



ACCESS TO JUSTICE TO WOMEN IN RURAL AREAS

Dear excellencies, dear colleagues, Good morning.

Thank you for the opportunity to address human rights issues ahead of the UPR of South Africa. My name is Sonto Mabanga and I am delivering this statement in behalf of Albert Luthuli Human Rights advice Center.

Albert Luthuli was established in 2010 and registered in 2012. The founder of the Organisation is Sonto Mabanga. It is situated in Mpumalanga 30kl to the Boarder of Swaziland at Elukwatini . Initially, ALHRAC we saw a need to address : the Human violation of Women and Children. Our mission is to [PROTECT AND PROMOTE HUMAN RIGHTS](#) and [our work is to Educate, Advocate through workshops and dialogue](#). We made an impact to our community National and Regional level.

This statement will address [access to justice for women in rural areas](#).

This issue is being challenged by the following factors:

- Traditional Courts are perpetrating traditional roles and discriminating practices;
- Cases are delayed in Margistrate courts or they remain pending due to lack of capacity and knowledge;
- There is no monitoring procedure of how Traditional courts apply the law.
- Victims of gender-based violence are left without protection during the case processing.

Previous UPR Recommendations in regard to access to justice for rural women

Austria made a recommendation during South Africa's 3rd UPR cycle in 2017 to "increase efforts to guarantee women's access to justice protection and other remedies and put in place stronger mechanisms to protect women and girls from Gender based violence and provide redress to victims".

This recommendation has also been previously formulated by CEDAW in 2015

Since the last UPR the situation for women has worsened.

Access to Justice is a big problem in South Africa especially **to Women in Rural Areas** because they don't have access to a fair justice especially in Traditional courts and doesn't treat women with respect when they handle their cases. Their cases always failed in Traditional courts. Women in Rural areas are suffering even in the Magistrates courts because of the delaying of their cases. They don't get access to Justice because of the non-accurate writing of statements by the Police and lack of adequate investigations, their cases can be dismissed in the Margistrate court. Therefore, Police Officer should receive training on how to deal with cases of gender-based violence, domestic violence and rape. The GBV should not be addressed within Traditional court but they should be referred to the Margistrate court. The Margistrate courts often grant the Bail to the perpetrators putting at risk the victims of gender-based violence and family members under their care. Traditional customs from these courts have a discriminatory approach in regards to gender equality thus resulting in women being afraid to voice out their concerns.

As a result of these practices, women have less trust in Judiciary entities. In addition gender based violence has worsened with the Covid 19 pandemic.

RECOMMENDATIONS

As a result, we would like to put forward the following recommendations:

1. The traditional Courts must refer the cases of GBV to the Margistrate courts;
2. Cases regarding gender-based violence in rural areas should promptly investigated and prosecuted and provide redress to victims.
3. Victims of gender-based violence and people in their care should be protected while their cases are being prosecuted;
4. Increase of resources to the Justice system to ensure courts the adequate resources to avoid backlog
5. Provide regular evaluation of the Police work to ensure the respect of women's rights.

THANK you EVERYONE for the attention, I am happy to provide further information later and reply to your questions.

