**3. Report of the Ad Hoc Committee to identify suitable candidates for the filling of vacancies in the Commission for Gender Equality dated 14 March 2019**

The Ad Hoc Committee (herein referred after as the Committee) was constituted to identify and recommend suitable candidates for the filling of vacancies of commissioners in the Commission for Gender Equality (CGE), as requested by the National Assembly, reports as follows:

1. **Introduction**
	1. In compliance with provisions of section 193(5) of Constitution Act 108 of 1996, on the 11 September 2018, the National Assembly resolved to establish an Ad Hoc Committee to identify suitable candidates for the filling of vacancies in the CGE.
	2. The Committee executed its duties in terms of the Rules of the National Assembly.
	3. The initial deadline of 16 November 2018 for the Committee to conclude its business and report to the National Assembly was first extended to 27 February 2019 and later to 20 March 2019.
2. **Committee Membership**
	1. The initial membership of the Committee composed of eleven members as published in the ATC of 12 October 2018 as follows:

**AFRICAN NATIONAL CONGRESS**

* Ms CN Ncube-Ndaba
* Ms C Chueu
* Ms BJ Maluleke
* Ms W Newhoudt-Druchen
* Dr Z Luyenge
* Ms GK Tseke
* Dr P Maesela\* (alternate)

**DEMOCRATIC ALLIANCE**

* Ms D Robinson
* Ms T Stander

**INKATHA FREEDOM PARTY**

* Ms LL van der Merwe

**ECONOMIC FREEDOM FIGHTERS**

* Ms H Mkaliphi

**NATIONAL FREEDOM PARTY**

* Mr AM Shaik Emam
	1. As the Committee progressed, a change on the initial membership was effected, when Ms Morutoa replaced Ms Chueu and Dr Maesela who then became a permanent member of the Committee replacing Dr Luyenge who resigned as a Member of Parliament.
	2. Ms MS Khawula and Dr SS Thembekwayo replaced the initial member representing the EFF, Ms H Mkaliphi due to inability to attend the Committee meetings.
1. **Committee meetings**
	1. The Committee elected Ms CN Ncube- Ndaba as Chairperson on 24 October 2018.
	2. The Committee adopted committee programme on 31 October 2018 and agreed to request an extension of the initial deadline of 16 November 2018 to 27 February 2019, which was later approved by the National Assembly on 15 November 2018. This extension was to enable the Committee reasonable time for the application process, allow adequate time for civil society to comment on candidates and for the security screening and verification of qualifications of all candidates.
	3. On 22 January 2019, the Committee met for an update on the progress made in relation to filling of vacancies of Commissioners in the Commission for Gender Equality (CGE). The Committee received information about the number of applicants and/or nominations received; uploading of candidates’ names on Parliamentary website; progress in relation to screening of candidates by the State Security Agency (SSA) and verification of qualifications by the Parliament’s Human Resources (HR) section.
	4. On 23 January 2019, the Committee met to discuss and agree on the shortlisting and interview framework. The SSA, on this day was meant to brief the Committee about the security screening of all candidates. The SSA was unable to report to the Committee, as the security screening report was not complete. The Committee raised its disappointment and subsequently agreed to postpone the shortlisting process.
	5. The Committee met on the 19 February 2019 to consider amending its programme, as necessitated by delays in getting reports from the SSA and HR. The Committee as such resolved to seek the intervention of the Speaker concerning the delays in security screening of candidates. The Committee also considered and noted correspondence from former chairperson of the CGE Ms Nare and her legal representative to the Speaker of the National Assembly. The Committee resolved to refer the matter back to the Office of the Speaker.
