



07 October 2019

COMMISSION FOR GENDER EQUALITY ANNUAL REPORT 2018/19

1. INTRODUCTION

This paper provides an overview and analysis of the Commission for Gender Equality's (henceforth CGE) Annual Report for the 2018/19 financial year. A breakdown of the budgetary allocations and expenditure per programme and strategic objectives for the 2018/19 financial year are provided, as well as an overview of programme performance for the same period.

2. MANDATE AND POWERS ASSIGNED TO THE CGE

The background and context of CGE's work emanates from Section 181 of the Constitution (1996) and it is one of the Chapter 9 institutions which are independent entities for strengthening democracy. The CGE is therefore required to report to the National Assembly at least once a year regarding the progress of carrying out its strategic objectives. Section 187 of the Constitution stipulates that the Commission should promote respect for gender equality, and protect and develop its attainment, as well as monitor, educate, lobby, advise and report on issues related to gender equality.¹

In line with the CGE's obligation to strengthen constitutional democracy with a focus on the attainment of gender equality, the CGE has a legislative mandate and functions stemming there from which include the following:-

- To monitor and evaluate policies and practices of organs of state, statutory bodies, public bodies, private businesses and institutions;
- To cultivate an understanding of gender equality and the role and activities of the Commission through developing, conducting and managing information and education programmes;
- To evaluate whether Acts of Parliament (existing or proposed), systems of personal and family law or custom, systems of indigenous law, custom or practices or any other law, will affect the status of women, and to make recommendations to Parliament in this regard;
- To recommend to the national and provincial legislatures, any new legislation that would promote gender equality;
- To investigate on its own initiative or due to a complaint, any gender related issue;
- To maintain close relations with institutions that undertake similar work, and to facilitate cooperation in handling complaints;

¹ The Constitution of the Republic of South Africa, 1996



- To interact with civil society to further the work of the Commission;
- To monitor compliance to international conventions, covenants and charters related to gender issues, and to submit reports to Parliament in this regard;
- To conduct research on gender related issues;
- To consider recommendations, suggestions and requests made with regards to gender equality as received from any source.²

The Commission is publicly funded and is thus subject to the reporting requirements of the Public Finance Management Act (Act No 1, 1999). The obligations of the PFMA include an audit by the Auditor General.

3. OVERVIEW OF 2018 – 2023 STRATEGIC PLAN

The Commission for Gender Equality tabled a new 5-year strategic plan for the period 2018 – 2023. This strategic plan will guide the implementation of the Annual Performance Plan for the next five years.

Based on its constitutional mandate, the CGE's **vision** is to strive for *“a society free from all forms of gender oppression and inequality”*, while its **mission** includes to *“advance, promote, protect, monitor and evaluate gender equality through undertaking research, public education, policy development, legislative initiatives, effective monitoring and litigation”*. Its **values** are *independence; professionalism; accountability; ethical behaviour; and teamwork*.

Whilst the vision and mission and mandate of the Commission remains unchanged from the previous strategic plan, it has reduced its strategic objectives from 4 to 3 in its new strategic plan.

In its previous strategic plan, the Commission had the following strategic objectives:

- To ensure the creation and implementation of an enabling legislative framework that promotes the attainment of gender equality
- 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
- 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
- To build an effective, efficient and sustainable institution that will fulfil its constitutional mandate on gender equality

² Commission for Gender Equality Act No. 39 of 1996



In its new strategic plan for 2018 – 2023, it has outlined the following strategic objectives:

- Objective 1: To advance an enabling legislative environment for gender equality
- Objective 2: To promote respect for and protection, development and attainment of gender equality
- Objective 3: To build and sustain an efficient organisation, to effectively promote and protect gender equality

The strategic objective around monitoring state compliance with regional and international conventions has been subsumed as a sub-strategy under strategic objective 1.

In its revised strategic plan it also outlines its strengths, weaknesses, opportunities and threats as an institution.

These are identified as follows:

Strengths Good governance and fiscal discipline, skilled staff, ability to forge and sustain strategic partnerships which further raise the profile of the CGE.	Weaknesses Historical and repeated underfunding impacting on staff retention
Opportunities CGE, through its work, is being recognised by universities and municipalities as an entity that can assist them with gender transformation. CGE has built solid strategic partnerships that will create further opportunities to advance gender equality.	Threats Possible amalgamation could impact on country achieving gender equality goals. Mandate of CGE is often misunderstood, resulting in expectations raised beyond scope of operations – creates perception that the CGE operates as an NGO.



