

4. Report of the Portfolio Committee on Women, Youth and Persons with Disabilities to identify suitable candidates for the filling of vacancies in the Commission for Gender Equality dated 20 March 2024

The Portfolio Committee on Women, Youth and Persons with Disabilities (herein referred after as the Committee) in fulfilling its Constitutional mandate identified and recommended suitable candidates for the filling of vacancies of commissioners in the Commission for Gender Equality (CGE), as per the Commission for Gender Equality Act No. 39 of 1996, reports as follows:

1. Introduction

- 1.1 The Commission for Gender Equality is a Chapter 9 Institution established with a view to strengthen constitutional democracy with a focus on the attainment of gender equality in all spheres of life. Section 187(1) of the Constitution of the Republic of South Africa Act 108 of 1996 states that the “Commission for Gender Equality must promote respect for gender equality and the protection, development and attainment of gender equality.”¹
- 1.2 Furthermore, Section 187 (2) grants the Commission “the power, as regulated by national legislation, necessary to perform its functions, including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality.”
- 1.3 In addition to the constitutional mandate assigned to the Commission, it is assigned further powers, duties and functions through its founding legislation. This is encapsulated in section 11 of the Commission for Gender Equality Act, No. 39 of 1996,
- 1.4 Section 3 (1) of the Act provides that “the Commission shall consist of a chairperson and no fewer than seven and no more than 11 members who shall -
- (a) have record of commitment to the promotion of gender equality; and
 - (b) be persons with applicable knowledge or experience with regard to matter connected with the objects of the Commission.”

¹ Commission for Gender Equality Act (No. 39 of 1996) As Amended by Public Service Laws Amendment Act, No. 47 of 1997 [with effect from 1 July 1999] and the Commission on Gender Equality Amendment Act, No. 17 of 2013.

- 1.5 Section 3(2) further provides that “the President shall, when it becomes necessary, appoint as a member of the Commission a person —
- (a) nominated by a committee in the National Assembly proportionally composed of members of all parties represented in the Assembly;
 - (b) approved by the National Assembly by a resolution adopted with a supporting vote of a majority of the members of the National Assembly; and
 - (c) on the recommendation of the Assembly”
- 1.6 According to the Act, Commissioners can serve up to two terms and are appointed by the President, on the recommendation of Parliament. To this end, S3 (7) provides that “any person whose term of office as a member of the Commission has expired, may be reappointed for one additional term.”
- 1.7 In compliance with provisions of section 193 (5) of Constitution Act 108 of 1996, on the 7th December 2023, the Portfolio Committee resolved to identify suitable candidates for the filling of vacancies in the CGE.
- 1.8 The Committee executed its duties in terms of the Rules of the National Assembly.

2. Committee Process and Procedure

2.1 The Committee was composed of eleven members as follows:

AFRICAN NATIONAL CONGRESS

- Ms CN Ncube-Ndaba
- Ms. FA Masiko
- Ms TS Masondo (Mavimbela)
- Ms AS Hlongo
- Ms CM. Phiri
- Ms TZ Makata

DEMOCRATIC ALLIANCE

- Ms NK Sharif
- Ms G Opperman

INKATHA FREEDOM PARTY

- Ms MD Hlengwa

ECONOMIC FREEDOM FIGHTERS

- Ms MS Khawula
- Ms NP Sonti*

3. Committee meetings

The Committee held meetings as follows:

- 3.1 The Committee Chairperson Ms CN Ncube-Ndaba informed the Committee in a meeting on 7 December 2023 that the Committee was requested by the Office of the Speaker of the National Assembly to initiate the process of filling vacancies in the Commission for Gender Equality (CGE). To this end, the Committee was requested to fill 6 vacancies as four Commissioners term come to an end on 31 July 2024 whilst one ends 31 March 2024 and another 31 May 2024.
- 3.2 The Committee adopted a committee programme, the draft advertisement and the Google-form online application form on 7 December 2023.
- 3.3 On the 20th and 21st February 2024, the Committee met for shortlisting of candidates. The Committee received information about the number of applicants and/or nominations - 67 in total. The Committee unanimously agreed on the twenty candidates shortlisted to be interviewed. The Committee was satisfied with the shortlisting process and considered it fair and just. The Committee also agreed to request the State Security Agency (SSA) to conduct the security screening of the twenty shortlisted candidates and Parliament's Human Resources to undertake a process for verifying candidate's qualifications.
- 3.4 A short list of candidates was published on Parliament's website on 22 February 2024 and the candidate resumes were available on 25 February 2024. Public commentary closed on 12 March 2024. This was in keeping with Parliamentary processes and procedures in addition to legal advice received from the Office for the Institute Supporting Democracy (OISD) regarding compliance with the Protection of Personal Information (POPI) Act (No. 4 of 2013).
- 3.5 The Committee met on the 14th and 15th March 2024 to conduct interviews for the shortlisted candidates.

