

2016 02 ~~PC~~ women



Commission for Gender Equality
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Presentation to the Portfolio Committee on Women In the Presidency Quarter 2 (July- September 2015)

2 February 2016



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Introduction

This report covers work undertaken by the organization during the second quarter. The report provides an account of work done against the targets contained in the Annual Performance Plan, spending patterns and trends and the overall functioning of the institution.

The second quarter of the financial year marks a midway period towards the end of the financial year and therefore work planned in the Annual Performance Plan should at least be fifty percent in order to give comfort that at the end of the financial year all targets will be met.

Through continuous monitoring of the APP progress, the organization managed to achieve more than fifty percent of planned activities; interventions are underway to ensure that at the end of the financial year all target will be met as planned.

Approximately 73.9% of planned annual targets for this quarter have been achieved. (as quality assured by IA)



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Overview of the Organisation

For the reporting period work was undertaken towards finalisation of the audit process, as well as finalising the annual report and ensuring that it's tabled with Parliament and NT on/ or before end September as per legislative framework.

The second quarter of this financial year continued to be concerned with the response (action plans) to the findings of the regularity audit undertaken by AGSA. As indicated in the previous periods, there has generally been an improvement in the Commission's audit outcomes, though there are areas which showed weaknesses, which therefore still requires continuous improvements, these relates to weaknesses within procurement processes and compliance to laws and regulations within supply chain.

The Commission's focus now will be on harnessing a few loose ends to ensure from systemic point of view that management is able to monitor and close out procurement that does not comply. (this will be clearly articulated under the Finance report)



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Overview of the Organisation

The highlight of the second quarter is August month, though for the current financial year due to budgetary constraints this year the Commission did not have a specific programme as is normally the norm. However there were an influx of requests from various institutions requesting the Commission to be part of their engagements during this month.

The gender transformation hearings programme has placed the CGE in strategic positions to an extent that most institution who invited the commission to their events were dealing specifically with gender mainstreaming and ensuring that they get to engage as well adopt campaigns that talk to transformations matters (UNISA adopted the Kwanele Campaign; TUT was workshopped on gender mainstreaming as they geared towards launching gender forum, Univen invited the commission to address them further on matters related to mainstreaming.)



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National Development Plan related activities



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NDP Targets

The Commission's current plan APP includes specific activities that respond to about three chapters of the NDP (10;12;15). These relate to government obligation to reducing violence (GBV); building safe communities by providing protection to women and children and providing coordinated responses; carrying legislative audits to ensure social cohesion and creation of a society where opportunities are not determined by birth right.



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NDP Targets

Reduction of levels of Violence (GBV)

- Currently monitoring how government departments are doing to deal with the issue of gender based violence



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NDP Targets

Provision of coordinated responses

- National programmes such as the victims charter have been put in place to contribute to victim empowerment and ensuring a coordinated response it given to victims of violence. Previously the Commission undertook research and made recommendations on the VC. Currently the CGE is auditing whether the recommendations that were previously made have been taken forward. (DsD, Health and DoJ)



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NDP Targets

Legislative Audits to ensure social cohesion

- This chapter also envisages CGE/DoW collaboration and to this end the Commission working with DoW in Presidency to review marriage laws with reference to uniform age of marriage; DVA with reference to granting of interim protection orders and warrant of arrests as well as RCMA with regards to amendment on what should constitute an invalid marriage.
- AGDI: The study sought to assess the status of progress in terms of South Africa's compliance with the implementation of numerous international gender transformation instruments that the country is state party to study presents the findings under the Gender Status Index (GSI) which is a quantitative assessment tool, and the African Women's Progress Score (AWPS). The former assesses gender mainstreaming in terms of social power, economic power and political power, while the latter assesses the progress made by women in terms of various indicators of gender equality as outlined in the assessment tool.
- Transformation hearings and monitoring of courts to ensure that men and women are treated equally. Campaign on "one woman; one hectare of land". For the reporting period the PC on land engaged the commission on the campaign.



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APP implementation



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STRATEGIC OBJECTIVES

STRATEGIC OBJECTIVE 1

To ensure the creation and implementation of an enabling legislative framework that promotes the attainment of gender equality.

