



Law, Race and Gender Research Unit  
University of Cape Town

**MEDIA RELEASE:**

**Law, Race and Gender Research Unit welcomes Minister Xingwana's moves to overhaul the Traditional Courts Bill in favour of women's rights and voices**

The Law, Race and Gender (LRG) Research Unit welcomes yesterday's statements by Minister of Women, Children and People with Disabilities, Lulu Xingwana, expressing her continued opposition to the Traditional Courts Bill.

We echo the primary basis of Minister Xingwana's objection to the Bill - that rural women were not consulted in its formulation.

We commend the Minister's commitment to an open legislative process that includes voices of those most affected by the Bill, namely rural women.

Sindiso Mnisi Weeks, researcher at LRG said, "We welcome Minister Xingwana's objections. It is correct that, as those who make up the largest proportion of people living in rural areas, women should have the greatest say in deciding what traditional courts should look like and how they should function."

In her recent statements Minister Xingwana indicated that the Minister of Justice and Constitutional Development recognises that the Bill threatens the rights of rural people, particularly women. She has suggested that the Bill might be withdrawn from parliament in favour of drafting more appropriate legislation that will give rural people greater access to justice. We celebrate this development and eagerly await official confirmation of this from the Department of Justice.

We support the withdrawal of the Bill as the appropriate response to the overwhelming rejection it received by rural people in the public hearings, held in April and May in all provinces. This overwhelming rejection is reflected in the negotiating mandates, submitted to Parliament's Select Committee on Security and Constitutional Development, in which four provinces (North West, Eastern Cape, Gauteng and Western Cape) rejected the Bill in its entirety. Four other provinces suggested amendments that are irreconcilable.

The LRG stands with the many rural people who spoke out during the public hearings and in cases before the Constitutional Court, which has repeatedly said in its decisions that any legislation concerning rural people should involve them directly in its making.

We call on Department of Justice to: ensure that the legislative process going forward includes ordinary rural people in conceptualising and drafting a new piece of legislation to replace the Traditional Courts Bill; and that rural women are extensively consulted, in safe spaces where they feel free enough to speak, in that process.

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*The Law, Race and Gender (LRG) Research Unit is a research and training unit in the University of Cape Town's Faculty of Law. Presently, the main project of LRG is the Rural Women's Action-Research (RWAR) project. The RWAR project is part of a wider collaborative initiative that seeks to provide targeted forms of support to rural people, particularly women, in South Africa who are engaged in struggles that challenge patriarchal and autocratic power relations in former homeland areas. An explicit concern is that of power relations, and the impact of national laws and policy in framing the balance of power within which rural women and men struggle for change at the local level.*

Released on 2 August 2012