3.6 On the 19th and the 20th March 2024, the Committee deliberated on the outcome of the interviews and made decision about preferred names to recommend to the President for appointment. The Committee also adopted the committee report on the 20th March 2024 in order to report to the National Assembly.

4. Legal framework and process

4.1 The Committee's process was guided by the Constitution, Act 108 of 1996; Commission for Gender Equality Act 39 of 1996, as amended and the Rules of the National Assembly.

4.2 The standard guidelines for appointment of commissioners for the CGE as approved by Parliament in 2018 also was of great assistance to the Committee.

4.3 The Committee also agreed to replicate some of the successes of the previous Ad Hoc Committees on CGE.

4.4 The legal advisor from OISD, outlined the legal framework and process to the Committee on 20th February 2024.

5. Advertisement

5.1 In fulfilment of its mandate, the Committee issued an advertisement requesting nominations and/or applications for the positions of commissioners for CGE from members of the public.

5.2 The advertisement appeared in all official languages in various newspapers throughout the country as well as on Parliament's website.

5.3 The advertisements placed on 22 December 2023 stipulated a closing date of 7 February 2024. A set of qualifying criterion based on the legislative framework as stipulated in section 193 of Constitution and section 3 of the CGE Act 39 of 1996, as amended was set out as follows:

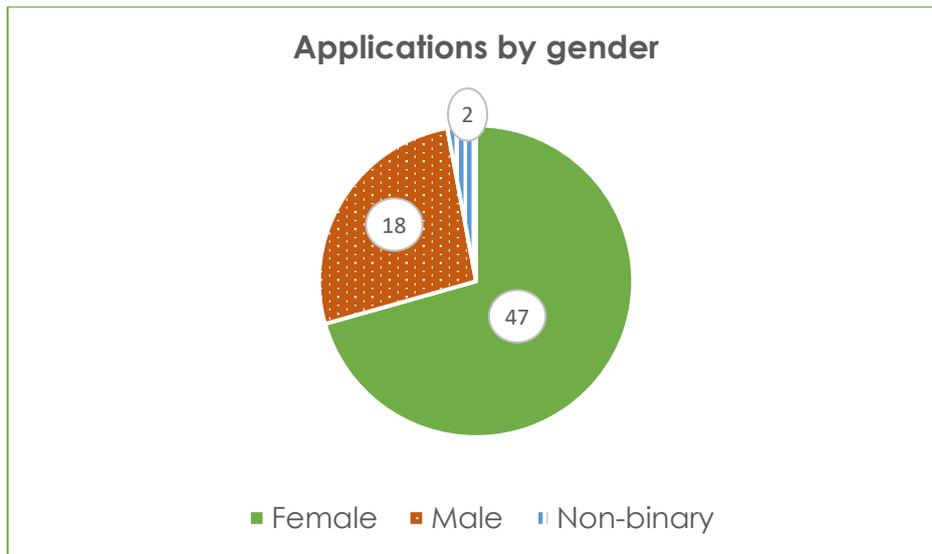
- The candidates must be South African citizens.
- Candidate to be fit and proper persons for appointment to the Commission.
- Candidates to broadly representative of South African community.
- Candidates to have a record of commitment to the promotion of gender equality.

- Candidates to have applicable knowledge of and experience in matters connected with the objects of the Commission.

- 5.4 The legal adviser from the OISD presented a document clearly outlining the criteria for the selection of suitable candidates. The document was unanimously adopted by the Committee and used as a guide in the selection process.
- 5.5 The advertisement also clearly stated that the appointment by the President of commissioners on recommendation of Parliament would be for a term of office not exceeding five years either on a full-time or part-time basis.
- 5.6 The advertisement also made provisions to consider those candidates who had served a term as commissioner at CGE in terms of section 3(7) of CGE Act 39 of 1996 as amended.
- 5.7 The advertisement also informed applications and/or nominations about publishing of names on the Parliamentary website to allow members of the public to comment on the suitability of candidates.
- 5.8 The Committee received 82 applications in response to the advertisement – 77 online applications and 5 email applications.