Progress on SUB-STRATEGIES

1. To monitor and evaluate the promotion of gender equality and any relevant policies and practices of the public and private sector and report to Parliament
2. To initiate and review for the improvement of the legislative framework in all spheres of government that impact on priority areas of gender equality
3. To conduct periodic performance assessments of priority Ministries, State institutions, Government departments, political parties and the private sector, on the implementation of applicable legislation and policies that impact on gender equality
4. To evaluate the implementation and effectiveness of the national justice facilities for gender discrimination
6. To convene direct dialogues with relevant policy makers at national and provincial level on recommendations to promote gender equality contained in research reports and research activities



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Progress on SO 1

Submissions made for legislative and policy enhancement

- During this quarter the PLU made five submissions on proposed legislation to the national assembly and one at provincial level. The Victims Empowerment Services Draft Bill has been developed and public consultations at provincial level commenced on 29th June 2015. This bill has significant implications for gender based violence and gender and the CGE participated in numerous provinces in collaboration with the Legal Department.
- PLO assisted at a training session conducted with members of the Gauteng Provincial Legislature during August

Auditing Implementation of the Victims Charter

- The research department is currently undertaking field work activities in several provinces – North West and KwaZulu-Natal during this quarter. Further field work activities are scheduled for other provinces in the third quarter.

Gender barometer report that assess the status of gender policies and practices in private and public sector

- During this quarter the Department has undertaken fieldwork activities, including the administration of the Gender Barometer tool and interviews with a number of key stakeholders involved in the mining sector. In particular interviews were conducted with key officials from the mining labour sector, government and civil society sector. More interviews are scheduled for the third quarter.



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Progress on SO 1

Assessing 365 NAP on GBV
and supporting structures

- This project is an assessment of implementation of programmes to combat GBV. Specific attention will be given to the implementation of the Government's 365 Days of Activism Programme to Eliminate GBV in the country. The project therefore focuses attention on the work of alternative institutions mandated to deal with and combat GBV, given the demise of the NCGBV.

- In the second quarter the department continued to conduct fieldwork activities, including interviews with officials from the DsD, to assess progress in the implementation of the 365 Days Programme. More fieldwork activities are planned for the third quarter.

Court monitoring

- 18 cases were monitored across Provinces in this first quarter. These cases relate to issues relating to access and custody of minor children, gender based violence, femicide, rape, domestic violence, murder (involving witchcraft) and hate crimes. In some Provinces such as Limpopo it is encouraging to see that Courts take intimate partner killings seriously, this can be seen from the bail amounts and sentencing they impose on these matters.

Policy dialogues conducted
on findings in research
reports

- The department further held meetings with the Justice Cluster to share findings and recommendations for last FY's report
- Policy briefs have been drafted and compiled and finalized.
- Policy dialogues could not take place in this period due to none availability of policy makers. This activity has been scheduled to take place in Q3



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Progress on SO 1

Consultations with stakeholders on findings of provincial EE hearings held

- The department has received feedback on progress made by entities that were previously reviewed in various Provinces. EC was lagging behind and a full report will be put together once they have submitted

Gender Transformation Investigation report

- Meeting held with UNIVEN, UNISA and DHET to review and assess how far they were on the recommendations and findings from last financial year's process.
- Meetings held with other Institutions of Higher Learning that will be called to appear before the Commission in November 2015.

Assessment of Women's Representation in political Parties

- In the year 2016, local government elections will be taking place and therefore the department will as usual assess the level of women's participation and representation in local government including political parties in the local government elections to be held 2016.
- The main aim is to assess and examine the extent to which political parties that will be contesting the local government elections will prioritise gender issues and gender mainstreaming through their election manifestoes, party nominations processes and candidates lists for local councils.
- During the reporting period, the Commission was given an opportunity to engage and share recommendations contained in last FY report with Political parties at the PLC held at the IEC



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STRATEGIC OBJECTIVES

STRATEGIC OBJECTIVE 2

To protect and promote gender equality by engaging with relevant stakeholders to educate and raise awareness on issues of gender equality, challenge patriarchal perceptions and stereotypes and take action against infringements of gender rights through the implementation of appropriate redress.