4. BUDGET ALLOCATION AND EXPENDITURE 2018/19

This section outlines the Commission for Gender Equality's income and expenditure for the 2018/19 financial year.

Figure 1: Budget 2018/19 as presented in April 2018



- For the 2018/19 period, the Commission for Gender Equality received a budgetary allocation of R80.7 million. This is a R2.4 million increase from the 2017/18 financial year. Considering that the CGE received an R8.4 million increase between 2016/17 and 2017/18, the R2.4 million is a nominal amount.
- The greatest proportion of the Commission's budget is allocated to compensation of employees.
- The Commission has previously indicated to the Portfolio Committee on Women that most of its work is carried out by internal personnel and thus the main driver of spending is the compensation of employees.



Figure 2: Total Income and Expenditure for 2018/19



- For the year under review, the CGE has **augmented its income by R1.1 million** through interest received, sundry income and donations received. **This brings the total income to R81.8 million.**
- As at the end of March 2019, the Commission recorded an **operational surplus of R785 494.**
- Savings were recorded as a result of under-expenditure on personnel costs due to vacancies.

While the Commission therefore overspent on its allocated budget, it managed to offset this over-expenditure with the additional funds it had acquired as well as the savings due to vacancies.

- In terms of **irregular expenditure, R985 768** was incurred for the **2018/19** financial year, The CGE however is hopeful that some of the expenditure will be condoned. Of the R985 768, R864 654 was irregular expenditure incurred during the 2018/19 financial year and R 121 114 was incurred during previous financial years.



Figure 3: Details of irregular expenditure

	Disciplinary steps taken/ criminal proceedings	
People Resolution- Expired Contract	Currently under investigation	53,660
Tracker- Expired Contract	Currently under investigation	17,987
Emergence Growth cc- no contract/ scm process not followed.	Currently under investigation	5,187
Mac Ndhlovu Incorporated attorneys- scm process not followed	Currently under investigation	162,108
Deloitte- Expired Contract	Currently under investigation	157,415
Chubb- Contract Automatically renewed	Currently Under investigation	10,280
Chorus Call- Expired Contract	Currently under investigation	54,123
Deloitte- Similar Services procured individually	Currently under investigation	107,546
Mapheto- Briefing outside of the approved legal panel	Currently under investigation	124,350
Three quotes not obtained	Currently under investigation	293,112
		985,768

- Fruitless and wasteful expenditure: The Commission incurred fruitless and wasteful expenditure to the amount of R20 424 for the year under review.
- The fruitless and wasteful expenditure was incurred as a result of incorrect payments of medical aid subsidies to employees who in terms of the internal policies were not entitled to receive the subsidy. Management has instituted corrective action to recover the amounts.

5. FINDINGS FROM THE AUDITOR-GENERAL OF SOUTH AFRICA (AGSA)

- The CGE received an unqualified audit opinion from the AGSA. This means that the financial statements contain no material misstatements, however findings have been raised on either reporting on predetermined objectives or non-compliance with legislation or with both of these aspects.



The following matters were raised:

Internal control deficiencies

- The AGSA notes that there was insufficient oversight responsibility exercised with regards to compliance and related internal controls, particularly in the areas of procurement planning and contract management. This led to irregular expenditure which was another material finding as noted below.

Expenditure management

- Effective and appropriate steps were not taken to prevent irregular expenditure.

The Commission for Gender Equality's Audit Committee agreed with the findings of the AGSA and commended the Commission for putting in place a management audit action plan to address risk and related issues as they arose. The system for internal control was therefore considered effective for the period under review.

6. HUMAN RESOURCES

- The CGE had 112 funded posts during 2018/19 and a vacancy rate of 16 percent. (18 vacancies). This is an increase in vacancies from the 2017/18 financial year when the vacancy rate was 10% (11 vacancies). This is cause for concern. The CGE has previously indicated that while it recruits highly skilled personnel, it is hard to retain them due to its limited budget – staff often leave due to better financial offers which the CGE cannot compete with and this impacts on the CGE being able to achieve targets and activities set out in its mandate.
- The CGE had 94 employees during the period under review, of which 90 were permanent and 4 were temporary employees or interns.
- The majority of the CGEs employees are female (59.5%).
- During the period under review 54.2% of employees participated in skills development opportunities.
- Personnel expenditure amounted to R55.4 million, of which R53.8 was expenditure on salaries.



