



Commission for Gender Equality
A society free from gender oppression and inequality

2019-2020
ANNUAL
REPORT



Commission for Gender Equality

A society free from gender oppression and inequality

2019-20 ANNUAL REPORT

**This includes the final results on the pre-determined objectives
for the 2019-2020 reporting period**

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Cover Design: Mailtronic Direct Marketing CC

Research: Commission For Gender Equality

Design and Typesetting: Mailtronic Direct Marketing CC

Copy Editing: Commission For Gender Equality

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FOREWORD FROM THE CHAIRPERSON



FOREWORD FROM THE CHAIRPERSON



Tamara Mathebula
Chairperson

In my capacity as the Chairperson of the Commission for Gender Equality, it gives me great pleasure to present the annual report for the year 2019/2020. I was appointed the Chairperson of the Commission for Gender Equality (herein referred to as the Commission) on the 1st August 2019 by the President of the Republic of South Africa, His Excellency, Cyril Matamela Ramaphosa. My term of office will come to an end on the 31st October 2022. I wish to extend my deepest respect and appreciation for the confidence

placed in me by the President, the Speaker of Parliament and the public at large.

I follow in a line of remarkable previous Chairpersons of the Commission. They had also faced the moment, each at a critical juncture in the organisation's history. Like myself now onwards, they must have pondered what the years ahead would hold at this dynamic institution in the quest to support and uphold constitutional democracy and ultimately achieving gender equality as well as a free society for all. Each Commissioner Chairperson, I fully believe has made an important and a lasting contribution to our mandate in upholding humanity's deepest values and highest aspirations.

I was appointed along with 8 Commissioners who will serve their 5 five-year term from August 2019 to July 2024 and they are;

Commissioner Octavia Lindiwe Ntuli-Tloubatla;
Commissioner Jennifer Smout;
Commissioner Mbuyiselo Albert Botha;
Commissioner Busisiwe Deyi;
Commissioner (Dr.) Tlaleng Mofokeng;
Commissioner Ohara Ngoma-Diseko
Commissioner Nomasonto Grace Mazibuko and
Commissioner Dibeela Getrude Mothupi

All newly appointed Commissioners underwent induction on the mandate of the Commission guided by the Constitution of the Republic of South Africa and the Commission for Gender Equality (CGE) Act (39 of 1996) as amended.



They were introduced to the multi-annual Strategic Plan (2019-2024) of the Commission, including its Annual Performance Plan (APP), the annual budget and broader programmatic interventions related to both Commissioners and staff. Commissioners were also subjected to a 4 (four) day good corporate governance training that was conducted by the Institute of Directors South Africa (IODSA) and were each allocated a province to lead and back-up where the need arises. Further delegation of the incoming Commissioners was done so that based on their expertise and skills, they can serve and contribute meaningfully at various Oversight Sub-Committees of the Commission.

As a matter of fact, the year under review has presented with unacceptably high levels of gender-based violence and brutal killings of women and children in South Africa. In response to this scourge of gender-based violence and femicide, the Interim Steering Committee (ISC) under the leadership of the Department of Women, Youth and Persons with Disabilities, has developed a National Strategic Plan on Gender Based-Violence and Femicide (NSP GBVF). The NSP-GBVF aims to provide a multi-sectoral, coherent strategic policy and programming framework to strengthen a coordinated national response to this scourge. The role of the Commission for Gender Equality would be to monitor the effective implementation of the National Strategic Plan (NSP) and report progress and challenges experienced in achieving set goals and targets.

To date, the Commission has refined its five year Strategic Plan following the stakeholder consultations conducted, the rigorous review of its previous strategic plan 2013-2017, as well as the consolidation of its interventions during its transitional year in 2018. The Commission's interventions have been premised in its APP's 2019/2020 and its multi-annual (5-year) Strategic Plan, which now consists of the following four (4) broad strategic objectives, which aim :

- To advance an enabling legislative environment for gender equality.
- To promote gender equality through public awareness, education, investigation and litigation.
- To monitor and evaluate issues that undermine the attainment of gender equality and
- To build and sustain an efficient organisation, to effectively promote and protect gender equality.



The Commission has refocused and located itself as the catalyst for the attainment of gender equality within the policy and public landscape in South Africa. The strategy further outlines the current perspective of how best to position and promote gender equality within the SA regional and international context, whilst closely monitoring and evaluating compliance with international conventions, international covenants and international charters, policies and practices. Building on the solid foundation of the institution, the Commission still remains a key stakeholder in the global sphere around issues of gender as espoused under goal 5 of the United Nations Sustainable Development Goals (SDGs).

As a country, we are a signatory to several international conventions for example the Convention on Elimination of all forms of Discrimination Against Women shortly known as CEDAW, Beijing Declaration and Platform for Action, the Sustainable Development Goals -17 more focus on Goal Number 3, on healthy lives and wellbeing and Goal Number 5, on equality and empowerment including the AU Agenda 2063 on health and other regional protocols. This is a demonstration of our commitment to the promotion and protection of gender equality at home and abroad.

With regards to reporting and accountability, the Commission is required by the Constitution of South Africa, sections 181 (5) and the Public Finance Management Act of 1999. It is further required by the Commission for Gender Equality Act (39 of 1996), section 15 (2), it shall report to President at least once every year on its activities and achievement of its objectives, and the President shall cause such a report to be tabled promptly to Parliament. The Commission has been submitting its annual report and its Audit Report to Parliament. It has also been directly reporting to the Portfolio Committee on Women, Youth and Persons with Disability on a quarterly basis.

In terms of the key highlights, the Commission has spent time in clarifying what the strategic thrust and Commissioner's oversight role would entail including making the secretariat interventions sharper and thus, more effective, efficient and impactful. To date, the Commission has developed Commissioner Programmes that revolve around monitoring interventions on the identified five (5) key thematic areas that the Commission has focused on.

These are: Gender Based Violence, Sexual and Reproductive Health and Rights, Substantive Equality, Harmful Traditional Practices and Women Economic Empowerment. Some of the conceptualisation work and monitoring of interventions has started in these various and other external

gender related areas. For example, the Commission has closely monitored the six-months Emergency Response Action Plan (ERAP) on GBV-F and the final monitoring report will be made available in the next financial year 2020/21.

During the year under review, the Commission invited the National and Provincial Government Departments, Privates sector to appear before the Commission and provide clear account on their efforts to achieve Employment Equity and Gender Transformation in as far as procurement is concerned. The Commission further invited Technical and Vocational Education and Training (TVET) Colleges to report on gender transformation in general. These series of Investigative Hearing Meetings were held between the period, November 2019 and January 2020.

The overall outcome of these investigative hearings pointed to the fact that most of the institutions and government departments were fraught with many challenges and struggling to address some issues identified towards the realisation of gender transformation in the workplace and Institutions of Higher Learning (IHL). They were provided with a set of recommendations to go and implement with timeframes and the Commission will invite these institutions back to provide progress report on what has been achieved over time. The Commission will continue to monitor institutions in the public and private sector for compliance with legislations, Preferential Procurement Policy and BBBEE scorecards in choosing suppliers and achieving gender equality in the workplace.

I wish to express my heartfelt thanks and appreciation to the members of the Commission and the Secretariat, who despite many challenges faced, were able to make meaningful contribution in ensuring that the broader mandate of the Commission is delivered in according to the CGE Act no 39 of 1996 (as amended).



Tamara Mathebula
Chairperson



OVERVIEW OF THE CHIEF EXECUTIVE OFFICER

OVERVIEW OF THE CHIEF EXECUTIVE OFFICER



Ms. Marissa van Niekerk
Acting CEO

The Commission for Gender Equality (CGE) brings yet another Annual Report to the attention of the South African public as we reflect on the operations of the financial year 2019/2020. We do this to account for the programme and project work that we have carried out in fulfilment of our Constitutional Mandate. This Annual Report of the Commission signals an important moment when we are called upon to report and account not only to public representatives in the National Assembly, but also to members of the public, for our work and the use of public resources.

It is therefore a privilege and great pleasure to present to the public this report as a record of our programme activities and achievements, against our stated plans, during the financial year under review. We are proud to inform Honourable Members of Parliament, the South African public and other stakeholders particularly in the gender sector that we have successfully completed the bulk of our APP with programmes and activities during the period under review.

Our obligations from the APP is indicative of the enormity of the task at hand in charting forth the transformation agenda of the gender sector, year in and year out. It is important to point out that we have managed to fulfil our obligations as per the mandate of the Commission with limited financial, human and other critical resources, placing much pressure on the institution.

As per the CGE Act 39 of 1996, the work of the institution is predominantly carried out by the three legislated functions (the CGE Act, 39 of 1996) inclusive of Legal Services and Complaints, Public Education & Information as well as Research. In addition to these functions, the Commission has a national footprint from which our Provincial Offices operate to reach the masses in each corner of country for the purpose of advancing gender equality in South Africa. Before enumerating the highlights of the financial year under review, it is important for me to acknowledge my predecessor, Ms. Keketso Maema (previous CEO) who led the Commission's Secretariat in accomplishing its obligations during the year under review.



Ms. Maema's term of office came to an end on 31 July 2020 after a ten-year tenure in her capacity as CEO of the Commission. As the current Acting CEO, I would like to thank Ms. Maema for her hard work and dedication in making a contribution to the advancement of gender equality through the Commission. During Ms. Maema's tenure (before her departure), a number of initiatives, and aspects of the Commission's mandate were effected through a series of engagements with stakeholders, reporting to Parliament, and taking the lead on the general work of the Commission. I therefore share with you some of the milestones.

The Commission tabled presentations to Parliament's Portfolio Committee on Women, Children and People with Disabilities on quarterly performance throughout the year. A few of the highlights from our domestic programme are worth mentioning in this regard.

As per our legislative mandate, various submissions were made on draft bills and proposals for review or establishment of legislation on gender equality for the attention of policy makers in Parliament. It was in this respect that Gender transformation as an overarching focus was monitored through our programmes with reference to public and private sector organisations and institutions of higher learning. Various systemic investigations were undertaken during the year under review. One of these was a four-year investigation which culminated into a report on Forced Sterilisation which was launched in February 2020. This was a watershed investigation which gave insight on the human rights violations, that are outlawed by domestic legislation and policy but also prohibited by international instruments on gender equality.

The recommendations of the outcomes of the investigation points to a review of certain practices and guidelines of health workers whose duty it is to adhere to the Sexual Reproductive Health Rights. During the year under review, the Commission continued with its systemic investigation into the state of shelters (for GBV survivors) which led to the hearings through which institutions responsible for shelters were called to account for their role in accommodating survivors of GBV.

During the year under review the Commission conducted Gender mainstreaming in local government. This was part of the process that took place in the previous financial year where IDPs were analysed to ascertain the needs for mainstreaming within local government. As part of our

mandate as per the CGE Act, 39 of 1996, public education initiatives were undertaken as the means to educate the public of matters pertaining to Gender Equality Education and information programmes through community media. Various advocacy, outreach and legal clinics were conducted nationally. During the year under review the Research Department of the Commission conducted research and prepared a report on the country's response to addressing and combatting GBV taking into account new commitments made since the GBVF conference of 2018. A status report on the country's response to enabling and sustaining women empowerment was further developed. In relation to the international instruments, the Commission made a contribution to the finalisation of assessment on SDGs, the Maputo Protocol, CEDAW and Beijing 2025. Although the bulk of the APP work falls within the scope of work of the line function departments, the departments are supported by a number of internal support structures, including the Office of the CEO, our Communications Department, Finance Department, Information Technology Unit as well as our nine Provincial Offices.

We are grateful for the support and guidance of our Commissioners, led by Ms. Tamara Mathebula. We are proud therefore to report to the South African public that our work was carried out and completed broadly in accordance with our APP as developed at the beginning of the financial year. At times where we encountered constraints (mainly resource related), we had to rely on our ability to use limited resources efficiently and effectively to ensure that our operations, programmes and projects were sustained to achieve our objectives.

I proudly present this report to the South African public as a record of our achievements during this financial year under review. I would like to thank Commissioners, Management, Staff and Stakeholders of the Commission in making contribution to the achievements of the year under reporting.



Ms. Marissa van Niekerk
Acting CEO



GOVERNANCE

1. GOVERNANCE

The role of the Governing Body, in this case the CGE Commissioners (collectively constituted as Plenary and/or its related structures/committees), is to lead the Commission by discharging its responsibilities in relation to strategic direction, policy approval, oversight and accountability such that the good governance outcomes of an ethical culture, good performance, effective control and legitimacy with stakeholders are achieved by the organisation.

In terms of current legislative and other frameworks governing the roles and responsibilities of the Plenary as the Governing Body of the CGE, for the purposes of this document reference will be made to the Commission on Gender Equality Act¹ (CGE Act), the Public Finance Management Act² (PFMA), South African National Treasury Regulations as well as King III™ & King IV™ Principles.³

Whereas the CGE Act, section 5 (1-5) outlines and defines the decision-making powers of the members of the Commission in Plenary, in terms of the PFMA, the role and decision-making powers of the Plenary are not provided for. In other words, in terms of the PFMA, the members of the Commission (constituted as Plenary or otherwise) do not have any decision-making powers over matters allocated as the responsibilities of the executive authority or the Accounting Officer of the CGE.

However, according to the King IV™ Principles and Codes of good corporate governance, the members of the Commission would, collectively, constitute a Governing Body. In other words, collectively, the members of the Commission, for the purposes of King IV™ Principles and Codes of good practice, are the Governing Body of the CGE whose responsibilities should be consistent with good corporate governance principles as outlined and explained in the King IV Report on Corporate Governance™ for South Africa, 2016.

Furthermore, it is important to take note of the fact that the King IV™ Principles, (particularly Principle 7) place a great deal of emphasis on the non-executive nature of the responsibilities of the members of the Governing Body. In terms of King IV™ Part 5.3, Recommended Practice 8,

¹ Act 39 of 1996

² Act 1 of 1999

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the Governing Body should comprise a majority of non-executive members, most of whom should be independent. The report further recommends an appropriate mix of executive, non-executive and independent non-executive members.

In the case of the CGE, all the members of the Commission (Commissioners) are non-executive. In terms of section 49 of the PFMA, the Chairperson of the CGE is defined as the Executive Authority. However, this does not equate with Executive Officer, nor does it confer executive management responsibility on the position of Executive Authority.

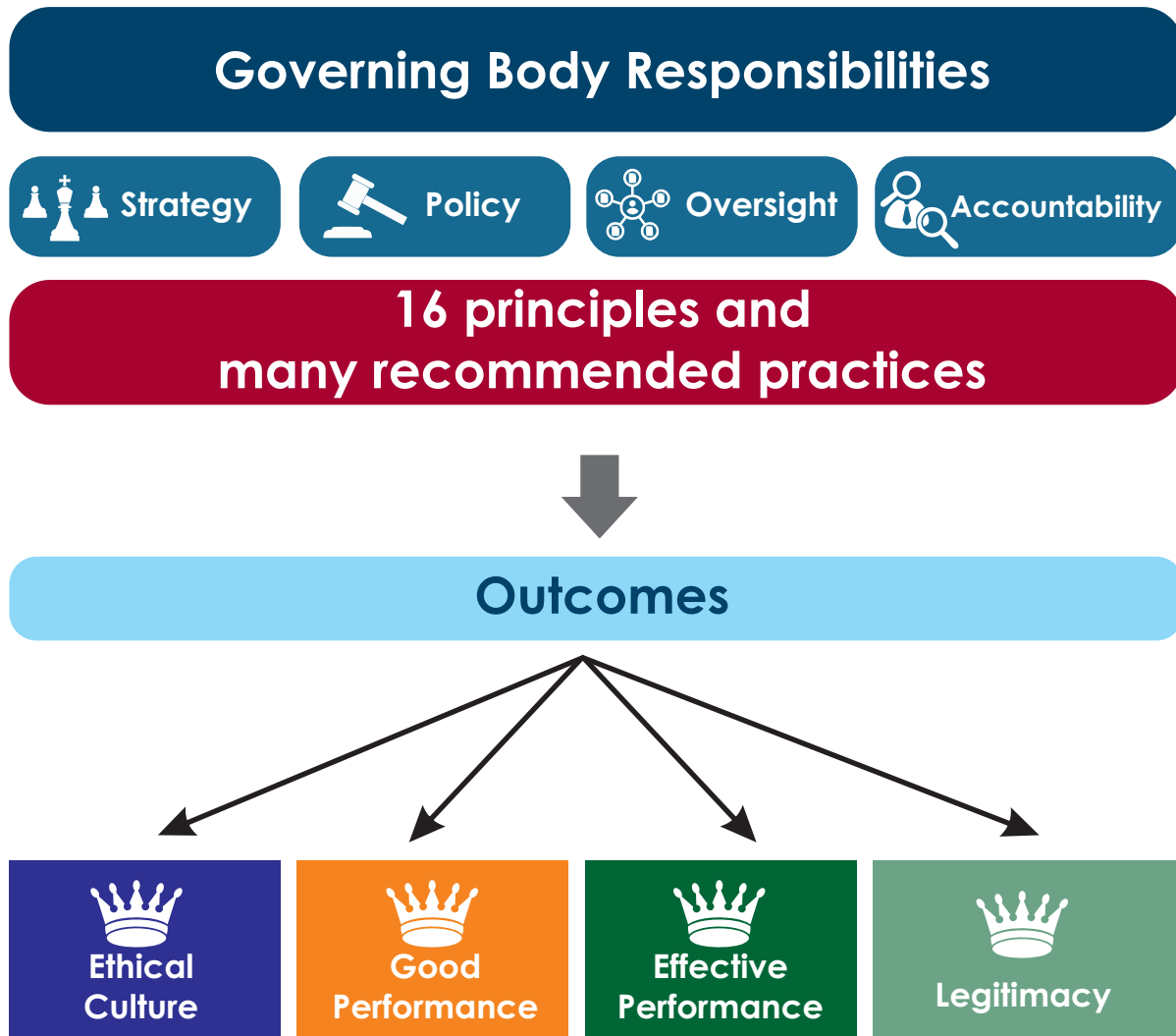
While King IV™ does not offer a definition of a non-executive member of the Governing Body, King III™ defines non-executive as “not being involved in the management of the company’ [and] being independent of the management on all issues, including strategy, performance, sustainability, resources, transformation, diversity, employment equity, standards of conduct and evaluation of performance.” Therefore, in terms of the provisions of the CGE Act, the PFMA, the King III™ & King IV™ Principles and Codes of good corporate governance, the members of the Governing Body (in the case of the CGE, this refers to the Commissioners) should be independent of, and therefore have no decision-making powers and responsibilities over, the management, administration and operations of the organisation except for the purposes of conducting periodic oversight and ensuring accountability of the Chief Executive Officer and Administration on the implementation and execution of decisions taken by the Governing Body.⁴

This means is that other than the authority of a duly constituted Plenary and/or its related structures, through which Commissioners are empowered to exercise their oversight functions and accountability enforcement responsibilities (as outlined in terms of the CGE ACT and King IV™ Principles), the PFMA gives only the Chairperson of the Commission, as the Executive Authority, a set of clearly defined responsibilities that are consistent with the objectives of the PFMA.

⁴ King IV™ defines ‘independence’ as “the exercise of objective, unfettered judgement. It further adds that ‘when used as a measure by which to judge the appearance of independence, or to categorise a non-executive member of the governing body or its committees as independent, it means the absence of an interest, position, association, or relationship which, when judged from the perspective of a reasonable and informed third party, is likely to influence or cause bias in decision-making.

1.1. Summary of Roles and Responsibilities of CGE Governing Body as per King IV™ Principles of Good Governance

As indicated in section 1.1 above, the King IV™ Code provides a set of Principles (17 of which are applicable to the CGE) accompanied by 208 recommended practices that should assist the Governing Body and the organisation in achieving the governance outcomes intended by these Codes and the accompanying recommended practices.



The graphic above illustrates a summarised account of the functions and responsibilities of the members of the Governing Body in line with the King IV™ Principles and Code of practice for good governance:

In brief, the overarching responsibilities of the Governing Body are the following:

- Provide strategic direction;
- Approve policies to effectuate strategy;



- Provide informed oversight for strategy implementation and performance; and
- Corporate disclosure.

1.2. Intended Outcomes in line with King IV™ Principles and Practices

The following are the intended outcomes of the effective and sustained application of the responsibilities of the Governing Body in line with the provisions of the PFMA, Treasury Regulations, as well as in line with the King IV™ Principles:

- Sustainable performance and value creation;
- Adequate and effective control; and
- Protecting and building trust in the organisation, reputation and legitimacy.

