

CGE QUARTERLY REPORT 2021/2022 QUARTER 1 APP TARGETS

30 July 2021

1. INTRODUCTION

The Commission for Gender Equality (CGE) is one of the institutions established in terms of Chapter 9 of the Constitution of the Republic of South Africa, 108 of 1996. In terms of section 187 of the Constitution, the mandate of the CGE is to contribute to strengthening and deepening constitutional democracy in South Africa through the promotion, protection, development and attainment of gender equality. The powers and functions of the CGE are further outlined in the CGE Act 39 of 1996 as amended ("CGE Act"), which include monitoring and evaluating the policies and practices of government, the private sector and other organisations to ensure that they promote and protect gender equality; public education and information; reviewing existing and upcoming legislation from a gender perspective; investigating inequality; commissioning research and making recommendations to Parliament or other authorities; investigating complaints on any gender-related issue and monitoring and reporting on South Africa's compliance with international conventions. The CGE is therefore an independent institution that is subject to the Constitution and the law and must be impartial in the exercise of its powers and perform its functions without fear, favour or prejudice.

2. STRATEGIC FOCUS

Vision

A society free from all forms of gender oppression and inequality

Mission

To promote, protect, monitor and evaluate gender equality through research, public education, policy development, legislative initiatives, effective monitoring and litigation

Values

Are anchored in the supremacy of the Constitution and the rule of law, and we perform all our functions with an ethos grounded in the following values:

- Independence we impartially perform our duties without fear or favour, mindful of the independence of our office.
- **Professionalism** we timeously execute our responsibilities with the utmost care and diligent
- Accountability we always give an account of our actions and decisions
- Ethical behaviour we strive to maintain high standards of:
 - Trustworthiness and honesty
 - Respect and empathy
 - Integrity
- **Teamwork -** we support and work in collaboration with our colleagues, state organs and civil society to maximise the attainment of our objectives.

3. OUTCOMES

3.1. An enabling legislative environment t for gender equality

Purpose: To evaluate legislation, policies, practices and mechanisms within public and private institutions and make recommendations to bring about continuous improvements to advance gender equality.

3.2. Outcome 2: Gender equality promoted and protected through information, education, investigations and litigations.

Purpose: To conduct advocacy initiatives, public education, investigations and litigations in promotion of gender equality and a society free from gender discrimination.

3.3. Outcome 3: Monitoring and research investigations on issues that undermine the attainment of gender equality and women's empowerment.

Purpose: To identify and monitor key issues that impact on gender equality, to evaluate the contribution being made by role-players, to make recommendations and undertake interventions to promote and attain gender equality.

3.4. Outcome 4: An efficient, effective and sustainable organisation that promotes good corporate governance.

Purpose: To build and maintain efficient and effective organisational systems, processes and mechanisms to promote and protect gender equality.

4. APP PROGRAMMES SUPPORTING THE SONA, NDP & MTSF

#	SONA	NDP	MTSF	CGE Programmes
1.	A capable, ethical and developmental state	Ch12: Building a capable and developmental state.	Priority 1: Building a capable, ethical and developmental state.	Compliance with international and regional agreements relating to gender equality.
2.	Economic transformation and job creation.	Ch 3: Economy and Employment.	Priority 2: Economic Transformation & Job Creation.	Gender Transformation hearings on TVET institutions, private and public institutions; Status report: enabling & sustaining women empowerment (GRBF and WEP); Gender Mainstreaming programme.
3.	Education, skills and health.	Ch 9: Improving Education, Innovation & Training Ch 10: Promoting Health.	Priority 3: Education, Skills & Health.	Outreach, advocacy and legal clinics; Systemic investigation: forced sterilisation; Community Radio programme Social media campaigns.
4.	Consolidating social wage through reliable & quality basic services.	Ch 11: Social Protection.	Priority 4: Consolidating social wage through reliable & quality basic services.	Tracking and follow up on the implementation of findings and recommendations.
5.	Social Cohesion & Safe Communities.	Ch 12: Building Safer Communities.	Priority 6: Social Cohesion & Safe Communities.	Legislative submissions; Complaints handling; Investigations, Status of the country's response to GBV.

5. SUMMARY OF ACHIEVEMENTS

OUTCOME	Planned Quarterly Targets	Achieved Targets	Unachieved Targets	Percentage Achieved Targets
An enabling legislative environment t for gender equality.	7	5	2, of which 1 partially	71%
Gender equality promoted and protected through information, education, investigations and litigations.	8	6	2 partially	75%
Monitoring and research investigations on issues that undermine the attainment of gender equality and women's empowerment.	10	8	2	80%
An efficient, effective and sustainable organisation that promotes good corporate governance.	13	11	2	85%
Total Targets Achieved: Q1	38	30	8	79%

6. APP TARGETS OUTCOME 1: AN ENABLING LEGISLATIVE ENVIRONMENT T FOR GENDER EQUALITY

#	Output Indicators	Annual Targets	Q1	Actual Performance	Variance	Corrective Action
1	Number of submissions on new and proposed legislation that substantively promotes and protects gender equality	and proposed legislation that substantively promotes and protects gender equality	proposed	Three (3) submissions on new and proposed legislation were made in this quarter.	1 submission was not achieved owing to limited publications for input to Bills.	This target will be achieved in the coming quarters as publications for input to Bills.
2	Number of consolidated reports to the president and the Speaker's office on the submissions made and an analysis of the outcomes of the engagements with		and outcomes of engagements	A report on outcomes of engagements with parliament has been produced for the quarter, including presentations on the submissions input to Bills to the Portfolio Committees	No Variance.	N/A

#	Output Indicators	Annual Targets	Q1	Actual Performance	Variance	Corrective Action
	parliament and other key stakeholders on new and proposed legislation	new and proposed legislation		on Employment and Labour and Social Development.		
3	Number of high-level meetings with identified key national stakeholders (i.e., national ministries, parliament and civil society organisations on the ratification and domestication of international and regional instruments).	3 High-level meetings and a status report with outcomes of the meetings with identified key national stakeholders (i.e., national ministries, parliament and civil society organisations on the ratification and domestication of international and regional instrument).	No activities	No activities	No activities	No activities
4	Number of monitoring and evaluation reports on policies and practices to promote gender transformation.	3 Monitoring and evaluation reports on policies and practices to promote gender transformation	Project plan outlining the process with timeframes	Project plans developed, identifying five new public & private entities and communication has been dispatched to the entities, as well as follow up with six entities from the previous year.	No Variance	N/A
5	recommendations contained in the CGE gender transformation reports	with institutions and stakeholders on the findings and	with institutions and stakeholders on the findings and recommendation	five high level meetings in	4 Additional high- level meetings were conducted to attend to specific areas of the EC where high levels of GBV and sexual assaults were identified.	N/A

#	Output Indicators	Annual Targets	Q1	Actual Performance	Variance	Corrective Action
6	regulations for women's empowerment	engagements & a report on the outcomes of the		No activities.	No activities.	No activities.
7	Number of webinars and policy briefs conducted to follow up on commitments made in the 2020/2021 webinars.		1 webinars and policy briefs conducted to follow up on commitments made in the 2020/2021 webinars.	Not achieved.	1 webinar	Topics will be identified by Commissioners for implementation of 2 Webinars in the 2 nd quarter, to compensate for the non-achievement in quarter 1.

OUTCOME 2: GENDER EQUALITY PROMOTED AND PROTECTED THROUGH INFORMATION, EDUCATION, INVESTIGATIONS AND LITIGATIONS

#	Output Indicators	Annual Targets	Q1	Actual Performance	Variance	Corrective Action
1.	and information programmes	Consolidated Report on content development for education and information programmes	Project plan drafted providing timelines of content development for education and information programmes	A project plan was developed, with activities including uploading of all posters in the CGE website and continuing with Gender Terminology Project.	No variance	N/A

#	Output Indicators	Annual Targets	Q1	Actual Performance	Variance	Corrective Action
2.	Number of training workshops on gender and development	36 training workshops on gender and development	9 training workshops on gender and development	Only 3 workshops on Gender and Development were conducted	Less 6 GAD workshops were conducted due to COVID – 19 level 4 regulations limiting interactions	Postponed to Quarter 2, provinces that didn't do any GAD will do 2 each this quarter.
3.	Number of consolidated reports on Media advocacy and outreach campaigns through community radio stations	on media, advocacy and outreach	Project plan drafted on the implementation of media, advocacy and outreach campaigns through community radio stations	A project plan on media, advocacy and outreach campaigns was drafted.	No variance	N/A
4.	Number of High-level meetings with & a report with the outcomes of meeting with DBE, SACE & Teachers' Unions on GBV & learner pregnancy.	2 High level meetings & a report with outcomes of meeting with DBE, SACE & Teachers' Unions on GBV & learner pregnancy.	No activity	No activities.	No activities.	N/A
5.	Number of social media and podcast campaigns focussing on GBV (men and boys, GBV with its interface with Disability,	podcast campaigns focussing on GBV (men and boys, GBV with its interface with Disability, Covid 19, informal	I social media and podcast campaigns focussing on GBV (Men and boys, GBV with its interface with Disability, Covid 19, informal workers/traders, LGBTIQ+)	1 comprehensive campaign was conducted for the quarter, on topics pertaining to Youth Month, Human Rights Day, Marriage Property Act, Domestic Workers, ERAP Launch, State of Shelters, Hate Crimes and Women & Unemployment.	7 Additional campaigns were conducted as the new Communications Manager was appointed in April and met with a high demand for this activity.	N/A

