**Gender Discrimination the Economic Empowerment of Women in Traditional Councils and the truth about Widowhood and Succession**

The status of women in the South African economy is a matter that needs robust attention and engagement at all levels of society and implementation. Women are marginalised and their roles limited to minor engagement and contribution despite their potential, strength, valour and zeal.

As we engage on the topic, we also need to be mindful of cultures, our social system and religious principles and theories that have in the past elevated and promoted patriarchy and the oppression of women. Patriarchy is the basic philosophy underpinning the subordination of women and it further encourages and fervently promote male domination and supremacy. This is the root cause of challenges the society faces and is regarded as the oldest form of discrimination targeting women.

The Department for Women in the Republic of South Africa in a document released in August 2015 during the women’s month initiatives made mention of the following critical matter ‘Discrimination against women was compounded by the apartheid system, which resulted in triple oppression for black women in terms of race, gender and class or other disadvantaging factors hence there is a need to empower women” empowerment is a social process involving change at the level of individual, organisations, communities and society as a whole”. This analysis is accurate and precise because as a community we need to address these patriarchal imbalances, it is of pivotal importance that we passionately and heatedly challenge patriarchal tendencies and its relations at all cost. All hands-on deck in uprooting patriarchy because it is an enemy of transformation and development. As South Africans we always refer to ourselves as a patriotic nation and stern believers of participatory democracy. It is under this background that we must totally alleviate any form of deprivation and gender discrimination in all levels of the society.

We as a nation are committed and obligated to transformation and vehement eradication of all social ills through a systematic approach and the economic empowerment of women is a key and vital factor. The economic empowerment of women in general is a global issue and a matter of urgency and concern for the global community in general and South Africa in particular. As a nation we need to prioritise women in traditional councils and ensure the creation of an enabling environment for women economic empowerment.

The trifling economic empowerment of women in the House of Traditional Leaders is another major concern which negatively elevates the plight of women in this sector to another hierarchy and level. The right to gender equality in South Africa is a universal right that is also bestowed to widows. This sector of women is clouded by serious challenges and vulnerability that goes beyond Mount Everest.

The February 2013 Policy Brief 3 describe widows or women who lost their spouses, husbands or partners through death as some of the most vulnerable and disadvantaged groups, not only in Africa but also in other societies around the world. Studies around the world have shown that widows are extremely vulnerable to socio-economic, religious, cultural, sexual, physical and emotional abuse not only within their families but also in their communities and societies at large. The sad reality about this form of abuse and violation is that South Africa is not exempted from this basic truth.

Men who have lost their spouses are treated with humility and continue to experience humongous support, yet women that have suffered the same fate are often faced with institutionalised cultural taboos, social practices, norms and beliefs that are painful, discriminatory and harmful to women. The same harsh reality and experience is faced by women in traditional councils who have lost their spouses or partners.

The Commission for Gender Equality (CGE) has a constitutional mandate to promote, respect for, as well as protect, develop and attain gender equality through research and public education. Through its power to monitor, investigate, lobby and advice, the CGE advances the right of women and men to gender equality. In line with its, constitutional mandate, CGE conducted a study on Widowhood and Gender Equality. The study confirmed negative experiences and impact of widowhood on women whose human and gender rights are routinely violated by those close to them. In many cultural communities’ widows are obliged to adhere to rituals that accompany the mourning period whether they subscribe to them. It is often during this mourning period where economic deprivation and looting of the widow’s economic resources and livelihood takes place. During this period women are prohibited from leaving their homes and this leaves all preparations and economic transaction to family and some trusted friends. The rights of the widow are not protected and after all is done, she will be left poor, vulnerable and destitute that is permanently economically disempowered. The tragedy of this reality is accelerated for women in traditional councils because for them this period in addition marks the beginning of the succession battle which is relatively demanding and draining. What is excruciatingly draining is that only men have the power of the family head affairs. Women are well able to lead and be in charge if given the opportunity.

Jolene Moodley of the centre for Human Rights, University of Pretoria states that women often run their own household very successfully while their husbands work in the cities. They have administered their homes and finances for many years. She further indicates that many of these women play the role of both parents and form the backbone of their household. According to her it would be absurd not to allow them to inherit after taking care of their families for as long.

Women are deserving to be afforded the same privilege as men, failing which is discriminatory and derogatory. Women need to speak in one voice and challenge all forms of discrimination and socio-economic deprivation targeting them. The time has come for women not to look away but to hold the bull by its horns and occupy their rightful space. Until women do that their status of being the face of poverty will remain unchallenged and unchanged.

The area of succession in Traditional councils remain a debated and contested terrain. It is crucial that we know and understand the rules of engagement in Traditional Councils. Overarching is that the main intention and purpose of succession are to keep the property in the family from generation to generation it is during this period that women are exposed to abuse and anarchists’ tendencies. As we engage further one needs to understand that the laws of succession follow the male lineage and the heirs are often identified by their relationship to the deceased through the male line. The succession line disregards the role and potential women has as visionaries and leaders.

In circulation we have the Shilubana case which was a ground-breaking case on women succession on traditional leadership. This case was in connection with a dispute about the right to succeed as Hosi (Chief) of the Valoyi traditional community in Limpopo. The dispute was between Mis Shilubana the first applicant, daughter of Hosi Fofoza Nwamitwa (Hosi Fofoza) and Mr Nwamitwa the respondent, son of Hosi Malathini Richard Nwamitwa (Hosi Richard). On 24 February 1968 Hosi Fofoza died without a male heir. At that time succession to Hosi was governed by the principle of male primogeniture. Primogeniture is a right by the law or a custom practised in a society that the firstborn legitimate son without any contestation is inevitably the heir and the one to inherit his parent’s entire estate in preference to the norm of shared inheritance. Hosi Fofoza succeeded his father only because his elder sister was ineligible to be Hosi. Miss Shilubana Hosi Fofoza’s eldest daughter was not considered for the position despite being of age in 1968. Instead Hosi Fofoza’s younger brother succeeded hm as Hosi of the Valoyi.

The current dispute between Miss Shilubana and Mr Nwamitwa arose following the death of Hosi Richard on 01 October 2001. This ground-breaking case was in circulation for a period of over ten years with a lot of twists and turns and numerous breath-taking surprises on the way until the Constitutional Court decision declared the principle of primogeniture as unconstitutional. The entrenched patriarchy in our society is outdone by the right of women to inherit. It is important to share the background that Shilubana was an MP who wanted to take over as the Chief in her village in Giyani. She won the case in leading and she subsequently had to resign as MP in parliament.

There are several publications, Bills and Legislations that articulates on women economic empowerment including widowhood and succession, the women’s legal centre in their publication titled Woman know your rights a document under Women property rights under customary law articulates on important changes to the law of succession mean that women are now entitled to inherit property under Customary Law. The Customary Law of succession is now subject to the Intestate Succession Act which provides rules that protect the rights of women and children to inherit. This is one step towards poverty eradication, fight against gender discrimination and socio-economic transformation

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