The CGE has established committees to enable Commissioners to ensure the effective implementation of objectives and lend support thereto, as required. The committees' objectives are:

- a) To provide input, advice and assistance in addressing strategic and policy issues and challenges;
- b) To identify significant emerging issues affecting the implementation of programmes and develop solutions to these issues for Plenary approval;
- c) To make recommendations concerning their theme or function for the purpose of further developing the CGE's policies relating to this theme;
- d) To formulate the integration of committee issues into CGE strategic planning, to guide the implementation of designated projects, and to monitor and evaluate CGE activities around this theme;
- e) To report back regularly to Plenary;
- f) To table matters that need the decision of the Commission;
- g) To deliberate on issues referred to the committee by plenary and provide recommendations to plenary; and
- h) To monitor project implementation, budgeting and expenditure against the budget.



1.3. Current Oversight Structures for the Commission's Plenary

In order to assist the Commissioners to collectively fulfil their responsibilities to conduct periodic oversight on the work of the CGE Administration and ensure effective accountability, the following internal structural arrangements (i.e. sub-committees of Plenary) were established by Plenary. This is in line with King IV™ Principle 8, which contemplates the inherent prerogative of a Governing Body to make arrangements and organise its internal structures in order to effectively discharge its duties and responsibilities.

1. Plenary of Commissioners

Plenary	Date
Open and closed plenary	22-23 May 2019 5-6 September 2019 27-28 February 2020

2. Oversight/Sub-Committees of Plenary:

- a) HR Committee;
- b) Legal Committee
- c) Research & PEI Committee
- d) Strategic Planning Committee
- e) Good Governance Committee
- f) Information Technology and Communications Committee; and
- g) Finance Committee

1.4. Role of Commissioners in CGE Oversight Committees

Commissioners' roles include, but are not limited to, the following:

- Perform an oversight role in the implementation of the agreed upon programmes;
- Perform and oversight responsibility by actively participating in CGE Committee meetings; and
- Provide a link between the relevant committee and Plenary, taking forward any issues requiring decision or guidance from Plenary.

Specific roles and responsibilities are delineated in the terms of reference of all oversight committees.



2. OUR STAKEHOLDERS

In line with the Commission's mandate to network with like-minded institutions in the pursuit of the promotion, protection and attainment of gender equality in South Africa, the Commission engages with a broad range of international, state statutory and civil society. The Commission interacted with the following stakeholders in the implementation of its 2019-2020 APP.

United Nations Agencies

- United Nations Women
- United Nations Population Fund
- United Nations Economic, Scientific and Cultural Organisation
- United Nations Security Council

Regional Agencies

- The African Commission on Human and Peoples Rights and the Rights of Women in Africa

Chapter 9 Institutions

- South African Human Rights Commission
- Independent Electoral Commission
- Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
- Public Protector of South Africa

Chapter 10 Institutions

- Public Service Commission
- Financial and Fiscal Commission

Non-governmental organisations

- Centre for the Study of Violence and Reconciliation
- Human Rights Institute of South Africa
- Foundation for Human Rights

Institutions of Higher Learning

University of South Africa

Media

- South African Broadcasting Corporation
- E-News Channel Africa
- ENCA
- Newzroom Africa



- The Sowetan
- City Press
- Government Communication and Information System

Religious and traditional organisations

- Provincial Houses of Traditional Leadership
- South African Council of Churches.

Government departments and local government

- Department of Women, Youth and People with Disabilities
- Department of Social Development
- Department of Justice and Correctional Services
- South African Police Services
- South African Local Government Authority
- National Prosecuting Authority
- Department of Cooperative Governance and Traditional Affairs
- South African Local Government Association

Unions

- Federation of Unions of South Africa

Embassies

- Embassy of Denmark
- Embassy of Norway
- Embassy of Sweden



3. INTERNATIONAL AND REGIONAL ENGAGEMENT UNDERTAKEN DURING THE FINANCIAL YEAR ENDING 31 MARCH 2020

64th Ordinary Session of the African Commission and Human and People's Rights held in the Arab Republic of Egypt- Sharm El Sheik from 24 April - 14 May 2019

The 64th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) took place in the City of Sharm El Sheikh in the Arab Republic of Egypt. It was held at the Jolie Ville International Conference Centre. The Session consisted of 365 delegates which constituted 158 delegates from 27 State Parties, 9 African Union Institutions, 30 National Human Rights Institutions, 13 International and intergovernmental organisations, 81 Non-Governmental Organisations, 4 observers and 60 members of the African Commission, including their Commissioners and the Secretariat, interpreters and the translators.

The overarching objective of the ACHPR is always to assess the impact of their work since its inception by raising awareness on its mandate, highlighting its achievements and challenges, assessing its prospects, and proposing how to move the human rights agenda forward.

The specific objectives were to:

- Build awareness and improve knowledge about the ACHPR's mandate and work over the past three decades;
- Contribute understanding on the achievements, challenges and perspectives of the ACHPR regarding its role implementing the rights contained in the ACHPR;
- Provide a forum for constructive engagement between the ACHPR and various stakeholders working in the field of human rights;
- Establish ways of building a more cohesive future for the ACHPR and reflect opportunities for the promotion and protection of human rights under the African Charter; and
- Showcase the ACHPR's work through its various publications.

It is critical to note that the deliberations during this Session centred around migrants and refugees, which was in line with the theme of the Session.

**40TH UNESCO GENERAL CONFERENCE, 12 - 27 NOVEMBER 2019**

It was announced at the conference that UNESCO's Social and Human Science Programme and the Communications and Information Sector work will be focusing on policy advice and capacity-building, making a direct contribution to supporting the achievement of three Sustainable Development Goals. Specifically, these are SDG 16 "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, build effective, accountable and inclusive institutions at all levels" (targets 16.6 and 16.7); SDG 10 "Reduce inequality within and among countries" (targets 10.2, 10.3 and 10.7); and SDG 11 "Make cities and human settlements inclusive, safe, resilient and sustainable" (target 11.3).

The social dimensions of the 2030 Agenda and the targets on social inclusion, the eradication of extreme poverty, the reduction of inequalities, inclusive policies for cities, as well as inclusive and participatory decision-making, resonate with UNESCO's mandate in managing contemporary social transformations. The achievement of the SDGs and the African Union Agenda 2063 therefore will depend on researchers, policymakers, practitioners and stakeholders having access to and being able to share pertinent and accurate information about the societies and communities targeted by their actions, as well as a coherent intellectual framework in which to proceed.

The production of knowledge, the effective use of research through a strengthened research-policy nexus, can improve evidence-informed public policy, guided by universal values and principles based on human rights and ethical principles. It can also enhance public services and raise the calibre of public debates. The integrated nature of the 2030 Agenda and its 17 SDGs requires greater policy coherence at the national, regional and international levels that can be obtained through stronger links between social science research and public policy-making.

The session indicated that there would be indirect contributions to support the implementation of three other SDGs and a number of associated targets: SDG 4 "Ensure inclusive and equitable quality education and promote lifelong learning education for all"; SDG 3 "Ensure healthy lives and promote well-being for all at all ages"; and SDG 13 "Take urgent action to combat climate change and its impacts". The Programme is envisaged to contribute to the achievement of SDG 5 "Achieve gender equality and empower all women and girls."



Attendance at the 77th Session, Pre- Sessional Working Group of the Convention on the Elimination of Discrimination Against Women (CEDAW) Committee held in Geneva, Switzerland from 2 – 6 March 2020

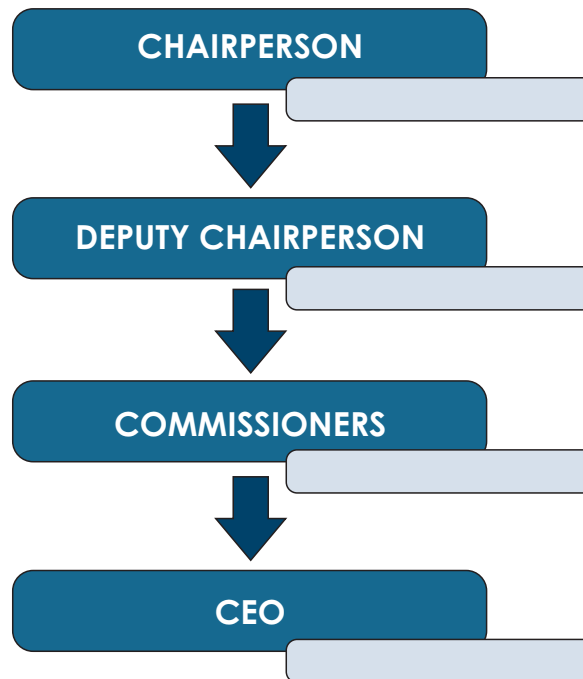
The Committee on the Elimination of Discrimination against Women (CEDAW) is the body that monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. CEDAW held a pre-sessional sitting from 2 - 6 March 2020. The aim of the sitting was to prepare lists of issues and questions relating to the initial and periodic reports that will be considered by CEDAW at an upcoming session. This would provide countries sufficient time to submit their written replies to the lists of issues and questions, and to ensure their timely translation. South Africa has submitted its report on the implementation of CEDAW in the country. The Commission submitted a statement to the CEDAW Committee highlighting key developments contained in the CGE's report on South Africa's response to and implementation of the concluding observations and recommendations issued by the CEDAW Committee in its 967th and 968th Sessions of 2011.

The statement submitted sought to capture some of the key developments and improvements of various sectors, including policy and legislative reforms, politics, the judiciary and health. It also sought to identify continued challenges, particularly in the areas of combating gender-based violence, the limited resource allocations and ineffective implementation of existing policies and legislative frameworks, and the weaknesses of some institutions and departments tasked with driving the country's fight against gender-based violence and violence against women and children.

Modern development strategies and in-country efforts often recognise the pivotal importance of enabling women to fulfil their potential and contribute effectively to their economies, yet fail to recognise the need for concerted action and resourced plans to uphold the rights of women, including their participation in political and public life, safety and security, dignity, bodily autonomy, access to health, education and information.

4. OUR ORGANISATIONAL STRUCTURE

4.1. Governance Structure



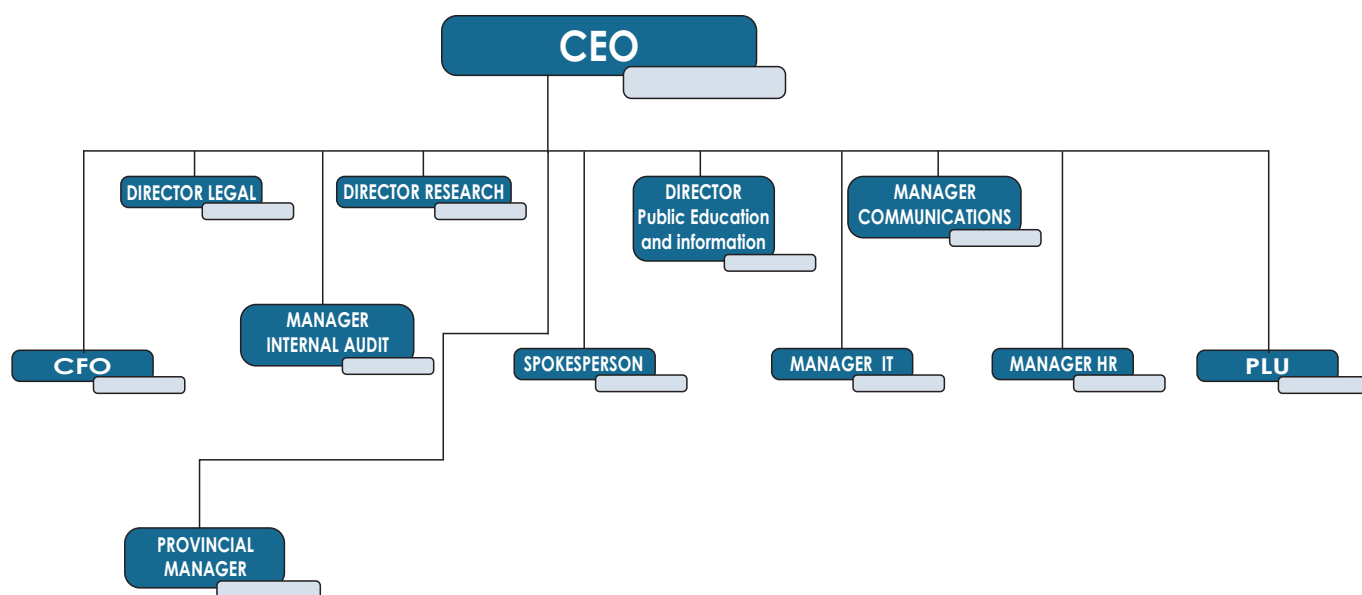
While the CGE Act makes provision for the establishment of the Commission and its component parts, the appointment of its Commissioners, Chief Executive Officer (CEO) and general staff, as well as outlining the powers and functions of the Commission, it lacks clarity on the definitions and divisions of roles, functions and responsibilities between Commissioners (individually and collectively as a Governing Body of the CGE), the Chairperson as the Executive Authority (in terms of the PFMA) of the CGE, as well as the CEO as the Accounting Officer (in terms of the PFMA) of the CGE.

The Executive Authority and Accounting functions/responsibilities are clearly demarcated and defined in terms of the PFMA, as well as in terms of the Regulations issued by the Treasury in line with the PFMA. For instance, section 1.1. of the Regulations issued by Treasury in 2005 provides a clear definition of the Executive Authority of a Constitutional Institution as follows:

“Executive authority in relation to a constitutional institution consisting of a body of persons, means the chairperson of the constitutional institution, and in relation to a constitutional institution with a single office bearer, means the incumbent of that office”



4.2. Accounting structure and organisational structure



Section 36 (2)(b) of the PFMA defines the Accounting Officer as follows:
 “the chief executive officer of a constitutional institution must be the accounting officer for that institution.”

These provisions identify a clear division of the roles and responsibilities for the positions of Chairperson of the Commission as the Executive Authority, as well as that of the CEO of the Commission as the Accounting Officer. This means that the Chairperson is the overall Executive authority for the CGE, while the CEO is the Accounting Officer who is responsible for the execution of the administrative, clerical, financial and other related operations of the CGE, and in turn accounts for this work to the Executive Authority in terms of the PFMA and to the Plenary of the CGE in terms of the CGE Act.

5. OUR LEGISLATIVE MANDATE, VISION AND MISSION

The legislative mandate of the Commission derives from the Acts listed below.

5.1. Commission for Gender Equality Mandate (Constitution of the Republic of South Africa, 1996)

The Constitution expressly articulates that the Bill of Rights is the foundation of our democracy which preserves the rights of the citizens of the Republic by entrenching the democratic values of human dignity, equality and freedom, stating that these rights amongst others must be respected, protected and fulfilled.

Section 187(1) of the Constitution of the Republic of South Africa reads: "Commission for Gender Equality must promote respect for gender equality and the protection, development and attainment of gender equality."

The Commission is a catalyst organisation for the development and attainment of gender equality. 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 and advise and report on issues concerning gender equality."

5.2. Relevant legislative mandate

The Commission for Gender Equality Act, has been promulgated to give effect to give S187 (3) of the Constitution to guide the establishment of the CGE. The Act provides for the composition, powers, functions and functioning of the CGE; and to provide for matters connected therewith. Section 11 outlines the powers and functions as follows:

The Commission:

(a) shall monitor and evaluate policies and practices of:

- (i) organs of state at any level;
- (ii) statutory bodies or functionaries;
- (iii) public bodies and authorities; and
- (iv) private businesses, enterprises and institutions, to promote gender equality and may make any recommendations that the Commission deems necessary;



(b) shall develop, conduct or manage

- (i) information programmes; and
- (ii) education programmes, to foster public understanding of matters pertaining to the promotion of gender equality and the role and activities of the Commission;

(c) shall evaluate

- (i) any Act of Parliament;
- (ii) any system of personal and family law or custom;
- (iii) any system of indigenous law, customs or practices; or
- (iv) any other law, in force at the commencement of this Act or any law proposed by Parliament or any other legislature after the commencement of this Act, affecting or likely to affect gender equality or the status of women and make recommendations to Parliament or such other legislature with regard thereto;

(d) may recommend to Parliament or any other legislature the adoption of new legislation which would promote gender equality and the status of women;

(e) shall investigate any gender-related issues of its own accord or on receipt of a complaint, and shall endeavour to

- (i) resolve any dispute; or
- (ii) rectify any act or omission, by mediation, conciliation or negotiation: Provided that the Commission may at any stage refer any matter to:
 - (aa) the Human Rights Commission to deal with it in accordance with the provisions of the Constitution and the law;
 - (bb) the Public Protector to deal with it in accordance with the provisions of the Constitution and the law; or
 - (cc) any other authority, whichever is appropriate

(f) shall as far as is practicable maintain close liaison with institutions, bodies or authorities with similar objectives to the Commission, to foster common policies and practices and to promote co-operation in relation to the handling of complaints in cases of overlapping jurisdiction or other appropriate instances;

(g) shall liaise and interact with any organisation which actively promotes gender equality and other sectors of civil society to further the object of the Commission



(h) shall monitor the compliance with international conventions, international covenants and international charters, acceded to or ratified by the Republic, relating to the object of the Commission

(l) shall prepare and submit reports to Parliament pertaining to any such convention, covenant or charter relating to the object of the Commission

(j) may conduct research or cause research to be conducted to further the object of the Commission;

(k) may consider such recommendations, suggestions and requests concerning the promotion of gender equality as it may receive from any source

5.3. Promotion of Equality and Prevention of Unfair Discrimination Act⁵ (PEPUDA)

The purpose of PEPUDA is to give effect to section 9, read with item 23 (1) of schedule 6, of the Constitution, so as:

- To prevent and prohibit unfair discrimination and harassment;
- To promote equality and eliminate unfair discrimination;
- To prevent and prohibit hate speech ; and,
- To provide for matters related therewith.

5.4. Institutional policies and strategies

In implementing its mandate, the Commission takes into consideration the following policy mandates,

- National Development Plan (NDP) - Vision 2030
- New Growth Path 2011
- South Africa's National Policy Framework for Women's Empowerment and Gender Equality (2000)



VISION

5.5. Our vision

A society free from all forms of gender oppression and inequality.



MISSION

5.6. Our mission

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



VALUES

5.7. Our values

Our 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 diligence responsive to the society we serve.
- **Accountability** – We always give an account of our actions and decisions.
- **Ethical behaviour** – We 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.

6. OUR STRATEGIC OBJECTIVES

The CGE has translated its constitutional mandate and related obligations into four strategic objectives to guide the organisation. These form the organisational framework for compliance, governance and effective functioning and the strategic pillars for the implementation of the Commission's mandate and vision.

Strategic objective 1

To advance an enabling legislative environment for gender equality

Strategic objective 2

To promote and protect gender equality through public awareness, education. Investigation and litigation

Strategic objective 3

To monitor and evaluate issues that undermine the attainment of gender equality

Strategic objective 4

To build and sustain an efficient organisation, to effectively promote and protect gender equality



7. COMMISSIONERS ACTIVITIES

Commissioners Programme 2019-2020

1. Introduction

Commissioners are appointed at a national level but are deployed to provinces to provide strategic leadership and to raise the profile of the Commission. The commissioners undertook various activities during the financial year 2019/2020 to ensure that the mandate of the commission was realised through conducting workshops, chairing meetings, participating in roundtables and/or seminars, developing concept and position papers and making gender-related presentations at strategic levels in both the public and private sectors.

2. Purpose

The primary purpose of the commissioners is to oversee that the mandate of the Commission is achieved. In support of this, the commissioners are also responsible for providing strategic leadership to ensure that programmes adopted within the Commission are aligned and fulfilled according to the said mandate.

3. Highlights of International, Regional and National Liaison

The European Union Delegation Meeting

The Commission for Gender Equality met the European Union delegation, led by Mr. Dimitra Colm to discuss the National and Provincial Elections 2019. The team was informed of the CGE's mandate and the monitoring role that the CGE and the EU observers will jointly play in the upcoming elections including assessing the electoral frameworks to be gender-sensitive and assuming an observer status during and after elections.

Global Maternal and Neonate Convention

The Global Maternal and Neonatal Convention was held in Senegal in November 2019. The aim of the Convention was to enable technical discussions on the strategies and approaches including lessons from programmes, policies, research and advocacy for improving both maternal and new-born health. It was noted that the global efforts to achieve the SDG targets in maternal and new-born health remained a concern for South Africa. The SDGs spurred several improvements to maternal health interventions, but problems persist, such as inequality, poor access and poor quality of care for mothers and new-born babies.