#	Output Indicators	Annual Targets	Q1	Actual Performance	Variance	Corrective Action
6.	Number of assessment reports on gender mainstreaming interventions to lobby and influence decision makers within public and private institutions.	makers within public	A quarterly assessment report on Gender Mainstreaming interventions to lobby and influence decision makers within public and private institutions.	A quarterly assessment report of GM interventions in municipalities was developed for the quarter.	No variance	N/A
7.	Number of outreach, advocacy and access to justice interventions conducted guided by a project plan.	108 outreach, advocacy and access to justice interventions conducted guided by a project plan.	•	24 outreach, advocacy and access to justice interventions were conducted.	3 interventions were not achieved as one provincial office was affected by Covid:19 with key staff members affected.	The unachieved interventions will be conducted in the next quarter.
8.	stakeholder	36 stakeholder engagements with likeminded organisations/institution s on topical issues relating to gender equality which will inform CGE planning and programmes	engagements	15 stakeholder engagements were conducted in this quarter, focusing on GBV related matters.	6 Additional engagements were conducted due to demand for interactions around matters of GBV.	N/A

OUTCOME 3: MONITORING AND RESEARCH INVESTIGATIONS ON ISSUES THAT UNDERMINE THE ATTAINMENT OF GENDER EQUALITY AND WOMEN'S EMPOWERMENT CONDUCTED

#	Output Indicators	Annual Targets	Q1	Actual Performance	Variance	Corrective Action
1.	Number of Consolidated reports on complaints handled	Consolidated report on complaints handled	A quarterly report drafted on complaints handling	A report drafted on complaints handling has been developed and presented in the narrative report below.	No variance	N/A
2.	Number of courts monitored and a report of the outcomes.	40 courts monitored and a report of the outcomes.	10 courts monitored and a report of the outcomes.	Not Achieved.	All 10 planned courts were not monitored.	20 Courts will be identified and monitored in the next quarter to compensate for the nonachievement.
3.	Number of Monitoring reports on progress on compliance with the findings and recommendations of systemic investigations conducted.	Monitoring report on progress on compliance with the findings and recommendations of systemic investigations conducted.	Project plan drafted on monitoring of the implementation of the findings and recommendation s of systemic investigations conducted	A project plan was drafted on the monitoring of the implementation of the findings and recommendation s of systemic investigations.	No variance	N/A
4.	Number of monitoring reports on government's implementation of GBV Programmes (NSP, Multi-sectoral structure on GBV, concept note on GBV	One monitoring report on government's implementation of GBV Programmes (e.g., NSP, Multi-sectoral structure on GBV, concept note on GBV Index, develop GBV Index).	A project plan drafted on identifying the issues and institutions to be monitored that are implementing the GBV policy frameworks	A project plan was drafted on identifying the issues and institutions to be monitored.	No variance	N/A

	Index, develop GBV Index).					
5.	Number of status reports on the implementation of the CGE findings & recommendations of the ERAP Report.	1 Status report on the implementation of the CGE findings & recommendations of the ERAP Report.	A project plan drafted on the implementation of the CGE findings & recommendation s of the ERAP Report.	A project plan and concept document have been developed, including a work plan and the identification of government departments in which progress and responses to CGE ERAP report findings and recommendations will be assessed.	No variance	N/A
6.	Number of monitoring reports on gender representation in the 2021 Municipal Elections	A monitoring report on gender representation in the 2021 Municipal Elections	A project plan drafted on the gender representation in the 2021 Municipal elections	A project plan and concept paper have been drafted, including the Elections Observation Tool and the identification of political parties who will be monitored for gender mainstreaming in pre-election manifesto policy contents, candidates lists and post-election results.	No variance	N/A
7.	Number of police stations & Thuthuzela Care Centres in rendering GBV services. monitored.	432 police stations & Thuthuzela Care Centres in rendering GBV services monitored & a report with outcomes of the monitoring.	36 police stations & Thuthuzela Care Centres in rendering GBV services monitored & a report with outcomes of the monitoring.	43 Police Stations in all 9 provinces and A total of only 7 Thuthuzela Care Centres were visited during the period under review	Overachieved by 14, as police stations in some provinces were in close proximity, allowing more to be visited.	N/A
8.	Number of monitoring reports on the government's Gender Responsive Planning, Budgeting, Monitoring, Evaluation, Auditing	A monitoring report on the government's Gender Responsive Planning, Budgeting, Monitoring, Evaluation, Auditing Framework (GRPBMEAF)	A project plan drafted on identifying the issues and institutions to be monitored that are implementing the GRPBMEAF	A project plan, concept document and project field guides have been developed and relevant government institutions at national, provincial and local level for monitoring the implementation of the gender	No variance	N/A

9.	Framework (GRPBMEAF) Number of high- level meetings and a report on the outcomes, with institutions, stakeholders and policy makers on the findings and	4 high level meetings and a report on the outcomes of meetings with institutions, stakeholders and policy makers on the findings and recommendations	1 High level meetings with institutions, stakeholders and policy makers on the findings and recommendation	responsive budgeting framework have been identified. Not chieved.	1 High level meeting.	2 High level meetings will be arranged in the second quarter to compensate for the nonachievement.
	recommendations contained in the CGE monitoring and research reports	contained in the CGE monitoring and research reports.	s contained in the CGE monitoring and research reports			deflicvement.
10.	Monitor procurement allocation for women's empowerment	A report on procurement allocations for women's empowerment	Quarterly report on procurement allocations for women's empowerment	A report on procurement allocations for women's empowerment was drafted and presented in the narrative section of this report.	No variation	N/A

OUTCOME 4: AN EFFICIENT, EFFECTIVE AND SUSTAINABLE ORGANISATION THAT PROMOTES GOOD CORPORATE GOVERNANCE

#	Output Indicators	Annual Targets	Q1	Actual Performance	Variance	Corrective Action
1.	Number of reports on the assessment of plenary effectiveness	A report on the assessment of plenary effectiveness	No activity	No activities.	No activities.	No activities.
2.	Number of reports on the assessment of Subcommittees' effectiveness	A report on the assessment of Subcommittees' effectiveness	No activity	No activities.	No activities.	No activities.

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3.	Status of audit outcome.	Unqualified Audit opinion on Financial and Non- financial report by AGSA	Implement Financial Management plan, supported by sound systems of internal controls, Risk Management and Management of Revenue, Expenses, Assets and Liabilities and report thereon in accordance with relevant prescripts	The financial management plan is implemented accordingly as reported at the Finance & Fundraising Committee quarterly.	No variance	N/A
4.	plans and quarterly reports on HR	implementation of the	Developing the business model implementation plan	The business model implementation plan has been developed outlining the process of unfolding the CGE business model.	No variance.	N/A
5.	Number of reports on the implementation of the IKM plan	Quarterly report on the implementation of IKM plan	Quarterly report on the implementation of IKM plan	Not achieved.	The report was not produced as the process of implementing the IKM plan is at a submission stage to source the IKM service provider.	Expedite procurement processes.
6.	Number of reports on the implementation of the ICT Strategy and Plan	Quarterly reports on the implementation of ICT plan	Quarterly report on the implementation of ICT plan	A quarterly report on the implementation of ICT plan has been developed.	No variance.	N/A
7.	Number of reports	Report on the implementation of M&E Plan	Quarterly report on the implementation of the M&E Plan	A quarterly report on the implementation of M&E Plan has been developed.	No variance.	N/A

8.	Number of reports on the implementation of the tracking tool.	Report on the implementation tracking tool	Implement tracking tool	The tracking tool has been updated with new project developments for reporting to the relevant sub-committee.	No variance.	N/A
9.	implementation of the performance information	implementation of the performance information management policy informed by the business model and the	Implement performance information policy informed by business model and the M&E Plan	Implementation of the performance information policy commenced with the review of the policy to align it to the M&E Framework.	No variance.	N/A
10.	Number of strategic partnership agreements	4 Strategic partnership agreements	1 strategic partnership		A discussion began in quarter one for partnership with SAPS and is on-going.	N/A
11.	Number of reports on the implementation of the Communications strategy and Plan Implemented	Report on the implementation of the Communications strategy and Plan implemented	Implement communications strategy and plan	The Communication Strategy was implemented through various initiatives, including during the Child Protection Week, Pride Month and the rights of the LGBTQI, ERAP Report launch, writing opinion pieces and media statements, as well as website messaging.	No variance.	N/A
12.	Number of Consolidated Media monitoring reports on coverage of gender issues through traditional and digital media	Consolidated Media monitoring reports on coverage of gender issues through traditional and digital media	Media monitoring report on coverage of gender issues through traditional and digital media	Media monitoring report on coverage of gender issues was developed.	No variance.	N/A

Ī	13.	Number of reports	A report on the	Implement HR Plan	The HR Plan was implemented	No variance.	N/A
		on the	implementation of the HR		as presented in the narrative in		
		implementation of	Plan		this report.		
		the HR Plan					

7. QUARTER ONE NARRATIVE PERFORMANCE REPORT

7.1. STAKEHOLDER MANAGEMENT

The WC Office has engaged with various stakeholders in the reporting period: these include

- the Department of Local Government and SALGA who are key partners in the implementation of Gender Mainstreaming in Municipalities.
- The WC Commissioner for children where we are exploring working in schools and addressing violence and other issues that continue to make children vulnerable.
- the collaboration at the National level on the GBVF NSP working on Pillar 1& 5, the CGE has been key in the planning and hosting of two(02) Webinars on violence and Sexual harassment in the world of work as per articulated in the ILO C190 Convention that still to be ratified by South Africa.
- the engagement with key stakeholders (OTP: Human Rights Directorate, Dept of Local Government and CGE) to discuss the relaunch of the provincial gender machinery which was dismantled in 2014 in the Western Cape Province.
- the ongoing monthly High-Level Steering Committee on the implementation of the Gender Responsive Planning Budgeting Monitoring Evaluation and Auditing Framework chaired by the DWYPWD.
- Two ongoing monthly Evaluative project processes on Women Empowerment and Gender Equality lead and chaired by the DWYPWD.
- Global Fund Request for Funding, bi-weekly meeting and engagement with the National Human Rights Technical Task Team working on HIV & TB NSP and the drafting of the new Global Fund Proposal.
- NSP Implementation Collaboration, bi-weekly meetings with the GBVF NSP Strategic Alignment Team where we review previous work and meetings and plan for upcoming broader NSP Collaborative.
- GBVF NSP Observatory Working Group, several meetings hosted on the Joint Concept Note with CGE with Hlanganisa Institute
- Sex Work and working with the Asijiki Strategic and attending the annual Planning meeting for 2021.
- CH9 engagement on upcoming elections hosted by IEC.
- Localisation of SDGs stakeholder engagement with the SA SDGs working group to develop the annual concept note.