- A total of 77 employees received performance related rewards during the period under review resulting in expenditure of R2.7 million.
- A total of 17 employees left the CGE during 2018/19. Reasons for leaving primarily relate to contracts which had expired (6), whilst 8 personnel members resigned.

7. PROGRAMME PERFORMANCE

In its presentation of its 2018/19 Annual Performance Plan, the Commission presented 34 annual targets. However, one target under programme 1 was removed, leaving 33.

- **Overall, the CGE has performed well by achieving nearly 88% of its targets (i.e. 29 out of 33).**
- Performance per strategic objective:
 - Strategic Objective 1: 6 out of 9 targets met = 66.6%
 - Strategic Objective 2: 12 out of 12 targets met = 100%
 - Strategic Objective 3: 11 out of 12 targets met = 91.6%

The targets for the 2018/19 financial year are reflected below. The strategic objectives, sub-strategies, key activities and budgetary allocations have been arranged in tabular form for ease of reference. Details relating to the status of targets as at 31 March 2019 are also highlighted in the tables below.



Strategic Objective No. 1: To advance an enabling legislative environment for gender equality			
<i>Strategic Outcome: To evaluate legislation, policies, practices and mechanisms and make recommendations to bring about continuous improvements to advance gender equality</i>			
30.7% of budget allocated to SO1		2018/19	
Budget allocated to objective:		R24 850 200	
Sub-strategies	Monitor the State's compliance with international and regional treaties to advance gender equality	R12 922 100	51.9%
	Monitor, evaluate and investigate policies and practices of organs of state, private sector and other institutions	R11 182 600	45.0%
	To evaluate existing legislation and recommend the adoption of new legislation	R 745 500	2.9%
Key Performance Indicator		2018/19 target	Status
Number of assessment reports on international and regional treaties to advance gender equality	Implementation of CEDAW		Target removed
	Implementation of SDGs		✓
	Implementation of African Charter on Human & People's Rights		X Most info collated however report could not be completed due to late submission of additional info – deferred to 2019/20
	Agenda 2063, focussing on health		X Lack of verification of info & vacancy – deferred to 2019/20
Number of engagements on findings and recommendations shared with key gender equality stakeholders on international and regional treaties	3 engagements		✓
Number of submissions made on existing legislation and new legislation	20 submissions		✓
Report on engagements with Parliament on gender sensitive submissions made and policy changes to advance gender equality (new indicator)	4 engagements		X Due to parliament going into recess for elections no request for meetings were made
	1 report		✓
Number of investigation reports on gender equality	2 investigation reports on gender transformation		✓
Number of monitoring and evaluation reports	4 reports: Traditional Sector; Correctional facilities for women; Elections; Policy brief & dialogue		✓
66.6% of targets met			



Strategic Objective No. 2: To promote respect for and the protection, development and attainment of gender equality			
<i>Strategic outcome: To educate society to transform behaviour to respect and uphold gender equality and to further ensure effective and efficient social justice for victims of gender violations</i>			
25.1% of budget allocated to SO2		2018/19	
Budget allocated to objective:		R20 332 040	
Sub-strategies	To develop, conduct and manage information and education programmes to foster an understanding of matters related to gender equality.	R7 116 240	35.0%
	To investigate, resolve and rectify any gender related issue and to seek redress for victims of gender violations.	R12 199 200	59.9%
	To liaise and interact with like-minded organisations on gender equality	R1 016 600	4.9%
Key Performance Indicator		2018/19 target	Status
Report on education programme on gender equality		Develop relevant & targeted education & information material on gender equality guided by project plan	✓
		Report on SDGs education programme focusing on gender equality	✓
Report on information programme on gender equality using media platforms		Report on community radio programme	✓
		4 media campaigns conducted	✓
		4 social media campaigns conducted	✓
Report on outreach, advocacy and legal clinics		Report on activities undertaken guided by project plan	✓
Percentage of complaints timeously attended to in terms of complaints manual		80% of complaints handled in compliance with the complaints manual	✓
Number of systemic rights investigations conducted		1 systemic investigation conducted	✓
Number of engagements with stakeholders on findings and recommendations of complaints handling and systemic investigations		2 stakeholder engagements with key stakeholders	✓
Implementation of JSC report recommendations		Implementation of JSC report recommendations	✓
A report on strategic partnership engagements with likeminded organisations to promote and advance gender equality and women's empowerment		1 report	✓
A report on stakeholder relations and management plan		1 report	✓
100% of targets achieved (12 out of 12)			