Discussions focused on assessing service delivery gaps and measuring



outcomes. Various satellite sessions noted that there was more national and global level data available than local and specialised data which can hide inequities within countries and different demographics. Discussions recommended on finding solutions to these challenges towards the next conference that would take place in Mexico.

United Nations Action Planning Workshop

The CGE was invited to participate in the UN Women action planning workshop on the draft strategic plan (2018-2021) with aim to reflect of gender equality and women's empowerment 2030 agenda. The UN Women's central role in supporting the gender responsive implementation of the 2030 agenda for Sustainable Development and the Beijing Platform for Action has been recognised by the Commission on the Status of women and hence the need for the UN Women to prioritise this work in its current strategic plan.

The CGE made inputs on existing legislative frameworks including the generic social and structural issues that directly impact on Gender Equality such as high rates of gender-based violence in South Africa. Patriarchy and construction of masculinity and femininity amongst others tend to position males and females differently and causing unending gender inequality.

Further CGE presented on discriminatory laws that have been abolished post 1994 and replaced by more than thousand progressive laws that are aimed at supporting democracy and rule of law. The Constitution and values enshrined in the supreme law about Human Rights, Human Dignity, Equality and Freedoms were explained in the context of prevention of gender inequality and discrimination.

UNFPA dialogue on Sustainable Development Goals (SDGs) and National Development Plan Vision 2030

UNFPA has made gender equality central to its work. UNFPA invited the CGE to present on the importance of alignment and harmonisation of the National Development Plan (long-term vision) to the SDGs to achieve impact in so far as gender equality (Goal 5) and others were concerned. Goal 5 emphasises ending all discrimination against women and girls as a basic human right, and how crucial it is for sustainable future. It has been proven that empowering women and girls help economic growth and development – hence contributing to a “capable and development state”, achieving inclusive growth results and building capacity of all South Africans.



Launch of the United Nations Security Council Resolution 1325

The CGE attended the launch of the United Nations Security Council Resolution 1325 by the Department of International Relations and Cooperation (DIRCO). The UN Security Council Resolution 1325 focuses on women, peace and security, which was adopted by the UN Security Council in October 2000. In general, the resolution acknowledges the disproportionate and unique impact of armed conflict on women and girls. At the launch, the Programme of Action was shared for government departments and other key stakeholders to engage and implement some sections. This links to the CGE's duty to monitor international treaties and regional commitments and to ensure that they promote gender equality. Monitoring of this programme of action will be important, particularly because the government is simultaneously preparing a national strategic plan on GBV-F.

First Women's Parliament Conference

Under the leadership of the Chief Whip, Parliament hosted the first Women's Parliament of the sixth democratic Parliament under the theme, **"Gender and institutionalism: Towards strengthening the National Gender Machinery as a response to addressing Gender-Based Violence in South Africa"**. The conference was aimed at launching a comprehensive programme of provincial sessions aimed at reviewing the 1994 Women's Charter for Effective Equality. The Women's Parliament was also celebrating 25 years since the adoption of the Women's Charter and the attainment freedom in South Africa. CGE was invited to present Article 10 on Violence against Women & Article 11 on Health as part of debates and discussions around the Women's Charter.

The 1994 Women's Charter Review

The CGE was invited to present at the Parliamentary sitting session that focused on the 1994 Women's Charter review. The session invited the Deputy Speaker, Members of Parliament, Provincial MECs, SALGA members and members of the public. In the presentation, CGE reflected on the changing landscape of South Africa's gender equality, which permeates virtually all aspects of societal life and presents a challenge for achieving equality and equity in South Africa since the dawn of democracy in 1994.

CGE reflected on a range of substantial benchmarks in South Africa's evolution from apartheid authoritarianism, through the institutionalisation of formal procedural and electoral democracy. The rest of the presentation was on efforts towards achieving gender equality, health and sexual and reproductive health and rights in the country.



National Launch of the 16 Days of Activism

The official opening of the 2019 – 16 Days Campaign took place on the 25 November 2019 in the North West Province under the theme: **Enough is Enough – 365 days to Gender Based Violence and Femicide**".

The CGE attended the official opening event took lead in opening a discussion that focused on the role of women in the media in promoting gender equality. CGE handed over the GBV&F pledge to the President of the Republic of South Africa, Honourable Cyril Matamela Ramaphosa. CGE was further requested to address the Community and SAPS on Gender Based Violence (GBV) and prevention strategies.

Unisa, SAWID Un Women's Month Celebratory Dialogue

The CGE attended the annual event to commemorate the Women's Month (August) 2019. The event was a joint venture by UNISA and SAWID. The purpose of the dialogue was to reflect on the status of women throughout the year, shared strategies and solutions for elevating women's agenda which comes through affording women spaces to network, shared lessons and developing a community of practice around own issues.

South African Law Reform Commission Meeting

The purpose of the meeting was to discuss the CGE Report on Gender Transformation and Procurement as well as the Project 107 Report on Sexual Offences. CGE and SALRC will sign an MoU in the next financial year for a better and well-coordinated work. CGE's mandate was introduced and emphasis on its catalytic role when it comes to gender equality. The CGE Report findings and binding recommendation were shared with the Commission including the roles that both institutions can play in holding entities accountable.

Ministerial Dialogue on Recognition of Marriages in South Africa

The CGE was invited to present at the Department of Home Affairs (DoHA) – Ministerial Dialogue on Recognition of Marriages in South Africa. The DoHA's dialogue proposed consultations with other sectors aimed at getting inputs towards developing a single Marriages Policy framework or how to consolidate all 3 Marriages Acts i.e. Marriages Act no.25 of 1961, Customary Marriages Act of 1998 and Civil Union Act no 17 of 2006 - into a single Marriages Act.



4. Highlights of Provincial activities

Meeting with the Eastern Cape South African Police Services relating the Daily Dispatch article that was published on the 17 June 2019 titled “ Village of Death”.

The purpose of the meeting was to establish to the veracity of the alleged incidents of killings of women in Lusikisiki Administrative area of Kanyanyo and Mthotsasa administrative areas. This meeting was a result of the Daily Dispatch article title on the 17 June 2019 title **“Village of Death”**. The CGE delegation to the meeting was received by cluster management of SAPS and Provincial FCS Colonel Govana. The meeting agreed on the following resolutions:

- SAPS must include consequence management on its case management system for the lack of insufficient evidence and cluster Commanders must enforce this.
- The issues of lack of DNA Laboratory for Eastern Cape was raised major concerned.
- It was agreed that SAPS will go back the community and invite the CGE to give feedback this community. (Community Imbizo was held on the 5th August 2019, due clashes the CGE office could not attend as per resolution of the meeting of the meeting of the 26 June 2019.
- SAPS to provide summary of each cases and their status to the CGE. (a report has been made available) – refer to attachment titled SAPS Cluster
- Provide a report on the nature of cases in Eastern Capes (Statistics this enable us to redirect our focus on systematic issues pertaining the problematic areas.

The House of Traditional Women's Parliament in the Eastern Cape

The House of Traditional Leaders (HTL) held an extra ordinary sitting on **4 – 5 September 2019**.

The session by Eastern Cape HTL succeeded in drawing women from rural areas as well as women traditional leaders throughout the Eastern Cape province. The Eastern Cape HTL in partnership with the Department of Health decided host the session with paramount aim of engaging women on issues that continue to confront women with more emphasis of women in rural areas namely:

To discuss the Health challenges faced by rural people due to their impoverished background, lack of access to state resources and general ignorance on health issues. This was a high impact program honoured by the Premier of the province accompanied by the MEC for health who both made presentations which in addition touched on the scourge of Gender



Based Violence (GBV) in the province. CGE made a presentation which covered the following:

- Sexual Offences and Violence
- Gender-based violence
- Early Child Marriages (Ukuthwala)

Held a meeting with Eastern Cape Aids Council and its affiliates.

The purpose of the meeting was to strengthening efforts towards curbing GBV and lobby stakeholders towards a idea of developing GBV index. The meeting was arranged to solicits support and strengthening collaboration with the Civil Society organisations particular around the proposal of having Gender-Based Violence Index, that will have clear indicators on intervention and curbing of GBV in order to measure the impact of the intervention of our programmes.

Also, to curb levels of GBV in the country and in particular in the Eastern Cape. It has the second highest recorded murders for women and children with 550 women and 180 children murdered. Moreover, the EC ranked third in respect of Sexual Offences. Meeting members were briefed by CGE on the propose Gender -based violence index. The proposal was warmly received by the stakeholders.

Meeting with Free State South African Police Services

The purpose of the meeting with the Free Sate SAPS was to engage on gender-based and challenges faced by communities with access to services. The Free State has been plagued by high incidents of gender-based violence especially rape. The Commission found that there were shortages of rape kits. The shortages have also been highlighted in the media on several occasions. There was a general lack of services for victims of rape. The province will continue to engage the SAPS to ensure that effective services will be delivered

Briefings held with Batho and Molefi clinics in the Free State on their readiness during the COVID 19 pandemic

The majority of people who use clinics on a daily basis are women and there is a need for assurance that their services will not be disrupted during this period. There is a need to monitor practices that may hamper consistency in service delivery. The majority of those who work at clinics as staff are women and there is also a need to ensure that the employer has ensured that they are safe while at work. - The department of health in the province has always had challenges when it comes to provision of tools of trade to its centres where people are serviced

Citizens' Report: Inclusive SDG Reporting Process for HLPF 2019

Attended and presented on progress in implementing the 2030 Agenda for Sustainable Development Goals (at the July 2019 High Level Political Forum)



(HLPF). SA decided to open-up the space for NGOs and government to engage given its participation in the UN Voluntary National review in 2019. It was noted that Stats SA has done the ground work into reviewing the Country's performance on Agenda 2030, whilst DPME was in the process of finalising the political aspect of the report and CSOs working group resolved to publish a "Citizen's Report" just to bring the citizens voice for inclusivity.

South African Local Government Association Provincial Lekgotla (SALGA) Mpumalanga

This is an annual event that gives SALGA an opportunity to evaluate their work, interact with other stakeholders and share projects and programs done for further advancement of Gender Equality. The platform is in addition used to share best practices and replicate each other. The event gave CGE an opportunity to educate on the importance of equity targets as a strategic tool towards the advancement of gender equality. Gender mainstreaming and the scourge of gender-based violence in the province was part of the presentation and discussion.

Discussion on Human Trafficking focusing on Ukuthwala in Kwazulu Natal

CGE has been at the forefront of addressing harmful cultural practices that violate human and especially gender rights. Ukuthwala is on the rise in both the Eastern Cape and KZN. One can even say it is becoming institutionalised in KZN around Ixopo ground is fertile enough for CGE to intervene in a proactive manner by involving the traditional leaders and the community. Also, CGE should ensure that police play their part by enforcing the law. Have been monitoring the Ukuthwala Project by the South African Law Reform Commission and in constant communication with Prof Nhlapo who is the Chairperson of the Project. The matter is now with the Department of Justice and Constitutional Development.

Attendance at the Ritual & Spiritual Femicide event hosted by Department of Arts and Culture in Kwazulu Natal

KZN has been identified as one of the hot spots for ritual killings. Not ignoring the other provinces but KZN has the most reported cases. Ritual killings have always been an issue however it has always been under reported thus it goes unnoticed. The element of femicide has been on the increase but have been cases that have been linked to ritual killings.

South African Local Government Association Provincial Lekgotla (SALGA) Mpumalanga and North West

These are annual events that give SALGA an opportunity to evaluate their work, interact with other stakeholders and share projects and programs done for further advancement of Gender Equality. The platform is in addition used to share best practices and replicate each other. The events gave CGE an opportunity to educate on the importance of equity targets as a



strategic tool towards the advancement of gender equality. Gender mainstreaming and the scourge of gender-based violence in the province was part of the presentation and discussion.

Film and Publication Board Digital Awareness Campaign

The event targeted women and young people of the province. The fourth industrial revolution is gaining traction globally, the digital space is becoming an increasingly powerful factor in society with the inherent potential for both positive and negative socio-economic impact.

This event gave CGE to an opportunity to present our mandate and vision etc. it provided the organisation an opportunity to share the organisational views on challenges faced by young people and the relationship between social media and human trafficking.

Presentation and Participation at the Social Justice Summit held in the Western Cape

Attended the inaugural social justice summit hosted by former Public Protector and Stellenbosch Research Chair on Social Justice, Thuli Madonsela. The program was extremely packed, and the summit was well attended by a variety of stakeholders. The noticeable absence was community members and community-based organisation representatives.

The CGE presented in one of the breakaway roundtables and the focus of the presentation was on LGBTIQ political participation and representation and the importance of addressing this in order to achieve the SDGs.

The initial part of the morning included two panels and one media briefing featuring extremely high level political and academic figures, but their conversation was not inclusive of gendered concerns. However, a declaration that was gender sensitive was made at the end of the summit



OUR PERFORMANCE

8. OUR PERFORMANCE

8.1. Strategic Objective 1: To advance an enabling legislative environment for gender equality

The purpose of this strategic objective is to evaluate legislation, policies, practices and mechanisms and make recommendations to bring about continuous improvements to advance gender equality.

8.1.1. Submissions on new and proposed legislation

In alignment with the mandate and strategic objective 'to ensure the creation and implementation of an enabling legislative framework that promotes the attainment of gender equality', the CGE constantly analyses existing and proposed legislation from a gender equality perspective. This is done to strengthen constitutional democracy and to promote the realisation of gender equality enshrined in the Constitution and specifically the Bill of Rights. Submissions are made to Parliament and other legislative-making organs to improve South Africa's legislative framework, with the understanding that gender equality is pivotal in nation-building.



No	Date	Department	Bill/ Act	Synopsis
1	30/07/2019	South African Law Reform Commission (SALRC)	Criminal Law (Sexual Offences and Related Matters) Amendment Act, Amendment Bill [B18-2014]	<p>The Commission opines that although the proposed amendments to the Sexual Offences Act is in some instances progressive in nature, it also has severe shortcomings. The Commission stated in the submission:</p> <ul style="list-style-type: none"> • The proposed amendments have assumptions with regard to the end users and their grasp of technology; • The justification for the change of definition of “child pornography” to “child sexual abuse material” is not sufficient in the Commission’s view; • The questions with regard to harmonisation of pre-existing legislation regarding the creation of new legislation is not adequately addressed; • The possible violation of other rights through undercover SAPS work, surveillance and the like should be adequately addressed in the amendments with relation to section 36 of the Constitution; • The capabilities of Internet Service Providers should be confirmed in relation to the obligations imposed. • There should be a greater alignment with international instruments when drafting legislation. <p>The Commission is of the view that the Bill in its current form is not ready to be tabled before Parliament and avails itself for further engagements with the SALRC with regard to the comments herein.</p>

No	Date	Department	Bill/ Act	Synopsis
2	30/08/2019	SALRC	Single Marriage Statute	<p>The Commission submitted that the “omnibus” or umbrella marriage statute would be ineffective in addressing challenges experienced by women in marriages not recognised by the Marriage Act (Act 25 of 1961) and other statutes. These include, among others, Hindu marriages. Our courts, particularly in <i>Govender v Ragavayah NO and Others</i>⁶ have provided interim relief to women in Hindu Marriages and ordered that the word “spouse” as used in section 1 of the Intestate Succession Act (Act 81 of 1987), includes the surviving partner to a monogamous Hindu marriage.</p> <p>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. Consequently, women in Hindu marriages exit such marriages with no specific legal recourse against their husbands. In <i>Ramayee v Vandiyar</i>⁷ the court held that, notwithstanding that the parties had concluded their marriage in accordance with their Hindu religion and were recognised as husband and wife by their family groups and communities, the Hindu marriage was still not a marriage but a mere liaison because of its non-compliance with the Marriage Act or any other applicable legislation.</p> <p>The Commission submits that there are marriages in African cultures that are not receiving adequate protection from the Recognition of Customary Marriages Act (Act 120 of 1998) and the Reform of Customary Law of Succession and Regulation of Related Matters Act (Act 11 of 2009) as it prejudices women in such marriages.</p>

⁶ High Court of South Africa , Durban and Coast Local Division

⁷ *Ramayee v Vandiyar*, 1977 Court Case



No	Date	Department	Bill/ Act	Synopsis
3	15/11/2019	United Nations High Commissioner for Refugees (UNHCR)	Submission to the Office of the High Commissioner for Human Rights on the elimination of discrimination against women and girls in sport, pursuant to resolution 40/5 of the Human Rights Council 3 15/11/2019	<p>Sports should be seen as a vehicle for gender equality and the empowerment of women and girls. The relationship between gender equality and sport is not solely about achieving equality in women's participation and treatment, but also about promoting sports for gender equality or harnessing the potential of sport for the social empowerment of women and girls. Sport has long been recognised as a suitable vehicle for the development of healthy lifestyles, self-discipline, citizenship and personal morality.</p> <p>Sport offers a valuable channel to provide information on important social issues and women's rights. Women's participation in sports can also play a role in challenging stereotypes and breaking down entrenched discriminatory attitudes and behaviours. Sports can serve as a vehicle to improve women and girls' leadership skills and participation in decision making. The acquisition of valuable skills in management, negotiation and decision making empowers them to become leaders in all areas of community life.</p>
4	22/11/2019	PC Justice and Correctional Services	Customary Marriage Amendment Bill [B12-2019]	The Commission notes the proposed amendment to section 7 of the Recognition of Customary Marriages Act (Act 120 of 1998)(RCM). The clause addresses the matrimonial property regimes applicable to polygamous customary marriages. Consequently, polygamous marriages entered into before the commencement of the Act, were regarded as being out of community of property, not subject to accrual system.