The NW provincial office continues to engage with stakeholders through virtual platforms which include Teams Meetings, Zoom etc. However, with the easing of the lockdown, the office has also been engaging stakeholders through warm body sessions but all the covid 19 protocols are observed, including social distancing, wearing of masks, sanitising and the frequent washing of hands etc.

On the 06 April 2021, the Provincial Manager was requested to do a presentation for Doctor Kenneth Kaunda District Crime Combatting Forum at Stilfontein SAPA Lapa, whereby I presented on the mandate of the CGE and its role in Society. The Provincial Manager also informs the Forum she will be conducting monitoring visits to the GBV hotspot areas and police stations in Northwest with the aim to improve efficacy and efficiency in our endeavours to fight the scourge of GBV and domestic violence in the country.

On the 23rd of April 2021, the CGE North West office was invited to Inter- Departmental Quarterly meeting for women and children program, whereby Gender Focal Persons from all different Departments, municipalities and Parastatals are called for quarterly meeting for reporting and planning on women and children's program, whereby I did advice different stakeholders to plan and report on what they are doing and give recommendations where necessary.

On the 14th of May 2021, the Commission for Gender Equality was invited to do presentation on Gender Responsive Policy Planning Budgeting Research Monitoring Evaluation and Gender Auditing (GRPBMEA). The presentation was done by Ms. Sixolile Ngcobo NGM National Leader & WC Provincial Manager. She mentioned the role of the Commission for Gender Equality on the implementation of GRPBMEA Framework. The purpose was to identify and monitor key issues that impact on gender equality, to evaluate the contribution being made by other role-players; to make recommendations interventions to promote and attain gender equality.

On the 28 May 2021, Moropa Development and ECO Girls SA "Moropa Development which is a social enterprise focused on the development of the less fortunate through corporate social and government funding". Moropa Development (Pty/ Ltd) is a Social Enterprise Company registered under the Companies Act. Their mission is to contribute towards building sustainable communities through empowerment programmes, development of effective partnerships between Communities, the Private Sector and Government "invited the CGE North West in raising the voice against Period Shaming and for inclusion of Boys and Parents in Menstrual Matters. As part of supporting the SAFEPAD Kick Off the Dialogue Campaign, they hoisted Intergenerational Dialogue on "Culture & Stigma Surrounding Menstruation" whereby the North West University students, the CEO from Live Healthy initiatives from Kenya, Programme Coordinator from Love Lifestyle, Menstrual Health Coordinator from Moropa Development, Executive Director from HURISA, the Special Programmes Manager from the Department of Education and General Overseer from Medical Community Chaplain RSA participated in the dialogue.

The Women's Legal Centre (WLC) invited the CGE North West to the roundtable discussion on eliminating violence and harassment in the world of work on the 4th of June 2021 through Zoom. The discussion included a representative from the ILO, activists, and organised labour movements. The discussion

centred around the International Labour Organisation's (ILO) unratified Convention C190 that recognises that violence and harassment affect the quality of public and private services, and may prevent woman from accessing, remaining, and advancing in the world of work.

The Department of Home Affairs invited the Commission for Gender Equality North West Office, Religious Leaders, Traditional leaders, NGOs, Chapter 9 institutions, Academics, Government Departments, the Media and the LGBTIQA+ community participated in the consultation session held with stakeholders in North **West** on the Green Paper on Marriages in South Africa on the 10th of June 2021 through MS **team** virtual engagement.

The CGE office was invited to South African Women's Dialogue (SAWID) North West Provincial Strategy meeting on the 15th of June 2021 through 700m.

The CGE office was invited to South African Women's Dialogue (SAWID) North West Provincial Strategy meeting on the 15th of June 2021 through Zoom Conferencing platform. The aim of the meeting was to share feedback from the SAWID Strategy meetings, to review SAWID's work in North West, and to identify synergies between the provincial and national activities. The expected output includes recommendations for a Provincial Partnerships and fundraising strategy, and Plan of Action (key activities) for North West. The main theme for North West was on what is it that can be done to empower women to be economically viable especially in the rural poor villages throughout the province to minimise violence and teen pregnancy. The key issues relating to women empowerment:

- Lack of training to upskill women to access financing and empowerment programmes.
- Lack of mentorship programmes for women to sustain small businesses.
- Culture and tradition are major barriers to women to sustain small businesses.

South African Police Service (SAPS):

The office continues to monitor cases with the SAPS, and they are cooperating, particularly in light of the recent MOU calling for SAPS to cooperate with Chapter 9 institutions.

National Prosecuting Authority (NPA):

The NPA is one of the stakeholders that we communicate with on a consistent basis since the CGE monitors various cases in the courts.

Department of Social Development (DSD):

The CGE has found that strengthened working relations with DSD are imperative due to the sensitive nature of the cases dealt with by the CGE. The CGE also sits with the DSD in most forums, including the Victim Empowerment Programme.

Local Municipalities/Tribal Authorities

The office's entry points into various communities are through the tribal office and/or through municipalities, as a result, the office has established good working relations with local municipalities as we also sit with them during situational analysis to establish what the needs of the community are.

Department of Justice and Constitutional Development (DOJ)

DOJ is one of the office's primary stakeholders as a lot of complaints received relate to the justice system in one way or another. The working relationship continues.

Local Municipalities/Tribal Authorities

The office's entry points into various communities are through the tribal office and/or through municipalities, as a result, the office has established good working relations with local municipalities and tribal authorities.

Office of the Premier & Office on the Status of Women

The office of the Premier, through its Community Development Workers (CDWs), has played a pivotal role in assisting the CGE to mobilise communities for legal clinics. CDW's are foot soldiers in their communities, as a result, it is critical the CGE work closely with them. The CGE has a solid working relationship with CDW's in the various communities.

The office also has a good working relationship with the Office on the Status of Women, particularly due to the fact that their main objective is to see the advancement and empowerment of women.

Department of Health

It has to develop a plan on how to reach deep rural communities on issues relating to Sexual and reproduction health rights.

The North West Victim Empowerment Provincial Forum

The North West Victim Empowerment Provincial Forum which is led by Department of Social Development is mandated by the NCPS to lead the programme and the following to be role players in VEP, South Home Affairs, CSO's dealing with Victim Empowerment. The VEP Forum meets quarterly to review, strengthen, and develop projects, programmes aimed at preventing victimization, protecting and supporting victims.

Angels of tomorrow

Play a major role in advocating for victims' rights and providing services to victims.

Gay Umbrella (North West)

To increase access to more equitable, inclusive and discrimination-free healthcare services for LGBTI people.

The NC team in accordance with the quarterly plan held 3 stakeholder engagements on Human Trafficking and GBV to determined progress in handling of GBV cases, difficulties, and overall feedback by different stakeholders. The purpose of those engagement was to familiarize the stakeholders with CGE's mandate, role, and responsibilities, including engaging them on Social Justice for Victims of Gender Based Violence and Human Trafficking. The CGE team raised awareness on issues of domestic violence and LGBTIQA+ members. The encouragement on stakeholder relations in the fight against GBV was emphasised.

Inputs/Comments

- Stakeholders are an important part of CGE in promoting Gender related issues. Hence the importance of a good relationship with the stakeholders.
- Stakeholders explained the difficulties they are having when it comes to service delivery as they have limited resources available to make the desired effective impact. The Departments raised issues on difficulties of working under more pressure with covid-19. The shortages of staff due to

- covid-19 regulations interfered with providing proper services to the community. Furthermore, stakeholders were concerned with how service delivery is affected by the covid-19 pandemic.
- In Nourtport there is limited services for community members. If the community members want specialized services, they need to travel to Kimberley. Due to the dynamics of the province, they prefer to travel to Bloemfontein in the Free State Province. The CGE will engage the Departments at a provincial level to address the shortcomings regarding services raised above.
- Each stakeholder works independently from other departments making it difficult to promote a holistic service.
- Although most of the basic services are in the community, most community members find it pointless to use these services as they feel that they are not receiving quality of service. Community members are concerned that they only receive these kinds of engagements after a long period of time or only after they have been identified as hotspots.
- LGBTIQA+ community was encouraged to report discrimination to the CGE, and police were applicable. Concern was raised about the community of Nourport not is receiving enough public education against the discrimination of the LGBTIQA+ community.

7.2. LEGAL

EXECUTIVE SUMMARY

The Annual Performance Plan for the Financial year 2021/2022 required the legal department to ensure that 80% of complaints opened are compliant with the Complaints Handling Manual. As such 52 complaints were opened and 90 were closed during this quarter. A total of 391 files are pending. The Legal Department continues to seek full achievement of the requirements as set out by the CGE's Strategic Plan and conducted 30 outreach-legal clinics in collaboration with PEI.

INTRODUCTION

The report highlights the status of compliance of the Legal Department to the strategic targets as set out in the APP 2021/2022 and in turn provides a holistic viewpoint of key legal concerns identified in various provinces. The report further seeks to provide possible solutions to identified challenges in the gender landscape by suggesting strategic issues for the Commission to embark on to address complaints. The report further highlights the Legal department's visibility not only in society but in the legal fraternity by numerous litigious matters at the Maintenance courts and children's courts.

STRATEGIC OBJECTIVE 1

A. <u>Gender transformation in relation to TVET</u>

The Operational plans have been developed during Q1. During Q1 the legal department has shared the findings and recommendations to the following TVET colleges:

- Waterberg TVET College, Limpopo.
- Southwest Gauteng College, Gauteng.

- Nkangala TVET College, Mpumalanga.
- Northern Cape Urban TVET College, Northern Cape.

