation have been denied, this behaviour cannot be allowed to persist in a democratic South Africa. As a department, we shoulder a responsibility to ensure that women can freely interact and exercise their right to be heard in all democratic processes," Xingwana said, adding that she would work with the Minister of Justice and Constitutional Development to ensure that the concerns of rural women are taken into consideration regarding the Bill.

The Traditional Courts Bill is intended to regulate the role and functions of traditional leaders in the administration of justice in accordance with the Constitutional imperatives.

The Bill deals with civil and criminal jurisdiction of traditional leaders and will go a long way in facilitating the contribution of traditional authorities in the criminal justice system.

Government has identified traditional leaders as agents of social cohesion through initiatives that encourage communities to share common moral values and a development agenda.

## Women's rights trampled

However, Xingwana noted that women have already raised serious misgivings about the Bill and questioned its

constitutionality and also hold the view that the Bill will not pass the constitutional test.

She said women are concerned that this Bill will strip them of their democratic rights to choose Magistrates Courts if they so wish, and there is a concern that women, including widows, have already suffered abuse such as evictions from their homes and land by the largely all-male traditional courts.

"Furthermore, the Bill does not prohibit harmful traditional practices, such as ukungenwa, ukuthwalwa, (abduction and forced marriages) [among others]. South Africa has made commitments through the Constitution, various pieces of legislation and international conventions to respect, promote, protect and advance the rights of women.

"South Africa has a duty and obligation to honour these commitments," Xingwana said, calling upon all South Africans to defend government's progressive positions on the rights of women, children and people with disabilities.

Xingwana said the department's interest is to ensure that the Bill does not reverse the gains that women have made towards empowerment and gender equality in the past 20 years.

She further commended progressive men who had spoken out during the public hearings in defence of women's rights.

Xingwana also raised concerns about current attempts to reverse the Constitutional gains made by the country relating to the rights of gays and lesbians, adding that the homophobia that has led to the killing of gay men and rape and murder of lesbian women, must be condemned by all South Africans.

"These rights are entrenched in our Constitution and all attempts to reverse these gains must be rejected."

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