SUB-STRATEGIES

1. To timeously investigate complaints of violations of gender rights and identify appropriate re-dress
2. To Initiate investigations of systemic violations of gender rights in the public and private sector and identify appropriate redress
3. To develop of a coordinated programme to promote equality
4. To initiate interventions for sustainable development and promotion of gender equality by addressing violations in the social cultural political economic security and human rights dimension
5. To collaborate with organs of state, civil society and other institutions for the effective development, protection, promotion and attainment of gender equality



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Progress on SO 2

180 complaints received and dealt with in terms of the complaints manual

- A total of 394 new complaints were received and files opened this quarter and 338 files were resolved and closed (this represents growth from 268 that was recorded in Q1). The target for opening files has been exceeded by 214 cases

Legal outreach and clinics conducted

- A total of 58 clinics were conducted for the reporting period
- Just like in the first quarter, the Provinces concentrated more on rural areas for this activity, about 44 of the clinics held targeted rural areas across the country. The clinics seem to still attract same category of people i.e black women and a new strategy which also includes scanning the areas extensively and working closely with organised structures in those areas will hopefully improve and ensure that men and other races can also attend these gatherings.



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Legal

In the second quarter the legal department opened 394 files and thereby exceeding the quarterly target by 214 files. The department conducted 58 outreach and legal clinics in collaboration with PEI.

The statistics from the Mpumalanga office improved significantly since the appointment of the Legal officer and this has contributed to the attainment of the objectives as set out in the strategic Plan for the Legal Department.



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Table represents New Files opened

Nature of Complaint	GP	HO	LP	WC	MP	NW	FS	KZN	EC	NC	TOTAL
Nature of Complaint											24
Gender Discrimination	4	0	1	3	1	0	1	8	0	6	23
Domestic Violence	2	0	1	0	3	0	6	0	2	9	46
Maintenance	0	0	7	0	4	10	1	0	6	18	31
Divorce	3	0	2	0	7	2	2	3	4	8	18
Custody & access	5	0	1	3	2	0	4	1	1	1	49
Estate	1	0	6	0	24	0	6	0	5	7	17
Gender Based Violence	0	0	1	2	0	1	0	8	4	1	9
Sexual Harassment/Abuse	6	0	0	1	1	0	0	1	0	0	23
Labour	1	0	0	5	4	1	3	0	6	3	10
Unlawful Eviction	0	0	0	0	6	0	0	1	0	3	0
Claim for Restitution	0	0	0	0	0	0	0	0	0	0	3
Tradition/ culture	0	0	1	0	0	0	0	0	2	0	141
Others	13	0	12	9	9	10	4	15	34	35	394
Total	35	0	32	23	61	24	27	37	64	91	



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The above graph depicts the increase of complaints per category in the second quarter. The complaints categorised as "others" continue to be highest category of complaints in the legal department. This includes walk-in and telephonic complaints, especially those which were referred or legal advice was warranted. Estate and maintenance matters have increased tremendously this quarter and the majority of these complaints were opened in the Northern Cape, North West, Mpumalanga and Limpopo respectively.