B. Gender Transformation 2020/2021 Public and private sector

The Operational plans have been developed during Q1. During Q1 the legal department has identified the following institutions:

- South African National Parks.
- Department of Forestry; Fisheries and Environment
- SVA International and
- Arcelor Mittal South Africa). Letters have been dispatched to the entities.

C. Follow-up on Gender Transformation in the public and private sector

The Operational plans have been developed during Q1. During Q1 the legal department has shared the findings and recommendations to the following entities:

- Powerfix
- The Document Warehouse
- Department of Trade and Industry
- Department of defence

D. Systemic gender violations in Shelters

The Operational plans have been developed during Q1. During Q1 the legal department has shared the findings and recommendations with the entities.

E. Maternal Health

Operational plans have been developed. The engagements between the DOH and the complainants have taken place during this quarter at Durban. Further engagements will take place during Q2.

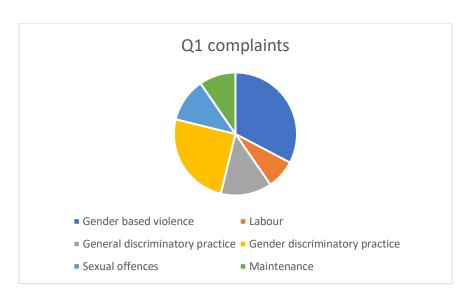
Nature of Complaints

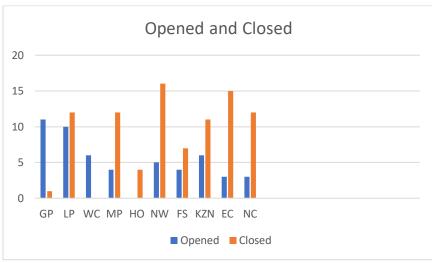
The table below depicts the nature of complaints for Quarter1 2021/2022.

Nature of Complaint	GP	LP	WC	MP	НО	NW	FS	KZN	EC	NC	TOTAL
Gender Based Violence	4	3	2	3	0	0	1	1	1	2	17
Labour	0	0	0	0	0	0	3	0	1	0	4
Culture and Tradition	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0
Patriarchy	0	0	0	0	0	0	0	0	0	0	0
Economic	0	0	0	0	0	0	0	0	0	0	0
Education	0	0	0	0	0	0	0	0	0	0	0
Health Care	0	0	0	0	0	0	0	0	0	0	0

Succession	0	0	0	0	0	0	0	0	0	0	0
Political Representation and	0	0	0	0	0	0	0	0	0	0	0
Participation											
General Discriminatory	3	0	0	1	0	2	0	1	0	0	7
Practice)											
General Gender Discriminatory	4	4	1	0	0	1	0	3	0	0	13
Practice (gender related)											
Divorce	0	0	0	0	0	0	0	0	0	0	0
Sexual Offences	0	0	2	0	0	2	0	1	1	0	6
Maintenance	0	3	1	0	0	0	0	0	0	1	5
Defamation.	0	0	0	0	0	0	0	0	0	0	0
Total	11	10	6	4	0	5	4	6	3	3	52







3.1 Analysis of Complaints

Most of the complaints received during this quarter are Gender based violence, general gender discriminatory practices and general discriminatory practices.

Gender based violence and sexual offences.

The Legal department received Gender based violence and sexual offences complaints during this quarter. Similar to Q4 report, GBV and sexual offences during this quarter are largely towards women, children and elderly persons who are raped, murdered, and assaulted with intent to do grievous bodily harm.

During this quarter, the Gender based violence and sexual offences matters were largely reported in Gauteng and the Legal department continues to monitor these matters before the courts.

General discriminatory practices and gender discriminatory practices

The complaints received during this quarter highlight continued discriminatory practices of women.

- The complaints during this quarter reflects challenges of access to maintenance by women in the province. It becomes a challenging task for most women to enforce their maintenance claims when the whereabouts of the recalcitrant are unknown.
- The sexual harassment complaint highlights challenge that woman experience in the workplace particularly in municipalities and mining companies. In the municipalities where the alleged transgressors are well known it has the effect of frustrating sexual harassment processes. Moreover, it is evident during this quarter that although municipalities conduct trainings on sexual harassment, their systems and municipal culture often undermines the vision of having a conducive and enabling environment.
- Women employed in male dominated jobs often experience exclusion based on gender. For example, the Legal department received a complaint where the complainant highlighted that her male colleagues do not accommodate her during site visits at Telkom. The complainant highlights that the male colleagues often bully her to wit the employer fails to address.

6. OUTREACH-LEGAL CLINICS

The department 30 conducted Advocacy, legal and outreach clinics this quarter in collaboration with PEI. The table below provides a visual display on the split of the Advocacy, legal and outreach clinics per province. Due to COVID 19, some outreach legal clinics were conducted through radio slots and webinars.

Ranking	Province	No of legal clinics
1	KZN	3
2	LP	3
3	MP	8
4	EC	3
5	WC	3
6	NW	3
7	GP	4
8	NC	3
9	FS	0

PROVINCE	DATE	STATION/ SOURCE/ PLACE
Eastern Cape	21/06/2021	Eastern Cape, Nelson Mandela Bay Metropolitan Municipality (Port Elizabeth:
		Uitenhage-KwaNobuhle
	23/06/2021	
		Eastern Cape, Matatiele, (Alfred Nzo District Municipality, Mazizini Village)
	24/06/202	Eastern Cape, Matatiele, (Alfred Nzo District Municipality, Bhubesi Village)
Northern Cape	11 May 2021	Nourport Community Hall
	12 May 2021	Nourport Community Hall
	13 May 2021	Nourport Community Hall
Western Cape	7 June 2021	KC FM Paarl
	15 June 2021	Valley FM
	23 June 2021	Radio 786
KwaZulu Natal	12 May 2021	Uthungulu Youth Radio Station (Empangeni)
	4 th June 2021	Isandlwana

	14 June 2021	Equdeni, Pinetown
Mpumalanga	30 April 2021	Ikwekwezi FM
, , , , , , , , , , , , , , , , , , ,	11 May 2021	Ligwalagwala FM
	12 May 2021	Ligwalagwala FM
	18 May 2021	Ligwalagwala FM
	1 June 2021	Ligwalagwala FM
	3 June 2021	Ikwekwezi FM
	7 June 2021	Barberton Community Radio
	10 June 2021	Ikwekwezi FM
Limpopo	28 May 2021	Sekhunyane Advocacy, outreach and access to Justice
	29 May 2021	Mala FM
	28 June 2021	Moletjie FM
North west	26 May 2021	Community engagement (Angels of Tomorrow)
	17 June 2021	Mmabatho FM
	18 June 2021	Community engagement (Ambassadors For change)
Gauteng	23 June 2021	Pheli FM
	23 June 2021	GBV Talk Radio
	3 to 4 June 2021	City of Johannesburg Municipality-
	1 June 2021	Social Development Department Migration Unit
		Mokoka Library- Daveyton.

Themes at the outreach- legal clinics

In view of the scourge of gender-based violence, the outreach-legal clinics focused on maintenance, gender-based violence and sexual offences. The purpose was to educate listeners about the concept of gender-based violence and sexual offences, conducts that constitutes gender-based violence/ sexual offences and procedures to follow to report gender-based violence/ sexual offences matters.

COURT MONITORING

<u>Gauteng</u>

Courts Name and Charge	Narrative	Status / Next court
		date
Pretoria Magistrates court	CGE has followed media reports on a Nigerian national accused of human	Awaiting date of
S v Augustine Obodo	trafficking, kidnapping and rape of a 12-year-old girl.	next court
A16/825/16	The matter was postponed for social workers report and representation. The court was informed that the report was delayed by the social workers' strike.	
Pretoria Magistrates Court	This is a matter involving an accused who allegedly murdered his wife. The	Awaiting next court
	accused was denied bail, but upon appeal he was granted bail subject to	date
S v Basdeo	conditions.	

<u>Limpopo</u>

Courts Name and Charge	Narrative	Status / Next court date
S v Patel	Limpopo businessman is accused of staging a burglary and killing his wife.	7 July 2021
	The accused has also appeared in court on the 02 nd October 2017 for	
	allegedly killing his mother. Analysis: The delays in this matter are	
	predominantly because the accused is facing two trials.	

Eastern Cape

Name of Court	Narrative	Status / Next Court Date
S v Tim Omotoso	The matter has resumed at the High Court.	16 August 2021

North West

Name of Court	Narrative	Status / Next
		Court Date
Own Initiative	GBV (Sexual Offences): Media reports (Sunday Times: 11 February 2018) have	Awaiting next
Complaint:	highlighted allegations of sexual abuse by the Bishop of the Jehovah Shammah	court date.
Klerksdorp Bishop	International Ministries based in Jouberton, Klerksdorp, on ten women congregants.	
accused of sexual	The trial commenced. The accused is being charged with 30 counts of sexual offences.	
offences	The accused exercised his right to remain silent on all counts and did not tender a plea	
	explanation. The state tendered an application for the witnesses to testify in camera	

MD/02/18/ NW-02	and a one-way screen. The application was granted. Everyone had to vacate the court	
	due to the sensitive nature of the case and since witnesses are also under witness	
	protection.	

