



Media Statement

On Monday 20 March 2017, the day before Human Rights Day, the Western Cape High Court was due to hear arguments from the WLC, the State, and interested parties on whether the failure to recognise Muslim marriages, among others, discriminates against women.

The ongoing violation of the human rights of women in Muslim marriages has been the subject of a more than a decade law reform process. This process to all intents and purposes have been abandoned. The Women's Legal Centre (WLC) launched its application because the South African Government failed to comply with its constitutional obligations to give recognition to Muslim personal law, including Muslim marriages and the consequences arising therefrom, instead it has permitted the continued operation of unconstitutional legislation.

Unfortunately, the argument on the merits of the matter will not proceed on Monday. The Judge President has ordered the consolidation of a further matter pending before the High Court which similarly highlights the plight of Muslim women. There are several matters that are pending at a number of courts across the country. This is testament to the fact that Muslim women are struggling to assert their rights because their Muslim marriages and the consequences arising therefrom are not legally recognised. They have no option but to plead their cases with the courts and the judiciary.

Given the importance of the matter three judges have now been appointed to hear the matter.

A directions hearing is to be convened on **Monday, 20 March 2017 at 10 am at the Western Cape High Court** to regulate the further conduct of the matter.

The WLC has over the years experienced a keen interest in the development of this matter due to the profound impact it has on the families and the lives of thousands of Muslim women and because of the number of Muslim women that turn to the WLC for assistance for themselves and their children.

This is what informed the WLC's decision to launch the application in December 2014. The hearing of this application has since then been postponed several times. Even whilst this matter is pending Muslim women continue to approach the WLC for assistance. Many women are left without recourse and until this case is finalised are waiting in anticipation.

This case will provide direction to the Legislature, the Muslim communities, the lawyers who are at times powerless to assist clients, civil society and stakeholders that deal with family matters. It will bring certainty as to the legal status of parties to marriages solemnised under Islam and provide safety for children of Muslim marriages at the time such marriages are terminated

On Monday outside the High Cape High court women from the community will be joining the WLC in solidarity - to ensure that their voices are not silenced. For many of them the Courts have become the only vehicle for justice.

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