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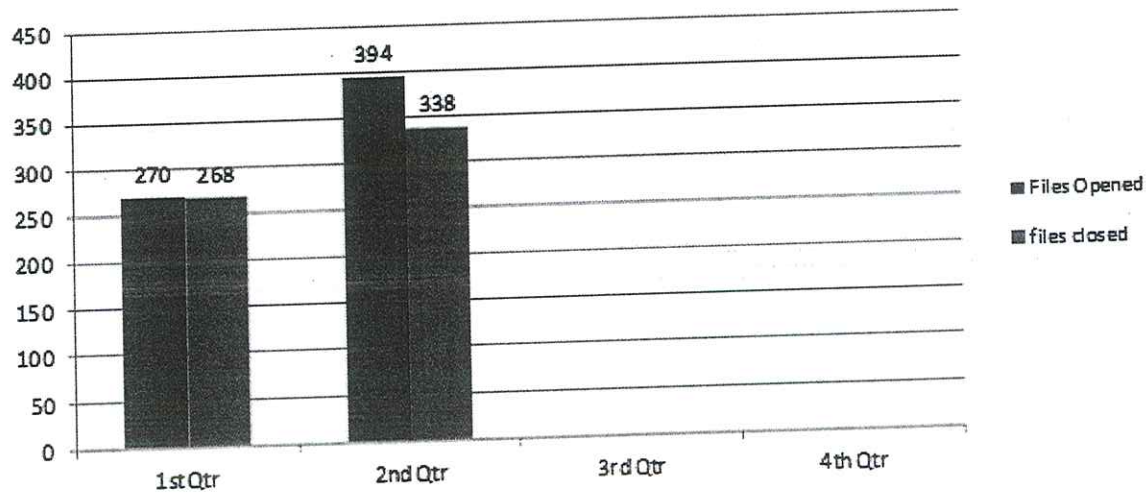
When comparing to Quarter 1 of the financial year 2015/2016, estate matters have increased from 21 complaints to 49 complaints and maintenance matters have increased from 30 complaints to 46 complaints.

There has been a slight decrease of Gender based Violence and labour complaints during this quarter.



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The speed of finalising cases has also slightly increased when compared with the previous quarter (268 files were previously closed and this number has increased to 338 for the current quarter), and is notable from the table depicting opening and closing of files.

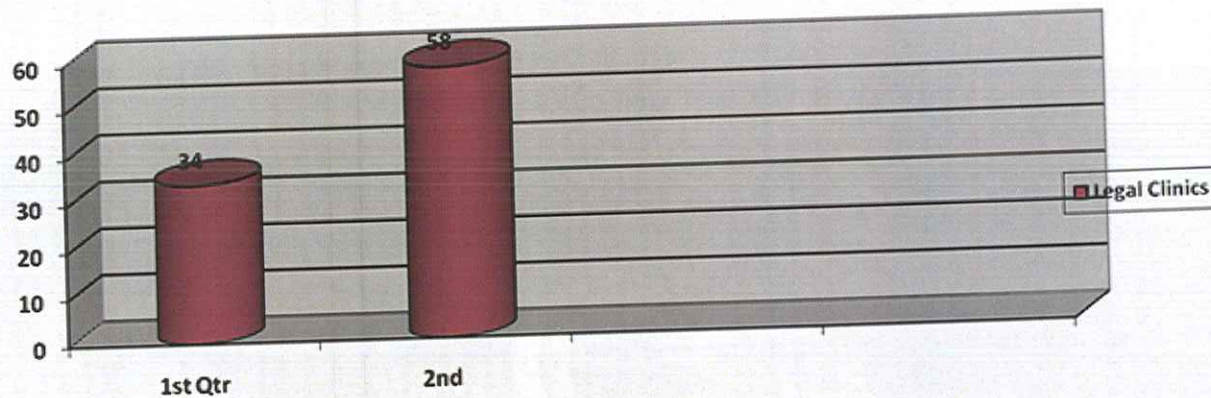


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Continuation Legal clinics

The department in collaboration with PEI conducted a significant number of legal clinics during this quarter as compared to Q1 of the current financial year. A total of 58 outreach and Legal clinics were conducted.

The department has in this regard already achieved the annual target of conducting 90 legal clinics. Despite the above target the department will continue to hold outreach-legal clinics in the two remaining quarters of this financial year.





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The following issues were raised during legal clinics:

Programmes to reintegrate school dropouts due to pregnancy, drugs and poverty;
forced and early childhood marriages;

Social grants for dependents older than 18 but still studying;

Lack of services and information on labour rights, basic service delivery and education and training opportunities;

Land rights and security of tenure; unfair labour practices and unemployment;

The different marital regimes in South Africa and their consequences. It became apparent at the clinics that many people are not aware of the Recognition of Customary Marriages Act and how it affects their marriages;

There were concerns that the law does not seem to 'respect' culture, tradition and values anymore. This was argued that the CGE promotes gender equality yet it appears that women are put to the front compared to men. It is clear that the concept of gender is not properly understood by all, and a plethora of work needs to be invested in education and awareness of community members around issues of gender equality;

The majority of maintenance applicants who reside in rural communities find it difficult to obtain successful maintenance orders as in majority of the cases the respondents are not employed;



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Domestic Violence seems to run rampant in most communities. There is an outcry for assistance in this regard. The high incidents of violence is being attributed to the abuse of alcohol, due to the remoteness of the rural communities; consuming alcohol seems to be the only recreational activity that communities have to occupy their time. The resultant effect being acts of abuse and violence being committed by perpetrators who abuse alcohol.