6. Overview of Applications

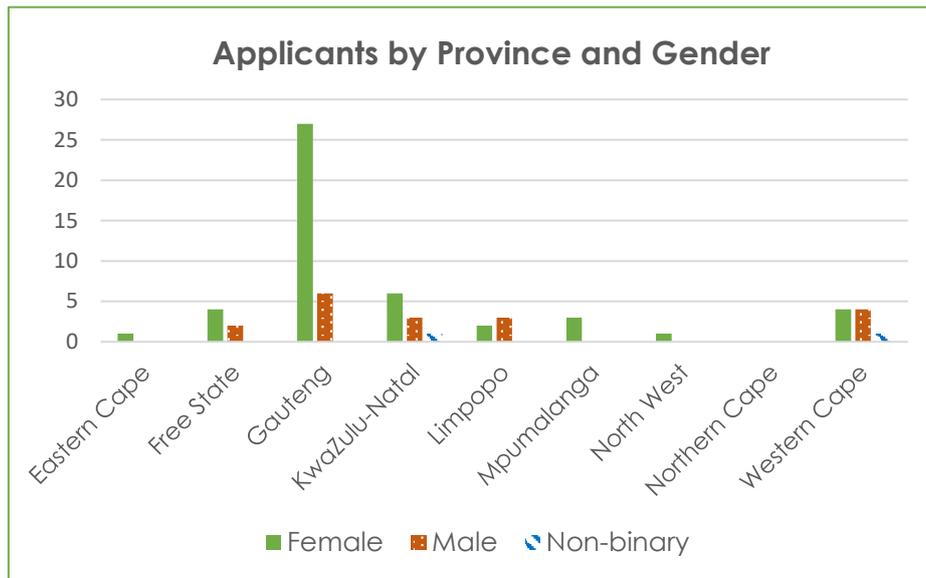
- 6.1 Of the 82 applications, 9 duplications were noted as certain applicants with the same identity number applied on more than one occasion. In addition, 2 applications were incomplete and 4 were late (submitted after the closing date). Thus, when removing the 9 duplications, 2 incomplete and 4 late applications it brings to a total of 67 applications.
- 6.2 The demographic profile of applicants was as follows:
- 6.2.1 The Committee noted as reflected in the graph below, of the 67 applicants, 47 were females (70.1%), 18 were males (26.4%) and 2 applicants identified as non-binary persons.



6.2.2 The Committee noted as reflected in the in the table below, of the 67 applicants the majority (47.8%) reside in the Gauteng Province. This was followed by 10 applicants from Gauteng and 9 from the Western Cape. No applications were received from the Northern Cape.

Province	Total Applicants	% of total
Eastern Cape	1	1,5
Free State	6	8,8
Gauteng	32	47,8
KwaZulu-Natal	10	14,7
Limpopo	5	7,4
Mpumalanga	3	4,4
North West	1	1,5
Northern Cape	0	0,0
Western Cape	9	13,2
	67	100

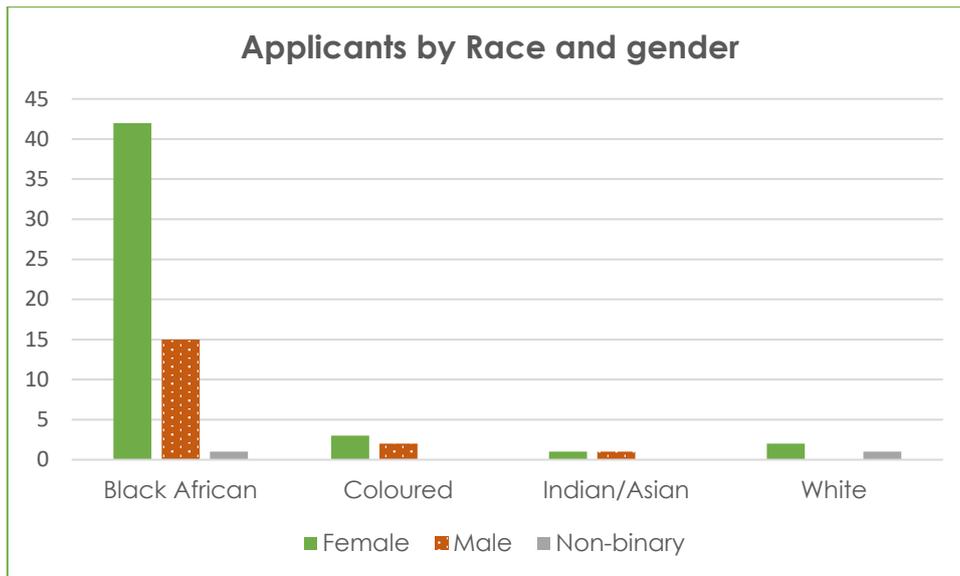
The largest cohort of males and females were from Gauteng Province.