No	Date	Department	Bill/ Act	Synopsis
4	22/11/2019	PC Justice and Correctional Services	Customary Marriage Amendment Bill [B12-2019]	<p>The Commission applauds the respective Constitutional Court judgments rendering section 7(1) of the Act unconstitutional in <i>Gumede v President of the Republic of South Africa</i>⁸; and <i>Ramuhovhi and Others v President of the Republic of South Africa and Others</i>⁹ due to its differential application of matrimonial property regimes to spouses in monogamous, customary marriages; polygamous, customary marriages and polygamous marriages concluded after 15 November 2000.</p>
5	29/11/2019	Parliamentary Portfolio Committee on Health	National Health Insurance Bill [B11-2019] (NHIB)	<p>It is trite that women's reproductive health needs are different from those of men, and that a one-size-fits-all approach is not desirable. It is held by the CGE that the NHIB has the potential to improve women's health if the best interventions are carefully assessed, costed and - provided on a universal basis from the outset. In doing this, women and girls will be direct beneficiaries of the NHIB once it is implemented. section 27(1)(a) of the Constitution states that everyone – which includes women, children, lesbian, gay, bisexual, transsexual, intersexual, queer, asexual and Other individuals (LGBTQIA+) have the right to access health care services, including reproductive health care.</p> <p>The Commission records that Goal 3 of UN 2030 Sustainable Development Goals obliges states to ensure healthy lives and promote wellbeing for all at all ages. Some of the goals are to reduce maternal mortality, ensure universal access to sexual and reproductive healthcare services, including family planning, information and education, and</p>

8 2009 (3) BCLR 243 (CC)
9 2018 (2) BCLR 217 (CC)



No	Date	Department	Bill/ Act	Synopsis
5	29/11/2019	Parliamentary Portfolio Committee on Health	National Health Insurance Bill [B11-2019] (NHIB)	<p>the integration of reproductive health, into national strategies and programmes by 2030.</p> <p>Whilst health care services are provided free of charge in South Africa, monetary costs of travel to a local clinic pose a significant barrier for vulnerable segments of the population, specifically women, children, the LGBTQIA+, mentally disabled persons and persons with disabilities; leading to overall poorer health. For example, in 2016, the Commission received a complaint from the Vingerkraal community where it was argued that the nearest local clinic is 45 km away from their community. As such, access to health care services was costly and further made women more vulnerable to all forms of abuse, including gender-based violence. From this premise, it is submitted that access to health care services for rural women is fundamental in realising health care rights of all vulnerable groups.</p>
6	10/12/2019	Portfolio Committee on Justice and Correctional Services	Civil Union Amendment Bill [B11-2018]	<p>CGE has evaluated the proposed Bill to make recommendations aimed at supporting its adoption, as it is important to the development of a South African constitutional democracy based on equality and human dignity. The Commission is of the opinion that the Bill protects the right to equality of same-sex couples and furthers the constitutional right to equality of same-sex couples in South Africa, in line with the ethos and rights contained in the Constitution, particularly the Bill of Rights.</p>

No	Date	Department	Bill/ Act	Synopsis
7	31/01/2020	SALRC	Alternative dispute resolution in Family Matters (Draft Family Dispute Resolution Bill)	<p>The CGE asserts that access to justice is a central element of UN SDG 16, that is, to provide justice for all and build effective, accountable and inclusive institutions at all levels of society; and further crucial to implementing the other SDGs goals including but not limited Goal 5 which states that: "Women, who often face multiple forms of discrimination, violence and sexual harassment, are particularly affected by legal exclusion". The late Chief Justice of the Constitutional Court, Pius Langa CJ, stated the following:</p> <p>"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.</p> <p>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".¹⁰</p> <p>To this end, the Commission welcomes the Family Dispute Resolution Bill as it seeks to foster access to justice, minimise family conflicts and foster the early resolution of disputes. The Commission espouses that there is a need to strengthen certain provisions in the Bill in order to achieve the objectives of resolving disputes expeditiously.</p>

¹⁰ Pius Langa quotation source



No	Date	Department	Bill/ Act	Synopsis
8	28/02/2020	Section 25 of the Constitution Committee	Submission to the 18 th Amendment Bill on Expropriation Bill on Compensation (Section 25)	<p>The CGE makes submissions from a holistic perspective in order to contextualise relevant gender issues. These issues could result in further gender discrimination against women and other marginalised communities should the enabling legislation not address the lack of gender equality within the land redistribution programmes. Section 25 mandates the government to create conditions that foster access to land, land restitution, redistribution and security of tenure. The state has failed in its constitutional obligations. Currently, land redistribution is governed through fragmented legislative enactments which centralises land management power in traditional leadership structures - thus replicating Bantustan boundaries and modes of governance. Such fragmentation and centralisation of power will disempower rural communities in general, and women in particular.</p> <p>The CGE cannot respond in a piecemeal fashion to the Amendment Bill. Rather, the CGE has provided a contextual analysis of the legislation enacted in furtherance of land redistribution and how these have served or failed the land redistribution in general and women in land redistribution. The Amendment Bill on its own has no "gender implications" as it must be read within the context of the entire Constitution including the right to equality and non-discrimination. Viewed within its constitutional framework the Amendment Bill does not impact women's equal access to land. Rather it is the</p>

No	Date	Department	Bill/ Act	Synopsis
8	28/02/2020	Section 25 of the Constitution Committee	Submission to the 18 th Amendment Bill on Expropriation without Compensation (Section 25)	enabling legislation envisioned by the Amendment that the CGE seeks to contextualise for the gendered dimensions of the Amendment to become visible. It is important to note that women's rights in land have progressively weakened since the initiation of land redistribution programmes, particularly women within the rural context.
9	28/02/20	PC Justice & Correctional Services	Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill [B22-2019]	<p>CGE welcomed the landmark Constitutional Court decision in <i>Levenstein and Others v Estate Late Sidney Lewis Frankel and Others</i>¹¹ wherein section 18(1) of the Criminal Procedure Act (Act 51 of 1977) was declared unconstitutional. We continue to celebrate this progressive judgment that has made a significant impact for all survivors of all sexual violence, especially women and children. The CGE fully supports the proposed amendment of section 18 of the Act, as worded in Clause 3 of the Bill, to give effect to the order of Constitutional Court. With regards to the declaration of invalidity, which is retrospective to 27 April 1994, the CGE understands that this means that those victimised before 27 April 1994 benefit from this order.</p> <p>The CGE believes that this would be an alternative interpretation would be incorrect. The CGE believes that this Bill presents a valuable opportunity to remove another barrier to accessing justice for all survivors of sexual violence and abuse, and especially adult survivors of childhood sexual abuse. The CGE submitted that the proposed amendments to the Prescription Act (Act 68 of</p>

11 2018 (8) BCLR 921 (CC)



No	Date	Department	Bill/ Act	Synopsis
9	28/02/2020	PC Justice and Correctional Services	Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill [B22-2019]	<p>1969), as per the Bill, do not go far enough in developing the law. Terms such as “intellectual disability”, “disorder” and “incapacity” already have specific, limited meanings in the law, and where they do not, survivors will have to wait for the courts to interpret them over time. However, it is widely acknowledged that the extent of gender-based violence and femicide in South Africa has reached crisis proportions. The civil law of prescription has already been developed in matters such as <i>Van Zijl v Hoogenhout</i>.</p> <p>In the light of the courts' reasoning in the <i>Levenstein</i> matter, the CGE submitted that it is time to remove prescription from South African law, insofar as it still applies to debts arising from sexual offences. CGE submits that the same emotional and psychological trauma that prevents victims, the vast majority of whom are women and children, from reporting sexual offences to the criminal justice system, will logically also prevent them from exercising the right to claim damages in a civil court within the statutory 3-year period. It is imperative to remove barriers to alternative avenues to justice for survivors, outside the criminal system.</p> <p>Such alternative avenues include the civil courts, where special damages might be claimed, for example medical and psychological treatment, or loss of earnings. If it is widely acknowledged that the criminal justice system inherently presents obstacles and barriers for survivors, it follows that all possible alternatives must be as accessible as possible.</p>

12 [2004] ZASCA 84

No	Date	Department	Bill/ Act	Synopsis
10	28/02/2020	Department of Sport and Recreation	National Sport and Recreation Amendment Bill [B43-2018]	<p>From the onset, it is important for the Commission to highlight the prevalence of the gender wage gap in South Africa, notwithstanding existing laws such as the Employment Equity Amendment Act (Act 47 of 2013). The principle of equal pay for work of equal value is geared towards eliminating a form of discrimination - differentiation in pay on the ground listed in section 6(1) of the Employment Equity Act (Act 55 of 1998) or any other arbitrary ground.</p> <p>To this end, section 6(1) of the Employment Equity Act prohibits unfair discrimination in any employment policy or practice on grounds including race, gender, age and sexual orientation. The Commission embraces the principle of equal pay for work of equal value and is committed to ensuring that employers maintain a remuneration practice and policy that is compliant with the Employment Equity Amendment Act.</p> <p>To this end, the Commission recommended that incentive policies must be based on the principle of high performance, and as such, must not be discriminatory in terms of gender, sex and sexual orientation. The Commission welcomed the incentives for high performance sport achievers and practitioners irrespective of gender, sex and race. The CGE believes this addresses the anomalies that exist between women's sports and men's sports.</p> <p>The Commission welcomes the proposed amendment</p>



No	Date	Department	Bill/ Act	Synopsis
10	28/02/2020	Department of Sport and Recreation	National Sport and Recreation Amendment Bill [B43-2018]	<p>that the guidelines or policies must promote equity, representivity and redress in sport and recreation. To ensure that this is achieved, the Commission submitted that resources must equitably be distributed between women's sports and men's sports. By so doing, a pool of potential candidates, irrespective of their gender, would be developed and be eligible for incentives for high performance. Moreover, training and development should further seek to ensure that female coaches are developed and equitably represented in male sports. The sports fraternity is not immune to sexual harassment claims.</p> <p>As such, the Commission recommends that sexual harassment be recognised as an offence that disqualifies any player, official and manager from participating not only in international sporting events, but national sports event. This is against the backdrop understanding that sexual harassment is mostly not adjudicated in the criminal courts but rather in the civil courts.</p> <p>The Bill neglects this critical aspect and by implication would only disqualify a person from participating in international events if they are found guilty by a criminal court. Sexual harassment forms part of gender-based violence and it is trite that in South Africa the scourge of gender-based violence is not only alarming but requires various laws to address and reduce it. It is from this premise that sexual harassment perpetrators are barred from participating in national events.</p>

No	Date	Department	Bill/ Act	Synopsis
11	06/03/2020	Department of Rural Development and Land Reform	Submission Beneficiary Selection and Land Allocation Policy	<p>South Africa ushered in democracy in 1994. In this context, it is almost 26 years since South Africa ousted the racist apartheid system that excluded a majority of South Africans, particularly women, of land rights. Post-democratic South Africa is known as one of the most unequal countries in the world, with more than half the country still living below the national poverty line, with most of the nation's wealth remaining in the hands of a small elite. Most South Africans are disenfranchised from owning land. Land is considered the most fundamental resource to women's living conditions, economic empowerment and, to some extent, their struggle for equity and equality. Research studies reveal that more than 60% of women in Southern Africa are dependent on land for their livelihoods. Despite the importance of land to women in the region, their land rights are still largely discriminated against. A combination of statutory and customary laws favouring male ownership of property disadvantage women's rights to own land.</p> <p>In addition, women's own submissive attitudes to male domination and their lack of enlightenment due to poor education also contribute to their failure to acquire land. Lack of access to credit and banking services is another primary constraint to both acquisitions of land and increasing women's productivity.</p> <p>The legal system of the past has largely failed to benefit most South African women. In particular, Black, working class and poor women living in rural areas have been marginalised, both by the so-called Westernised system of</p>



No	Date	Department	Bill/ Act	Synopsis
11	06/03/2020	Department of Rural Development and Land Reform	Submission Beneficiary Selection and Land Allocation Policy	<p>justice and the customary structures. The socio-economic and legal position of Black women in South Africa has been shaped by apartheid policy, customary and religious law and more recently by political reform. On the one hand, women have been marginalised and denied access to justice, while on the other hand, accessing justice is viewed as a fundamental human right. For Black women living in rural areas however, accessing justice has been particularly difficult because of their socio-economic circumstances, low levels of literacy, discriminatory cultural practices, infrastructure and so on.</p> <p>Hence, the principles entrenched in the Constitution, particularly, the substantive equality principle, are crucial to ensuring the transformation of the status and lives of women. From this, the Commission embarked on a campaign called 'One Woman, One Hectare of Land.' The campaign aimed to mainstream gender equality and proposed that the state should allocate one hectare of land for the growing of food, to the poorest rural female-run households. The Commission asserts that this would have helped alleviate poverty and empower rural women. The Commission asserts further that where women had land, their families generally were better nourished, better educated and able to participate in society. Land rights should be passed on officially to these women and they should then be able to build the skills of their children and pass the land to them in due course.</p>

No	Date	Department	Bill/ Act	Synopsis
12	19/03/2020	Agriculture, Land Reform, and Rural Development	Draft National Spatial Development Framework	<p>The CGE congratulated the Department of Agriculture, Land Reform, and Rural Development (the Department) on the very first National Spatial Development Framework that South Africa has ever seen. We applaud its aim of making "a bold and decisive contribution to bringing about the peaceful, prosperous and truly transformed South Africa, as articulated in the Freedom Charter, the Reconstruction and Development Programme and the National Development Plan." This is long overdue in light of our apartheid past, and we are gratified to see the first draft of this important document being published for public comment.</p> <p>We note that the NSDF specifically recognises:</p> <ul style="list-style-type: none"> • The stranglehold that the unjust national spatial development paradigms, logics and patterns of the past have placed on our many attempts at breaking the back of poverty, unemployment and inequality; • The valuable, and often hard lessons we have learnt over the last 25 years in our pursuit of national reconstruction, inclusive economic growth and spatial transformation; and, • The necessity for decisive, collaborative and targeted state action in the national space, to drive our country towards the shared, inclusive and sustainable future we desire and require.



No	Date	Department	Bill/ Act	Synopsis
12	19/03/2020	Agriculture, Land Reform, and Rural Development	Draft National Spatial Development Framework	However, the Commission respectfully submitted that the transformative agenda of the NSDF will not be achieved without the application of a gender lens to spatial planning, budgeting, and implementation. Gender does not only refer to “women” as is commonly thought. However, in the light of the disproportionate impact of poverty, unemployment, and inequality on women and girls in South Africa, we believe that it is necessary for all government plans to expressly consider the needs and lived realities of women and girls – not merely as part of the general population, but as a group whose right to substantive equality (equality in outcomes compared with men and boys) cannot be realised if it is not specifically teased out in high-level documents such as the draft NSDF, which ultimately seek social justice for all.
13	31/03/2020	Department of Transport	The National Railway Safety Standards Development Regulations, 2020	<p>From the outset, it is important to highlight that gender-based violence is prevalent in South Africa, and railway services play a significant role in curbing this scourge. Railway services in South Africa play a critical role in promoting the safety of women and children who are dependent on rail transport. It is common cause that a number of crimes are committed within the railway environment in South Africa, with some of the typical crimes occurring being robbery, assault, theft, arson, rape, sexual assault and murder.</p> <p>According to the 2018-2019 State of Railway Safety Report, 9268, a 20% increase in incidents of robbery, assault and theft of assets was reported from the 2017/2018 period.</p>

No	Date	Department	Bill/ Act	Synopsis
13	31/03/2020	Department of Transport	The National Railway Safety Standards Development Regulations, 2020	<p>(Geldenhuys K, January 2020). Of concern to the Commission is the lack of safety mechanisms which make women, children, elderly persons and persons with disabilities more vulnerable and susceptible to all forms of offences/violations. Due to the lack of railway safety measures, commuters, especially women, children, elderly persons and persons with disabilities are more vulnerable.</p> <p>Additionally, the overcrowding of trains further violates the rights of these people, particularly women. It is observed that safety within the railway environment is not only for commuters but is also vital for railway employees, particularly female employees. Without adequate safety measures, female train drivers are susceptible to all forms of harassment, assault or intimidation by unruly commuters or criminals, especially when trains are stationary at night or in remote areas.</p> <p>It is expressed that the Metro trains, for example, are targeted mostly by perpetrators because:</p> <ul style="list-style-type: none"> • Trains provide the cheapest mode of transport and Metro trains offer a convenient local train service for commuters to get to and from work. • Perpetrators do not buy train tickets but engage in staff riding in order to commit criminal acts on trains, while others buy tickets because they are cheap, allowing access in order to commit crime • Access to train platforms is easy as there are many holes in fences which perpetrators use to gain access to the trains to commit crime.



No	Date	Department	Bill/ Act	Synopsis
13	31/03/2020	Department of Transport	The National Railway Safety Standards Development Regulations, 2020	With Metro trains it is easy to commit crime while the train is in motion and to jump off at the upcoming station, as
14	31/03/2020	Department of Transport	Draft Railway and Security Regulations, 2020	The Commission supports the draft Regulations insofar as they seek to promote safety to commuters in the railway environment. The Commission has concerns that the general focus of the Regulations is protecting commuters against physical harm that may be experienced within the railway environment. Whilst physical harm needs to be addressed, it is imperative that the Regulations consider psychological harm that commuters and staff members
15	31/03/2020	Department of Justice and Correctional services	Criminal Matters Amendment Bill [B20-2015]	<p>The CGE fully supports the Department in all its efforts to review existing laws and policies applicable to gender-based violence and femicide, as mandated in Article 5 of the Declaration from the Presidential Summit on Gender-Based Violence and Femicide.</p> <p>The intention of the Bill is clear: to create more serious consequences for those accused and convicted of crimes involving sexual and gender-based violence and femicide; and to better protect survivors, witnesses, and society against perpetrators and those accused of such crimes. This is necessary, and the call for better protection of South African women must be answered.</p>

No	Date	Department	Bill/ Act	Synopsis
16	31/03/2020	Department of Justice and Constitutional Development	Criminal Law (Sexual Offences and Related Matters) Amendment Act Bill	<p>The CGE congratulates the Department Justice and Correctional Services (the Department) on its swift action in response to the President's law reform promise in his State of the Nation address on 13 February 2020. We are greatly encouraged by this show of political will.</p> <p>The CGE is aware that the National Register of Sex Offenders (the Register) has not been without controversy and administrative challenges, since its operationalisation in 2009. In 2013/14 it became the subject of litigation, in the matter of J v National Director of Public Prosecutions and Another¹³, relating to recording the name of a child who had committed a sexual offence against another child. In April 2018, the Register contained only 28,670 names, with only six officials dedicated to maintaining the Register. Most recently in November 2019, the Department has admitted that there are still operational challenges with the Register, after 20 years of existence.</p> <p>¹ Answer to Parliamentary Question NW883 to the Minister of Justice and Correctional Services, 13 April 2018. This is problematic, and the CGE is concerned that legislative efforts to expand the Register will be undermined by a Register system that has never been completed, or managed in a satisfactory way. The current Register administration and overall management will clearly require significant attention to function properly, and in accordance with the intention of the law. This would be a worrying drain on resources that could be better spent elsewhere, in responding the crisis of sexual and gender-</p>

13 [2014] ZACC 13



	Date	Department	Bill/ Act	Synopsis
17	31/03/2020	Department of Justice and correctional services	Domestic Violence Amendment Draft Bill, 2020	<p>The CGE congratulated the Department of Justice and Correctional Services (the Department) on its swift action in publishing the Bill for public comment, so soon after the President's law reform promise in his State of the Nation address on 13 February 2020.</p> <p>The Commission is greatly encouraged by this show of political will to better regulate domestic violence protection orders and their enforcement, and to ensure that multiple executive departments are mandated with a specific role in preventing and combatting domestic violence. There is much to celebrate in this Bill. We applaud the proposed amendments to bring the Domestic Violence Act (Act 116 of 1998) in line with the Protection from Harassment Act (Act 17 of 2011), with regards to ISPs and online forms of harassment.</p> <p>The CGE is especially excited by the introduction of the centralised recording of all protection order applications and granted orders. This is long overdue and will revolutionise South Africa's ability to better understand, prevent, and combat domestic violence. Likewise, we are excited by the progressive use of technology in respect of the service of documents, and that the Bill allows for electronic service in certain instances. This will greatly reduce the administrative burden on police and the courts. We further applaud a move towards "harm" as opposed to "imminent harm" throughout the Bill, and the move away from "dangerous weapon" to the use of "weapon" instead – we hope that this will assist in the multitude of cases where police officers themselves are</p>

No	Date	Department	Bill/ Act	Synopsis
17	31/03/2020	Department of Justice and correctional services	Domestic Violence Amendment Draft Bill, 2020	perpetrators of domestic violence. The CGE also welcomes the introduction of directives for court clerks, the Departments of Health, Social Development, Basic and Higher Education and Training and Communications, who all have a role to play in preventing and combatting domestic violence. Finally, we are greatly encouraged by the introduction of legal aid at state expense, in consultation with Legal Aid South Africa, to assist children with applications for protection orders, and state assistance for complainants who cannot afford the fees of services in the Domestic Violence Act.



8.1.2. A consolidated report on private and public institutions monitored for gender transformation

The Commission held employment equity hearings during this financial year and the following entities formed part of the hearings:

- Woolworths (Pty) Ltd
- Vodacom
- Department of Justice and Constitutional Development (DOJ)
- Cooperative Governance and Traditional Affairs (COGTA)

The Commission observed that transformation at the higher echelons of the entities is still a challenge. It was further observed that there was under-representation of previously disadvantaged groups at managerial positions in both the public and private sectors. Notably the lack of clear pipeline mechanisms for women to assume managerial positions and the creation of an enabling environment for women and persons with disability was highlighted as a key concern for all the entities.

Key findings and recommendations

The Commission found that the top and senior management positions of the two private entities are primarily occupied by White men. The Commission found that the top and senior management positions of the two national departments are occupied by Black men. Women and people with disabilities (PWD) are inadequately represented at these levels, with the four entities operating contrary to the Employment Equity Act¹⁴ (EEA). None of the entities provided compelling explanations for non-compliance with EEA, except for the moratorium preventing the filling of vacant positions. Nevertheless, the said moratorium was recently implemented, while the EEA has existed for two decades. Some entities identified in their Employment Equity Plans that predominant White or Black male leadership is a barrier to transformation, but they had failed or neglected to address this for years.

On the premise that a designated employer is entitled to deny a Black, Coloured or Indian person appointment to a certain occupational level on the basis that one or more of these individuals - as the case may be - are already overrepresented or adequately represented in that level, it is observed that the four entities did not utilise these measures to address the inequalities regarding the representation of women and PWD.

¹⁴ Act 55 of 1998

Underrepresentation has been the position for years, despite the existence of various employment equity and transformation legislation aimed at advancing women and PWD. Without numerical targets, entities cannot be compelled to appoint the persons. It is therefore necessary for the EEA, the Preferential Procurement Policy Framework Act¹⁵ (PPPFA) and the Broad-Based Black Economic Empowerment Act¹⁶ (B-BBEEA), to provide for specific numerical targets for compliance with employment equity. The numerical targets should be relevant to address the extent of non-compliance by each entity under review. Such targets will be measurable and practical for implementation.