44 legal/advise clinics were held in Rural Areas and 159 files were opened due to the legal clinics.



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Court Monitoring

18 cases were monitored across Provinces in this first quarter. These cases relate to issues relating to access and custody of minor children, gender based violence, femicide, rape, domestic violence, murder (involving witchcraft) and hate crimes. In some Provinces such as Limpopo it is encouraging to see that Courts take intimate partner killings seriously, this can be seen from the bail amounts and sentencing they impose on these matters.

On the contrary provinces like GP still don't take these matters serious as is evident from the sentencing they impose on these kinds of cases.

Progress on some of the high profile cases and litigation matters that the unit is dealing with



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South Gauteng High Court sitting in Palm Ridge S v Donald Sebolai

The trial resumed on 01 August 2015. This is a criminal case in which accused, a well known DJ from Jozi FM is standing trial for the murder of her girlfriend. During the trial, evidence from the state proved that there were incidences of domestic violence between the victim and accused and protection order made against accused which victim withdrew. Accused has pleaded not guilty and maintained that they were fighting over a knife which the deceased had and being the first one to use against him. Accused was out on R10 000 bail.

Mr Sebolai was consequently found guilty of murder. The sentencing procedure will be attended.



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Port Elizabeth Regional Court Murder and Abduction

The State v Christopher Panayiotou

The Accused is charged with murder of his wife, Jayde by a hitman. The Commission is conducting a watching brief over the said proceedings.

The protracted bail application was wildly covered and shows how private counsel and legal argument can protract a simple bail application. It is uncanny that a bail application should consume Courts valuable time for argument (matter spanned days). Yet on the reverse, the right to a fair trial, justice and legal representation may be used in argument. Subsequently, the bail was successfully opposed and the appeal is before the Grahamstown High Court.



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Jobs for Sex Sandal : Eastern Cape Legislature

The CGE dispatched a request for an update to the Speakers Office

Matsepe chieftaincy dispute

The Matsepe royal family had neglected to recognise the complainant as the rightful traditional leader on the basis that the latter had given birth to a female and not a male heir. The House of traditional Leaders resolved that the complainant is the rightful traditional leader of GaMatsepe royal Council.

Mbati, Univen // CGE

CGE issued an investigative report on a complaint lodged by Prof Phendla. The Respondents then took the investigative report on review to court in terms of PAJA. The matter was set down for 12 October, but was subsequently removed from the roll seeing that a special allocation must be requested from the Deputy Judge President for a special date to hear the matter.



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Progress on SO 2

Systemic Investigations undertaken

- **3 systemic investigations;**
- **Transformation of the judiciary** (the investigative draft report has been send to all stakeholders for comments/responses. The 21 day response period lapses in October.
- **Sex work:** The department has received a response to the complaint against SAPS. The response is, however, very inadequate. The investigative team is probing the matter further. This is delaying the first leg of the investigation which is to deal with SAPS brutality against sex workers.
- The second leg of this case relates law reform. Follow ups have been made with the Deputy Minister of Justice as well as the South African Law Reform Commission in relation to the Discussion Paper. Until the paper is available, Government will not take a position without the paper.
- **Maternal Health:** Responses received from KZN and National department of health in September. The investigation team currently assessing responses in order to evaluate scope and next steps.



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Progress on SO 2

Coordinated programme on gender discrimination:
Women's Economic Empowerment

- Key issues emanating Women indicated that they were not supported to establish co-operatives for business opportunities;
- Women raised issues around fracking
- Women complained that there were not informed about development and economic opportunities
- High incidents of unemployment
- Women are often discriminated against in the workplace, no child facilities for women in business. Meetings will be setup with some relevant departments to see what issues they can deal with. (e.g Small Business etc)

Campaign on GBV in schools and A Human Rights and gender equality campaign

- A concept papers was developed to guide provinces in implementing the campaigns.
- All provinces implemented both programmes
- The Human Rights month programme was further supported by the a community radio programme



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Conduct one Education Programme with Traditional Leaders and structures per province in 7 provinces on traditional, cultural practices and gender equality, as per the concept note.

