Civil society organisations in alliance to stop the Traditional Courts Bill

Civil society organisations from across the country have come together in a broad alliance that rejects the Traditional Courts Bill which is presently before the National Council of Provinces. The Alliance for Rural Democracy includes a cross-section of civil society organisations that are concerned about the detrimental effects, the Bill will have on the constituencies they serve and support.

Alliance partner organisations include the Law, Race and Gender Research Unit, UCT; the Rural Women's Movement; the Rural People's Movement; Sonke Gender Justice; the Women's Legal Centre; the Community Law Centre, UWC; Section 27 and the Treatment Action Campaign.

The Bill will directly affect at least 17 million South Africans and has serious implications for democracy as a whole. Despite having sparked an outcry in 2008 when tabled in the National Assembly (NA), the Bill's original provisions remain intact. The Bill has since been withdrawn from the NA and was reintroduced in the National Council of Provinces this January. As part of the legislative process, it will now be taken into public hearings in the provinces during April and May.

The Alliance for Rural Democracy contends that the Bill, in its current form, undermines democracy and constitutional rights and values. Because few rural people know about the Bill and its likely impact, alliance partners are assisting rural communities and organisations in raising awareness of the Bill's content and implications. Alliance partners will keep a close eye on the provincial hearings and parliamentary process to ensure they pass democratic muster, and will put forward submissions demanding that the Bill be scrapped.

Sindiso Mnisi Weeks from UCT's Law, Race and Gender Unit states that, "This Bill creates separate categories of citizenship reminiscent of apartheid. It strips rural people of basic citizenship rights. Those living in the former Bantustan areas will be second-class citizens, with no right to the legal representation and recourse the law allows for."

The alliance believes that customary law continues to play an important role in the lives of many rural South Africans. However, the Bill does not appreciate the real-life experiences of people on the ground. The Bill was developed in close consultation with traditional leaders, rather than in consultation with the people who will be most affected by it, namely rural citizens, particularly women.

Says Desmond Lesejane from the Sonke Gender Justice Network, "This is a Chiefs' Bill and not a people's Bill. It will centralise power in the hands of a senior traditional leader and distort living customary law." Nomboniso Gasa, researcher and analyst, adds, "The Bill will empower traditional leaders to single-handedly make, apply and adjudicate customary law. This undermines the separations of powers that are fundamental to the Constitution."

As women form the vast majority of rural citizens and often find themselves in a vulnerable position in relation to male-dominated traditional institutions, they face particular problems in customary courts and will therefore be most adversely affected by the Bill's failings. "The subordinate position of women is likely to be made worse by this Bill and our right to legal protection from gender discrimination will suffer a huge set-back," says Sizani Ngubane from the Rural Women's Movement.

On 10 April, the Department of Justice and Constitutional Development presented the Bill to members of the Western Cape Provincial Parliament. Henk Smith from the Legal Resources Centre, acting as legal advisor to the alliance, states that "at the Western Cape briefing, the Department conceded that there is valid criticism of the 2008 Bill and that there was insufficient consultation before it was introduced to Parliament. We, as the LRC, believe this Bill is ill conceived."

The alliance calls for the Bill to be scrapped and for replacement legislation to take as its starting point the Constitution's commitment to the social justice principles of equality, dignity and human rights, as well as the rights of ordinary rural people to participate in the formulation of laws that affect them.

STOP THE BANTUSTAN BILL.

The Alliance for Rural Democracy includes the following organisations: Community Law Centre, University of the Western Cape (CLC); Corruption Watch; Co-operative Policy Alternative Centre (COPAC); Council for the Advancement of the South African Constitution (CASAC);Democratic Governance and Rights Unit, University of Cape Town (DGRU); Embrace Dignity Campaign; Empilisweni AIDS Education and Training Centre; Institute for Justice and Reconciliation (IJR); Law, Race and Gender Research Unit, University of Cape Town (LRG); Masimanyane Women's Support Centre; Open Democracy Advice Centre (ODAC); Peddie Women's Support Centre; Rural People's Movement; Rural Women's Movement; Section 27; Sonke Gender Justice; Students for Law and Social Justice (SLSJ); Treatment Action Campaign (TAC); Tshwaranang Legal Advocacy Centre; Unemployed People's Movement; Women's Health Research Unit, School of Public Health and Family Medicine, University of Cape Town; Women's Legal Centre Trust. The Legal Resources Centre (LRC) acts as legal advisor to the Alliance.

