**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1446**

**DATE OF QUESTION: 08 NOVEMBER 2019**

**DATE OF SUBMISSION: 22 NOVEMBER 2019**

**Mr G Magwanishe (ANC) to ask the Minister of Justice and Correctional Services:[🟊216] [Question submitted for oral reply now placed for written reply because it is in excess of quota (Rule 137(8)]**

What steps has he taken to (a) transform the briefing patterns to include briefs of African women legal practitioners and (b) promote gender equity in the legal profession and judiciary?

**NW2685E**

**REPLY:**

1. From the statistics kept by the Department female counsel briefed by the Offices of the State Attorney during the last few years, African female counsel rank high for the past financial years, namely:

* From the total number of 2 386 of briefs allocated to female counsel during 2017/18, 1 427 briefs were allocated to African females;
* From the total number of 2 109 of briefs allocated to female counsel during 2018/19, 1 233 briefs were allocated to African females; and
* From the total number of 1 203 of briefs allocated to female counsel for the first two quarters of 2019/20, 761 briefs were allocated to African females.

When it comes to female counsel in general, the target has ranged from 25% to 29% of value of briefs for the past two financial years, and I have been in the forefront of ensuring that the Department lead by example by allocating the majority of the matters relating to the Ministry and Department to female counsel and African female counsel, in particular.

We continue to engage with the various role-players and stakeholders over a period of time, ranging from the Legal Practice Council (LPC) and the various associations, for example: the National Association of Democratic Lawyers (NADEL), Black Lawyers Association (BLA), Advocates for Transformation (AFT), South African Women Lawyers Association (SAWLA) etc. to encourage collaboration in building capacity amongst women legal practitioners so they can better opportunities within the legal profession and for the Judicial Service Commission’s interviews for the Bench.

From 2017 the statistical information relating to the allocation of legal work to private legal practitioners is published on the Department’s website, so as to ensure transparency and promote accountability.

The briefing target in respect of females has been and is currently being increased per year as the pool of females’ counsel continuously grows and increases.

1. The following are amongst the measures we are embarking upon to advance gender equality in the legal profession and the judiciary:
   1. We are developing a framework for the appointment of acting judges and there are on-going discussions with Heads of Court regarding this. This is important as acting appointments are an important vehicle through which women practitioners can enhance their opportunity for permanent appointments on the bench.
   2. The Department continues to support the structures such as the South African Women Lawyers Association and the International Association of Women Judges which have, as their objective, the advancement of women judges.
   3. In respect of the legal profession, the Department in collaboration with the Legal Practice Council:

* has embarked on a process to develop a Legal Services Charter which amongst others will ensure the transfer of skills to previously disadvantaged practitioners in particular women; and
* is working on new criteria for the confirmation of Senior Counsel status to eligible practitioners. This is with a view to transfer the Senior Counsel sector which is still predominately male and white.