In this quarter provinces engaged the traditional and religious sector in seven provinces as outlined in the APP and the concept paper which provides guidance on topical issues that need to be addressed. Issues include customary marriages, early, child and forced marriages and in general cultural issues that impact on achieving gender equality. Other key issues include witchcraft, inheritance and succession. Various interventions took place in provinces which related amongst others to early and forced marriages

Key issues

- Registration of customary marriages
- Issues of Inheritance and succession
- Gender equality issues remain an abstract concept for tribal communities
- Cultural practices continue to impact on achieving gender equality



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People reached during reporting periods			♀
Province	Male	Female	Total
North West	118	436	554
Mpumalanga	161	311	472
Western Cape	411	656	1067
Northern Cape	305	297	602
KZN	128	93	221
Eastern Cape	199	349	538
Limpopo	139	597	736
Gauteng	100	500	600
Free State	38	117	155
TOTAL	1599	3356	4945



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Communications

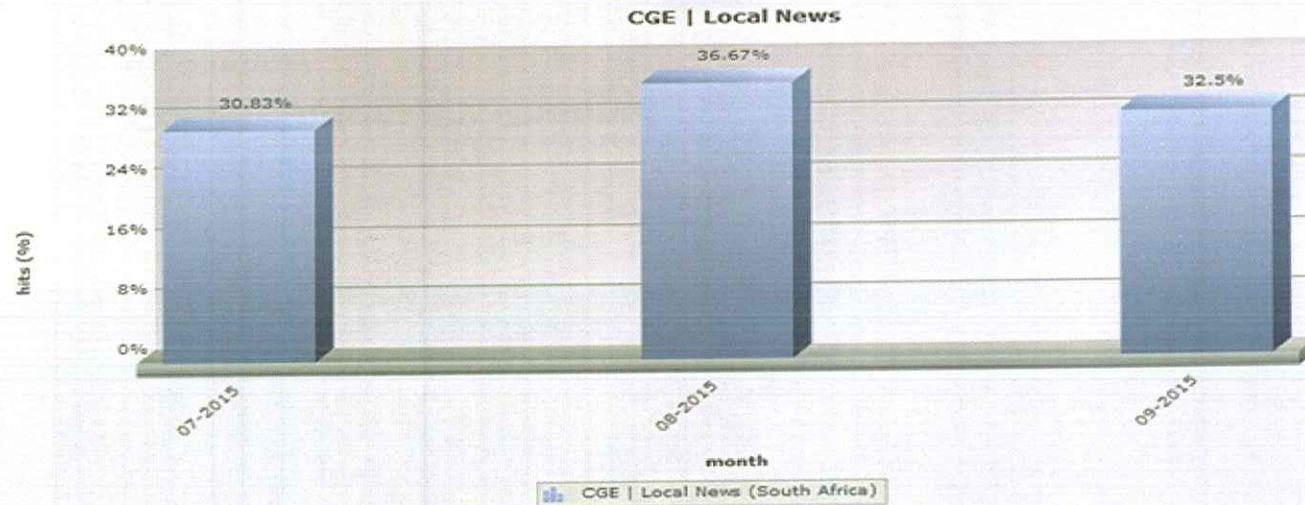
During this quarter and as required according to the APP, the Women's Month Programme was conducted in partnership with the SABC Foundation, Nemisa and CGE. This was an advertising campaign from which the SABC availed free airtime and Nemisa made available their production resources in order to ensure that production occurs for the radio adverts that were flighted on SABC radio stations, including community radio stations.

The institutions newsletter, *En-gendered* was also produced during the quarter. The other important project that was conducted in the quarter was that of branding the CGE offices as required according to the APP. Also in line with the requirements of the APP, the communications unit undertook a strategy review process from which improvements of the current communications strategy was conducted with several processes that involved internal consultations, as well as engagements with the ITC committee of the review of the strategy.