<u>Free State</u>

Courts Name and Charge	Narrative and Analysis	Status / Next court date
Welkom	The matter of Mr. Maritz was transferred to the FS High Court and will proceed on	Matter is set down for
(Rape of minors & Sexual	the 24 November 2019. In respect of Ms. Maritz, the initial charge sheet stated that	trial 19 to 28 july 2021
assault, grooming, produce	she would be charged with:	
and display of pornographic	- failure to report to SAPS, knowledge that sexual offence - rape had been	
material)	committed against children X 2 (2 Children)	
	In terms of the CP amendment Act 54(1)	
	(a) – any person who has knowledge that a sexual offence has been committed	
	against a child must report such knowledge immediately to a police official.	
	(b) A person who fails to report such knowledge as contemplated in paragraph a is	
	guilty of an offence and is liable on conviction to a fine or to imprisonment for a	
	period not exceeding five years or to both a fine and such imprisonment.	
	Also, in terms of LEGAL PRACTICE COUNCIL NOTICE 198 OF 2019 Legal Practice Act	
	(28/2014):	
	Correction Notice: Code of Conduct for all Legal Practitioners, Candidate Legal	
	Practitioners and Juristic Entities	
	Section 3	
	Legal practitioners, candidate legal practitioners and juristic entities shall -	
	3.1 maintain the highest standards of honesty and integrity;	
	3.2 uphold the Constitution of the Republic and the principles and values enshrined	
	in the Constitution, and without limiting the generality of these principles and values.	
	3.3 treat the interests of their clients as paramount, provided that their conduct shall	
	be subject always to:	
	3.3.1 their duty to the court;	
	3.3.2 the interests of justice;	

3.3.3 observance of the law; and	
3.3.4 the maintenance of the ethical standards prescribed by this code, and any	
ethical standards generally recognised by the profession;	
3.15 refrain from doing anything which could or might bring the legal profession into	
disrepute;	
According to the instruction from the SPP, Me. Maritz will not be charged as it will	
not be in the best interest of the children to institute prosecution and further	
insufficient evidence to institute successful prosecution. She will however be utilised	
as a state witness.	

Mpumalanga

Courts Name and Charge	Narrative and Analysis	Status / Next court date
Vaalbank Regional Court (Rape and Murder)	Matter to proceed on trial. The two accused of raping and killing a woman, Jan Miyambo and Tshepo Motau. Bail money forfeited to the State and J50 warrant of arrest and circulation of accused by SAPS.	Pending arrest
Tonga Regional Court (Rape)	Accused did not appear in Court in April 2018 and declared a fugitive from justice. J50 warrant of arrest and circulation of accused by SAPS. IO Mhlongo confirmed tracing accused as he alleged to be in Witbank driving a taxi.	Pending arrest
Elukwatini Regional Court (Rape)	Accused failed to appear in court for trial. Accused declared a fugitive from justice since September 2018 as per SAPS report and J50 warrant of arrest issued.	Pending arrest
Middelburg High Court (Murder)	Minor girl living with albinism was allegedly murdered by a sangoma for muti purposes. Her cousin was also killed and dumped along the road. Accused 2 pleaded guilty and sentenced to two life sentences. His statement submitted in court, he implicated Accused 1, 3 and 4, who pleaded not guilty. Trial date set for 3 accused persons. Accused no 1 in Swaziland and border closed due to COVID-19.	04 th October – 12 th November 2021.
Kabokweni Court	A 32-year-old, Clive Mashile, (Uncle) allegedly raped a 13-year-old girl. Matter removed from the roll on the 05 July 2019 for SAPS to address queries raised by Director of Public Prosecution. Mails sent to Head: FCS, Colonel Neethling and no response.	Pending DPP's decision

KaBokweni Court	A man accused of raping his 18 months daughter. Accused's attorney of record terminated mandate and matter postponed for bail application.	Telephone calls not answered.
Nelspruit Regional Court	A 40-year-old man, Lazarus Vilakazi, raped his 15-year-old daughter and 9-year-old stepdaughter. Accused still in custody. Case reminded for trila date.	16 July 2021
Nelspruit Regional Court	Male nurse, Bongimusa Zitha, accused of raping a 15-year-old girl. Matter set for trial.	
Barberton Court	2 Accused persons accused of allegedly raping and killing a 16-year-old girl. Director of Public Prosecutions ordered for a re-take of DNA samples. Accused no.2 passed away and matter struck off the roll against Accused no.1	Closed
Carolina Court	A 44-year-old man, Jele and Sibanyoni, allegedly raped two minor children aged 6 and 7 years. It is alleged the 7-year-old was infected with HIV virus. Accused 1 in custody and accused 2 out on bail. Matter postponed further evidence.	02 June 2021
Nelspruit Court	A stepfather, Lourens Fourie, allegedly raped his 15 years old daughter. Matter postponed for further evidence. Part heard.	07 September 2021
Mhala Court	Boyfriend brutally murdered his girlfriend by cutting her body into pieces, put it in a suitcase and buried her in shallow grave. Accused sentenced to 18 years imprisonment. He pleaded guilty to murder and interference with the administration of justice at Mbombela High Court.	Closed
KaBokweni Court	Father, Sbusiso Nyalungu, raped his two minor daughters at home. Reminded for further investigations.	Telephone calls not answered.
Barberton Court	Two women, Nonhlanhla and Bathabile Mathunjwa, together with their neighbour and boyfriends killed their mother to claim her insurance money. Postponed for High Court date.	26 August 2021
Acornhoek Court	A disabled woman raped by a man, Barand Malodi. Accused appeared in court. Matter postponed for further investigations.	
Emalahleni Court	37 years accused strangled and assaulted his partner to death after an argument. Prosecution did not put the matter on the roll since there were queries, such as photos, to be addressed by SAPS.	Unknown
Bushbuckridge Court	A Manager, Gideon Mathebula, at a funeral parlour in Bushbuckridge raped a woman whom he worked with. Accused was released on bail on condition that he does not set foot at the funeral parlour. Matter struck off the roll.	Closed

Nelspruit Court	A 44-year-old man allegedly raped a 14-year-old girl. Accused released on R 1 000.00 bail and matter referred back by Regional Prosecutor to SAPS to address some queries.	Unknown
Standerton Court	Rape of an 18-year-old girl on Woman's Day by a police officer stationed at Sakhile SAPS. Bail denied due to pending cases of assault and malicious damage to property. Internal police investigation underway.	Telephone calls not answered.
Mkobola Court	Accused, Morgan Mashiyane, set alight the house that killed his girlfriend. Accused denied bail. Postponed for F/I.	
Piet Retief Court	A man allegedly raped his domestic worker at home. Accused was convicted through DNA link test after the second test was conducted. He filed application for review in Middelburg High Court.	12 July 2020 (Provisional date)
Nelspruit	A teenager allegedly raped by a 43-year-old businessman. Granted bail of R 1 000.00 and matter to be referred to Regional Court. Charges withdrawn accused the accused.	Closed

7.1AN ANALYSIS OF ACCESS TO JUSTICE ABOUT THE CASES MONITORED.

The spread of covid 19 in South Africa has hindered access to justice. The matters are often postponed when officers of the law are infected with COVID 19. In the event of death, the matters end up being withdrawn

Goal 5 - Women, who often face multiple forms of discrimination, violence and sexual harassment, are particularly affected by legal exclusion.

The late Chief Justice Pius Langa, as he then stated the following:

"South Africa has its own unique problems when it comes to access to justice. In the face of high levels of crime, the criminal justice system faces a serious challenge to ensure that victims have the satisfaction of knowing that those who harmed them, or their loved ones are brought to justice. Legal representation remains beyond the financial reach of many South Africans, and it is true that more money ensures better representation. That is not equal access to justice ... the Constitution should not become a tool of the rich".

¹ Justice Pius Langa, Transformative constitutionalism, available at https://www.sun.ac.za/english/learningteaching/ctl/Documents/Transformative%20constitutionalism.pdf accessed on 13 July 2019.

8. OTHER HIGH-PROFILE MATTERS/CASES

Head Office

Miseria Nyathi and 4 Others v The Special Investigating Unit The preliminary report was shared with the parties.	
Lebitse v Masondo The final reports were concluded on this matter. Partie	
	yet to appeal the reports.

9. PLU Submissions

Introduction

The Parliamentary Liaison Unit (PLU) is handled by the Legal department in view of the vacancy in the Unit. The purpose of this report is to report on the APP progress for PLU in compliance with the APP. This report will cover the work that the office managed to complete during quarter one (1), financial year 2021/2022. It will focus on the APP activities that were covered thus far. In accordance with Strategic Objective 1 to advance an enabling legislative environment for gender equality, the PLU has made the following 4 submissions during Q4:

- Submission on the Green Paper on Marriages, 30 June 2021
- submission on the Single Marriage Statute, 17 May 2021
- Submission on the PEPUDA Amendment Bill, 12 May 2021

During Q1 the PLU held engagements with the following:

- Engagements took place with the Portfolio Committee on employment and Labour on the 13 April 2021.
- Engagements with the Portfolio Committee on Social development on the Children Amendment Bill, 13 May 2021

Submission on the Green Paper on Marriages, 30 June 2021

The CGE fully supports the foundational policy principles that underpin the Green Paper,² including:

- Realisation of **equality for all** constitutionally sound marriages irrespective of race, culture, socio-economic status and religious persuasion.
- Realisation of **non-discrimination** in all constitutionally sound marriages irrespective of race, culture, socio-economic status and religious persuasion.
- Realisation of human dignity for all people in constitutionally sound marriages irrespective of race, culture, socio-economic status and religious persuasion.

² At pg 47

- Promotion of **acceptance**, **tolerance** and **unity in diversity** among all people in constitutionally sound marriages irrespective of race, culture, socioeconomic status and religious persuasion.
- Protection of women's rights irrespective of race, culture, socio-economic status and religious persuasion.
- Protection of children's rights irrespective of race, culture, socio-economic status and religious persuasion.
- Protection of gender diversity irrespective of sexual orientation.
- Protection and equal treatment of all recognised cultural and religious rights.
- Separation of religious and cultural rites and the State's functions.
- Marriage is a legally binding agreement entered into between two or more living human beings with a legal capacity to consent.

It is with these principles and its own vision and mission in mind that the CGE takes the following positions on the various policy proposals contained in the Green Paper.

The Green Paper correctly points out that the marriage regime of SA still deprives certain cultural and religious communities from concluding legally recognised marriages – including Islamic and Hindu marriages, and marriages in some African communities such as the KhoiSan. The Green Paper makes three possible policy proposals to expand the marriage regime to recognise and protect all cultural and religious rights.³

Of the three policy options proposed, the CGE supports a **Gender-Neutral Marriage Regime** for South Africa.⁴ This will entail doing away with categorising marriages along lines of race, sexual orientation, religion and culture, and adopting a dual system of either monogamous or polygamous marriages, including marriages concluded by foreign nationals.