The need for conducive environment for PWD

Some entities did not demonstrate commitment to creating a conducive working environment for the PWD. The best practise of Vodacom of ensuring that PWD access its premises by lowering lift buttons in the workplace is commendable. The same is true of the best practise of the Department of Justice, of enabling access to documentary materials for PWD, and Woolworths, for establishing a blueprint for its new stores, accessible for PWD. Such and similar best practices should be converted to EEA policies for implementation purposes.

The need for leave regarding the handling of gender-based violence matters

Given that legal proceedings in South Africa are lengthy, it is advisable that leave policies be developed to place a proviso for instances such as medical appointments, legal proceedings and other activities related to employees handling domestic violence matters. The CGE commends Woolworths for its best practice of inviting feedback about the social trauma that many of its employees have to deal with outside of the workplace (with Woolworths' average employee being a mid-20s woman, typically a single mother).

The CGE finds it necessary for the amendment of the Basic Conditions of Employment Act¹⁷ (BCEA) to provide for specific or specialised leave to employees dealing with gender-based violence or domestic violence.

¹⁵ Act 5 of 2000

¹⁶ Act 53 of 2003

¹⁷ Act 75 of 1997



The need for skills development to address underrepresentation

Section 30 of the Skills Development Act¹⁸, as amended, requires the national departments to allocate at least one percent of its payroll towards employee skills development. The Skills Development Act is aimed at developing strategies, improving the skills of the workforce and at addressing the gaps created due to past inequalities. Despite these measures, women and PWD remain underrepresented. The implementation of these provisions requires effective policy directives which set out the numerical targets of the relevant training to be provided to the underrepresented.

Handling of sexual harassment cases

The CGE commends the best practice of Woolworths, in that it has a discretion to decide that a formal procedure should be followed, as opposed to the informal procedure, even if the complainant selects the latter. The CGE will propose detailed legislative amendments on the subject to address the challenges raised, and the inequality that it observed. The CGE will also monitor the entities to ensure that they comply with the above recommendations.

8.1.3. Consolidated report on TVET institutions monitored for gender transformation

The Commission resolved to conduct transformation hearings with a specific focus on the Technical and Vocational Education and Training (TVET) Colleges. The investigative hearings were held in terms of section 11(1)(a), (c), (d) and (e) of the Commission for Gender Equality Act¹⁹ (CGE Act), as amended. The objectives of the investigative hearings included ascertaining information on the following:

- Funding to students and colleges as a need to improve education and skills development;²⁰

¹⁸ Act 97 of 1998

¹⁹ Act 39 of 1996

²⁰ <https://www.thedailyvox.co.za/tvet-college-students-say-arent-getting-nsfas-transport-allowance/> <https://www.skillsportal.co.za/content/tvet-colleges-must-prioritise-transformation> [accessed on 31 January 2020]



- The vulnerabilities and risks experienced by women in TVET Colleges²¹ – both as employees and as students²², specifically gender-based violence²³ (GBV);
- The general level of non-compliance of employers with obligations flowing out of specific provisions in labour legislation aimed at promoting equality or affirming the rights of women;
- Reasons why employers fail to comply with obligations aimed at promoting gender equality in the workplace;
- Obstacles faced by women in the workplace which existing legislation fails to address;
- The nature of amendments that should be proposed in respect of the current reform to existing labour legislation;
- Relevant gender equality provisions in international instruments which have not been mainstreamed into existing and proposed labour legislation;
- Reasonable expectations of potential or permanent employees on labour legislation which will address the concerns of women;
- The nature of amendments that should be proposed in respect of the current reform to existing labour legislation;
- The shortcomings in the workplace which impede gender transformation and propose remedial measures; and,
- To make relevant recommendations to the relevant institution to enforce compliance with employment equity.

The Commission held transformation hearings with the TVET colleges during the financial year 2019-2020 and these took place on the 12-13 November 2019. The following entities were selected to be part of the hearings:

- Lovedale TVET College, King Williams Town.
- Motheo TVET College, Bloemfontein.
- Coastal KZN TVET College, Amanzimtoti, KwaZulu-Natal
- Taletso TVET College, North West

21 <https://sedibengster.com/11527/sedibeng-tvet-students-march-femicide/> [accessed on 31 January 2020]

22 <https://www.universityworldnews.com/post.php?story=20181109070403220> [accessed on 31 January 2020]

23 <https://www.timeslive.co.za/news/south-africa/2019-11-26-precious-ramabulana-was-raped-and-murdered-in-her-dorm-room-this-is-what-we-know/>
<https://www.timeslive.co.za/news/south-africa/2019-05-29-student-arrested-after-mutilation-and-murder-of-young-welkom-woman/>
[accessed on 12 February 2020]



The Commission observed during the hearings that the TVET colleges are fraught with many challenges, which include among others the lack of adequate funding, and the lack of policies and measures in place to address gender inequality in the workplace.

Key findings and recommendations

The Commission made findings during hearings as follows:

- TVET colleges, being a critical vehicle for social transformation, skills development, and the reduction in inequality, poverty and unemployment, have poor representation of persons from other races; and the workforce is male dominated. That is, there are not enough White, Indians and Coloured persons within the staff component.
- The colleges were previously managed by the Department of Basic Education, before the Department of Higher Education and Training (DHET). The purpose of the migration process was to centralise management and standardise the conditions of the colleges within the education sector, as they were previously managed differently in each province.²⁴
- The CGE noted the capacity constraints on personnel at colleges due to insufficient funding from DHET and no existing College Council. Section 9 of the Continuing Education and Training Act²⁵ provides that colleges must establish a governance structure comprising a Council, an Academic Board and a Student Representative Council. There are inexperienced and unqualified candidates nominated to serve on the Council, and some with political agendas²⁶. Secondly, there are colleges without permanent principals. Instead they have candidates in acting capacities.
- Funding allocation to TVET colleges from DHET is based on student enrolment. According to the White Paper for Post-School Education and Training, it is proposed that enrolment target at colleges for 2030 is 2.5 million. Enrolment in 2019 stands at 436, 525²⁷, against the target 664,748. It is funding that hinders plans to grow TVET College enrolments. The TVET College Infrastructure Efficiency Grant, which is

²⁴ <https://pmg.org.za/committee-meeting/17871/> [accessed on 12 February 2020]

²⁵ Act 16 of 2006.

²⁶ <https://pmg.org.za/committee-meeting/28817/> [accessed on the 12 February 2020]

²⁷ <https://www.businesslive.co.za/bd/national/education/2019-11-12-lack-of-funding-hinders-plans-to-grow-tvet-college-enrolments/> [accessed on the 12 February 2020]



20% of costed maintenance plans submitted by colleges, is not actually spent by colleges.

- Remuneration²⁸ of staff in colleges is made in terms of two batches. There is a batch paid in terms of the PERSAL system for public servants, whereas the other is paid from the college's budget. The latter remuneration is approved by Council, based on the guidelines issued by National Treasury depending on available funds.
- The Commission observed that colleges have no measures in place to promote the advancement of women in decision-making positions, or to ensure that resources are allocated to support gender transformation. There are also no mechanisms to track the movement of women to senior or top management positions. Further, the CGE observed that colleges have no measures to promote the safety of employees or students in the workplace with regards to sexual harassment and gender discrimination. The lack of policies makes it impossible for the CGE to monitor compliance, accountability, or to determine the gender wage-gap of the colleges.
- There is no policy in place in to curb the scourge of GBV within and outside college campuses. The CGE observed that there is a policy framework to address GBV in the post-school education and training system, dated 15 April 2019, for public comments²⁹. In other words, there is no policy in operation to be used to address this violence, which has reached a disproportional level in colleges.
- Necessary services such as health centres and the South African Police Services are not in the vicinity of colleges.
- Lastly, there is no training offered to college employees as required by the Training and Development Policy of the DHET.

Based on the above-mentioned findings, the CGE made the following recommendations:

- The CGE must engage the DHET to discuss the dire situation in TVET Colleges, and advise it to establish a task team to assist poor performing colleges through unique interventions;
- The CGE is to advise the DHET to draft policies, especially to address institutional safety constraints. Alternatively, the DHET must set targets,

28 <https://www.sowetanlive.co.za/opinion/columnists/2019-02-14-tvet-colleges-need-serious-attention-from-government/> [accessed on the 12 February 2020]

29 <http://www.dhet.gov.za/SiteAssets/2019-04-15%20GBV%20Policy%20and%20Strategy%20Framework%20for%20the%20PSET%20Sector%20Ver%204%20For%20public%20comments.pdf> [accessed on the 12 February 2020]



indicators and goals to ensure that performance targets are adequate and reasonable; and,

- Continuous monitoring of TVET colleges by the CGE is required to ensure compliance, more especially in rural sectors, in marginalised and impoverished communities. Procurement budgets for tenders to attend to maintenance of infrastructure in colleges must actually be spent.

8.1.4. A consolidated report on implementation of findings and recommendations of previous year Gender Transformation report

The Commission conducted follow-up hearings with the public sector about transformation on procurement practices. The departments have not fully demonstrated that they encourage suppliers to set and measure targets and benchmarks on gender equality transparency, including gender equality criteria in standard auditing protocols, supplier scorecards, or that other supply chain management tools include gender-specific questions in supplier self-assessments.

The Commission further held follow-up employment equity hearings with the private sector organisations in various provinces to assess the progress made to comply with the recommendations of the Commission. To this end, the Commission department observed that the companies have slightly improved in terms of adopting policies which accommodate the needs and challenges of female employees. These include sexual harassment policies and recruitment policies. However, these policies have not resulted in 'breaking the glass-ceiling' for women to assume managerial positions.

Furthermore, the Commission held follow-up hearings with universities on 26 and 27 November 2019. The following universities formed part of the hearings: University of Johannesburg (UJ), University of the Free State (UFS), Stellenbosch University (SU), University of Zululand, University of Mpumalanga and Sol Plaatje University. The Commission observed that there is substantial progress in terms of transformation at older universities such as SU, UJ, University of Zululand and UFS, whilst the University of Mpumalanga and Sol Plaatje University demonstrated slow progress on transformation.



8.1.5. Guide on Sexual Harassment in the workplace

The Commission developed a guide on sexual harassment. The legal department has drafted a guide on sexual harassment, and it encompasses the principles governing sexual harassment in South Africa. The Guide further provides useful insights to employers on how to handle sexual harassment in the workplace.

8.1.6. Monitoring reports on international and regional treaties to advance gender equality

8.1.6.1. Assessing Government Compliance with the Convention on the Elimination of all forms of Discrimination against Women and Children (CEDAW)

This project was about assessing the South African government's compliance with its international obligations to adhering to and implementing the provisions of the UN Convention on the Elimination of all forms of Discrimination against Women and Children (CEDAW), including its obligation to report periodically (every five years) to the CEDAW Committee on implementing the provisions of this Convention.

It should be noted that during the previous reporting period for South Africa (in 2015), the CEDAW Committee had drafted Its Concluding Observations and Recommendations based on the assessment of the country's periodic report. Many of the CEDAW Committee's Concluding Observations and Recommendations were focused on the country's progress in dealing with the scourge of gender-based violence, and violence against women, as well as the need to promote gender equality and women's empowerment. This project was therefore aimed at assessing the country's compliance with these CEDAW Committee Concluding Observations and Recommendations relating to the country's previous periodic report. The published report highlights several important issues raised in the findings, some of which are outlined below.

Key issues:

Broadly, the report points to the fact that while government did make commendable efforts to comply with many of the obligations emanating from CEDAW, including the complying with the Concluding Observations and Recommendations of the CEDAW Committee relating to the previous country periodic reporting period, in most cases the government barely



met requirements. In many instances, government fell short of its obligations:

- Key challenges such as the high rates of gender -based violence and violence against women remained prevalent ;
- Government had not yet established the national coordinating mechanism to coordinate national strategies and programmes to deal with gender-based violence and violence against women ;
- Government had not yet created a national strategy to combat gender-based violence;
- Many of the issues identified by the CEDAW Committee such as harmful cultural practices (eg. ukuthwala), high rates of femicide, domestic violence, lack of adequate funding for women empowerment programmes, lack of adequate skills training among law enforcement agencies to deal with violence against women , remain a concern, as does poor capacity to collect accurate statistics on gender-based violence; and,
- Lack of adequate resources for programmes on gender -based violence and violence against women continue to undermine the effectiveness of the country's response to gender -based violence and violence against women in South Africa.

The CGE wishes to put on record that during this period of reporting (in September 2019), the CEDAW Committee visited South Africa as part of its fact-finding mission to investigate reports of high rates of gender -based violence in the country. The Commission was one of the key role players selected to have a meeting with the CEDAW Committee delegation during its approximately three-week visit.

8.1.6.2. Maputo Protocol

The purpose of this report is to respond and adhere to Section 11 (i) of the CGE Act by reporting on the progress of South Africa in the implementation of the Maputo Protocol, which is Part B of the African Commission on Human and Peoples' Rights (ACHPR).

The African Commission on Human and Peoples Rights (ACHPR) celebrated its 30th anniversary during the 59th Ordinary Session, hosted in the Gambia from 17 October to 4 November 2016. This session also marked a milestone for the AUC as it took the initiative of submitting an application for Affiliate Status. As a result, the CGE is currently active in the *international space, as Affiliate Status was granted by the African Union*



Commission during the 60th Ordinary Session, held in Mauritania in April 2018. 2018.

As a result, the CGE is now also obliged to report to the ACHPR on the status of gender transformation in South Africa.

South Africa in compliance with its obligations under the ACHPR, and has submitted aperiodic country reports to the ACHPR, examining ten years of South African's implementation of ACHPR and the Maputo Protocol, and their impact on gender transformation. The report was presented to the ACHPR in October 2016. Notably, the report did not reflect developments that occurred within the two years prior to its submission. It consisted of two sections:

- Part A, which reported on compliance with the implementation of ACHPR
- Part B, which reported on progress in the implementation of the Maputo Protocol, as per reporting guidelines from the ACHPR.

The concluding observations contained recommendations to South Africa after the deliberations by the ACHPR on the report. These concerns are expected to be addressed during the next reporting period.

Despite the visible gender inequality in all areas of life in South Africa, there have been visible initiatives by government in the promotion of gender equality. Achievement of 50/50 representation of women in Parliament after 2019 has proven to be a move in the right direction for achieving gender transformation in South Africa. Even though the Maputo Protocol has not been translated into national legislation, there are several pieces of legislation that address the provisions of the Protocol. The CGE will continue to monitor the level of compliance in terms of the implementation of the Maputo protocol as per its constitutional mandate.

8.1.6.3. United National Sustainable Development Goals Report

The significant convergence between South Africa's National Development Plan (NDP) and the SDGs is often emphasised. According to an unpublished analysis by the Department of Planning, Monitoring and Evaluation (DPME) and the UN Development Programme (UNDP), 74% of the SDG targets are directly addressed by the NDP, and sectoral programmes address 19% of the remaining targets³⁰. The SDGs have the

30 DPME Report 2019



potential to accelerate the realisation of the NDP's vision, notably by fostering greater policy coherence and reducing duplication and inefficiencies.

According to the UNDP 2018³¹, mapping the SDGs to South Africa's NDP as part of the process of domesticating the SDGs in South Africa, the DPME in partnership with the United Nations conducted a mapping exercise which sought to assess the convergence between South Africa's NDP and the SDGs. The mapping process closely follows the UNDPs Rapid Integrated Assessments (RIA)³² methodology used in assessing alignment of National Plans against the SDG targets. Reflected below is a summary of the findings from the NDP-SDG mapping exercise:

- The mapping exercise concluded that 74% of the SDGs are reflected in South Africa's National Development Plan while 26% of the SDGs are not reflected. Interestingly, of the 26% not reflected in the NDP, 73% are reflected in other sectoral strategies which means that they are part of the national planning system, and only 27% of those not reflected in the NDP do not reflect anywhere else mainly because they are not relevant to South Africa.
- Beyond 2019, South Africa has exactly ten years to implement the NDP and SDGs, and all efforts to address the inequalities of the past are motivated by the spirit of leaving no one behind. The CGE in its key recommendations hopes to highlight some gaps that should be addressed in order for all people in South Africa to realise the aspirations of Agenda 2030 irrespective of their geographical location, creed or colour. The next decade presents an opportunity for South African policy makers and state planners to mainstream gender in all spheres of government and state institutions by going beyond numbers and embracing indicators of change.

³¹ https://www.undp.org/content/dam/south_africa/docs/Publications/UNDP%20South%20Africa%20Newsletter_July%202018.pdf

³² <https://www.undp.org/content/undp/en/home/librarypage/sustainable-development-goals/rapid-integrated-assessment---mainstreaming-sdgs-into-national-a.html>



8.2. Strategic Objective 2: To promote and protect gender equality through public awareness, education, investigation and litigation

The purpose of this strategic objective is to evaluate legislation, policies, practices and mechanisms and make recommendations to bring about continuous improvements to advance gender equality

8.2.1. Education and information programmes conducted relating to gender mainstreaming

Traditionally, patriarchy has been associated with the state, family and household, and as such, with inequalities between women and men. This implies that it has been rooted in both the private lives as well as the public lives of individuals in society. Cultural beliefs and traditions, and religious beliefs, perpetuate patriarchal power inequalities. To address issues of inequality in relation to gender, looking at equality in opportunities as well as structural factors, which include discrimination that affects the outcome of equality and has an adverse impact on women's enjoyment of rights, the CGE has devised its programmes and interventions to address patriarchal perceptions and practices. The interventions aim to address the lived experiences of society, characterised by current and historic unequal power relations between women and men, boys and girls, whereby women and girls are systematically disadvantaged and oppressed. This takes place across almost every sphere of life but is particularly noticeable in women's under-representation in key state institutions, in decision-making positions and in employment and industry. The objectives of the Gender Mainstreaming programme are therefore to promote the use of the gender mainstreaming approach in planning, budgeting, implementation, monitoring and evaluation of public services at local government level, to facilitate a gender responsive identification, analysis and formulation of policies and programmes at local government level. Another objective is to establish strategic relationships with key role players in community development issues at local government level such as the South African Local Government Association, the Department of Cooperative Governance and Traditional Affairs and civil society organisations, and to strengthen the Integrated Development Plan development processes in accordance with at local government. Provinces have identified municipalities that they will be working with in this financial year. The table below provides a snapshot of the municipalities identified:



Provinces	Municipalities identified for GM training
Eastern Cape	Sunday River Valley Local Municipality
	Mbashe Local Municipality
Free State	Thabo Mofutsanya Municipality
	Metsemaholo Local Municipality
	Matjhabeng Local Municipality
Gauteng	City of Ekurhuleni
	Mogale City
	City of Johannesburg
Kwa Zulu - Natal	Umzimkhulu Local Municipality
	Jozini Local Municipality
	Danhauser Local Municipality
Limpopo	Lepelle Nkumpi Local Municipality
	Collins Chabane Local Municipality
	Lephalale Local Municipality
Mpumalanga	Thaba Chweu Local Municipality
	Chief Luthuli Local Municipality
	Victor Khanye Municipality
Northern Cape	Magareng Local Municipality
	Pixley Ka Seme
	J.T. Gasetsewe
North West	Dr Kenneth Kaunda
	Bojanala District Municipality
	Tswaing Local Municipality
Western Cape	Theewaterskloof Municipality
	City of Cape Town
	Breede Valley Municipality

Key issues identified in municipalities

- The Municipalities identified have not included gender transformation principles or objectives in most of its policies, plans and strategies, (such as performance management plans, human resources policies, supply chain policies, service delivery plans and projects, budgets and IDP planning process);



- The plans and policies of the Municipalities were outdated, some were in draft form, and there was no evidence of Council approval of the policies, etc;
- The location of the Gender Focal Person in the political office of the Municipalities is not assisting the Municipality because the advice and support of this person is needed in both the internal and external operations of the Municipalities, and this is lacking;
- There is a lack of gender transformation objectives and performance outcomes of Municipal Directors, Managers including the Municipal Manager.
- After the CGE conducted a successful meeting with the Mayoral Committees, the Municipalities has been delaying in responding to correspondence regarding the dates proposed by the CGE to conduct the GM workshop and to complete the audit tool despite the many attempts made by the CGE to receive feedback;
- It would have been a risk to send the audit tool to the Municipalities for remote completion as it was identified that the Municipalities lacks commitment to giving feedback as well as that there are possible internal challenges;
- The CGE is concerned it might not obtain information from all the departments;
- Generally, there had been insufficient resources, both human and financial capital, to kick start gender mainstreaming; and,
- There had not been adequate implementation on gender mainstreaming programmes internally.