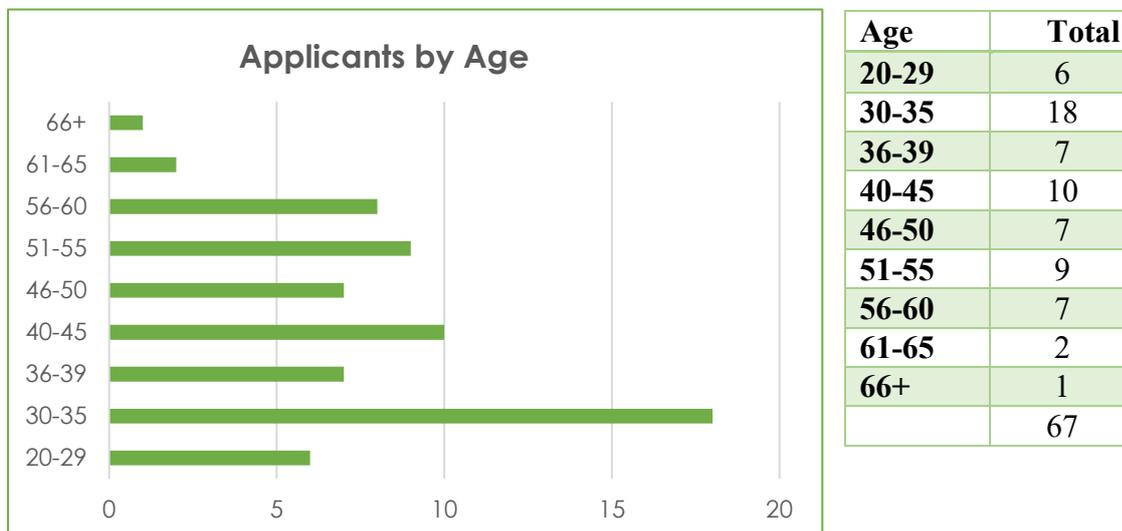
Province	Female	Male	Non-binary	Total
Eastern Cape	1	0	0	1
Free State	4	2	0	6
Gauteng	26	6	0	32
KwaZulu-Natal	6	3	1	10
Limpopo	2	3	0	5
Mpumalanga	3	0	0	3
North West	1	0	0	1
Northern Cape	0	0	0	0
Western Cape	4	4	1	9
Total	48	18	2	67

6.2.3 The Committee noted as reflected in the table and graph below, of the 67 applicants, the majority were Black African females (61.1%) and males (22%). Coloured applicants constituted 7% of applicants, while Indian/Asian and White applicants accounted for 2.9% and 4.4%.

Race	Female	Male	Non-binary	Total
Black African	42	15	1	58
Coloured	3	2	0	5
Indian/Asian	1	1	0	2
White	2	1	1	3
Total	47	18	2	67

