



PRO BONO

What Are We Leaving Behind? The Law, Our Heritage, and the South Africa We Owe Our Children

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When we speak about heritage, we often think about what we have inherited. Our languages, cultures, traditions, music, cuisine, and stories all form part of the heritage that makes South Africa unique. However, heritage is not only what we inherit. It is also what we leave behind.

This question is particularly important to consider during Heritage Month, in a year in which South Africa marks 70 years since the historic Women's March of 1956 and 30 years since the formal adoption of the Constitution of the Republic of South Africa, 1996. These are milestones that remind us of where we come from and of the society we are building for our children.

What kind of South Africa are we leaving behind for our children?

The discovery of the bodies of nine women in Ekurhuleni since July 2026 has brought the issue of violence against women into sharp focus once again. The circumstances of those deaths are being investigated, but they also force us to confront a wider reality: the protections contained in our laws must translate into safety and dignity in people's everyday lives.

That brings us back to our legal heritage.

In 1956, more than 20 000 women marched to the Union Buildings to oppose the extension of pass laws to women. The Women's March has become an important part of our collective heritage. Those women were challenging a legal system that restricted their freedom and dignity.

Seventy years later, our legal framework is fundamentally different. The Constitution places equality, dignity and freedom at the centre of our constitutional democracy. Section 9 guarantees equality and prohibits unfair discrimination. Section 10 protects the right to human dignity. Section 12 protects the right to freedom and security of a person, including the right to be free from all forms of violence from either public or private sources. Section 28 provides specific rights for children, including protection from maltreatment, neglect, abuse or degradation and the requirement that a child's best interests are of paramount importance in every matter concerning the child.

Our legislation has developed alongside these constitutional protections. For instance, the Domestic Violence Act 116 of 1998 provides a legal framework for protection from domestic violence, including through protection orders. The Domestic Violence Amendment Act 14 of 2021 strengthened that framework by expanding the definition of domestic violence and introducing further obligations relating to reporting and assistance. Additionally, the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 comprehensively reformed the law relating to sexual offences and introduced specific protections for children and persons who are mentally disabled. It has subsequently been amended, including by the Criminal Law (Sexual Offences and Related Matters) Amendment Act 13 of 2021.

Further developments include the establishment of a statutory National Council (in terms of the National Council on Gender-Based Violence and Femicide Act 9 of 2024) which is responsible for strategic leadership and coordination in the prevention of, and response to, gender-based violence and femicide. Furthermore, in November 2025, gender-based violence and femicide was also classified as a national disaster in terms of section 23 of the Disaster Management Act 57 of 2002. This placed responsibility on the National Executive for coordinating and managing the disaster within the existing legislative and contingency framework.

The legal framework is substantial. However, the challenge is making it work where people actually need it.

For a woman experiencing domestic violence, that may mean knowing where to seek help, being able to obtain and enforce a protection order, receiving appropriate advice, and having her report taken seriously. For a child, it may mean that a warning sign is recognised timeously, a disclosure is believed, and the relevant institution responds before further harm occurs.

For those working in public interest law, these issues are not theoretical. They are encountered in consultation rooms, community organisations, police stations, and courtrooms. They are encountered by people who know that something is wrong but do not know which legal remedy is available to them, where to go, or whether anyone will listen. Access to justice therefore requires more than a right on paper. It requires people and institutions willing to help translate that right into something a person can actually use.

This is why access to justice cannot begin and end in the court system. It should begin with a person's relevant legal information, early advice, a referral to the right service or practical assistance before a situation escalates. It also requires institutions to respond swiftly and effectively when protection is sought and to work together where different forms of interventions are required.

However, and arguably most importantly the law cannot, on its own, create the society we want to leave behind. That requires a culture in which women and children are respected, their dignity is protected, and violence against them is never treated as normal or inevitable.

That culture begins long before a matter reaches the police station or a court. It is shaped in, personal spaces, homes, schools, communities, and workplaces, through what children are taught about respect, how violence is confronted, how victims are treated and whether people are prepared to intervene when they see behaviour that puts another person at risk.

The women who marched in 1956 could not have known exactly what South Africa would look like 70 years later. They were demanding a country in which the law could no longer be used to deny women their freedom and dignity.

Today, equality, dignity and freedom are fundamental constitutional principles and enforceable rights. The responsibility now is to ensure that the progress represented by those rights is reflected beyond the law itself: in how institutions respond, how communities act, and how children learn to understand respect and dignity.

Our children will inherit our Constitution, our laws, and our institutions. They will also inherit the consequences of how those systems operate and the values we choose to pass on. Perhaps the most important question for Heritage Month is not what we will tell our children about the past, but what they will be able to say about the society we built for them.

The legacy we leave them should therefore not be measured only by the laws we enacted. It should be seen in whether women and children are safer, whether violence is confronted rather than normalised, and whether equality, dignity, and freedom are part of everyday life.

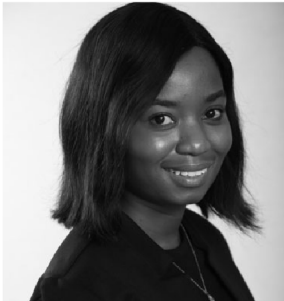
Heritage is not only a reflection of where we have come from. It is a responsibility for what comes next. The women of 1956 left us a legacy of courage and resistance to injustice. Our responsibility is to carry that legacy forward by building a society in which women and children can live with dignity, safety and freedom.



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