



CGE intervenes in Muslim marriages ConCourt case



The Commission for Gender Equality (CGE) has welcomed the Constitutional Court's judgment that declared the Marriage Act 25 of 1961 and Divorce Act 70 of 1979 inconsistent with sections 9, 10, 28 and 34 of the Constitution. The Court held that these two Acts fail to recognise the validity of Muslim marriages and therefore, infringed on the dignity of Muslim women and the rights of children in those marriages, who have been left without protection.

The CGE was the intervening party in this matter between the Women's Legal Centre Trust and the President of the Republic of South Africa and other statutory respondents. The court was asked to confirm an order of the Supreme Court of Appeal that ruled that certain provisions of the two Acts were inconsistent with sections of the Constitution as they failed to recognise marriages solemnised in accordance with Sharia law as being valid for all purposes in South Africa and to regulate the consequences of such recognition.

Admitted as an intervening party, the CGE supported the confirmation application and went further to submit that determining the section 7 (2) issue is the only effective relief that will protect the rights of women and children in Muslim marriages.

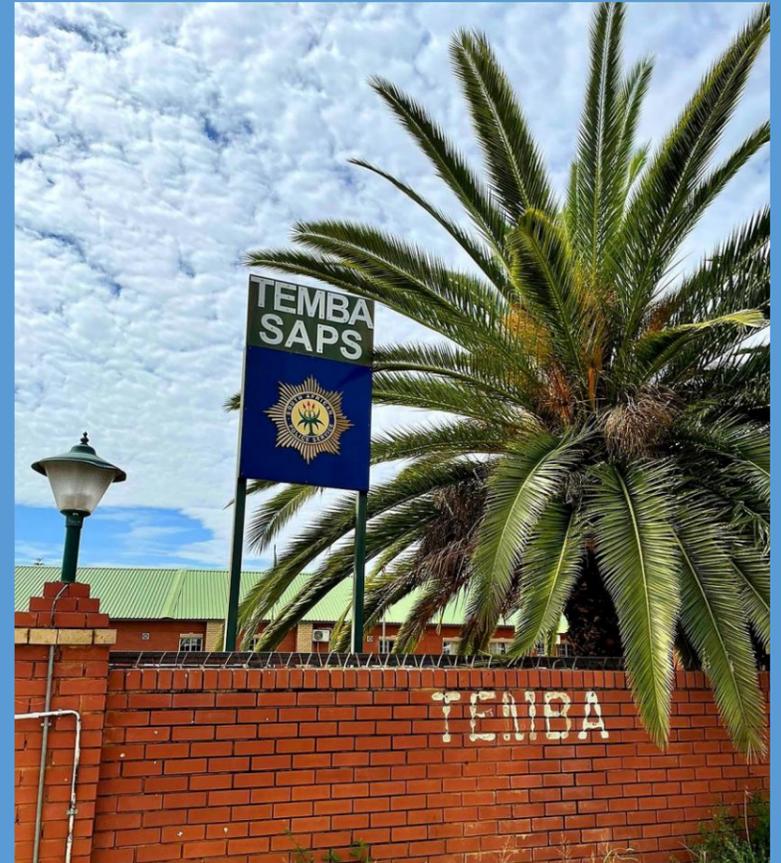
The Commission further submitted to the Constitutional Court that the relief should be fully retrospective to 27 April 1994. "In our view, retrospectivity would not have prejudicial effect on third parties and is not contrary to the separation of powers doctrine" the CGE said.

The court confirmed the order of Constitutional invalidity and said that the order ought to apply to all unions validly concluded as a marriage in terms of Sharia law. However, the court did not grant full retrospectivity as it said third parties could be implicated.

Speaking to men, boys and the LGBTIQ+ Community in the Northern Cape

The Commission for Gender Equality in the Northern Cape office attended and hosted some outreach programmes from Friday, 24 June to Tuesday 28 June. On 24 June, the Provincial Manager, Thembelihle Bongwana attended a men's conference in celebration of men's health month. The event was hosted by the Department of Public Works and Infrastructure in Kimberley, where Ms Bongwana addressed attendants on issues of gender-based violence. "It is important to recognise that men also face challenges in life that are further perpetuated by societal expectations. It is imperative for us to educate and encourage men to express their feelings, which is against how most men are raised and what they are taught," said Ms Bongwana. On 27 and 28 June in Colville, the CGE hosted outreach programmes aimed at facilitating dialogue with the community concerning LGBTIQ+ issues, mainly around access to health facilities, secondary victimisation at police stations, issues of stigmatisation, and how these may lead or intersect with substance abuse and gender-based violence.

CGE's SAPS Report Closer To Release



it has compiled into the state and readiness of SAPS police stations in assisting victims of gender-based violence (GBV) and domestic violence. In the first quarter of 2021, CGE's Commissioners visited a select number of police stations in Gauteng, Limpopo, Mpumalanga, Free State, North-West, Western and Northern Cape provinces to assess if the stations had victim friendly rooms where rape victims, minors who were sexually violated and other victims of gender-based violence, are accommodated and assisted when they lay criminal judges.

The Commissioners also checked if police stations were equipped with other tools such as rape kits, which are critical to assist courts to convict rape offenders. The Commissioners also wanted to ascertain how many GBV trained officers were employed at police stations. Victims of sexual crimes have previously complained of receiving secondary victimisation when they try to open cases at police stations, while others have reported that they were not updated on the progress of their cases.

This relationship breakdown between GBV victims and police stations has a direct impact on the fight against the scourge of gender-based violence and femicide. Police have also reported that a lot of victims who open rape and GBV cases, return to the police stations to withdraw the cases, thus making it difficult for police officers to proceed with investigations.

The lack of rape kits is also a national concern in the fight against sexual crimes, due to their critical function of preserving DNA evidence. The lack of this crucial evidence has led to many rape cases being struck off the roll by courts across the country.