

Women's Month

OUR PIONEERS MUST CONTINUE TO LEAD US by Advocate Hishaam Mohamed,
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Our government recognise Women's Month as a tribute to the pioneers of the women's movement in South Africa in their fight for personal, political and economic freedoms. Women's suffrage, the fight against women being treated as objects which was bolstered by the ideology of male superiority- female subordination within society and the fight against the social and political suppression of non- white people has had a long and turbulent history in South Africa for women.

One has to recognise and acknowledge the noble efforts of those pioneering women to appreciate the benefits that have accrued to future generations from their sacrifices.

In 1913, the first women's public demonstrations against municipal pass laws and permits for women were held in Orange Free State by black women.

In 1919 Charlotte Maxeke and others held a demonstration against anti – pass laws. She co-founded the Bantu Women's League of South Africa, later renamed the ANC Women's League.

In the 1930's and 40's black women led further protests against a government crackdown on their brewing of traditional home beer, which clearly highlighted black women's readiness to mobilise around economic issues that affected them and their families.

In 1955 Black Sash fought against the removal of coloured or mixed races from the voters roll in the Cape Province by the National Party government but soon began demonstrating against other apartheid legislation.

On the 9 August 1956, a historic march led by Lilian Ngoyi, Helen Joseph, Rahima Moosa and Sophia Williams De Bruyn became the turning point in the role of women in the struggle for a non – racial and non – sexist society.

However despite the significant progress made in empowering women in political, public and educational sphere, the marginalisation of poor women has compromised the progress that has been made thus far in making us realise that the battle against patriarchy has not been won.

Today women face new struggles in ensuring the realisation of their constitutional rights such as gender based violence, the realisation of substantive equality, access to socio –economic rights and economic freedoms.

Women daily fight battles at courts for economic security for their families, fighting against physical brutality, harassment and femicide, and against sexual violations to their bodily integrity and dignity. The battle for life and basic necessities shows a predominance of patriarchal outlook which is resistance to the change that is being augured in with the emancipation of women.

Given this backdrop the Department of Justice and Constitutional Development, in conjunction with the Justice, Crime Prevention and Security Cluster partners, is working within the local communities to steadily empower women, children, persons with disabilities and other vulnerable groups with knowledge of their rights and legal redresses available to them by frequently holding workshops, information sessions and imbizos where the full ambit of services available to the public are discussed.

The Domestic Violence Act, 116 of 1998, as well as the Protection from Harassment Act, 17 Of 2011 create a protection order that prohibits the perpetrator and anyone acting on their behalf from engaging in acts of physical, sexual, emotional, psychological and economic abuse.

The Protection from Harassment Act also allows for stalking or harassment which could be through electronic communication, social media platforms or telephonic messaging should such communication be used as a tool to instil fear in the victim. In circumstances where the identity of the perpetrator is undisclosed the court has the jurisdiction to order the service provider or the web page host to disclose such information.

It is reported that the number of women who withdraw charges of domestic violence is increasingly worrying and poses a challenge to how the justice system deals with issues of gender-based violence against women. There remains a high need for women to speak out against domestic violence and refrain from dropping the charges. We remain committed to a collaborative effort from all government departments to assist in the fight against the increasing violence against women and children.

The Domestic Violence Act makes provision for emergency monetary relief in the event a woman cannot go back to her home and is without means of subsistence for herself and her family. This is a temporary measure which must be supplemented by an application in terms of the Maintenance Act, 118 of 1998 which can be done at our courts through the assistance of our staff and NGO's who are present.

Our specialised courts like domestic violence, maintenance and harassment are held in camera which means that the public cannot sit in the gallery to hear the matter. In cases where minors have been sexually violated special care is taken to ensure that the child has no further contact with the alleged perpetrator by having the child depose to evidence in a private testifying room which has closed circuit television to enable the child to see the proceedings. The child is also equipped with earphones to hear the trial. Court intermediaries are also present to facilitate by giving necessary guidance on procedure and preparing the child for court.

All sexual offenders who perpetrate crimes against minors and mentally disabled persons are placed on the National Register for Sex Offenders. Employers will be able to use this register to identify whether an applicant for a vacancy involving minor children is suitable to be in that position.

The prevention of violence and crime directed against our vulnerable groups including women and children is a priority of government and an important part of our crime prevention strategy. Communities are encouraged to come forward and make applications at our courts.

We remain committed to ensuring that women as our pioneers are empowered to improve their personal circumstance or situation they may find themselves in order to continue to lead society, so that all people in South Africa can truly say that they are and feel safe.

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The views expressed in this piece are those of the writer and do not necessarily reflect the views of the DOJCD or the SABFS.