	6. On 26 February 2019, the Committee met for shortlisting of candidates. The Committee unanimously agreed to shortlist twenty- four candidates. The Committee was satisfied with the shortlisting process and considered it fair and just. The Committee also agreed to request the SSA to conduct the security screening of the twenty- four shortlisted candidates.
	7. The Committee met on 12 and 13 March 2019 to conduct interviews for the shortlisted candidates.
	8. On 14 March 2019, the Committee deliberated on the outcome of the interviews and decided on preferred names to be recommended to the President for appointment. The Committee also considered and adopted the committee report in order to report to the National Assembly.
2. **Legal framework and process**
	1. The Committee’s process was guided by the Constitution Act 108 of 1996; Commission for Gender Equality Act 39 of 1996, as amended and the Rules of the National Assembly.
	2. The standard guidelines for appointment of commissioners of CGE as approved by Parliament in 2018 also was of great assistance to the Committee.
	3. The Committee also agreed to replicate some of the successes of the previous Ad Hoc Committees on CGE.
3. **Advertisement**
	1. In fulfilment of its mandate, the Committee issued an advertisement requesting nominations and/or applications for the positions of commissioners for CGE from members of the public.
	2. The advertisement appeared in all official languages in various newspapers throughout the country as well as on Parliament’s website.
	3. The advertisements placed on 18 November 2018 stipulated a closing date of 10 December 2018. A set of qualifying criterion based on the legislative provisions as stipulated in section 193 of Constitution and section 3 of the CGE Act 39 of 1996, as amended was set out as follows:
* The candidates must be South African citizens.
* Candidate to be fit and proper persons for appointment to the Commission.
* Candidates to broadly representative of South African community.
* Candidates to have a record of commitment to the promotion of gender equality.
* Candidates to have applicable knowledge of and experience in matters connected with the objects of the Commission.
	1. The advertisement also clearly stated that the appointment by the President of commissioners on recommendation of Parliament would be for a term of office not exceeding five years either on a full-time or part-time basis.
	2. The advertisement also made provisions to consider those candidates who had served a term as commissioners at CGE in terms of section 3(7) of CGE Act 39 of 1996 as amended.
	3. The advertisement also informed applications and/or nominations about publishing of names on the Parliamentary website to allow members of the public to comment on the suitability of candidates.
	4. The Committee received 90 *curriculum vitae* (CVs) in response to the advertisement. Out of the 90 CVs, one candidate withdrew her nomination. It also came to the attention of the Committee that one CV received was a supporting document for nominating another candidate, thus leaving the Committee with 88 nominations and/or applications to consider.
1. **Public Participation**
	1. In line with Constitutional imperatives as outlined in section 59(1) of the Constitution Act 108 of 1996, the Committee agreed to an open and transparent process that caters for public involvement and participation.
	2. The Committee also being aware of public interests on gender equality issues provided a platform for civil society to comment on all candidates.
	3. To facilitate public participation, the Committee on the 11 December 2018, published the names of all candidates with their accompanying CVson Parliament’s website to allow the public to comment. The closing date for public comments was 18 January 2019.
2. **Shortlisted Candidates**