The CGE agrees with the Green Paper's suggestion that this is the option that "ticks all the boxes" for the full and uncompromised application of Section 9 of the Constitution.

The CGE recognises the importance of custom and culture in a country where indigenous beliefs and practices were "othered" and marginalised under the draconian and racist Apartheid regime.

However, the CGE is concerned about entrenching a system of hierarchy among women (as wives and mothers) in SA law, as suggested by the Green Paper in Chapter 6 at 4.2.5 While a system of hierarchy may be appropriate in the traditional setting, the CGE is not persuaded that it is

³ At pg 47

⁴ Option 3 on page 48

⁵ At pg 49

appropriate in the legal and Constitutional setting, which demands substantive equality. The CGE is also aware of the plight of "supporting wives" who are vulnerable to simply being "discarded" by a Royal family through eviction and other means, after she has given birth to an heir.

Thus, on the question of Royal customary marriages that are currently not recognised, the CGE believes that communities who live in accordance with tradition and customary law, particularly the women and female Traditional leaders of those communities, should benefit from more targeted and thorough consultation from the Department, before a policy option is settled upon.

The CGE also recommends a targeted, qualitative inquiry by the Department into the lived experiences of "principal wives" and "supporting wives", and their experiences as women in a Royal family before and after the birth of a Royal heir.

Submission on the Single Marriage Statute, 17 May 2021

In respect of the previous submission by the Commission on the South African Law Reform's (SALRC) Single Marriage Statute Issue Paper 35, the Commission submitted that the Omnibus or umbrella Marriage statute would be ineffective in addressing challenges experienced by women in other types of marriages not recognised by the Marriage Act and other statutes. Which included Hindu marriages and Muslim marriages. The Commission further highlighted the ineffectiveness as it pertains to marriages in African Cultures that are not receiving adequate protection from the recognition of Customary Marriages Act 120 of 1998 and the Reform of Customary Law of succession and Regulation of Related Matters Act 11 of 2009, as it prejudices women in such marriages.

Moreover, the said statute also proved to not have taken into consideration aspects that ensured the consideration of the power dynamics that are present within marriage and "marriage-like unions" within the South African context. Particularly those of the historical injustices perpetrated against Lesbian, Gay, Bisexual, Transgender, Intersex, unregistered domestic partnerships and other minorities.

In respect of Hindu Marriages and Muslim marriages, the Commission submitted that the current position in South Africa as it pertains to such marriages was that our courts⁶, have only provided interim relief to women in Hindu Marriages and ordered that the word "spouse" as used in Section 1 of the Intestate Succession Act 81 of 1987, includes the surviving partner to monogamous Hindu marriage. This interim relief provides women in Hindu marriages to claim from the deceased estate. However, when parties separate in Hindu marriages, it has the effect of excluding women from benefiting from the estate.

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⁶ Govender v Ragavayah NO and Others [2009] 1 All SA 371 (D) (6 November 2008)

Consequently, women in Hindu marriages exit such marriages with no specific legal recourse against their husbands. Similarly, in the case of Muslim marriages, the courts⁷ have only recently called for the recognition of such marriages by ordering legislature to enact legislation relating to the recognition of such marriages.

With regards to the aspect of marriages in African Culture, the Commission submitted that notwithstanding legislation⁸ already in existence that there are marriages in African cultures that did not enjoy adequate protection under such legislation, and thus it was important that in the Single Marriages Act statute that such protection is of paramount importance. Especially as it pertains to anomalies in the law relating to aspects such as the age of consent, consent to polygamous marriages by all parties and ancillary requirements which in turn erode the rights of equality and gives rise to a flurry of confusion.

Since the adoption of the post-Apartheid constitution of 1996, South Africa has proven to be a leader in being an example of progressive reform for lesbian, Gay, bisexual, transgender, and intersex (LGBTIQA++) persons in Africa and the world. Although, cases such as the Fourie case ⁹ and Volks v Robertson case ¹⁰ has afforded Lesbian and Gay couples with equal protection as it relates to marriage and enjoying the status and benefits coupled with responsibilities afforded to heterosexual couples by developing the common law to include same-sex partners in the definition of marriage and therefore, providing Gay and Lesbian couples with immediate protection.

Whilst the Constitutional Court has not prescribed the legislative measure that South Africa must follow, the Court has set out guiding principles¹¹, which the Commission is of the view are still central to any possible legal reform with regards to marriage.

However, prior to the introduction of the proposed Registration of Marriages and Life Partnership Bill, intersex, transgender, and the rest of the LGBITQA++ community was not included in the protection and benefit and thus, amounting to a violation of the right to equality for these groups based on sexual orientation. The Commission wishes to point out that the recognition given to Gay and Lesbian marriages or unions in the Fourie matter was only limited to Gay and Lesbian marriages and unions and as stated in NCGLE v Home Affairs¹² that "other conjugal relationships not presently recognised as valid by law were not covered by the decision which gave rights to same-sex partners." ¹³

 $^{^7}$ Women's Legal Centre Trust & Others v President of the RSA; Faro v Bingham; Esau v Esau 2018 ZAWCHC 109.

⁸ Recognition of Customary marriages Act 120 of 1998, Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009.

⁹ Minister of Home Affairs and Another v Fourie and Others; Lesbian and Gay Equality Project and Others v Minister of Home Affairs and Others 2006 (3) B.C.L.R. 355 (C.C.).

¹⁰ Volks N.O. v. Robinson and Others 2005 (5) B.C.L.R. 446 (C.C.).

¹¹ Minister of Home Affairs and Another v Fourie and Others; Lesbian and Gay Equality Project and Others v Minister of Home Affairs and Others 2006 (3) B.C.L.R. 355 (C.C.).

¹² The National Coalition for Gay and Lesbian Equality (former N.C.G.L.E.))

¹³ N.C.G.L.E. v. Home Affairs,p293

It was against this that the Commission submitted that a single all-encompassing statute would eliminate the many legal injustices which the current legal framework perpetuates. Furthermore, the fact that the rest of the LGBTIQA++ community is still plagued by the effects of the Civil Union Act which does not accommodate the possibility of a person electing to amend their sex as per the provisions of the Alteration of Sex Description and Sex Status Act 49 of 2003. Which then begged the question, if this would amount to the said person requiring a divorce to then re-marry in terms of the Marriages Act? Thus, emphasizing the Commissions view that the definition of marriage should be neutral of sex and merely cite "person" as opposed to "man and woman" thus avoiding apartheid-style statutes which preclude a sector of society.

As it relates to unmarried partnerships or relationships of a cohabitation nature, the Commission submitted that such relationships be incorporated into a single marriage statute to avoid different interpretations of the Recognition of the Customary Marriages Act that results in women being deemed to have been in cohabitation and not marriages because as it stands there is no legal protection or recognition afforded to such relationships within South African family law.¹⁴ Notwithstanding, the 'piecemeal statutory recognition' that has been extended for a range of benefits, this unfortunately still does not speak to the high incidence of domestic partnerships which exist, particularly in the black community where historical factors such as migrancy and family dissolution remain legacies of apartheid policies.

It is in such instances, that women tend to suffer when domestic partnerships end, either through death or separation. Since as the poorer members of the partnership they are left with nothing. It was against this backdrop that the Commission had submitted that the unified statute should set out the requirements for valid marriages and/or unmarried intimate partnerships and further cover the legal consequences of such relationships at death or dissolution.

Submission on the PEPUDA Amendment Bill, 12 May 2021

The CGE wishes to congratulate the Department of Justice and Correctional Services (the Department) on this draft Bill, which seeks to strengthen the body of law in relation to unfair discrimination. The principal Act forms a cornerstone of equality law in South Africa, and we support the Department's efforts to refine and develop this law, especially in the context of woefully underutilised Equality Courts.

We note that this Bill is closely related to, and will interact with, the **Prevention and Combating of Hate Crimes and Hate Speech Bill [B9-2018]** (the Hate Crimes and Hate Speech Bill) which was revived in Parliament on 29 October 2019, after being allowed to lapse. We note with concern, however, that despite a commitment by Minister Lamola, at the start of his current term of office to prioritise the promotion of the Hate Crimes and Hate Speech Bill, the Hate Crimes and hate Speech Bill has not made any progress in the law-making process. This is increasingly problematic in the face of recent reports

¹⁴ Laubscher N.O. v Duplan and Another (CCT234/15) [2016] ZACC 44; 2017 (2) SA 264 (CC), Gory v Kolver NO 2006] ZACC 20; 2007 (4) SA 97 (CC); 2007 (3) BCLR 249 (CC). The Commission was admitted as an amicus curiae.

in the media of the murder of LGBTIQ+ people across South Africa, and the resurfacing of xenophobic violence and attacks in 2021, among other underreported hate crimes.

Similarly, the **National Action Plan to Combat Racism**, **Racial Discrimination**, **Xenophobia and Related Intolerance** (the NAP) specifically calls for legislation to deal with hate crimes. As we consider the PEPUDA Bill, we urge the Department to enquire from the Portfolio Committee on Justice and Correctional Services what the status of the Hate Crimes and Hate Speech Bill is, and what progress is being made – specifically, the possibility of urgently "severing" and calling for comment on the hate crimes provisions of the Hate Crimes and Hate Speech Bill, while the Constitutional Court still grapples with its decision relating to hate speech in the matter of Qwelane v South African Human Rights Commission and Another, 15 which will undoubtedly impact on the hate speech provisions of that bill.

Deviation from targets

The APP tasks the PLU to make four submissions regarding Bills. There is deviation as the targets for the quarter were not implemented. The department only submitted three submissions to Bills and conducted two engagements with Parliament.

