



MINISTRY OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

REPUBLIC OF SOUTH AFRICA

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REMARKS BY THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT, MINISTER MMAMOLOKO KUBAYI, CCJ MEETING, 22 APRIL 2026

Programme director, Justice Nonkosi Mhlantla, Constitutional court

Chief Justice Mandisa Maya, Republic of South Africa

Honourable Ms Thoko Didiza, MP, Speaker of the Parliament of Parliament

Honourable Sindisiwe Chingunga, MP, Minister in the Presidency for Women, Youth and People with Disabilities

Address: Honourable Lady Justice Chafika Bensaoula, the African Court on Human and People's Rights

Justices and delegates from various Member States have

Distinguished guests

Good morning

It is pleasure and privilege for me to join you this morning in this very important gathering that brings together women judicial leaders from across the African continent.

The focus of this gathering on strengthening gender-focused jurisprudence, enhancing judicial leadership and ensuring a more inclusive and representative justice system is timely and necessary.

Any gathering that concerns itself with emancipation and advancement of women in any sphere of society deserves our support and praise. This is the struggle for women's emancipation from the clutches of patriarchy has been a long and painful one.

This Meeting coincides with significant milestones which include the 20th anniversary of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, also known as the Maputo Protocol, the 30th Anniversary of the South African Constitution and the 60th anniversary of the 1956 Women's March to the Union Buildings, in Pretoria.

Led by icons like Lilian Ngoyi, Helen Joseph, Sophie Debruyne and Rahima moosa, more than 20 000 women of all races marched to the union buildings in this country, at the height of apartheid in 1956, to demand the scrapping of the pass laws.

Asserting themselves through a firm slogan that says: "wathint' abafazi wathint' imbokodo", "you strike a woman you strike a rock", these brave women stood firm to tell their oppressors and the world at large that they too were their own liberators.

Not only were they fighting for the end of racial and class discrimination, but they also fought for the unconditional end of gender discrimination.

The 1956 women's march is part of the major blows that led to the collapse of apartheid that culminated in the 1994 democratic breakthrough. It was because of this breakthrough that, in 1996, we adopted the constitution whose 30th anniversary we are celebrating this year.

This document which is a symbol of the people's struggles, contains the bill of rights which amongst others says that "Everyone is equal before the law and has the right to equal protection and benefit of the law" and that "The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth."

In this respect, our constitution anticipated the Maputo protocol which has just turned twenty a few months ago, which amongst other says that "States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall: include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application.

It further demands that states shall "enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women".

In the past thirty years, we have learnt that the codification legislative or regulatory does not always translate into implementation. The achievement of gender equality requires a deliberate set of implementable actions that are conceptualised with a gender perspective. We all know that power concedes nothing without demand.

As Arandhoti Roy, the famous Indian author, activist and feminist, put it "power rarely says no to women directly. It delays, redirects and exhausts them instead". Without implementable policies and programmes conceptualised with a gender perspective to empower women, women will continue to be delayed, redirected and exhausted.

As happens in many countries around the world, South African women continue to experience high levels of pernicious discrimination and violence. And despite the plethora of progressive rights-based legislation in our country, we cannot claim that we are closer to delivering on the aspirations embedded in the Convention on the

Elimination of All Forms of Discrimination against Women, the Maputo protocol, the Constitution and the Sustainable Development Goals, to promote gender equality and empower women.

The phenomenon of the abuse of women spans all continents although the way it occurs presents differently in each continent and each country. Collaboration and co-operation to effectively address the scourge of GBV&F is imperative and the sharing and exchange of resources and best practices serves to empower women.

Women in our various countries continue to bear the brunt of the scourge of gender-based violence and femicide. Its effect has been that of devastation to families, scarring of communities and undermining the rule of law.

It is for this reason that our President, His Excellency President Cyril Ramaphosa, has declared gender-based violence and femicide (GBVF) a national disaster. Accordingly, South Africa developed, as a response, the National Strategic Plan on GBVF, a multi-sectoral, rights-based framework that seeks to eliminate GBV through coordinated prevention, protection, accountability, and support services.

In addition to this, Government has also put in place a number of strategies to strengthen gender focused jurisprudence in our quest to fight the scourge of gender-based violence and other discriminatory practices, including but not limited to the following:

- (i) Expansion of Specialised Sexual Offences Courts and Thuthuzela Care Centres which designed specifically to deal with GBV&F,
- (ii) Strengthening of legal protections through the GBVF Legislative reforms;
- (iii) An online application service of domestic violence protection orders and the delivery of such protection orders through social media e.g. Whatsapp;
- (iv) Judicial and prosecutorial training on gender sensitivity and victim empowerment;
- (v) Development of a Femicide Watch to collect data and monitor GBVF incidents and trends

(vi) Engagement with traditional leaders and community forums to embed constitutional values in every corner of society—ensuring that custom and culture do not undermine women’s dignity and safety.

Furthermore, let me take this opportunity to commend Chief Justice Maya for the anti-Sexual harassment initiative in concrete steps she has taken. Launched last year, driving awareness and advocacy across all our courts to ensure the workplace is a safe place for Women

Women’s access to the legal profession and the judiciary in South Africa has been significantly advanced since the adoption of the Constitution in 1996. However, even today there remains an under representation of women on the bench and those that occupy these important positions are confronted by a myriad of challenges that impede on attaining true equality in South Africa and the rest of the world. Our Sisters from the African continent and the rest of the world can attest to similar patterns.

Our country has made huge strides in empowering and affirming women jurists in the judiciary. At the advent of our democracy in 1994, our Judiciary comprised of 165 Judges of which 160 were white males, three black men and two white women. South Africa had no black woman Judge in 1994.

Today, there are about 255 Judges in all the Superior Courts of which 131 are men and 124 women Judges.

Progress has indeed been made however, more still needs to be done to ensure gender parity which we are vigorously and unapologetically pursuing.

With regard to women leadership in the Judiciary, out of 15 Superior Courts, 6 of these courts are led by women inclusive of the Constitutional Court South Africa’s apex court, and with the recent appointments by the President the Constitutional Court has majority Women Judges. and the Supreme Court of Appeal, the second highest court in the land. Just last week Judicial Service commission recommended 2 women for SCA, 3 women in WC division, 3 women for EC division.

The Magistracy has fared much better in terms of gender transformation in that of the 1626 magistrates, 898 are women. This means that 55% of the total number of magistrates are women. We are immensely proud that women in the Judiciary continue to lead in our quest to transform our jurisprudence on gender equality, reproductive rights and the protection of the vulnerable. Their presence in the Judiciary is in line with the vision of our constitutional order.

This gathering today provides all of us here with an opportunity to strengthen collaboration and share expertise, whilst advancing constitutional justice and gender equality. There is a need to learn from one another, support one another and protect one another.

Many of you have personal stories about the obstacles that you had overcome and the walls you had to break down for you to get to where you are today.

These stories, when properly documented and shared amongst women, will serve as the foundation upon which the next generation of women will find strength to stand tall and claim the rightful place in the world.

As women judges, your lived experiences provide better insight into the realities behind the cases. The resilience and courage of the delegates attending the conference is not only personal, but it is structural. It reshapes how law is interpreted, how justice is delivered, and how society evolves.

This meeting should not only be used to exchange insights, but to sharpen our collective commitment—to law that heals, courts that transform, and systems that centres around humanity.

I look forward to the deliberations, knowledge exchange and the insights that will be shared throughout the day. Together we can create a world in which men and women are equal.

I thank you

**ISSUED BY THE MINISTRY OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT OF THE REPUBLIC OF SOUTH AFRICA**