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# NEWSFLASH

A Commission for Gender Equality Newsletter

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## CGE's Impactful Role As Friend of the Courts

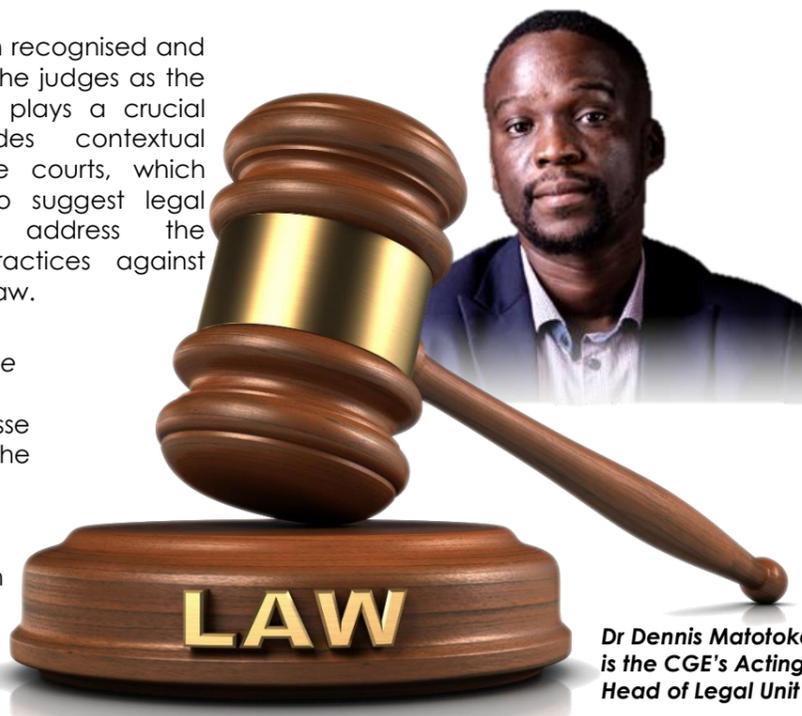
Since the establishment of the CGE, the institution has been admitted in various cases as amicus curiae (friend of the court). In *Hoffmann v South African Airways 2001 (1) SA 1 (CC)* it was stated, inter alia, that the role of an amicus curiae is to assist the court by furnishing information and/or arguments regarding questions of fact or law.

### Creating an equal platform

With women increasingly engaging and challenging patriarchal systems and discriminatory practices before the courts, the role of the CGE as amicus curiae has become an important role in litigation.

This role has been recognised and appreciated by the judges as the CGE repeatedly plays a crucial role in providing contextual evidence to the courts, which enables them to suggest legal solutions that address the discriminatory practices against women through law.

For example, the court in *Bannatyne vs Bannatyne* expressed its gratitude to the CGE as amicus curiae after the CGE lodged empirical data on the state of the maintenance system in South



**Dr Dennis Matotoka is the CGE's Acting Head of Legal Unit**

Africa and its effect on the rights of women and children in seeking effective relief pursuant to the Maintenance Act. The court expressed that "this evidence proved most useful and gave the necessary context by providing information regarding the frailties inherent in the functioning of the maintenance system and more particularly its effect on the promotion and advancement of gender equality in this country."

As amicus curiae, the CGE has managed to ensure that gender discriminatory practices are addressed through court judgements. All these judgements have reaffirmed that such discriminatory practices do not pass the constitutional muster.



## When will women be safe?

South Africa's constitution guarantees freedoms for all its citizens and through the Bill of Rights, the rights of all citizens are protected, but women of all ages are yet to experience the freedoms as guaranteed by the constitution. Women are not safe anywhere, including in their homes, the streets, shopping centres, and workplaces.

We live in a society that questions women's conduct whenever they are violated, making them feel responsible for the violence meted out against them. Perpetrators are not made to account for their actions, so why would they stop? People go to an extent of

questioning why women walk alone at certain hours of the day, or dress in a particular way. In a free society where people have freedom of movement, these are the kind of questions we ask when women and girls are violated instead of holding the perpetrators accountable for their actions. A woman is not safe even in public institutions that have been created to serve her, such as the post office, she is not safe even inside a hospital or clinic. Her safety is not guaranteed even in church, where she goes for refuge, because the predator could be waiting for her covered in pastoral cloths. The same man of God that she entrusts with her life also feels entitled

to her body. She is sometimes raped through promises for blessings. When she ultimately summons strength to speak up, the congregants blame her instead of the perpetrator. Lastly, it's about time men are brought to the table to engage on GBV, women have been engaged alone leaving the perpetrators out, this must change because we cannot continue putting the burden of solving GBV on women.

**Ms Dibeela Mothupi is a Commissioner at the Commission for Gender Equality.**



**Commissioner Lindiwe Ntuli-Tloubatla**

## Addressing GBV in Style

On 22 October, Commission for Gender Equality (CGE) Commissioner Lindiwe Ntuli-Tloubatla attended a Gender Based Violence (GBV) and Women & Health High Tea session hosted in Thulamahashe, Bushbuckridge in the Mpumalanga province. The High Tea was an information sharing event on GBV, Women & Health, Women in Business, Women Economic Empowerment and Women's Culture & Religion. During her address to the High Tea participants, Commissioner Ntuli-Tloubatla said the privacy and dignity

of women is taken away by crimes such as rape, human trafficking, and the high rate of femicide in the country. She also spoke on health issues affecting women, expounding on the importance of exercise, healthy living & eating and went into detail on some diseases such as HIV and Hypertension, with more emphasis on breast and cervical cancer. Commissioner Ntuli-Tloubatla emphasised on breast and cervical cancer also explaining the link between cancer and GBV. According to a study, violence against women can increase cancer diagnosis.

Results from a meta-analytic review, conducted in 2018 testify that "women who were victims of intimate partner violence and sexual abuse were more likely to be diagnosed with cancer compared with non-victims." Furthermore, although violence against women did not appear to be related to cancer screening practices and routine clinical service utilization; it was associated with greater odds of abnormal pap test results.