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Media coverage

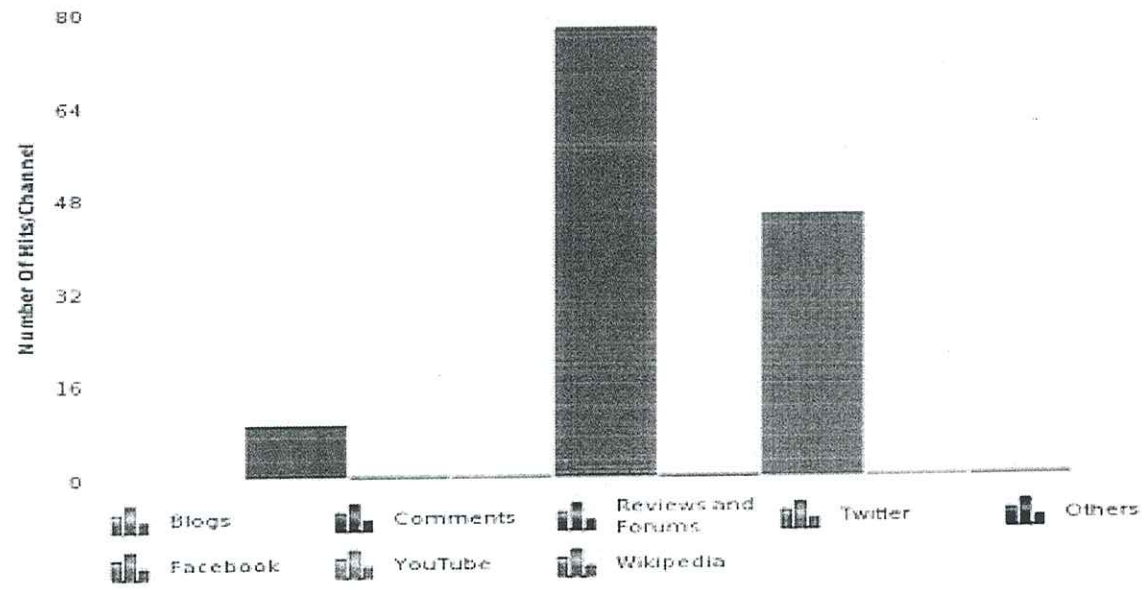




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Conversations By Channel

By Channel





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Areas covered by Provinces

Provinces	Areas Covered
Western Cape	Willington, Cape Town, Langberg Local Municipality, Murraysburg, Piket-bo-berg, De-Doorns, Villiersdorp, Witzenburg, Robertson, Beaufort West, Morresburg, Mfuleni, Khayelitsha, Nganga, Matzikama
Eastern Cape	Mdantsane, Idutywa, Ncerha, Ndevana, Sarah Baartman, Klipplaat, Waterford farm, Janseville Community, Mbhashe, Wheatlesea, Queenstown
Northern Cape	Petrusville, De Aar, Hartswater, Barkly West, Nourpoort, Kwazamuxolo, Kuyasa, Reimvasmak, Bersig, Springbok, Concordia, Nabapeep, Steinkopf, Galeshewe, Danielskuil, Bankara-Kuruman
Kwazulu Natal	KwaNgwanase, Phongo, Zululand, Mbumbulu, Amaoti, Durban Central, Umzinto, Mandeni, Pietermaritzburg,
North West	Rustenburg, Moruleng, Mafikeng, Matloang, Lehurutshe, Macquassie Hills, Klerksdorp, Zeerust, Ramatlabama, Setlopo, Morokweng, Khunwana,
Mpumalanga	Gert Sibande, Nkomaz,i Bushbuckridge, Nelspruit, Nkangala, Secunda,Dundonald, Middleplaas, Hendrina, Wakkerstrom, Wales, Daanje, Tonga, Veerverdien, Graaskop,



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STRATEGIC OBJECTIVE 3

To monitor state compliance with regional and international conventions, covenants and charters which have been acceded to or ratified by the Republic, relating to the object of the Commission for Gender Equality