8.2.2. Education and information programmes delivered via community radios

In this financial year the Commission worked closely with community radio stations and Government Communication and Information System (GCIS) to ensure that information on gender and gender equality is shared with a large number of the South African population. Key themes that were identified included GBV, intimate partner violence and sexual and reproductive health and rights. Through the use of community slots, the Commission has reached a vast number of people where the mandate and services of the CGE was discussed. A total of 62 radio slots have taken place this financial year 2019-2020. The table below provides an overview of the radio stations and the listenership:



Radio Station	Listenership
Kumkani FM	10 ,000
Vukani Community radio	147 ,000
Alfred Nzo FM	129 ,000
Sojanisi FM	93 ,000
Alex FM	150 ,000
Vuma FM	175 ,000
Intokweni FM	No figures available
Munghana Lonene FM	1 ,020 ,000
Thobela FM	978 ,00 0
Ligwalagwala FM	1 ,074 ,000
Bush radio	24 ,000
Motswedeng FM	2 ,546 ,000
Rise FM	37 ,000
Zibonele FM	199 ,000
Revival FM	8 ,000
Forte FM	93 ,000
Link FM	47 ,000
Kumkani FM	10 ,000
Mosupatsela FM	41 ,000
Vibe FM	40 ,000
Emalahleni FM	38 ,000
Mkhondo FM	95 ,000
Bushbuckridge FM	184 ,000
Eyethu FM	19 ,000
Zebediela FM	Figures not available
Turf FM	3 ,000
Makhado FM	Figures not available
Impact FM	9 ,000
Cosmo FM	3 ,000
TUT FM	4 ,000
Rainbow FM	33 ,000
Vaal FM	Figures not available
Moretele FM	82 ,000
Star FM	33 ,000
Mahikeng FM	49 ,000
Mmabatho FM	71 ,000
Zibonele FM	199 ,000

Radio Station	Listenership
Mosupatsela	41 ,000
Nguna FM	61 ,000
Bushbuckridge FM	184 ,000
Voice of Community FM	Figures not available
Unitra FM	202 ,000
Turf FM	3 ,000
Rainbow FM	33 ,000
Aganang FM	Figures not available
Moretele FM	82 ,000
Mokapane FM	33 ,000
Mahikeng FM	77 ,000
Mmabatho FM	71 ,000
Univen FM	6 ,000
Intokoza Univen FM	7 ,000
Vukani Univen FM	126 ,000
Inkojane Univen FM	106 ,000
Umgungundlovu Community Radio	52 ,000
Phalaphala FM	804 ,000

8.2.3. Outreach, advocacy and legal clinics conducted

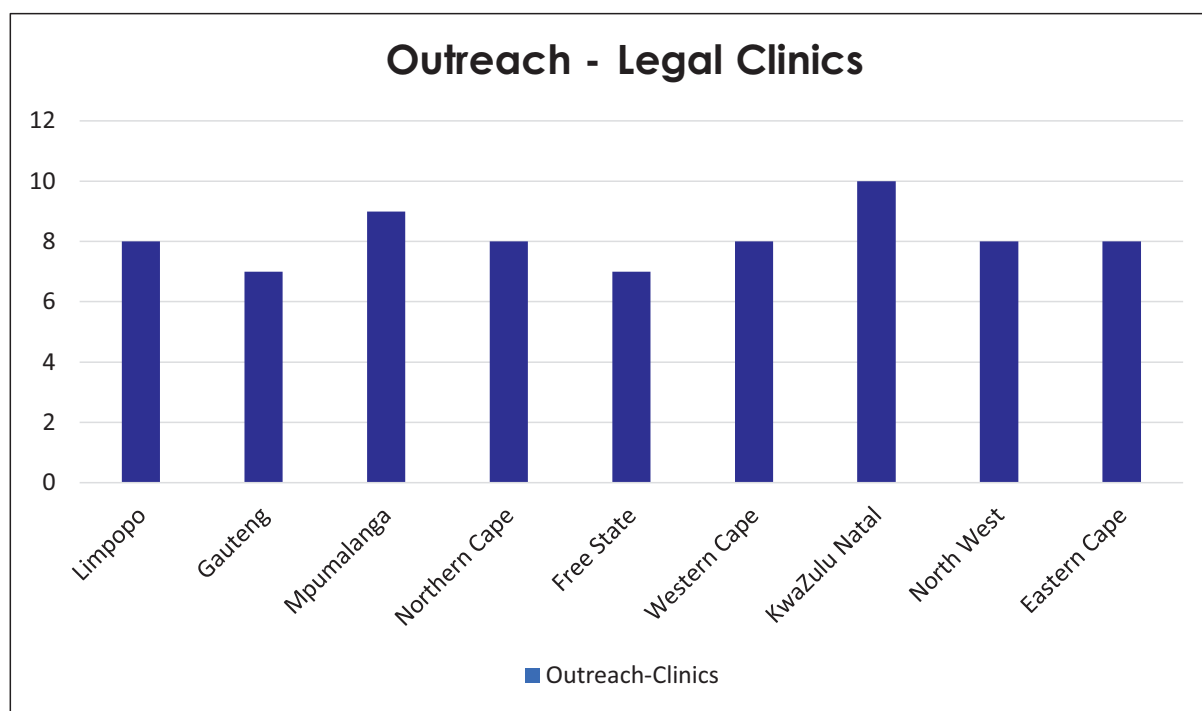
Outreach advocacy and legal clinics are aimed at raising awareness on access to justice and the rights of people, as well as equality and gender equality. The rationale for conducting outreach, advocacy and legal advice clinics are as follows:

- Educate and inform communities on legislation relating to gender justice, equality and gender equality;
- Provide legal advice or make legal aid available to indigent persons who experience any form of gender discrimination, in line with the Commission's mandate as specified in the CGE Act and section 9 of the Constitution; and,
- Conducting outreach, advocacy and legal advice clinics is the primary source of delivery of access to justice of affected individuals who have experienced any form of gender-related discrimination, gender-based violence or infringement of their rights.

These clinics may also be a method of obtaining more gender-related complaints, raising awareness on topical issues or developing trends within



the field of gender. The table below depicts the 73 outreach, advocacy and legal clinics conducted by the CGE in 2019-2020 across the provinces:



8.2.4. Strategic partnership used in the delivery of education, information and legal programmes

Gender stakeholder consultation promotes the participation of women and men in the policymaking process to ensure that their voices are heard, and their priorities are reflected in policies, programmes and projects. Gender stakeholder consultation is the process of engaging and ensuring the meaningful participation of women and men, including civil society organisations and gender experts, in the policymaking process. This type of consultation promotes evidence-based and participatory decision making, which takes into consideration the different priorities and needs of women and men, including the most marginalised groups and those that are traditionally excluded from decision-making processes".³³

For the reporting period, all nine CGE provincial offices conducted the engagements and in some areas the issues raised by participants were the same. For instance, all provinces indicated that in their respective stakeholder engagements, the common issues are:

³³ <https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-stakeholder-consultation>



- Sexual offences - whether sexual harassment, intimidation or the extreme in the form of rape. Most Education officers heard this in their engagements;
- Domestic violence is also another common concern raised in various stakeholder engagements;
- Maintenance or lack thereof, seems to be another national problem, especially for single mothers who for one reason or another are estranged from the fathers of their children;
- Secondary victimisation at the hands of those who are supposed to offer services to victims of gender-based violence is another common issue, especially in relation to the South African Police Services (SAPS);
- Alcohol abuse; and,
- Overall frustration with the justice system. Most participants felt that the key role players do not take responsibility for the gaps and challenges in the system.

8.2.5. Complaints investigated, resolved and redress for victims of gender violations implemented

The management of complaints of violations of gender rights and determining appropriate redress for the complainants and sanctions for the transgressors is an important function aligned to our strategic objective '*to take action against infringements of gender rights*', and '*the implementation of appropriate redress*'. The CGE receives complaints from the public, referrals from the Human Rights Commission and the Public Protector, in addition to initiating investigations on its own accord into systemic gender rights violations.

During the year under review there has been an increase in the number of new complaints received, with an acceleration of complaints in the last two quarters. An analysis of the complaints reveals violations in:

- Domestic violence;
- Divorce, maintenance and financial support;
- Labour;
- Health;
- Culture and tradition; and,
- Gender-based violence and discrimination.



The Commission opened 428 complaints during this financial year, in the same period 438 complaints were closed, with 493 complaints are still pending. The table below depicts the opened, closed and pending complaints during this financial year

Province	Brought forward	Files Opened	Files Closed	Pending
Gauteng	111	55	70	89 ³⁴
Head Office	11	0	7	11
Limpopo	37	58	64	29 ³⁵
Western Cape	39	36	26	40 ³⁶
Mpumalanga	29	51	44	36
North West	69	28	39	58
Free State	24	54	46	32 ³⁷
KwaZulu-Natal	71	41	44	68
Eastern Cape	83	64	57	90 ³⁸
Northern Cape	50	41	43	48
Total	524	428	440	501

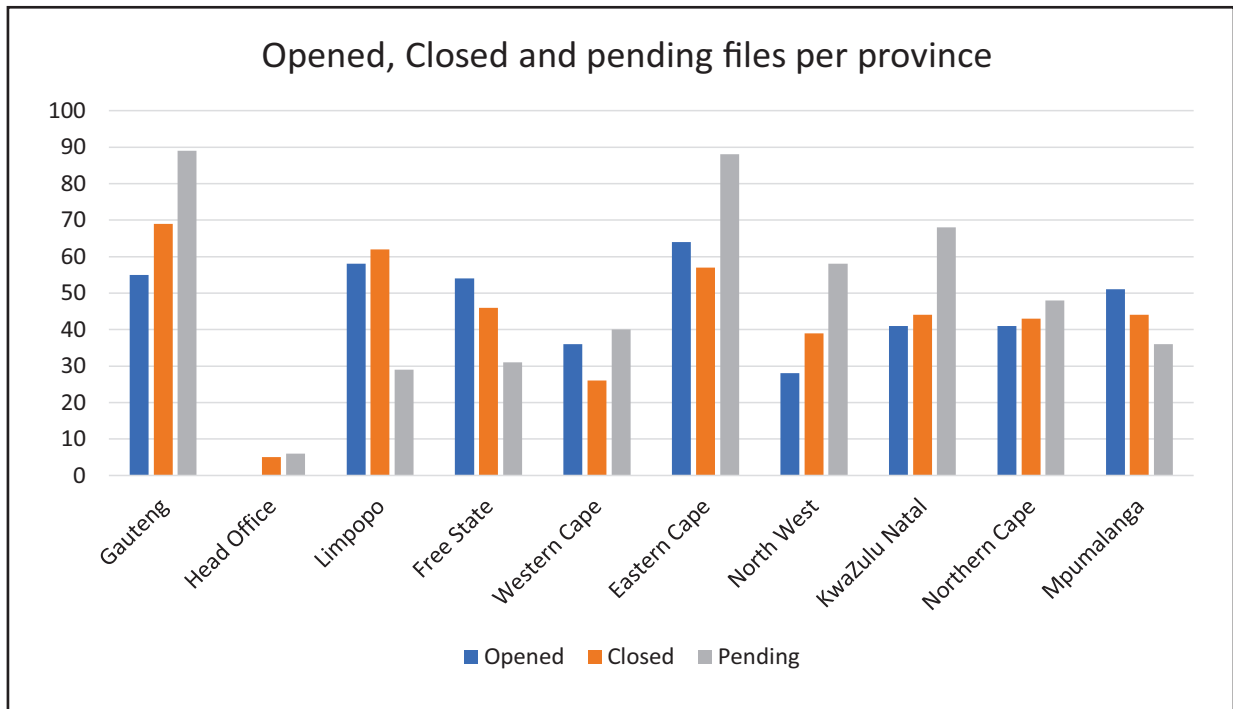
³⁴ Seven complaints were transferred to the Head office

³⁵ Two complaints were transferred to other provinces i.e. Gauteng and North West

³⁶ Eleven complaints were closed under Q4 2018/2019, however the Legal Officer erroneously included these files under Q1 2019-2020.

³⁷ One complaint added due to miscalculation by the Legal Officer

³⁸ Two complaints were added due to miscalculation by the Legal Officer



The table above provides a visual display on the split of the complaints received, closed and pending per province during this financial year, with Eastern Cape, Limpopo and Gauteng ranking the highest in terms of files opened. Gauteng, Limpopo and Eastern Cape rank highest in terms of closed files this financial year. Gauteng, KwaZulu-Natal and Eastern Cape have the most pending complaints.

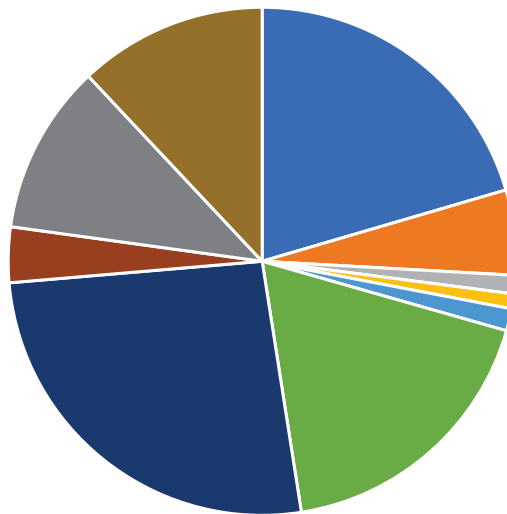
The table below depicts the nature of complaints for the financial year 2019-2020.

Nature of Complaint	GP	LP	WC	MP	HO	NW	FS	KZN	EC	NC	TOTAL
Gender-Based Violence	12	6	5	16	0	4	6	5	23	10	87
Labour	2	0	2	1	0	3	5	0	6	4	23
Culture and Tradition	0	0	0	0	0	0	0	1	2	2	5
Religion	0	0	0	0	0	0	0	0	0	0	0
Patriarchy	0	0	0	2	0	0	0	0	0	0	2
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	2	0	0	2	0	4
Succession	0	2	0	3	0	0	0	0	1	0	6
Political Representation and Participation	0	0	0	1	0	0	0	0	0	0	1



Nature of Complaint	GP	LP	WC	MP	HO	NW	FS	KZN	EC	NC	TOTAL
General Discriminatory Practice)	5	17	7	5	0	3	19	13	5	3	77
General Gender Discriminatory Practice (gender-related)	22	14	19	9	0	5	9	8	17	8	111
Divorce	3	2	0	2	0	3	2	2	0	1	15
Sexual Offences	10	0	1	9	0	5	7	9	1	4	46
Maintenance	1	17	2	3	0	3	6	3	7	9	51
Defamation.	0	0	0	0	0	0	0	0	0	0	0
Total	55	58	36	51	0	28	54	41	64	41	428

Complaints 2019/2020



- Gender Based Violence
- Labour
- Culture and tradition
- Health Care
- Succession
- General Discriminatory practice
- General gender discriminatory practice
- Divorce
- Sexual offences
- Maintenance



8.2.6. A report on the outcome and implementation of systemic investigation conducted

Systemic gender violations in shelters

8.2.6.1. Investigations into the state of shelters

The Commission was tasked with conducting a consultative engagement with various stakeholders to address challenges in the shelters. The Commission held investigative hearings from the 2–5 December 2019. A variety of stakeholders formed part of the hearings and this included among other the National Department of Social Development and all 9 provincial Departments of Social Development, National Treasury, the Department of Women, Children and Persons with Disabilities, the SAPS, the National Shelter Movement, the Department of Public Works and Infrastructure, the Department of Labour, and the Department of Human Settlement. The hearings revealed that NGO-run shelters receive inadequate funding from the state. Notably, the Commission found concerning the discrepancies of allocated budgets between the provincial Departments of Social Development and the National Department of Social Development (DSD).

Key findings and recommendations

The Commission finds that:

1. The provinces apply inconsistent budget allocation, administration and minimum standard requirements for shelters. The same applies to districts within the same province;
2. There are no clear criteria used to determine if a shelter is adequately resourced, especially NGO-run shelters;
3. Sexual harassment policies are not required to be part of the set of policies required for the purposes of funding a shelter. This is key, as survivors are often vulnerable and therefore susceptible to sexual harassment at the shelters;
4. Male children over ten years old are often neglected in shelter services. There are shelters that only accommodate boys until the age of ten and in some instances not at all. The Commission observes that the Children's Act³⁹ makes reference to a "child" irrespective of their sex or gender. To this end, failure to admit male children over the age of ten years, similar to girls of the same age, arguably goes against the objectives of the Children's Act to provide care and protection to all children;

³⁹ Act 38 of 2005



5. There is a lack of minimum standards providing for the needs of PWD, the LGBTQIA+ community and accredited skills development programmes to survivors at shelters; and,
6. There are provinces such as Limpopo and North West that have only two shelters for victims of gender-based violence, this is viewed as inadequate.

Overall Recommendations

It is recommended that:

- The national DSD must develop effective and efficient mechanisms to accurately record funding allocation to shelters. It is observed that the manner in which the provincial offices of the DSD administer NGO's funding has been a long-standing concern. It is observed that decision-making by the DSD is often not in accordance with the right to administrative justice. Moreover, budget cuts are made without such decisions being communicated to the shelters. Administrative practices vary significantly between provinces;
- The national DSD develops the national policy and guidelines to adequately and uniformly resource shelters. It is accepted that the financing of all services in accordance with their true cost may not be immediately possible. However, in the interim, all post subsidies for equivalent positions must be standardised across provinces. There is no justification for provinces to provide different subsidies to different organisations whose staff have the same qualifications and are performing similar work. This creates inequities between organisations and between provinces;
- The national DSD develops the national policy providing for the minimum wage to House Mothers of shelters. Subsidies towards social and social auxiliary workers employed by NPOs vary between 29% and 82% of entry level salaries in the DSD. As a matter of equity, it is necessary to close the gap between the DSD and NPO pay. In its 2016 report, the National Minimum Wage Panel recognised that the non-profit social welfare sector faced a very particular set of challenges in funding its staff and activities. It is thus recommended that an expert panel be established to find means of addressing the low wages in the sector, which are the consequence of low levels of government subsidy;
- It is further recommended that a costing exercise be undertaken by the DSD and National Treasury to ensure that no subsidy is below the



minimum wage. Moreover, the National Economic Development and Labour Council (NEDLAC) does not allow for the representation of the NPO social welfare sector. This is a serious omission that also limits the ability of the sector to engage with the Minimum Wage Commission that is to be based at NEDLAC. It is crucial that a way be found to recognise and include this sector within NEDLAC so that its particular work circumstances are adequately considered when decisions are made that affect wages, employment and working conditions;

- Shelters need to support most women's needs in their entirety, including toiletries, food, clothing and travel, as well as health centres and legal service centres. Travel costs must be adjusted according to the shelter's location in either a rural/peri-urban area, or an urban area. This is referred to as a costed standardised package and must also include mental health services and skills development programmes;
- The Commission observes that a draft training and development framework has been developed by the DSD, and it seeks to address capacity building plans across the sector as a systematic approach to training. The DSD highlights the fact that the framework's focus will be over a period of three years. The framework will only be ready after consultation with the relevant stakeholders by end of March 2020. It is accepted that the financing of all services in accordance with DSD's true cost may not be immediately possible. In the interim however, all post subsidies for equivalent positions must be standardised across provinces. There is no justification for provinces to provide subsidies of different values to different organisations whose staff have the same qualifications and are performing similar work;
- Shelters must provide accommodation for persons with all types of disabilities, including but not limited to the deaf, blind, visually impaired, and other;
- The DSD indicated that there are plans in place to identify three existing shelters and pilot the LGBTIQ+ friendly model. In 2018, the DSD consulted in provinces on the LGBTQIA+ Draft GBV Prevention Programme. As such, it is recommended that the DSD finalises this programme within six months and provide clear guidelines on the accommodation of LGBTQIA+ persons in shelters;
- Shelter provision must be in accordance with the population and be offered in all municipalities as part of the National Department of Human Settlement's plan; and,



- National DSD must host national and provincial consultative processes to implement and finalise all these recommendations.

8.2.6.2. Maternal Health

The Commission launched its Maternal Health which focused on Forced Sterilisation on 24 February 2020 and received widespread media coverage. After this, the legal department received 20 new complaints relating to forced and/or coerced sterilisation. The Commission shall proceed to investigate these matters in the financial year 2020-2021.