Engagements with parliament during Q1

During Q1 the PLU held engagements with the following

- Engagements took place with the Portfolio Committee on employment and Labour on the 13 April 2021.
- Engagements with the Portfolio Committee on Social development on the Children Amendment Bill, 13 May 2021

Concluding Comments

APP targets were not met and achieved during Q1. This is largely due to the external factors beyond the control of the PLU. These factors include the availability of Bills. The PLU shall proactively engage the South African Law reform and be observant of any Bills made available during Q2.

Introduction

The Parliamentary Liaison Unit (PLU) is handled by the Legal department in view of the vacancy in the Unit. The purpose of this report is to report on the APP progress for PLU in compliance with the APP. This report will cover the work that the office managed to complete during quarter 1, financial year 2020/2021 It will focus on the APP activities that were covered thus far.

¹⁵ (686/2018) [2019] ZASCA 167

Engagements with parliament during Q1

Date	Portfolio Committee	Bill
13 April 2021	Portfolio Committee on employment and Labour	Employment Equity Amendment Bill.
13 May 2021	Portfolio Committee on Social development	Children's Amendment Bill

During Q1 the PLU held engagements with the following

- Engagements took place with the Portfolio mmittee on employment and Labour on the 13 April 2021.
- Engagements with the Portfolio Committee on Social development on the Children Amendment Bill, 13 May 2021

Engagement on the Employment Equity Amendment Bill

The Commission has since 2013 held transformation hearings with specific focus to the private and public sector. This process was initiated following concerns of the underrepresentation of previously disadvantaged groups in various occupational levels. In the private sector, males (mostly white males) dominated managerial positions.

From this premise, the Commission observed that the Employment Equity Act 55 of 1998 did not progressively increase the representation of women and persons with disabilities at top management levels in the private sector. To this end, the Commission supports robust measures to accelerate and achieve equity in the private sector.

The Commission notes the insertion of the definition of "National Minimum Wage Commission' it means the Commission established in terms of section 8 of the National Minimum Wage Act No. 9 of 2018: "

The Commission further welcomes the inclusion and definition of people with disabilities. The definition is comprehensive and covers various forms of disabilities and this was a gap that resulted in the exclusion of most persons with disabilities in the workforce. It follows from the hearings of the Commission that employers often argue that employees often do not disclose or declare their disabilities in the workplace. An inclusive definition supported by a diversified workplace has the prospects of encouraging employees to declare their disabilities.

The commission welcomes the inclusion of section 15A in Act 55 of the 1998. The inclusion of sectoral targets will proliferate the representation of previous disadvantaged groups in various occupational levels. The Commission submitted that the setting of targets should consider that women and persons with disabilities have been underrepresented despite the Employment Equity Act, 1998 requiring designated employers to put in place affirmative action measures in place to achieve equity. To this end, the sectoral targets should specifically recognize the gender dynamics in the workplace.

Engagements on the Children's Amendment Bill.

Consistent with the written submission, it was submitted that the CGE's submission wishes to restate and support the recommendations made in the collaborative submission. As the CGE we tasked with evaluating any Act of Parliament and any proposed legislation to ensure it adheres to the constitutional mandate for the achievement of gender equality. In terms of section 11(c) of the CGE Act in line with its constitutional mandate under section 187(2) of the constitution the CGE makes the following recommendations.

- i). That the issue of intersex genital mutilation and female genital mutilation be dealt with as separate matters in order to ensure the effective discharge of the obligations to respect, protect, promote and fulfil in relation to the continued institutionalization of the violation of the rights to freedom and security of the person and the right to human dignity of intersex children.
- ii). That the Amendment Bill include provisions that aim to ensure that the rights of intersex children to exercise bodily autonomy are guaranteed.
- iii). The CGE recommends the criminalisation of non-medically necessary surgical interventions on children with intersex sex characteristics that do not pose a medical danger to them.

Concluding Comments

In both engagements the Portfolio Committee were welcomed the submissions of the Commission and the Committees thanked CGE for availing themselves for the insightful engagement. It was confirmed that the commission's submission shall be considered by the Committee.

7.3. RESEARCH

Monitoring Procurement Allocations for Women's Empowerment

This is a new project but continues the CGE's programmatic focus on women's economic empowerment over the past three Financial Years. This project focusses attention on state procurement processes as mechanisms for promoting women-owned business enterprises. The project will assess data regarding procurement resources allocated towards women-owned business enterprises through state procurement processes at national, provincial and local government levels.

Progress:

Initially, it was assumed that currently, government has a policy target stating that 40% of total procurement allocations would be directed towards women-owned business enterprises in South Africa. However, a review of existing government policy documents, including dialogues with several government entities, have established that such a formal government policy does not exist. As a result, the project will focus on assessing current activities aimed at promoting women-owned enterprises through procurement allocations at national, provincial and local government levels.

During this quarter, the Research Department carried out the following scheduled activities as per the CGE APP:

- A project concept note was developed to guide the project, its scope and focus.
- A project workplan was developed to guide the project and its fieldwork activities.
- Several government entities at national, provincial and local government levels were identified for assessment in terms of procurement allocations towards women-owned business enterprises.
- A set of fieldwork data collection guides have been designed to assist the project during the field work phase.

<u>Variation</u>: No variations were introduced to the project in this quarter.

Key issues:

No major issues were identified in this project during this quarter.

7.4. PUBLIC EDUCATION & INFORMATION

Radio slots

- In this quarter, the community radio slots focused on GBV as a key theme that runs throughout CGE programmes. As reported in previous reporting periods, radio scripts were drafted for provinces to use during slots. This ensures that messaging on GBV is consistent throughout the provinces.
- Community radio slots were procured through GCIS, although for this reporting period GCIS has been slow in delivering the slots.
- In addition, provinces managed to secure their own slots on GBV, SRHR and a range of gender related matters.
- A total of 18 slots were implemented this quarter.

Outreach, legal and advocacy clinics- focus on community analysis in preparation for implementation

- As indicted in previous quarters, since the onset of the COVID-19 pandemic, the department had to change its strategy and employ virtual means of actioning the clinics. A script for community radio stations was drafted on the DVA and SOA. These scripts have been used by provinces where slots were conducted using radio.
- Some provinces held outreach, advocacy and legal clinics in person. This will however change during Q 2 since the third wave of COVID19 infections surfaced with a new variant too (Delta variant).
- Provinces, however managed to secure radio slots for outreach, advocacy and legal clinics.
- A total of 21 Outreach, advocacy and clinic clinics were implemented during the first quarter.
- Since most clinics were conducted virtually through community radio slots, issues were not raised by listeners

Stakeholder engagement for fourth quarter

Each province was expected to implement at least 1 stakeholder engagement. Focus areas by provinces include GBV, Women's economic Empowerment, SRHR. In the first Quarter an exceeded target of 10 stakeholder engagements have been achieved.

In the EC, the province completed the Gender terminology booklet in IsiXhosa. This project initially started in the Free state where gender terminology as translated into Sesotho. The Isi-Xhosa version has been developed and verified. The EC will be officially launching the booklet in this financial year. This project is ongoing.

Some of the key issues raised in relation to SRHR

- The possibility of COVID 19 infections at health facilities discourages people to seek help,
- One of the barriers to access of sexual reproductive services is lack of information and knowledge,
- Insufficient availability of youth-friendly health clinics,
- Sexual and Reproductive health issues remain to be viewed as private family matters and somewhat sensitive therefore people do not easily come forward to make contributions.
- There is a need for the realisation of the different dynamics that exist in relation to Sexual and Reproductive Health needs when looking at men and women who identify as heterosexual in comparison to gender non-conforming persons. The same concern of lack of unisex toilets in many tertiary institutions was raised.

Gender Mainstreaming

In this financial year, all provinces identified as per the guiding document which was provided. The aim of the project was to ensure that municipalities adopt practices of GM. A gender audit tool which was developed which was used by PEI to analyse the IDPs. The municipalities were also provided with opportunities to complete the tool and provide additional information and training needed. Provinces conducted training on gender concepts and GM throughout the year using the resource books that were previously developed by PEI (Using the SDGs to implement GM). In this financial year the target for GM was achieved

The project was not without challenges. A few general issues were identified which included:

- Lack of commitment by municipalities to implement GM initiatives.
- Municipalities continue to respond very slowly to request for GM and completion of the gender audit tool.
- The COVID pandemic impacted negatively on municipalities that have been identified due to intermittent closures municipalities had difficulties functioning during the period under reporting. Many members and staff of the municipalities are still working virtually (from home)
- Underrepresentation of women in municipal structures especially management continue to be a major challenge.

- Gender Responsive Planning has not been implemented; municipalities have indicated that they do not have the prerequisite skills to undertake GRP.
- Commitment by municipalities to GM remains a major challenge (lack of political will to transform municipalities).
- The gender focal points within the various state departments are under-resourced making it difficult to develop programmes to mainstream gender in sector-specific areas.
- Limited human resource capacity and skill: There is no specific qualification set for personnel that serve in the gender focal point and often staff members are appointed to positions without considering their background on gender issues.

7.5. COMMUNICATIONS

Policy, Planning and Strategic Deliverables:

- A draft CGE social media policy has been started and will be completed in Quarter 2.
- Upon my arrival in the CGE in April, I did not know the status of CGE Communication Policies, as there were none in the documents I received as a handover. After enquiring from the Spokesperson Mr. Javu Baloyi about a Communication Policies, I arrived at a conclusion that there were none. I indicated in the Performance Agreement table submitted to the CEO that development of communication policies will be one of the targets. Only later I received an existing communication policy from Ms Joan De Klerk, which needs to be revised. It did not include social media.
- A publicity plan was developed and implemented for Child Protection Week.
- A communication stakeholder engagement plan was developed and implementation is in progress.

Online Digital Media Deliverables:

- Content Management was started on the CGE website, to ensure weekly updating of messages, fresh documents, latest information. This is progressive, regular work.
- A new Youtube account (For uploading of CGE videos and podcasts) was created in the month of May, and videos were recorded and uploaded.