IZIGEBENGU SIZIFUYE EMAKHAYA

By Delisile Manana

Ugogo oneminyaka engamashumi ayisikhombisa nesishiyagolombili ukhala ngokungalali ebusuku ngesikhathi ezwa ukuthi kunomsindo egcekeni kwakhe. Logogo uthe uzama ukuphuma bajika itshe emnyango wendlu yakhe uthi akazange asaphuma.

Uqhube wathi akazange asakhona ukulala, uthe asalalela babe bangena endlini yakhe yokuzikhulula bathahta isihlalo sokuhlala uma uzikhulula, uthi kunzima kulendawo ngoba amaphoyisa akubeka kwasobala ukuthi umhlali waseZiphunzini engafuna uzizo ebusuku angeke bamsize nawo ayasaba. Intatheli yaseKhanyisa iyile emaphoyiseni iyokuzwa kabanzi ngalodaba, Amaphoyisa afike amtshela isimanga ngalendayo athi " abayazi indayo enobugebengu njengayo, aqhube athi izigebengu zangena endlini yephoyisa ezintathakusa ngalelo langa lephoyisa lalisanda kuphuma liye kwenye ingozi eyayenzeke eMagadeni elokishini laseMkhondo.

Athi lokho kwabathusa kakhulu. Aqhubeka athi okunye okwabathusa ngalendawo kungalesikhathi kutholakele amantombazane amabili ahlwenguliwe abulawa akhishwa izitho zabo zangesese. Aphinde akubeka kwabasobala kuntatheli yasekhayelisha ukuthi angeke aze eze kulendawo ebusuku.

Logogo uthi kunzima uma efuna ukuya endlini encane ngoba kudingeka ayocela kamakhelwane. Uthi futhi kubuhlungu ngempela kuye uma ebona abantu bathatha imali kaHulumeni ngokungomthetho. Ozibonele lesehlakalo uthi "sekuyisikhathi eside ugogo ezihlalela yedwa". Uqhube wathi labafana bebakhuluma bezwakala sengathi baphuzile uthinaye usabile ukuphuuma ngoba kuyasabeka kulendawo ebusuku akuphunywa. Uthi bekabuka efasiteleni nggesikhathi bathahta isihlalo sethoyilethi likagogo.

SIZOSIZAKALA KANJANI

By:Thulebona_Ramokgatla

Umphakathi wase Piet Retief ubhekene nenqinamba enkulu yokungalutholi usizo olwanele ngenxa yabahlengikazi bakulesisibhedlela.

Kulesisibhedlela kunomhlengikazi wakwaSimelane odume ngokuhlukumeza iziguli kakhulu, lomhlengikazi akakhethi ukuthi umdala noma umncane.

Mhla zingu 12 kuMbasa intatheli yaseKhanyisa iye yavakashela kulesibhedlela ngenxoso yokuqinisekisa lezizinsolo.Njengenhlalayenza nangempela lentatheli iye yafica lomhlengikazi ekhona , nakuyilapho-ke izibonele khona ukuncola okwenziwa yilomhlengikazi.

Lomhlengikazi uye wathethisa ugogo mumbe enganakile belu ukuthi kukhona abephephandaba, intatheli yaseKhanyisa ithe izama ukulamula ngoba phela ugogo lona uyewazama ukumqhazela lomhlengikazi kodwa kwasuka omkhulu umsindo lona.Umhlengikazi lona uye wathukuthela wagana unwabu ngenkathi intatheli yaseKhanyisa izama ukumtshela ukuthi akuyona indlela yokuphatha iziguli lena. Lomhlengikazi uye washo nokusho ukuthi yena noma angahlala angasebenzi inyanga yonke kodwa uma kuphela inyanga yena uzohola akekho umuntu ozomtshela ngoba yena uqhashwe nguhulumeni.

Intatheli yaseKhanyisa iye yazama ukukhuluma nomphathi wesibhedlela uMnu D.T Swigelaar obeke wathi yena akanalo ilungelo lokukhipha ulwazi lwangaphakathi futhi akazi lutho ngalezizinsolo.

MASIBAMBANE SIZWE SAKITHI

Empilweni kunamaqhawe avusa iNingizimu ne Afrikha ngezinto eziningi. Kunomama uShongwe ozimisele kakhulu ngomsebenzi wakhe wokusiza umphakathi wase Amsterdam ngokunakekela labo abanesifo sengculaza,ngokubasiza ukuphuza umshwanguzo wabo ngesikhathi.