8.2.7. A report on a high-level panel discussion on intimate partner violence (IPV)

The Commission, in an endeavour to further understand the causes of IPV cases in South Africa, deemed it necessary to hold a multi-stakeholder engagement that prioritised the lived experiences of women. The lived experiences of women in this instance are essential because they are at the centre of this matter, and a programme aimed at addressing the issue cannot work without the participation of women. The Commission therefore convened this panel discussion to substantiate whether the current narrative on withdrawal of IPV cases, in general, is true. The findings of this discussion would subsequently influence the approach of the Commission in addressing attrition of IPV cases in South Africa.

The Commission found that the justice cluster is fraught with many challenges, including:

- The lack of urgency from SAPS to respond to cases that are reported;
- Consultation with victims often takes place in an open area at SAPS stations and therefore does not protect privacy and dignity of the victim;
- The courts often consider the rights of the perpetrator's children when they consider sentencing. If the perpetrator is imprisoned, often the children are left in destitute; and
- The media and society often seek to impose their expectations on victims without ascertaining the interest and needs of the victims.

8.2.8. Litigation

Ngomane v Mdluli

This is a divorce action involving a traditional leader in a customary marriage. The complainant consulted and instructed the Commission to proceed with the divorce on the ground of irretrievable breakdown of the marriage as a result of gender-based violence experienced by the complainant. Application for a Pre-Trial Conference has been served and is awaiting set down from the Registrar.

Sindille Madonsela v Kings School

The complainant is the mother of a 13 year old girl allegedly dismissed from a private school because she had a relationship with another female pupil. The complaint was initially lodged with South African Human Rights Commission (SAHRC), so the Commission agreed with the SAHRC to institute legal proceedings against the school at the Equality Court, Magistrates' Court in White River. The hearing commenced with the applicant leading evidence-in-chief. The matter has been postponed without a date set for resumption due to Covid-19 pandemic.

WLC v President of Republic of South Africa

The case was lodged in 2014 in the Western Cape High Court to address the plight of Muslim women who are married in terms of Sharia Law/Muslim Rights. Whilst there have been interventions through a number of judgments, the vulnerability of Muslim women in marriages remains and is compounded by the lack of legislation recognising Muslim Marriages or regulates the consequences of such a marriage. Limited legal protection is afforded; a husband has the power to obtain divorce unilaterally through the 'Talaq' which means to annul the marriage using sharia law. The result is that a wife in that situation has no adequate safeguards to obtain relief consequent to a divorce in court, including the division of marital property. She has to rely on religious bodies to grant orders which are not legally enforceable. The result is that women in Muslim marriages are denied a host of protections that are afforded to women in other forms of marriage, including:

- Adequate safeguards where their husband decides to take another wife;
- The right to obtain a divorce and consequent relief on equal terms to their husband;



- The ability to approach the courts for a decree of divorce, rather than being forced to rely on religious bodies which are largely controlled by men;
- The right to obtain maintenance orders on divorce extending beyond the brief period of iddah(a period of waiting that a women must observe after death of a husband or after a divorce, during which she may not marry another man). Its purpose is to remove any doubt as to the paternity of a child born after the divorce or death of the prior husband;
- The ability to seek an equitable division of marital property on divorce;
- The ability to obtain speedy and efficient custody and access orders; and,
- The certainty and assurance that comes with appropriate statutory regulation of the legal consequences of marriage.

Therefore, Muslim women are left disproportionately disadvantaged by the combined effects of the absence of statutory protection, the limited protections under Islamic law, and the discriminatory interpretations of this law. The rights underpinning the application before court are the right to equality and the right to dignity.

The defence that is raised is that Muslim women can choose to register their marriages in terms of the Marriage Act⁴⁰, but this has been deemed inadequate in many judgments. Spouses in existing or prospective polygamous Muslim marriages are excluded from entering civil marriages and are denied the legal benefit and protection attached to these marriages.

The Commission has proposed a bill in recognising religious marriages, being the Recognition of Religious Marriages Bill and the Commission made inputs into the Muslim Marriages Bill. It was however never enacted.

The Western Cape High Court handed down judgment on this matter and the Commission was admitted as a friend of the Court (*amicus curiae*). CGE intervention was in support of the case, as Muslim women have suffered, and continue to suffer, serious prejudice in marriages because of the State's inaction.

40 Act 25 of 1961



The judgment handed down:

- Declared that the state is obliged by section 7(2) of the Constitution to respect, protect, promote and fulfil the rights in sections 9, 10, 15, 28, 31 and 34 of the Constitution, to recognise Muslim marriages as valid and to regulate the consequences of such recognition;
- Found that the President of South Africa and the Cabinet have failed to fulfil the above constitutional obligations and must accordingly take steps to rectify this failure within 24 months of the date of the order. Accordingly, the state must prepare, initiate, introduce, enact and bring into operation, legislation to recognise Muslim marriages as valid marriages, and to regulate the consequences of such recognition;
- Stated that should the state fail to enact legislation as envisaged above, the Court stated that a union, validly concluded as a marriage in terms of Sharia law, and which subsists at the time this order becomes operative, may be dissolved in accordance with the Divorce Act⁴¹, even after its dissolution (in terms of Sharia Law). All the provisions of the Divorce Act will apply to such a union; and,
- Made provisions for the dissolution of polygamous marriages in a Muslim marriage, in that the Court should take into consideration all relevant factors including the contract or agreement, and must make any equitable order that it deems just. The court may further order that any person who has an interest in the matter be joined in the proceedings.

In ensuring that those who will benefit from the findings of the Court are made aware of the order, the Department of Justice and Constitutional Development must publish a summary of the order widely and without delay.

The only aspect of concern for the Commission is that there is no interim relief for the next 24 months during which the government must enact legislation.

On 9 May 2019, the court granted leave to appeal to the Supreme Court of Appeal. Following this, the DOJ and the President have filed their notice

⁴¹ Act 70 of 1979



of appeal. Both Esau and WLC have filed notice to cross appeal. The Commission filed its Heads of Argument on 23 March 2020. There have been no further developments since.

Jane Bwanya v The Master of the High Court, Cape Town and others

Jane Bwanya is an adult female of Zimbabwean descent. She came to South Africa in 2009 and soon thereafter commenced a romantic relationship with a gentleman of South African descent. The relationship continued from 2014 until 2016, when Mr Ruch died. It is Ms. Bwanya's contention that during the deceased's lifetime and the subsistence of their relationship, she and the deceased lived together as man and wife in a permanent life partnership with reciprocal duties of support. She further contends that they intended to get married some time in 2016 before Mr Ruch died.

The applicant contends that section 1 of the Intestate Succession Act⁴⁶ discriminates against her or similar individuals in permanent opposite-sex life partnerships in which partners had undertaken reciprocal duties of support and had been committed to marrying each other. As such, it was submitted that section 1 of the Intestate Succession Act is unconstitutional and invalid. It is submitted further that the provisions of section 1 of the Maintenance of Surviving Spouses Act⁴⁷ is invalid and unconstitutional insofar as it does not include the words "the surviving partner in a permanent opposite-sex life partnership in which the parties had undertaken reciprocal duties of support and had been committed to marrying each other".

On 18 February 2020, a court order was made which stated that the amicus curiae application of the Commission was accepted by consent of the parties. The matter is pending before the High Court.

Zukiswa Kona v Eastern Cape Premier and others

This traditional leadership dispute concerns the headman/woman position in Gqunqe Village, Centane, Eastern Cape. The position of headman/woman became vacant when Siwatawata Kona passed away in 2006. Siwatawata Kona is survived by his wife Nomisile Kona and four

⁴² Act 81 of 1987

⁴³ Act 27 of 1990



daughters. Zukiswa Kona (referred to here as the Appellant) is the eldest daughter of the late Siwatawata Kona.

The Royal family identified Nomisile Kona (the wife of the deceased) to act for Nomboniso Kona, one of Nomisile's daughters. This was largely due to the dispute about the Appellant's marital status.⁴⁴

The acting appointment of Nomisile Kona was later reviewed by the Royal Family. Thereafter, the late Siwatawata Kona's brother, Mbukumbuku April Kona, was identified as headman.

The Appellant, assisted by Ncedisa Maqoma, a relative, explored the following processes as set out in section 21 of the Traditional Leadership and Governance Framework Act⁴⁵, as amended: -

- Referred the traditional leadership dispute to King Zwelonkwe Siccawu in June 2010;
- Addressed the traditional leadership dispute to the Chairperson of the House of Traditional Leaders in February 2011; COGTA was copied therein; and
- Addressed correspondence to the Premier of the Eastern Cape in November 2011. However, the letter was addressed after the August 2010 deadline. Hence, the Appellant could not lodge her complaint with the Commission on Traditional Leadership Disputes and Claims.⁴⁶

The matter was set down for 17 April 2020. The matter was postponed without a date for resumption due to Covid-19.

Mahlangu & others v Minister of Labour & others

This matter concerns the exclusion of domestic workers employed in private households from the definition of "employee" in the Compensation for Occupational Injuries and Diseases Act⁴⁷ (COIDA), and thus from entitlement to benefit under COIDA. The matter is an unusual one in that it

⁴⁴ Despite Nomboniso Kona residing in Durban.

⁴⁵ Act 41 of 2003

⁴⁶ Section 21 is timesensitive, hence the said matter could not be dealt with by the Commission on Traditional Leadership Disputes and Claims. The CGE placed this before COGTA on many occasions citing the need for Provincial legislation to be enacted in accordance with section 25 (9) of the Traditional Framework Governance Act as amended.

⁴⁷ Act 130 of 1993



is undisputed that COIDA's exclusion of domestic workers is unconstitutional. Indeed, this appears to have been accepted by the state for many years. Despite this, and despite the devastating consequences for domestic workers who constitute some of the most vulnerable women in our society, the exclusion has been allowed to persist for 25 years since COIDA's promulgation in 1993.

The High Court ruled on the unconstitutionality of the COIDA excluding domestic workers from lodging with the fund, and further to the effect that domestic workers must be included in the Act. The Constitutional Court needs to make this declaration, and further, deal with issues of claims being dealt with retrospectively. As this still needs to be determined, the matter is ongoing.

It is proposed that a draft order should include a term that the retrospective application of the order will not invalidate or otherwise affect delictual claims that have been lodged up to the date of the order/the amendment of the Act. As per the Act, a COIDA claim replaces and excludes the possibility of a delictual claim. The matter was before the Constitutional Court for arguments in relation to the unconstitutionality of COIDA on domestic workers. Arguments were presented on 10 March 2020, with judgment reserved.

Tshabalala v State (Constitutional Court)

The Commission, together with other interested parties, received documents from the Registrar of the Constitutional Court pursuant to directives issued by the Chief Justice on 14 February 2019. This matter is *Tshabalala v State*, where the Chief Justice has issued directions for interested parties, including the CGE, to file written submissions on the following issues:

- Whether an accused person can be convicted of common law rape based on common purpose; and
- Whether the SCA decision in the case of *Phetoe v S*⁵⁵ was correct, and if correct, whether there is anything to distinguish the convictions that the Applicant puts in dispute from those of which his co-accused, Mr Phetoe, was absolved.

48 (2018) ZASCA20;2018 (1) SACR 593 (SCA)



Background facts in the matter of Phetoe v S

It was recorded that on a Sunday night and early on a Monday morning in September 1998, a group of young men rampaged through the Umthambeka Section of Tembisa, in the district of Kempton Park. They forced entry into several shacks and once inside, they assaulted, robbed and raped the occupants. Ms D. M. (Ms M.) and her two younger sisters, Ms N. and Ms M. N. occupied one of the several households invaded. Subsequently, seven people, including the appellant (Mr Phetoe), were arrested. He was well known to Ms M. as the two of them attended high school together. They were both in the same grade but in different classrooms. She knew the appellant as Pat.

In the trial court, Ms M. testified that on the night in question, while she and her sisters were sleeping, the appellant and a group of young men who were unknown to her, forced entry into their shack. The intruders demanded money but they were told that there was none. Ms M. and her younger sister, Ms N., were ordered to cover their heads with blankets. A person, referred to in the trial as 'the first intruder', demanded to have sexual intercourse with Ms M. She refused. A second person, referred to as the 'second intruder', assisted the first intruder to assault her and overcome her resistance. Her underwear was torn off. The first intruder then raped her. When he had finished he went outside. Ms M. went to assist her younger sister, who was also being raped by another co-accused.

It was recorded that at some stage, Ms M. saw the appellant lying next to her on the bed. She called him by his name and asked him 'why are they doing such a thing'. Instead of saying anything in response, the appellant laughed. At some stage, and it is not clear from her evidence whether it was before or after she spoke to the appellant, another co-accused entered the shack and raped her. Two months later, an identification parade was held. Ms M. identified the appellant positively and she did the same in the dock during the trial. Her identification of the appellant was corroborated by Mr T. E. M., an occupant of one of the shacks that was also invaded. He saw the appellant in the vicinity of his shack and Ms M.'s shack. Ms M. was unable to identify any of the appellant's associates on the night of the incident. During cross examination, Ms M. said that she could not identify who had raped her or Ms N. In answer to a question asked by the trial judge, she said that she had not been raped by the appellant and she did not know who had raped her sister.



The decision of the court:

The appellant was convicted of charges of being an accomplice to rape, including the rape of Ms N., housebreaking with intent to rob, and robbery with aggravating circumstances, common assault and assault with intent to do grievous bodily harm, attempted robbery with aggravating circumstances, and malicious injury to property, which were committed at other households. The trial court found that a prior agreement must have been reached by all those identified at any of the sites at which crimes had been committed. It was on this basis that the appellant was convicted even though he was only identified at Ms M.'s shack. The trial court reached this conclusion by inferential reasoning: because so many offences were committed by so many people at so many places, those who were identified must have agreed beforehand to the rampage and everything that it entailed. The SCA however found that this is not the only reasonable inference to be drawn and certainly in respect of the appellant, it cannot be said that because he was seen at Ms M.'s shack he was party to a prior agreement and was present at all of the other scenes.

The SCA concluded that there was no such evidence to prove that the appellant was present at the scenes of violence where the rapes, assaults, housebreakings, robberies and other offences were being committed other than at the household of Ms M. and Ms N. Nor was it proven that he had the requisite *mens rea* (knowledge of wrongdoing), was aware of the violence taking place in the other households and had manifested his sharing of a common purpose with the perpetrators of the rapes, assaults, housebreakings, robberies and other offences. The Appeal succeeded.

The Commission was admitted as *amicus curiae* in the Constitutional Court and made adequate submission on the discourse of the doctrine of the Common Purpose. In the Constitutional Court the applicants contended that the doctrine of common purpose does not apply to common law rape because the common law crime of rape requires the unlawful insertion of the male sexual organ into the female sexual organ. On the applicants' submissions, it was simply impossible for the doctrine to apply, as by definition, the causal element cannot be imputed to a co-perpetrator as the instrumentality of one's body is required for the commission of the crime. The respondent submitted that the instrumentality argument is wrong when a prior agreement has been proved because the conduct of each accused in the execution of that purpose is imputed to the other. The Commission argued that South African law already allows for the doctrine

to apply to common law rape and that the instrumentality approach is artificial as there is no reason why the use of one's body should be determinative in the case of rape but not in the case of assault or murder. The main judgment held that the applicants knowingly and with the requisite intention participated in the activities of the group and fully associated themselves with its criminal designs.

Sithole & CGE v Sithole

Section 22(6) of the Black Administration Act⁴⁹ dictated that that all civil marriages of Black persons were automatically out of community of property⁵⁰. The oppressive apartheid regime ignored the customs and belief systems of many, as it was commonly known and accepted that marriage would be in community of property.

In 1998, section 22(6) of the Black Administration Act was repealed by the Marriage and Matrimonial Property Law Amendment Act⁵¹. This resulted in all civil marriages entered into by Black spouses on or after 2 December 1988 being in community of property unless otherwise stipulated in an antenuptial contract (regardless of race).

This amendment did not automatically change the civil marriages entered into prior to 2 December 1988, but parties thereto were permitted to enter into and register a notarial contract to make the provisions of the Matrimonial Property Act⁵² applicable to their civil marriage (section 21(2)). This was allowed up to 2 December 1990, failing which the marriage consequences remained governed by section 22(6) of the Black Administration Act. Accordingly, this window period was for two years.

Facts of The First Applicant Ms Sithole was married under the Black Administration Act, and was unaware she was married out of community of property, believing she was married in community of property. She was unaware of the two-year window period.

This belief was further cemented by her having to sign bond application papers for her matrimonial home being cited as “in community of property”.

49 Act 38 of 1927

50 <http://www.ghostdigest.com/articles/formtbvc-marriages/54421>

51 Act 3 of 1988

52 Act 88 of 1984



She financially provided for the home and took her monies earned from her business to educate her children. When her son passed away, the marriage started to crumble, and her husband sought to sell the matrimonial home. It was then discovered that she was married out of community of property. Accordingly, the Law Reform Commission (LRC) sought an urgent interdict stopping the sale of the home, however the judge, when allowing the interdict, required the constitutional challenge to the amendment within 90 days.

In essence LRC, the wishes to argue that the amendment and the associated window period should have made all the marriages which were conducted under the Black Administration Act as in community of property, and those who wished to be out of community would be provided the window period to do so.

It must be highlighted that section 7(3) of the Divorce Act⁵³ does offer some form of remedy in that the Court is empowered to order a fair and equitable division of the estate. Be that as it may, access to courts and legal representation is costly.

Judgment

The court held that the discrimination the impugned provisions perpetrates is so egregious that it should not be permitted to remain on our statute books. The recognition of the equal worth and dignity of all Black couples of a civil marriage is long overdue. The Court set aside the specific sections of the Act. The court further declared that all existing civil marriages of Black people that were concluded out of community of property by the Black Administration Act before 1988 are declared to be marriages in community of property. Couples affected who would prefer for their marriage to remain out of community of property, could apply to the High Court. The judgment would not affect the legal consequences of any other act done or omission or fact existing in a given marriage before the ruling was made.

⁵³ Act 70 of 1979



8.3. Strategic Objective 3: To monitor and evaluate issues that undermine the promotion and attainment of gender equality

8.3.1. Monitoring Government Initiative to Combat Gender-Based Violence: Establishment of the National Council on Gender-Based Violence

This project was part of the CGE's long term strategic focus on monitoring government's initiatives to combat GBV in South Africa. Among such initiatives during the year under review was the need for the establishment of a national multi-sectoral coordinating body on GBV. At the time the project commenced, the government had already put in place processes to address the scourge of gender-based violence and violence against women, including the holding a national Presidential Summit on GBV at the end of 2018. The Presidential Summit culminated in a national Declaration containing resolutions to be implemented to combat GBV. Also included among these initiatives was the need for the development of an NSP to deal with GBV in the country.

The work of the Commission in terms of this project was focused mainly, but not exclusively, on the work of the Interim Steering Committee on Gender-Based Violence and Femicide – a stakeholder representative body set up under the direction of the Presidency. It involves government and civil society organisations, coordinating the work of key government and other institutions to implement the Presidential Summit Resolutions and other government commitments to deal with GBV in the country.

The report that was compiled from this project highlights some of the challenges experienced by the Commission in assessing the work of the Interim Steering Committee as well as efforts to deal with the scourge of GBV during this period. The report highlights several key issues regarding what was achieved and some of the key challenges:

Key issues:

- The establishment of the Interim Steering Committee (ISC), its composition, leadership, governance, operations and lines of accountability were largely shrouded in lack of clarity right and controversy;
- This lack of clarity on matters relating to internal governance structures and operations of the ISC had created severe tensions among some of the key role players within the gender sector,



especially the role players that were sought to participate in the process of implementing the Declarations of the Presidential Summit on GBV;

- The ISC lacked openness and accountability, especially to the stakeholders that were part of the Presidential Summit on GBV as well as to Parliament;
- There was severe lack of information on the work of the ISC to enable other institutions that were not part of the day-to-day operations of the ISC (such as the CGE) to gain a better understanding, and to monitor and assess progress towards realising the Presidential Summit Resolutions in dealing with GBV; and,
- The work of the ISC is important and needs to continue and be completed. In particular, some of the key aspects of the work of the ISC had not been completed at the time the CGE compiled this report – including the establishment of the national multi-sectoral coordinating body on GBV, and the finalisation of the National Strategic Plan (NSP) on GBV.

8.3.2. Assessing Women's Economic Empowerment Initiatives in South Africa

The aim of this project was to assess government programmes and related activities aimed at promoting women's economic empowerment in South Africa. The project did this by identifying and assessing a number of specific official government programme initiatives driven by selected national government departments and related entities. Among others, the project examined existing national policies and related legislative frameworks on women's economic empowerment to determine the country's policy objectives and targets to achieve women's economic empowerment, as well as identifying specific programme initiatives to achieve this overall goal.

