



**Address by Public Protector Adv Thuli Madonsela during the SAWLA
Icons Dinner in Stellenbosch, Western Cape, on Friday, March 30, 2012**

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***Programme Director; Ms Seehamm Saamaai
Hon. Mr Andries Nel: Deputy Minister of Justice and Constitutional Development
Ms Brigitte Mabandla: SAWLA Icon, Patron and Former Minister of Justice and
Constitutional Development
Former Cabinet Minister, Ms Lindiwe Hendricks
Ms Noxolo Maduba: SAWLA President and Other Members of the Executive
Judge President of the Labour Court, Justice Mlambo;
Justice Kate Oregan of the Constitutional Court and other members of the Judiciary;
Icons such as Adv Mojanku Gumbi and Ms Nona Goso;
Director for the Foundation for Human Rights, Ms Yasmin Sooke
Members of the media;
Sponsors of the event
Distinguished guests;
Fellow people of South Africa***

I am sincerely grateful to SAWLA for the opportunity to say a few words tonight and deeply honoured and humbled by the experience.

As one of the midwives that saw to the birth of SAWLA, it is particularly gratifying to see this baby continue to grow and make an impact in the legal services sector.

Having the visionary behind SAWLA, Mrs Brigitte Mabandla, former Minister of Justice and Constitutional Development, among us is among the highlights of this evening.

I still recall that time when names were mooted for icons to be recognised by SAWLA at the inception of the Icons Project, she flatly refused to be included. The unassuming person she has always been, she tried to persuade the research team not to include her because, among other things, she was the project sponsor. We were not persuaded and she was included.

Programme Director

We are gathered here today to honour and pay tribute to women who have engaged with the law to make a difference in the lives of other women and other fellow human beings. Indeed that

difference transcends helping people access justice, particularly the disadvantaged in society and includes contributing to the architecture of our constitutional democracy.

In her opening address at the launch of SAWLA on 05 May 2006, the then Minister of Justice and Constitutional Development, Ms Brigitte Mabandla, MP, had the following to say about the women recognised as Women in the Law Icons, at that launch:

“Today we walk tall as a nation knowing that we have one of the most progressive constitutions in the world. Indeed, one of the progressive features of our Constitution are the provisions that lay a foundation for non-sexism, equality and human dignity. Those and other human rights provisions are because of the inputs made by women in the process of designing our democracy.”

As Public Protector I’m often told that I am brave. But when I look at the lives of the women on whose footsteps we tread, I constantly realise that theirs were the true acts of bravery. Let us take Charlotte Maxeke, the first South African black woman of African descent to get a university degree. Instead of using that degree to secure wealth and live an affluent life, she dedicated herself to improving people’s lives. She also became a clear and consistent voice on justice, particularly for disadvantaged groups such as women, children and migrant workers.

Madeline Una Wookey on the other hand, dared to try and get admitted as a lawyer at a time where lawyers and the world firmly believed a woman’s place was in the kitchen. While they wouldn’t bat an eye when called upon to try a woman in a court of law with all the role players from clerk, prosecutor, lawyers, to judge, being men, they argued that women were not fit to practise as lawyers for their own protection.

Even more daring than Wookey, were black women such as Zainunnisa Cissy Gool who, in addition to being a struggle activist, defied the odds and became the first black female advocate in 1962. Equally daring was Desiree Finca, a young woman from the then Transkei, who defied the domestic worker stereotype and perpetual legal minority status accorded African women and became the first African female attorney in South Africa.

I am always particularly humbled though by the women lawyers that made sacrifices by joining the struggle against apartheid. We will never forget Victoria Mxenge who lost her life in the pursuit of justice and human rights for fellow human beings. I recall with much awe, the courage of Shulamith Muller, an attorney and member of the SA Communist party who gave up white privilege in pursuit of the struggle. She fled to neighbouring Swaziland in 1962 after repeated banning and harassment by the Special Branch and was later struck off the attorney’s role by the apartheid regime.

Priscilla Jana, the first woman lawyer and first human rights lawyer I ever came into contact with as a young trade unionist, may not have lost her life for her part in the struggle but her untold sacrifices are well documented.

As a human rights lawyer, Priscilla left an indelible impression on me that was to inspire my own journey. She listened to me and acted when in my youthful exuberance I asked her to save a group of young persons on death row whom I believed to have been wrongfully convicted under the so called common purpose principle. I had not even obtained my first law degree when she gave me an audience and I believe I continue to carry that encounter with me every day. I still recall a big poster with an African Woman and the caption “I have a dream” at her reception.

As we recall and celebrate the lives of these women, we are called upon to ask ourselves, what should be the role of women lawyers as our democracy turns 18. At the launch of SAWLA, Bridgitte Mabandla threw the following challenge:

“The biggest challenge for SAWLA is to make itself relevant to the South Africa situation. One of the factors that will determine the association’s relevance will be its sustained ability to make a difference in the lives of ordinary people, particularly women. The association also needs to find ways such as research, writing and lobbying to make its impact felt in national and global policy dialogues”

As South Africa struggles to consolidate constitutional democracy, SAWLA’s challenge remains that of making its voice heard. SAWLA and women need to ensure that their voices are heard in the democracy and constitutional dialogues in our country.

We already have a constitution that lays a foundation for the society we seek to become. That foundation includes the state’s promises to the people of South Africa and the parameters for the exercise of state power and control over public resources.

One of the mechanisms created by the architects of our democracy for non judicial enforcement of the Constitution, including public accountability for administrative wrongs and abuse of state resources, is the Public Protector.

There are opportunities for SAWLA to claim its place in this arena. In fact non-judicial accountability for the exercise of public power transcends the role of the Public Protector and includes the work of other constitutional institutions, particularly those established under chapter 9. Non-judicial accountability also includes the role of petitions committees in the legislature.

Opportunities include pro bono assistance to complainants and making yourselves available for outsourced investigations and/or legal opinions. SAWLA can, particularly under its access to justice week, also incorporate educating the public about the Public Protector and other avenues for non-judicial enforcement of their rights or adjudication of their grievances.

SAWLA and women in law can also play a role in citizen empowerment to help communities understand how government works and accordingly; what questions to ask, to whom, and through what channels?

SAWLA can also be a voice of reason ensuring that communities are not abused to fight political battles by rioting in protest against service delivery failure when there are constitutional channels of communication such as the Public Protector, SA Human Rights Commission and Commission for Gender Equality.

SAWLA also needs to have its voice heard on issues of anti-corruption and democracy debates as South Africa seeks to consolidate its constitutional democracy. Women lawyers cannot be by-standers, as their country struggles to define its path to the future. It is often said “if you stand for nothing, you will fall for anything.”

Together we can ensure that people always get justice when they have been administratively wronged by the state. My office has said that such justice includes redress for the wrongs investigated as envisaged in section 182 of the Constitution, which requires the Public Protector to take appropriate remedial action.

Together we can also help the people hold government accountable for ensuring that state power and resources are prudently used to give people the better life the Constitution and Millennium Development Goals have promised them.

As women lawyers we are also seen as role models. Let us continue to use our spaces and power to mentor and promote other women in law and help them explore the different paths and opportunities in the profession.

I wish you success with the rest of the proceedings, including the AGM. May SAWLA continue to grow from strength to strength.

Thank you

Adv TN Madonsela
Public Protector of the Republic of South Africa