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**COMMISSION FOR GENDER EQUALITY**

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| **TO** | : | **THE PORTFOLIO COMMITTEE ON WOMEN, YOUTH AND PERSONS WITH DISABILITIES** |
| **FROM** | : |  **THE COMMISSION FOR GENDER EQUALITY** |
| **SUBJECT** | : | **ADDITIONAL INFORMATION AND DOCUMENTS REQUIRED** |
| **DATE** | : | **14 JULY 2020** |

**BACKGROUND**

The Portfolio Committee on Women, Youth and Persons with Disabilities met the Commission for Gender Equality (CGE) Commission on **Friday, 19 June 2020,** with the aim to discuss the role of Commissioners. Based on the deliberations, the following additional information and documents were to be submitted by CGE to augment the discussions and issues that transpired on the day:

* A detailed Commissioner Plan linked to APP
* A revised deployment list for Commissioners
* Report on appointment of support for reasonable accommodation
* Roadmap for CEO’s appointment
* Declarations and approvals for Commissioners working fulltime who have declared
* Feedback on papers published by Comm Ntuli Tloubatla (and others)
* Report on Comm Deyi’s participation at Portfolio Committee and other CGE meetings
* Report on Commissioner Moleko’s investigation

The Portfolio Committee then invited the CGE to provide further documents that had been processed through the appropriate CGE channels such as Plenary. At the meeting of **10 July 2020**, all documents received were withdrawn. These additional documents would also be submitted for discussion at the following Committee Meeting scheduled for **15 July 2020**:

* + Adjusted Annual Performance Plan for 2020/21
	+ Adjusted Budget for 2020/21

All documents have now been submitted again with the detailed presentations submitted tomorrow. They are attached as Annexures.

1. **A detailed plan linked to the Annual Performance Plan (APP)**

The Commission has submitted and shared with the Portfolio Committee the Commissioner’s Programme, which is a high-level guiding document to guide the formulation of individual and collective activities by the Commissioners (Commission).

A 6 months Emergency Response Action Plan document was shared to demonstrate the plans and interventions that CGE would follow and monitor in responding to the 6-months Presidential Emergency Plan period. However, this process has lapsed and the CGE is exploring necessary interventions for the National Strategic Plan -on Gender Based Violence (NSP-GBV) – newly approved and endorsed by Cabinet. CGE will monitor the effectiveness of the new GBV Council and structures in the provinces – part of National and Provincial accountability.

Further, a detailed Commissioner Plan was shared with the Committee reflecting 1) the policy influencing work, 2) corporate governance and oversight work, performance of the oversight role in overseeing the implementation of agreed programmes in the APP, 3) implementation of the national and provincial deployment interventions that Commissioners are involved and working on. The oversight work among others include actively participating in Committees of the Commission in line with the CGE Act – 39 of 1996 (as amended). Section 6 of the Act clearly stipulates that the Commission may establish one or more committees consisting of one or more members of the Commission designated by the Commission and one or more other persons, if any, whom the Commission may appoint for that purpose and for any period determined by it.

Pre-COVID-19 shutdown, Commissioners and provincial staff were to engage and develop both quarterly and annual plans to be implemented, monitored and evaluated on a regular basis. Unfortunately, this was delayed and currently done virtually and face to face where possible and these can be shared with the Committee once finalised. The Commissioner’s Role with detailed interventions is attached as ***(Annexure A) including the Annual Commissioner Plan as (Annexure B***).

1. **A Commissioner Deployment List**

In accordance with the CGE Act 39 of 1996 (as amended) and Section 8, sub-section 8.1 – 8.3 of the Commissioner’s Handbook, Commissioners are assigned a role in providing support to all 9 provinces. These include among others, 1) Assisting the Provincial Managers in escalating provincial policy issues from province to national and vice versa, 2) Participating in provincial interventions such as Legal Clinics and outreach activities, giving keynote addresses, chairing meetings etc and 3) strengthening networks and stakeholder engagements within the province. The Revised Deployment list was subjected to internal discussion and some changes were made based on the discussions. ***(Annexure C).***