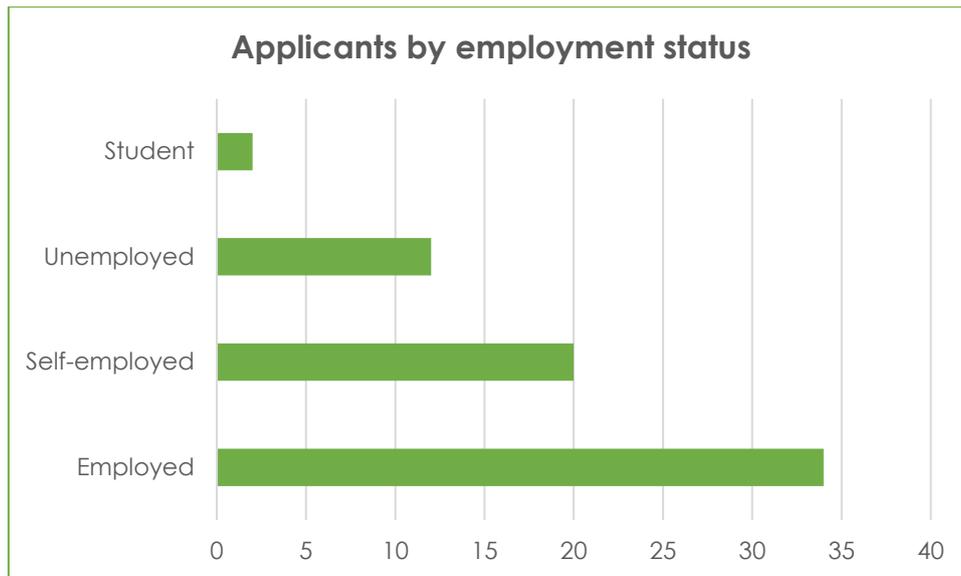


6.2.4 The Committee noted as reflected in the table and graph below, in terms of age, the median age of applicants is 42 years. The youngest applicant is 23 years of age, while the oldest is 71 years old. The largest proportion of applicants (26.8%) are between the ages of 30 and 35. If including the 20 – 29-year cohort, youth account for nearly 36% of the overall applicants. This is followed by persons aged 40 to 45 years, who account for nearly 15 percent of applicants.