 This is to ensure CGE presence on all social media platforms and to create an online library of CGE messages through video media.
- A new Instagram account was created in the month of May to broaden the CGE presence on all social media platforms and increase the online audience and stakeholder networks.
- A submission was delivered to Supplu Chain Management for appointment of a supplier who will produce professional CGE corporate videos and TV content to be activated on the installed TV monitors.

Corporate Identity and Branding:

• An assessment on the inside of CGE head office was completed and branding requirements identified by Sello Molekwa. Based on the assessment, the head office needs serious rebranding to align the office space with CGE corporate image. A meeting was held with Supply

- Chain Management, and subsequently, a submission was delivered to SCM detailing the branding initiatives for which we require outsourcing. The initiatives include branded information posters and general office signage.
- Electronic and Printed Business Cards were procured for individuals who need to have them as part of their engagement with external stakeholders.
- Digital posters have been developed for website and social media activations, as well as for the Gauteng office for their Gender Mainstreaming events. This support will be extended to other provinces and communication has been issued to them to make their events known.
- CGE Branding has been implemented on the reception glass windows at head office.
- Window blinds that are aligned with CGE corporate identity have been procured for installation in the head office boardroom. They will replace the brown curtains that have been in the boardroom.
- Assessment of new boardroom facilities such as chairs and floor carpet that are aligned with the CGE corporate identityhas been made in consultation with SCM.

Internal Communication:

- An Editorial Committee was established to support Communications Unit with strategic topical inputs for regular inclusion in the new internal CGE electronic newsletter.
- A process to start communicating CGE values internally has been started, with internal email posting on CGE values started, and printing of posters on CGE values also started.

Content Development:

- A portal that has articles written by Commissioners has been created on the CGE website, to enable archiving of electronic content for public display.
- Four opinion pieces were written by Communications to support Commissioners in their public messaging media engagements.
- Weekly media statements have been developed, edited, distributed and archived on the website section of media statements.
- Key messages have been crafted and posted on the Twitter and Facebook platforms to ensure promotion of CGE work.

Publication Production:

- Design and content layout work has started on the CGE 2020-2021 Annual Report.
- An assessment of the required electronic and printed brochures/pamphlets has been done by Sello Molekwa, to understand and establish the topical information for which publications are required. Submission for development will proceed in Quarter 2.

7.6. INFORMATION ECHNOLOGY (IT)

Introduction

This report covers the 1st Quarter of the reporting period, and highlights activities undertaken during the period under review. These activities cascade from the annual performance plan, operational plan and related projects.

Laptop and Headphones distribution

We have procured twenty (20) laptops and the end of the financial year to add to the current pool and address shortage of laptops. These are distributed on a need basis and to enable more staff the abilities to work from home. We also distributed branded CGE headphones for teams meeting and privacy during the meetings.

Microsoft O365 Vs Zoom Report and Advisory

The Microsoft team's assessment and review were conducted as per instruction to assess the level of confidentiality and available security permissions within the application. Including, visibility of confidential plenary sessions on the cloud platform.

Team's environment is built on good practices which promotes security, confidentiality and privacy to all participants who have been invited and/or accepted a meeting request/invite.

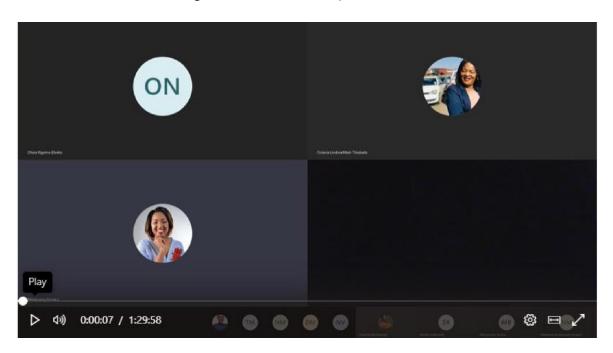
Microsoft compliance to auditing standards and practices.

The product Microsoft Office 365 has embedded international auditing standards and practices as well as security on its product and its functionality. Information recorded on the CGE virtual/ cloud platform is thus safeguarded against users unless information is willingly or knowingly shared by one of the invitees of a meeting. The permissions are set by the host of the meeting as to whether the recorded meeting is published within the parameters of the meeting participants only or organisation – wide (entire CGE community). During the investigation done by IT the following was found:

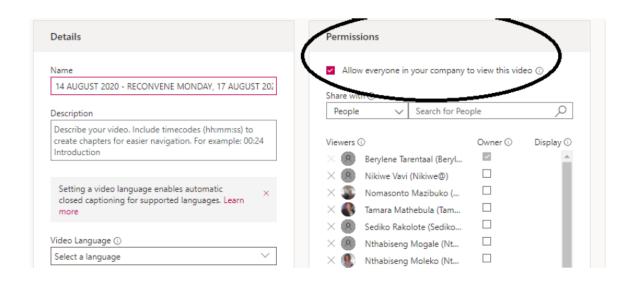
- 1. All uploaded recordings of Teams internal meetings held can be set to have limited viewingand company viewing. The recorded meetings have that are visible have the **Company** setting or permission.
- 2. The recordings in question (plenary or confidential meetings) have been made visible and accessible to the CGE community. This could have occurred during the publishing of the recording. Note, that when a meeting has **limited** view, this will only be visible and available to the invitees of the meeting. When the meeting has **Company** as part of the publishing permissions, the meeting will be

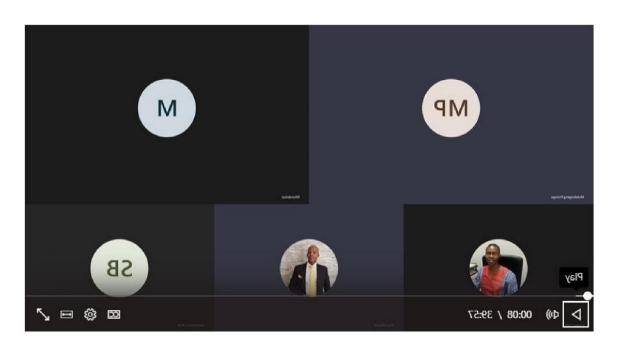
available to the CGE community.

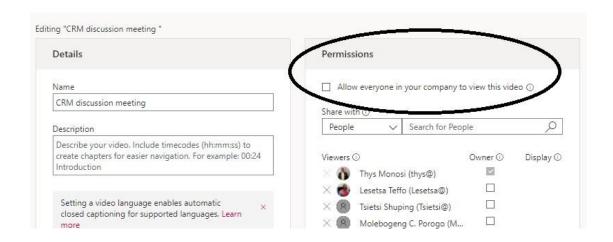
Please refer to the below diagram for illustration on permissions



SPECIAL PLENARY - FRIDAY 14 AUGUST 2020 - RECONVENE MONDAY, 17 AUGUST 2020 Published on 8/17/2020 by Berylene Tarentaal Company 1 1 0 0 0







IT emphasised that Teams has the capabilities of ensuring optimal confidentiality and security that information is not accessible by unauthorised persons. IT recommended the use of Teams for the CGE community.

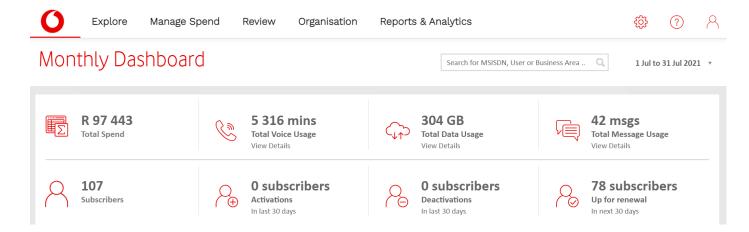
IT recommended that PA's and administrators be trained on the use of Teams and how permissions work. This training was conducted under the review period through a team's shared session to ensure that we provide a practical experience on how meetings should be arranged.

Wi-Fi and Signage Installation

The submission for provincial travel has been approved and once the Covid-19 levels are adjusted for inter-provincial travel all outstanding installation will be done.

Cell phone and 3G Usage Report

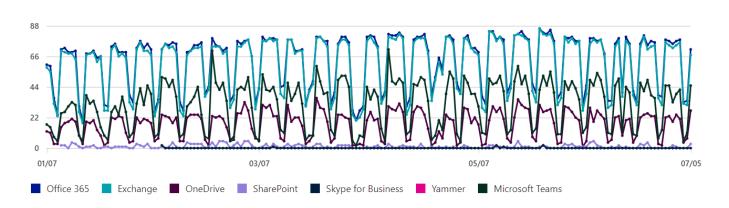
The Vodacom spend manager dashboard overview on cell phone and 3G usage report, with the 78 data or 3G being eligible for renewal in the next 30 days. We have engaged the SCM to assist with the RT15 participation letter to ensure that we continue to render these services under a new contract through the national treasury transversal contract.



Microsoft Office 365 Application

Software as a service (SAAS) application usage report and APP's utilisation report.

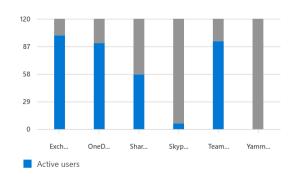
Active users



Active users - Microsoft 365 Services

96 active users

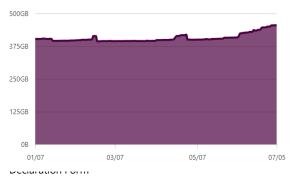
Total number of unique active users per Microsoft 365 Service



OneDrive files

306.6K files stored A 10.4%

Latest number of files in OneDrive

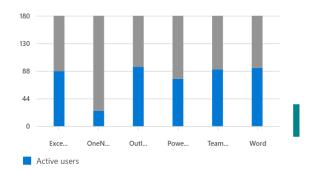


Refined CGE STAFF (0

Active users - Microsoft 365 Apps

96 active users ▼ 1.0%

Total number of unique active users per Microsoft 365 App



SharePoint files

2.7K files stored A 1.8%

Latest number of files in SharePoint