1. **Roadmap for the CEO’s appointment**

The end of the contract for the current CEO and the process of appointing the CEO for the Commission was discussed and resolved at the 27 and 28 February 2020 plenary meeting. The process was commenced in March 2020 and a was delayed by a period of a month (April) due to COVID-19 lockdown. However, the process was commenced in May and the process is currently underway, refer to the attached -Revised Roadmap as **(*Annexure D*).**

1. **Declarations and approvals of remunerative work for Commissioners working fulltime**

Section 5.13.4 of the Commissioners Handbook refers to declaration of interest. Commissioners are required to declare personal interest in any business of the Commission, before the start of any matter before the start of meetings and disclosure forms completed and signed by the Chairperson annually. All declaration forms for the previous and current financial year have been received, signed and filled. No declaration of outside work by a full-time Commissioner except for the attached approval granted in 2017 and 2018 respectively for Commissioner Moleko – **(*Annexure E and F*).**

**6. Feedback on Papers/Articles for Publishing**

Commissioners assist in developing concept notes for focal areas to inform and guide the CGE implementation of interventions and articles for publishing in various media platforms. The attached document reflects the articled developed, published and not published in the media dating from August 2019 to date. All articles have been approved internally. However, the publishing of the articles is not dependant on CGE but contingent upon the editorial committees of various media/newspaper houses. Refer attached as table - **(*Annexure G). Sample Papers (G a, b, c, d*).**

**7. Report on Commission Deyi’s participation**

Commissioner Busisiwe Deyi was appointed as the part-time Commissioner on the 1st August 2019. She has been consistent in her work and has been delegated certain responsibilities and invited to various internal and external stakeholder meetings in provinces which she has honoured, been actively involved and participating, conducting research and producing legal documents to better inform CGE interventions.

However, since the month of May, the said Commissioner could not attend the Portfolio Committee that was scheduled for the 26 May and the Legal Committee that sat on the 27 May 2020. However, formal apologies were submitted except for the follow-up Portfolio Committee meeting scheduled for the 19 June 2020. Upon engagement, the Commissioner’s personal situation has not improved. The latest meeting received notification was received due to the personal bereavements as announced in the last meeting of the 10 July which was formally submitted.

**8. Report on Comm Moleko investigation**

A formal complaint submitted by Commissioner Smout relating to matters raised about Comm Moleko was received end of September 2019. In addressing the matter, section 4.4 of the Commissioner’s Handbook on alternative dispute resolution was followed. In adherence with the audi alteram partem rule of hearing both sides, a meeting in January 2020 was scheduled and closed on two of the three matters raised. The third one being to confirm the hours worked at the Stellenbosch University.

In closing the matter, following the deliberations of the recent July plenary, the Chairperson has been requested to provide the Commission with a close out report which will be given to the affected party, the staff and Parliament. At this point there is no close out report.

1. **Report on the appointment of the Commissioner’s PA: Mazibuko and Botha**

In accordance with the CGE Human Resource Policy, the Commission has a provision for the reasonable accommodation for both staff and Commissioners. The two Commissioners were appointed for the 2nd term and commenced their duties on 1 August 2019. The process of appointing the PA has been initiated accordingly. The roadmap is to be revised upon consultation with the affected Commissioners, due to the timing constraints it will be finalised this week and circulated to the Portfolio Committee.

1. **Adjusted Annual Performance Plan and Adjusted Budget 2020/21**

The Portfolio Committee on Women, Youth and Persons with Disabilities requested the Commission for Gender Equality to brief them on the adjusted Annual Performance Plan and Budget for 2020/21 as tabled by the Minister of Finance in Parliament on 24 June 2020. The presentation the implications of the covid-19 pandemic on the mandate of the Commission, including the revised budget impact on the overall allocations to the Commission and its programmes/service delivery?

***(Annexure H and* *I*).**

1. **Commissioner’s Remuneration**

The Portfolio Committee on Women, Youth and Persons with Disabilities requested the Commission for Gender Equality to brief them on the remuneration of CGE Commissioners. Please find attached ***(Annexure J)***