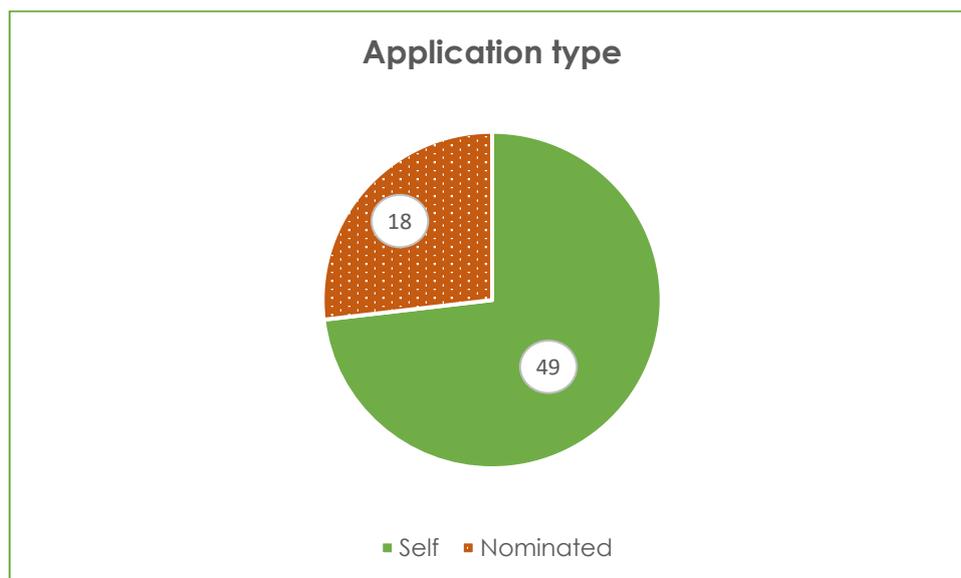


6.2.5 The Committee noted the 3 (4%) of the 67 applicants indicated having a disability, 3 males and 0 females.

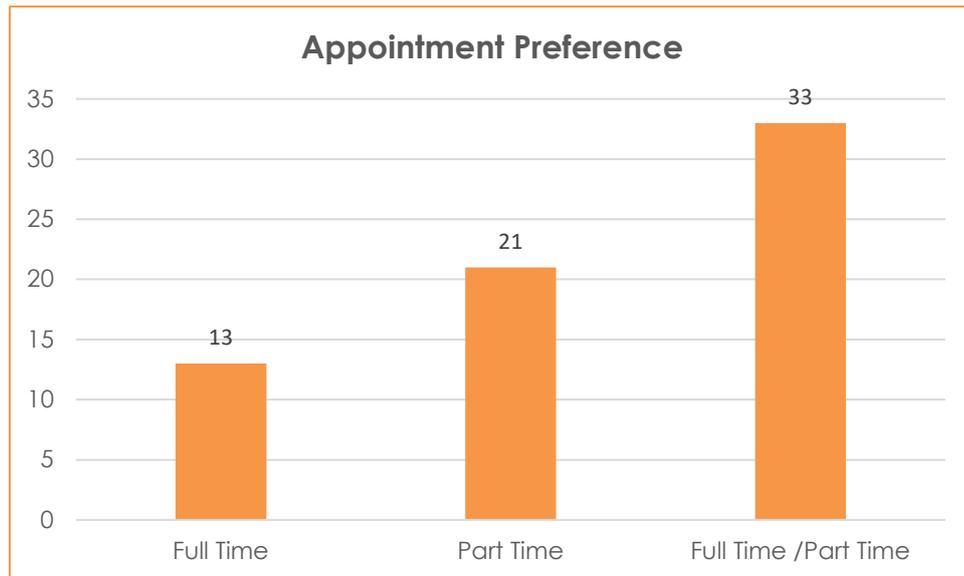
6.2.6 The Committee noted as reflected in the graph below, of the 67 applicants, 33 were employed, 20 were self-employed and 2 indicated that they were currently studying (students) – both in the process of pursuing their Doctorates (PhDs) students. A total of 12 applicants indicated that they were unemployed.



6.2.6 The Committee noted as reflected in the pie diagram below, of the 67 applicants, 18 or nearly 28% were nominated and 49 or 72% were self-nominees - in other words applicants who still applied but without a nomination.



6.2.7 The Committee noted that in terms of appointment preference as reflected in the graph below, most applicants indicated that they had no specific appointment preference and were willing to be appointed on either a full time or part time basis (33).



7. Public Participation

7.1 In line with Constitutional imperatives as outlined in section 59 (1) of the Constitution Act 108 of 1996, the Committee agreed to an open and transparent process that caters for public involvement and participation.

7.2 The Committee also being aware of public interests on gender equality issues provided a platform for civil society to comment on all candidates.

7.3 To facilitate public participation, the Committee published the names of all candidates on Parliament's website on 22 February 2024 to allow the public to comment and candidates resumes were available on 25 February 2024. The closing date for public comments was 12 March 2024.

7.4 The Committee received an overwhelming response to the call for public comments. A total of 44 comments were received. These comments related to all of the shortlisted candidates. The comments per candidate ranged with 1 comment for a candidate being the least to 29 comments the most a candidate received.

8. Shortlisted Candidates

On 21st February 2024, the Committee shortlisted 20 candidates to be interviewed. The shortlisted candidates were:

- Mr Mfundo Nomvungu
- Ms Mbalenhle Thwala

- Ms Fhatuwani Muswobi
- Ms Dibeele Gertrude Mothupi
- Mr Sphehlele Smiso Khanyile
- Mr Sandile Ngobeni
- Ms Seeham Samaai
- Ms Mulalo Grace Nemathaheni
- HRH Princess Royale Eurika Mogane
- Dr Charnell Ruby Naidu
- Ms Ohara Ngoma-Diseko
- Mr Kamohelo Rodney Teele
- Mr Mandla Johannes Ngubeni
- Ms Nande Mheshe
- Mr Sicelo Emmanuel Dlamini
- Ms Ishara Kamini Bodasing
- Dr Marion Lynn Stevens
- Ms Renee Thompson
- Ms Yanga Malotana
- Ms Nomathamsanqa Magoma

9. Interviews

9.1 The Committee agreed on structured questions for the interviews and that interview questions should be relevant to the objects of the CGE. Furthermore, the Committee ensured uniformity of questions during all interviews except for a current serving Commissioner. The Committee acknowledged the importance of institutional memory and continuity within the Commission and therefore questions were posed in relation to that.

9.2 The Committee agreed that interview questions should be about ascertaining the candidate's knowledge about gender equality practises, legislative framework and

principles; and to determine the candidate's commitment to promotion of gender equality.

9.3 The Committee agreed on posing questions aimed at identifying the behavioural attributes and skills of candidates. The Committee agreed on leadership, interpersonal, conflict management, team building, motivation and innovation as preferred behavioural attributes and skills.