Strategic Objective No. 3: To build and sustain an efficient organisation to effectively promote and protect gender equality

Strategic outcome: To build highly skilled organisation capacity that implements good governance and the effective and efficient operations of the organisation

44.0% of budget allocated to SO3		2018/19	
Budget allocated to objective:		R35 552 820	
Sub-strategies	To develop corporate governance structures and coordination mechanisms	R13 852 900	38.9%
	To develop and implement a corporate communications strategy	0	0
	To improve financial and supply chain management	R9 446 430	26.5%
	To improve human resource management	R3 709 500	10.4%
	To provide optimal ICT support for the efficient and effective management of the organisation	R2 779 671	7.8%
	To sustain a Chief Executives Officer's programme that effectively coordinates the work of the Commission	R5 764 670	16.2%
Key Performance Indicator		2018/19 target	Status
Aligned Commissioner's handbook and governance structure with King IV principles		Reviewed and aligned Commissioner's handbook and governance structure with King IV principles	✓
A report on compliance on policies and legislation		A report on compliance with legislation and policies	✓
A compliance report on substantive gender equality		A compliance report on substantive gender equality	✓
Implemented HR strategy and plans		Implemented HR strategy and plans	✓
Comprehensive report on corporate services		Reviewed and approved financial management strategy	✓
		Implemented financial management strategy	✓
		Decentralised financial systems for all provinces	✓
ICT Strategy and Plan		Reviewed ICT strategy and plans	✓
Approved knowledge management strategy		Knowledge management strategy	x Not achieved due to lack of expertise. Need a knowledge management specialist – target to be outsourced
Reviewed and approved communication strategy		A report on communications audit	✓
		Reviewed communications strategy and plan	✓
Reviewed and approved branding strategy and plan		Reviewed existing branding strategy and plan	✓
91.6% of targets achieved (11 out of 12)			



8. CONCLUDING COMMENTS

- Overall, the CGE can be commended for good performance as it has met nearly all of its targets and has not overspent.
- Although it faces funding challenges as compared to other Chapter 9 institutions, it has managed to become financially sound. It has also managed to improve delivery on its mandate and significantly improve its public profile. Throughout the year under review it has reached 16 929 people through interventions.
- The CGE, through the Overview by the Chief Executive Officer in the 2018/19 Annual Report, makes mention of its continued financial resource constraints versus its mandate and calls on policy makers, members of Parliament, stakeholders in the gender sector and the public at large to take cognisance of this as it endeavours to deliver its mandate.
- Key risks that the Commission has identified pertain to its limited budget and resources to fulfil its mandate; lack of an effective management of information resources and knowledge management; staff retention; dependency on outside stakeholders. It has however put mitigation strategies in place to address these risks.
- Matters around compliance with legislation and internal control deficiencies have been highlighted by the AGSA in previous years – the Commission should take cognisance of this and continue to improve systems and measures in this regard.
- Case management: the CGE facilitates an opportunity for members of the public to report cases related to gender inequality and abuse at its various offices. The Commission has had challenges in “closing files/cases” – it carries over 524 file/cases from the 2018/19 financial year. The majority of the cases reported relate to discriminatory practices (119), followed by gender-based violence cases (112). This is an area where the CGE needs to improve.
- The Commission should indicate whether unmet targets have been absorbed into the 2019/20 financial year and are budgeted for.

References

- Commission for Gender Equality Act No. 39 of 1996
- Commission for Gender Equality, 2018, Annual Performance Plan 2018/19
- Commission for Gender Equality, 2019, Annual Report 2018/19
- National Treasury, 2018, Estimates of National Expenditure 2018, Vote 13