SUB-STRATEGIES

1. To conduct annual reviews and audits of state compliance with obligations under the conventions, covenants and charters and to report on a regular basis to Parliament and the Office of the Speaker of Parliament

2. To interact with and report to national, regional and international bodies on state compliance with conventions, covenants and charters acceded to or ratified and to make recommendations for improvements



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Progress on SO 3

Assessment Reports

- Engagement with various stakeholders on the Beijing and CEDAW Reports
- Participated in various stakeholder meetings by Women's Ministry on CEDAW Country report. Awaiting its finalization in order for the Commission to assess it.
- Simplification of CEDAW Booklet was done during this reporting period
- Assessment process of the African Protocol and Human Rights and the Rights of Women

Report on the African Gender Development Index-status report

- Draft report presented to members of the NAP (which is panel made up of various departments (DPME; Stats-SA, DoW etc and civil society organisations). The second draft has been reviewed taking into account inputs from NAP and has been sent to UNECA for comments. The report will be finalised as soon as UNECA has finalised reviewing it.

Attendance at International and regional events

- No activity on this for the reporting period.



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STRATEGIC OBJECTIVE 4

To build an effective, efficient and sustainable institution that will fulfil its constitutional mandate on gender equality

SUB-STRATEGIES

1. To maintain optimal governance and oversight structures and policies between Commissioners and the Secretariat
2. To develop a financial management strategy that promotes effective, efficient and economic utilisation of resources as well as accountability
3. To develop and maintain an IT infrastructure that supports and promotes the organisational objectives of the CGE
4. To develop a comprehensive HR policies, procedures and practices
5. Implement an effective communications strategy and policy that promotes and enhances a positive public image of the CGE



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Progress on SO 4

20 Year Review of CGE Achievements and Failures

- This project seeks to undertake a review of the achievements and challenges that the CGE has faced over the past 20 years of its operation. The project is to be carried out by an independent contractor who will work closely with and under the supervision of the research department.
- The terms of reference have been agreed upon and RFQ advertised.



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Progress against Annual Performance targets

Performance Report Tables - 2nd quarter
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Highlights / Challenges



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For the current financial year due to financial constraints the Commission could not for the first undertake specific programmes for August month. This however did not stop innovation as Communications Unit embarked on an advertising campaign with the focal point on Women Empowerment.

- ❑ What was important in this process was to ensure that the CGE advertises its toll free number on air; whilst the messaging was focused around Women Empowerment, as well as the rights of Women as contained in PEPUDA.
- ❑ Production: the National Electronic Media Institute, provided their services for the production of these adverts.
- ❑ Outcomes: over 100 slots, worth of free airtime was donated to the CGE by SABC Foundation.
- ❑ Strategy of getting external writers to make contribution on substantive gender issues on the Commission newsletter in order to ensure maximum reach



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- ❑ AGDI, as much as the report has not yet been published, finalising the two drafts was an important step for the Commission as this will be a report which will help the Country gauge itself from qualitative as well as quantitative perspective whether the gender agenda is taken serious and whether it helps change the lives of ordinary South Africans (this report will be meeting international standards as set out by UNECA.
- ❑ Various training and requests made to the Commission by Institutions of Higher Learning, Gauteng legislature and others affirms that the Commission is on the right track with work that is doing under transformation hearings and administering of the gender barometer tool to measure gender mainstreaming.



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Conclusion

The above gives an indication of work undertaken against targets set at the beginning of the financial year and highlights general effectiveness of the organisation. Through continuous monitoring of the APP progress, the organization has managed to exceed the 50% mark by 23%.

The work of the Commission has steadily moved to level of excellence, this is seen by the manner in which a number stakeholders including Office of the Human Rights Commissioner engage with the reports that have been finalised. The institution has been improving, only a few matters needs to be tightened related to procurement, and this process is underway as will be seen in the finance report. Most departments are gradually moving towards effectiveness and efficiency and being innovative as they undertake their work amidst difficult environment of diminishing budget.



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Commissioners Reports



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Thank you for your time

HAVE A GENDER RELATED COMPLAINT

????

REPORT IT TO

0800 007 709

Twitter Handle @CGEinfo