On 26 February 2019, the Committee shortlisted twenty-four (24) candidates to be interviewed. The shortlisted candidates were:

* Ms Jennifer Smout
* Ms Esther Euphane Aletta Watson
* Ms Magdalene Moonsay
* Mr Mbuyiselo Botha
* Dr Tlaleng Mofokeng
* Ms Mapitsi Mary Mononela
* Ms Nomasonto Grace Mazibuko
* Busisiwe Deyi
* Ms Nomsisi Lindelwa Batha
* Ms Tasneem Fredericks
* Mr Louis Laurens Gaum Botha
* Ms Rachel Kediseletse Matlhaba
* Ms Mmabatho Euginia Ramagoshi
* Ms Octavia Lindiwe Ntuli- Tloubatla
* Prof. Renier Steyn
* Ms Liliwe Eliza Mlilwana
* Ms Ayanda Mfusi
* Ms Mummy Nomvulazana Constance Jafta
* Ms Priscilla Lynette Fundisile Ndzimande
* Ms O’hara Ngoma- Diseko
* Ms Mothubi Getrude Dibeela
* Prof. Sylvia Thidziambi Phendla
* Ms Elizabeth Margaretha Lemmer
* Mr Bhekizenzo Tembe
1. **Interviews**
	1. The Committee agreed not to have pre- determined questions for the interviews to eliminate unfair advantage for candidates interviewed later, due to media broadcasting of the interview sessions.
	2. The Committee agreed that interview questions should be relevant to the objects of CGE.
	3. The Committee also agreed that interview questions should be about ascertaining the candidate’s knowledge about gender equality practises, legislative framework and principles; and to determine the candidate’s commitment to promotion of gender equality.
	4. The Committee also agreed on posing questions aimed at identifying the behavioural attributes and skills of candidates. The Committee agreed on leadership, interpersonal, conflict management, team building, motivation and innovation as preferred behavioural attributes and skills.
	5. The candidates were each allocated forty-five (45) minutes to answer all questions posed.
	6. The Committee afforded those candidates with negative SSA and HR reports an opportunity to clarify these reports during the interviews.
	7. On 12 March 2019, the Committee interviewed the following candidates:
* Ms Magdalene Moonsamy
* Ms Jennifer Smout
* Ms Fundisile Priscilla Lynette Nzimande
* Ms Mmabatho Ramagoshi
* Ms Tasneem Fredericks
* Ms Mapitsi Mary Mononela
* Ms Esther Euphane Aletta Watson
* Mr Louis Laurens Botha Gaum
* Ms Liliwe Eliza Mlilwana
* Ms Octavia Lindiwe Ntuli- Tloubatla
* Prof Reiner Steyn
* Ms Nomsisi Lindelwa Batha
	1. On 13 March 2019, the Committee interviewed the following candidates:
* Ms Elizabeth Louis Lemmer
* Ms Ohara Diseko
* Ms Mothubi Getrude Dibeela
* Ms Rachel Kedisaletse Matlhaba
* Mr Bhekizenzo Tembe
* Ms Nomasonto Grace Mazibuko
* Mr Mbuyiselo Albert Botha
* Prof Thidziambe Sylvia Phendla
* Ms Mummy Nomvulazana Constance Jafta
* Busisiwe Deyi
* Dr. Tlaleng Mofokeng
* Ms Ayanda Mfusi
1. **Deliberations**
	1. The Committee met on 14 March 2019 to deliberate on the interviewed candidates and select preferred candidates to fill the eight vacancies within the CGE.
	2. The Committee also agreed to recommend ten (10) names instead of eight (08), in case there are candidates who are unable to accept appointment by the President.
2. **Recommendations**
	1. Having considered the request of the National Assembly for the Committee to nominate and recommend candidates for appointment as Commissioners for CGE, the Committee recommends the following candidates:
* Ms Octavia Lindiwe Ntuli- Tloubatla as a full time commissioner
* Ms Jennifer Smout as a full time commissioner
* Mr Mbuyiselo Botha as a full time commissioner
* Dr Tlaleng Mofokeng as a full time commissioner
* Ms O’hara Ngoma- Diseko as a full time commissioner
* Ms Nomasonto Grace Mazibuko as a part time commissioner
* Ms Dibeela Getrude Mothupi as a part time commissioner
* Busisiwe Deyi as a part time commissioner
	1. Taking into consideration the three current vacancies within the CGE, the Committee further recommends for immediate appointment by President of the following candidates:
* Ms Octavia Lindiwe Ntuli- Tloubatla
* Ms Jennifer Smout
* Mr Mbuyiselo Botha
	1. The Committee, also having considered the vacancy for the position of chairperson of CGE hereby recommends that the President consider appointing one of the three above-mentioned candidates as Chairperson of CGE.
	2. Should any of the eight (08) above-recommended candidates be unable to accept appointment as a commissioner for CGE by the President of the RSA, the Committee recommends consideration of the following candidates as replacement:
* Advocate Bhekizenzo Tembe
* Ms Priscilla Lynnette Fundisile Nzimande
	1. The Committee further recommends that:
		1. Parliament should ensure provision of adequate, appropriate and timeous support for Ad Hoc committees for efficient and effective execution of mandates within allocated timelines. The required support to include timeous allocation of interpreters for Members who require that support
		2. . Prospective Ad Hoc Committees on CGE to consider limiting the security screening and verification of qualifications to shortlisted candidates only.
		3. The advertisements issued should explicitly inform potential candidates about the requirement to submit original fingerprints at own costs for the security screening process by all the shortlisted candidates. In addition, advertisements issued should include a request for certified copies of all qualifications listed in the CVs to accelerate the process of verification of qualifications.
		4. The Portfolio Committee on Women in the Presidency should intensify its oversight function over gender equality matters on both the government and the private sector.
		5. In order to strengthen the independence of the CGE, the National Assembly should revise the funding of this chapter nine institution.
1. **Appreciation**
	1. The Committee would like to thank all Members for making themselves available and working long hours to ensure success in carrying out the mandate of the Committee.
	2. The Committee would also like to thank all candidates for making themselves available to be considered for appointment to the Commission for Gender Equality.
	3. Furthermore, the Committee wishes to convey appreciation to the support staff for their contribution to the success of the Committee.

The majority of the political parties represented in the Committee agreed in support of the report, except for the Democratic Alliance which reserved its right to support the report.

**Report to be considered.**