

The South African Constitutional Court

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A New National Institution

Established in 1994 by the interim Constitution, the Constitutional Court was a new institution sitting atop the existing South African judicial system. This judicial system was overwhelmingly white and male and it was felt that a new, more representative, and more legitimate institution was needed to safeguard the rights for all South Africans newly enshrined in the Constitution.

The Constitutional Court thus became the highest court in South Africa on constitutional matters. It had the task of ratifying the final constitution in 1996. Thereafter its role, as set out in Chapter Eight of the Constitution, has been to interpret, protect and enforce the Constitution.

The establishment of the Court was a central part of the broader transition to democracy in South Africa.

Understanding Institutional Change: A Gender Perspective