9.4 The candidates were each allocated a minimum of forty-five (45) minutes to answer all questions posed.

9.5 The Committee afforded those candidates with negative public commentary to respond to issues raised and to clarify any matter the candidate deemed important to bring to the attention of the panel.

9.6 On the 14th March 2023, the Committee interviewed the following 9 candidates:

- Dr Marion Lynn Stevens
- Ms Mbalenhle Thwala
- Ms Fhatuwani Muswobi
- Ms Dibeele Gertrude Mothupi
- Mr Kamohelo Rodney Teele
- Mr Sphehlele Smiso Khanyile
- Mr Mfundo Nomvungu
- Mr Sicelo Emmanuel Dlamini
- Dr Charnell Ruby Naidu

9.7 On the 15th March 2024, the Committee interviewed the following 11 candidates:

- Ms Renee Thompson
- Ms Seeham Samaai
- Ms Ishara Kamini Bodasing
- Ms Nande Mheshe
- HRH Princess Royale Eurika Mogane
- Ms Mulalo Grace Nemathaheni
- Ms Ohara Ngoma-Diseko
- Ms Yanga Malotana
- Mr Mandla Johannes Ngubeni
- Mr Sandile Ngobeni
- Ms Nomathamsanqa Magoma

10. Deliberations

10.1 The Committee met on the 19th and 20th March 2024 to deliberate on the interviewed candidates and select preferred candidates to fill the six vacancies within the CGE.

10.2 The Committee having conducted all the interviews and taken into consideration the application form with all the relevant documentation of which Parliament's Human Resources verified candidate's qualifications and the State Security Agency undertook security screening agreed to the candidates to be recommended to the President for consideration.

10.3 The Committee also agreed to recommends as follows –

	Candidate Name	Recommendation for Full time or Part-time
1.	Ms Seeham Samaai	Full time
2.	Ms Mulalo Grace Nemathaheni	Full time
3.	Mr Mfundo Nomvungu	Full time
4.	Ms Yanga Malotana	Full time
5.	HRH Princess Royale Eurika Mogane	Part-time
6.	Mr Kamohelo Rodney Teele	Full time
7.	Dr Marion Lynn Stevens	Full time
8.	Dr Charnell Ruby Naidu	Part-time

11. Recommendations

11.1 Having considered the request of the National Assembly for the Committee to nominate and recommend candidates for appointment as Commissioners for CGE, the Committee recommends the following candidates:

11.1.1 Part-Time Commissioners

If a vacancy arises due to a resignation or death, the President will be able to choose from the afore-mentioned list of 1 additional candidate recommended beyond the 6 vacancies in the Commission.

11.1.2 Full Time Commissioners

If a vacancy arises due to a resignation or death, the President will be able to choose from the aforementioned list of an additional candidate recommended beyond the 6 available vacancies.

11.2 The Committee further recommends that:

- 11.2.1 If a vacancy arises within the CGE, a part-time Commissioner should be afforded the opportunity to apply for the full-time position. As such the Committee, would urge that such a Commissioner be given preference in terms of conversion.
- 11.2.2 The House adopts the report as a matter of urgency as the term of office of 2 Commissioners comes to an end 31 March and 31 May 2024 respectively. In addition, the term of office for 4 other Commissioners will come to an end on 31 July 2024.
- 11.2.3 The Committee strongly recommends that the appointments are attended to as a matter of urgency with staggered commencement dates in light of the aforementioned (11.3.1).
- 11.2.4 To strengthen the independence of the CGE and its reach, the National Assembly should revise the funding of this chapter nine institution.
- 11.2.5 The Committee further recommends that the issue of discipline within the institution and amongst commissioners should be strengthened and dealt decisively by the National Assembly and the Commissioner's Handbook to avoid a situation of deteriorating and weak enforcement systems.

12. Appreciation

- 12.1 The Committee would like to thank all Members for making themselves available and working long hours to ensure success in carrying out the mandate of the Committee.
- 12.2 The Committee would also like to thank all candidates for making themselves available to be considered for appointment to the Commission for Gender Equality.

12.3 Furthermore, the Committee wishes to convey appreciation to the support staff for their contribution to the success of the Committee.

Report to be considered.