"Ngingumaria Shongwe oneminyaka engu 50 ubudala ngidume ngelika Skhoshi . Sengiphile nesifo segciwane lesandulela ngculazi iminyaka Engu 19. Ngaba ngowokuqala e Amsterdam ukuphumela obala ukuthi ngiphila nalesisifo, manje ngisebenzela i Treatment Action Campaign emtholampilo wase Amsterdam. Engifisa ukukusho ukuthi abantu abaphumele obala uma banalesi sifo ngoba ungasizakala ungalindi ukuphumela obala uma usufa okumqoka esifuna ukukuveza ukuthi sesizosebenza ngendlela ehlukile manje sizotholakala e mtholampilo kusukela ngehora lesikhombisa ekuseni kuze kube ngelokuqala emini. Bese sesingena emakhaya sibona izinkinga ezikhona ezinye sizokhona ukuzilungisa ezinye sizoziyisa kwabanye abasebenza ngazo .Emakhaya sizobe sifundisa ngesandulela ngculaza kanye nesifo sofuba ukuthi singakuvikela kanjani kanjani.Siyafisa ukusiza umphakathi siyi nhlangano ye TAC

PHAMBILI NGE CWP

By:Thulebona_Ramokgatla

Kunohlelo lukahulumeni olusemgangathweni omkhulu nolusiza kakhulu ekwehliseni izinga lobugebengu.Loluhlela luhlomulisa kakhulu abantu abakhubazekile kanye nasebakhulile. Kulohlelo kuhloswe ukusiza umphakathi ube uzisiza nawo ngokwawo ngoba laba abasebenza kulenhlangano ye CWP yibo kanye abangena imizi nemizi emiphakathini yabo besiza labo abangakhoni ukuzenzela ngenxa yokugula noma ukubamdala.

Kunobaba uNgwenya othole ukusizakala okukhulu ngenkathi eshelwe indlu yakhe nakuyilapho abeCWP batheleke khona ngezinkani sebezofaka izandla njengenhlalayenza phela. Ubaba lona uthi yena bekangacabangi ukuthi emva kokushelwa indlu yakhe uyophinde abe nawo umuzi othi yena, kodwa ngokuphazima kweso usunawo.

Ubonge kakhulu uHulumeni ngaloluhlelo oluhle kangaka noluqoqa intsha emigqwaqeni kanye nokuyipha isinkwa semihla ngemihla kwazise phela kukhona okuncane ababapha khona.

UYAZIBONGELA

By: Sonto P. Mazibuko

Umama uNtombifuthi Mshayisa uyazibongela ngoxhaso lwe RDP. Ubonge wathi 'ngiyajabula nami ngoba sengizohlala endlini eyakhiwe ngesitini obekuyiphupho lami lakudala.Angeke ngisaba novalo noma izulu lingana kanjani libe nomoya ngoba ngiyazi ukuthi sengiphephile.

Okhulumela omakhelwane uMamsi Dladla uthi 'siyajabula singomakhelwane baka Ntombifuthi ngokumbona ejabule ngalendlela. Uqhube wathi 'sekuphele iminyaka sihlala naye nomyeni wakhe uMadonsela ongasekho ngenxa yokufa,sisabone umfowabo oyedwa empeleni asiwazi umndeni wakhe'.

Umama uNtomfuthi ungumuntu ongaphilile kahle ngokwempilo,akasebenzi uziphilisa ngendlela enobungozi ngoba uphisa utshwala besizulu abuthengise okuyinto eyingozi ngoba ungowesifazane ohlala yedwa.

Ubuye awashele abantu ngenhloso yokwenza imali ethe xa xa. Umama uMshayisa uthi uyabonga komakhelwane nakumakhansela ngalokhu abekwenze kuye, Ufisa sengathi bangakwenza nakwabanye bangagcini kuye. 'Ukube nginamandla ngabe ngenza umcimbi wokuvula indlu' esho ngenjabulo.

MANGINGA THOLA EYAMI INDLU

By: Sonto P. Mazibuko

Umandla Khoza oneminyaka engama shumi amathathu nesikhombisa uhlala nomshana wakhe uBenet oneminyakaengamashumi amabili nambili, bahlala emxhasweni bakhokha imali engango R150.00 ngenyanga.Umandla ukhubazekile uhola imali yempesheni.Uthi "imali engiyiholayoayineliizidingozamizo nke".Ukunganeli kwezidingo zakhe kumenza aphinde angakwazi ukukhokha imali yasemqhashweni. Uqhube wathi "kungabancono uma ngingaba neyami indlu." Abezenhlalakahle bathe loludaba bazoluthathela izinyathelo ezinqala.