Two key ministries were selected to examine relevant programme initiatives aimed at advancing the goal of women's economic empowerment in South Africa: the Department of Small Business Development (DSBD) and the Department of Trade, Industry and Competition (DTIC), formerly the Department of Trade and Industry (DTI). The project examined progress achieved and the challenges faced by several government programme initiatives aimed at supporting women in business or women-owned entrepreneurial activities. The study highlighted a number of issues, as outlined below:

Key issues:

- While government has a clear commitment towards women's economic empowerment, there is no clear, coherent and coordinated national programme for women's empowerment;
- Certain government departments had initiated their own programmes and projects to support women-owned small business enterprises;
- However, such departmental women's economic empowerment support programmes and projects were often limited in number/scope, poorly conceived and suffered from lack of internal departmental management capacity, ineffective planning and inadequate resource allocation; and,
- In many cases, the support programmes and projects lacked sufficient information and communication with the beneficiaries to ensure compliance with the funding support requirements.

Many small, micro and medium enterprises (SMMEs) owned by women struggled to survive and be sustainable beyond the period of funding support by the departments concerned, leading to their collapse.

8.3.3. Election report 2019: Assessment of Women's Participation and Representation in Political Parties

This project was part of the CGE's long term programme of monitoring the country's progress towards greater women's participation and representation in politics in general, political parties and governance institutions. In 2019, South Africa held its fifth national and provincial elections since the advent of democracy in 1994. The CGE observed all the key phases of the electoral process (pre-election, voting day and post-election phases), with the objective of examining and analysing the election process and ensuring compliance with gender mainstreaming legislative and policy frameworks. As part of this project, the CGE had assembled a team of election observers accredited by the Independent Electoral Commission of South Africa (IEC), which observed the voting process and collected vital information from voting stations across the country in all the nine provinces. The project was successfully completed, with a research report compiled and published with findings and recommendations. Below are some of the key issues that are highlighted in the report.



Key issues

- Broadly, there were positive developments and progress towards achieving balanced representation and participation of women in politics and government in South Africa;
- Overall, the National Assembly achieved the highest level of women's representation since the advent of democracy in 1994, at 45% of its membership. This showed an upward trend that was briefly interrupted in 2014 where the level of women's representation dropped to 43%;
- Similarly, the country has achieved the highest level of women's representation at provincial level since 1994, at almost 44.8%. This is also an upward trend that was briefly interrupted in 2014 when the figure dropped to 37%;
- Another area of significant progress achieved in women's representation was in the National Cabinet, where women constituted 50% of the Ministerial positions (even though the positions of President and Deputy President are still occupied by males);
- Provincial Cabinets have also shown progress in women's representation, with women comprising 45% of the majority of the nine provincial cabinets in South Africa. Only the Western Cape provincial cabinet had 36% women's representation; and,
- The Office Bearer positions at national and provincial level have also displayed significant progress. More women have been appointed to positions such as Speakers, Chief Whip and Deputy Chief Whip. However, the positions of Chief Whip and Chair of Committee Chairpersons continue to be dominated by male politicians.

Despite these positive developments, there remain areas of limited progress or, in some cases, regression.

- Many of the major political parties still lack clear gender policies and political commitment to gender equality, especially in internal party leadership structures. There is still a clear gender imbalance among women and men in the leadership structures of all the major political parties in the country, including the ruling African National Congress and the official opposition – the Democratic Alliance;
- There was a dramatic decline in the representation of women in the National Council of Provinces (NCOP) in the wake of the 2019 elections. Women now comprise 21% of the membership of the NCOP – this is the lowest level of women's representation since the introduction of the NCOP in 1999, and also a continuation of a downward trend in the representation of women in the NCOP that started in 2009; and,



- Another major area of regression was the appointment of only two women Premiers out of the nine positions of Premier in the country. This is exactly the same problem that occurred in 2014, which led to a great deal of public outrage at the time (although it did not elicit a similar level of public outrage in 2019).

9. ANNUAL PERFORMANCE PLAN

Results on the pre-determined objectives for the 2019-2020 reporting period.

Strategic Objective 1: To advance an enabling legislative environment for gender equality						
Strategic outcome: To evaluate legislation, policies, practices and mechanisms and make recommendations to bring about continuous improvements to advance gender equality						
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	1 April 2019 to 31 March 2020	
					2019 - 2020	Actual Performance Variance Corrective action
1.1	Evaluate and make recommendations on new and proposed legislation to ensure gender mainstreaming	Proactive engagement with relevant stakeholders and parliament to strengthen policy and legislation that advances gender mainstreaming	Submissions on new and proposed legislation.	20 submissions	16 Submissions on new and proposed legislation based on the project plan	17 Submissions were drafted and submitted Over-achieved by 1 submission. More calls for submissions from Parliament and provincial legislatures arose and the Commission had to respond No corrective action
			A consolidated report on submissions made and the outcomes of engagements with Parliament and other key stakeholders on new and	A report on 20 submissions	A consolidated report on submissions made and the outcomes of engagements with Parliament and other key stakeholders on new and	A consolidated report on submissions made and outcomes was finalised No variance No corrective action

Strategic Objective 1: To advance an enabling legislative environment for gender equality								
Strategic outcome: To evaluate legislation, policies, practices and mechanisms and make recommendations to bring about continuous improvements to advance gender equality								
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	1 April 2019 to 31 March 2020			Corrective action
					2019 - 2020	Actual Performance	Variance	
			proposed legislation		proposed legislation			
1.2	Proactively review national gender-transformation legislation and its implementation by state and private institutions	Evaluation and recommendations regarding implementation and compliance with national gender-based legislation	A consolidated report on private and public institutions monitored for gender transformation	Employment Equity and Gender Transformation reports	A consolidated report on private and public institutions monitored for gender transformation	A consolidated report on private and public institutions monitored for gender transformation was finalised	No variance	No corrective action
			Consolidated report on TVET institutions monitored for gender transformation		Consolidated report on TVET institutions monitored for gender transformation	Consolidated report on TVET institutions monitored for gender transformation was finalised	No variance	No corrective action

Strategic Objective 1: To advance an enabling legislative environment for gender equality								
Strategic outcome: To evaluate legislation, policies, practices and mechanisms and make recommendations to bring about continuous improvements to advance gender equality								
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	1 April 2019 to 31 March 2020			
					2019 - 2020	Actual Performance	Variance	Corrective action
			A consolidated report on implementation of findings and recommendations of previous year's Gender Transformation report		A consolidated report on implementation of findings and recommendations of previous year Gender Transformation report	A consolidated report on implementation of findings and recommendations of previous year Gender Transformation report was finalised	No variance	No corrective action
			Guide on Sexual Harassment in the workplace	New indicator	Guide on Sexual Harassment the in workplace	Guide on Sexual Harassment the in workplace was finalised	No variance	No corrective action
1.3	Monitor the state's compliance with international and regional treaties that advance gender equality	Periodic reviews on the state's compliance with obligations under the conventions, covenants, treaties and protocols; engage on findings; and recommend actions	Monitoring reports on international and regional treaties to advance gender equality	CEDAW Report, Beijing Report, MDGs Report and AGDI report	Final monitoring report on CEDAW	Final monitoring report on CEDAW	No variance	No corrective action
					Final monitoring report on SDGs	Final monitoring report on SDGs	No variance	No corrective action
					Final monitoring report on Maputo Protocol	Final monitoring report on Maputo Protocol	No variance	No corrective action

Strategic Objective 1: To advance an enabling legislative environment for gender equality								
Strategic outcome: To evaluate legislation, policies, practices and mechanisms and make recommendations to bring about continuous improvements to advance gender equality								
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	1 April 2019 to 31 March 2020			
					2019 - 2020	Actual Performance	Variance	Corrective action
			A report on outcomes of engagements with key stakeholders on findings and recommendations regarding compliance with international and regional treaties to advance gender equality	CEDAW Report, Beijing Report, MDGs Report and AGDI report	A report on outcomes of engagements with key stakeholders on findings and recommendations regarding compliance with international and regional treaties to advance gender equality	Achieved. Two reports on outcomes of engagements with key stakeholders on findings and recommendations regarding compliance with international and regional treaties to advance gender equality were finalised	Over-achieved by 1 report. The Commission was invited to attend the African Commission on implementation of the Maputo Protocol and had to make a submission on the plight of refugees in the country	No corrective action

Strategic Objective 2: To promote and protect gender equality through public awareness, education, investigation and litigation								
Strategic outcome: To educate society to transform behaviour to respect and uphold gender equality and to further ensure effective and efficient social justice for victims of gender violations								
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	1 April 2019 to 31 March 2020			
					2019-2020	Actual performance	Variance	Corrective action
2.1	Develop, conduct or manage information and education programmes to foster an understanding of matters related to gender equality	The provision of education, awareness, outreach and advocacy interventions and legal clinics for different stakeholders	A report focussed on the development of education and information programmes for the year	Thematic and position papers	A report on the development of education and information programmes for the year	A report on the development of education and information programmes for the year was finalised	No variance	No corrective action
			A consolidated report on education and information programmes conducted relating to gender mainstreaming	Report on education and information programmes conducted	A consolidated report on education and information programmes conducted relating to gender mainstreaming	A consolidated report on education and information programmes conducted relating to gender mainstreaming was finalised	No variance	No corrective action

Strategic Objective 2: To promote and protect gender equality through public awareness, education, investigation and litigation							
Strategic outcome: To educate society to transform behaviour to respect and uphold gender equality and to further ensure effective and efficient social justice for victims of gender violations							
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	1 April 2019 to 31 March 2020		
					2019 - 2020	Actual performance	Corrective action
			A consolidated report on education and Information programmes delivered via community radios	Community radio report and media monitoring report	A consolidated report on education and Information programmes delivered via community radios	A consolidated report on education and Information programmes delivered via community radios was finalised	No variance No corrective action
			A consolidated report on outreach, advocacy and legal clinics was conducted	Outreach, advocacy and legal clinics report	A consolidated report on outreach, advocacy and legal clinics was conducted	A consolidated report on outreach, advocacy and legal clinics conducted was finalised	No variance No corrective action
			A consolidated report on strategic partnerships used in the delivery of education, information and legal programmes	A report on strategic partnerships used in the delivery of education, information and legal programmes	A consolidated report on strategic partnerships used in the delivery of education, information and legal programmes	A consolidated report on strategic partnerships used in the delivery of education, information and legal programmes was finalised	No variance No corrective action

Strategic Objective 2: To promote and protect gender equality through public awareness, education, investigation and litigation						
Strategic outcome: To educate society to transform behaviour to respect and uphold gender equality and to further ensure effective and efficient social justice for victims of gender violations						
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	1 April 2019 to 31 March 2020	
					2019 - 2020	Actual performance Variance Corrective action
2.2.	Investigate, resolve or refer any gender-related issue to rectify these and to seek redress for victims of gender violations	To timeously investigate complaints and to investigate systemic violations of gender rights and identify appropriate redress	80% of complaints opened in the 2019-2020 financial year were timeously attended to in terms of the complaints manual: from registering to assessment of the complaint manual	Complaints handling report	80% of complaints opened in the 2019-2020 financial year were timeously attended to in terms of the complaints manual: from registering to assessment of the complaint manual	No variance No corrective action
			A report on a high-level panel discussion on the withdrawal of intimate partner violence (IPV) cases	New	A report on a high-level panel discussion on the withdrawal of IPV cases was finalised	No variance No corrective action
			A report on the outcome and implementation of systemic investigation conducted	3 Systemic investigations reports	A report on the outcome and implementation of systemic investigation conducted was finalised	No variance No corrective action

Strategic Objective 3: To monitor and evaluate issues that undermine the promotion and attainment of gender equality							
Strategic outcome: To educate society to transform behaviour to respect and uphold gender equality and to further ensure effective and efficient social justice for victims of gender violations							
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	01 April 2019 to 31 March 2020		
					2019-2020	Actual Performance	Variance
3.1	Monitor and evaluate gender-based violence (GBV)	Monitoring and evaluating key issues associated with GBV and the practice of these issues by government, Private institutions and civil society	A status report on the country's response to addressing and combatting GBV, taking into account new commitments made	Research reports on GBV	A status report on the country's response to addressing and combatting GBV, taking into account new commitments made	A status report on the country's response to addressing and combatting GBV, taking into account new commitments made, was finalised	No corrective action
			A report on stakeholder engagement with the National Gender Machinery (NGM) on preliminary findings and recommendations in addressing and combatting GBV and women empowerment		A report on stakeholder engagement with the NGM on preliminary findings and recommendations in addressing and combatting GBV and women empowerment	A report on stakeholder engagement with the NGM on preliminary findings and recommendations in addressing and combatting GBV and women empowerment was finalised	No variance

Strategic Objective 3: To monitor and evaluate issues that undermine the promotion and attainment of gender equality							
Strategic outcome: To educate society to transform behaviour to respect and uphold gender equality and to further ensure effective and efficient social justice for victims of gender violations							
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	01 April 2019 to 31 March 2020		
					2019-2020	Actual Performance	Variance
3.2	Monitor and evaluate women's empowerment	Overseeing and monitoring the issues that will impact poverty, inequality and the limitations women face in actively participating in society	A status report on the country's response to enabling and sustaining women empowerment	New indicator	A status report on the country's response to enabling and sustaining women empowerment	A status report on the country's response to enabling and sustaining women empowerment was finalised	No corrective action
3.3	Monitoring of the elections	Monitoring and evaluating key issues associated with women's representation in political life and decision making	A status report on the general elections	Elections reports	A status report on the general elections	A status report on the general elections was finalised	No corrective action

Strategic Objective 4: To build an efficient organisation that promotes and protects gender equality								
Strategic outcome: To build organisational capacity and ensure that the operations of the organisation have impact on society								
01 April 2019 to 31 March 2020								
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	2019-2020	Actual performance	Variance	Corrective action
4.1	Strengthen the CGE to deliver on its mandate	Strengthening of human and institutional capacity	Good governance policies and practices	Commissioner's Handbook	Updated business model that reflects the catalyst role of the CGE	Partially achieved. Updated business model was drafted and submitted to the Office of the Chairperson	The Plenary of Commissioners has not engaged on the updated business model, and it has not been approved	Approval and adoption is planned for the next financial year
					Commissioner's Handbook updated to reflect King IV™ and to clarify roles and responsibilities	Partially achieved. Commissioner's Handbook reviews are available and not yet adopted	Approval and adoption of the revisions still needs to take place	Approval and adoption will take place in the new financial year
					A consolidated report on the implementation of the HR 5-year strategy	A consolidated report on the implementation of the HR 5-years strategy was finalised	No variance	No corrective action
4.2	Increase the influence and the impact of the CGE to ensure a transformed society	Monitoring and evaluation of the impact of CGE interventions	A monitoring and evaluation (M&E) framework and tool to measure the impact of CGE interventions	M&E framework and tools developed	A reviewed M&E framework, and tools	Partially achieved. Framework was drafted, tools are still outstanding	Due to lack of internal capacity, tools for M&E could not be developed	Service provider will be secured to assist with the drafting of M&E tools in the new financial year

Strategic Objective 4: To build an efficient organisation that promotes and protects gender equality								
Strategic outcome: To build organisational capacity and ensure that the operations of the organisation have impact on society								
#	Sub-strategies	Objective statement	Performance Indicator	Baseline	01 April 2019 to 31 March 2020			
					2019-2020	Actual performance	Variance	Corrective action
		Increased influence through strategic partnerships	Consolidated report on key strategic partnerships, engagements with stakeholders and institutions of mutual interest conducted	Current partnerships	Consolidated report on key strategic partnerships and engagements with stakeholders and institutions of mutual interest conducted	Consolidated report on key strategic partnerships and engagements with stakeholders and institutions of mutual interest was finalised	No variance	No corrective action
		Increased influence through leverage of traditional and social media	Implementation of the corporate communications and branding strategies	Communications and branding strategies and policies.	Implementation of the corporate communications and branding strategies approach to media	Corporate communications and branding strategies approach for media was implemented	No variance	No corrective action

#	Sub-strategies	Objective statement	Performance Indicator	Baseline	01 April 2019 to 31 March 2020			
					2019-2020	Actual performance	Variance	Corrective action
			A media monitoring report	A media monitoring report	A media monitoring report	A media monitoring report was finalised	No variance	No corrective action
		Increased influence through wide dissemination of CGE reports, information and guidelines	Record of internal and external dissemination of reports, information and guidelines	Share-point	Knowledge management and ICT strategies developed to support the dissemination of reports, information and guidelines	Not achieved. RFQ was sent out but did not respond to the specifications set out.	The RFQ had to be cancelled and the process had to be redone	Knowledge management will be finalised in the new financial year



10. CORPORATE SUPPORT SERVICES

10.1. Information technology

The Information Technology Department is pleased to present an annual overview on the procurement and allocation of cell phones, distribution of newly procured copiers and the Kaspersky anti-virus roll-out. In addition, continuous system improvement and maintenance, annual performance and highlights on operational activities.

Case Management System (CRM)

The beginning of the new financial year marked a new phase of the CRM project, the “go-live” phase. The pilot phase ended at the end of the previous financial year. All bugs identified on the system have been fixed. All cases from the previous financial year will be loaded onto the system in a read-only state. Cases lodged in this financial year with the Commission were captured, processed and managed on the Case Management System

The system functionality has been stabilised and historical data will be loaded once a service is appointed. The process will require the provisioning of a service provider to render support, maintenance and customise sage CRM system. Included, will be template preparations, file clean up, data import and integrity check as well as report design and customisation.

Applications utilisation

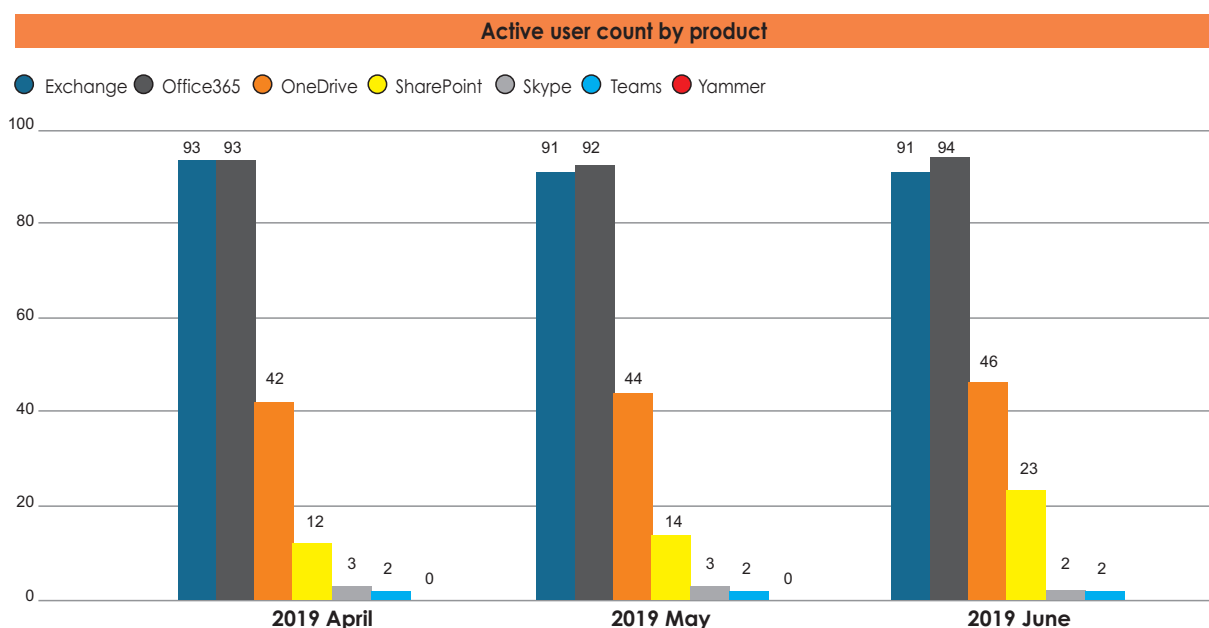


Figure 1. O365 Usage Count by user

VoIP (Voice over Internet Protocol)

The Commission's VoIP infrastructure continues to reduce our telephonic costs. Added to the cost containment process is user accountability documentation and the signing off of monthly telephone billing, as per the Commission's telephone policy.

Contract Management

Cell phone and 3G Data

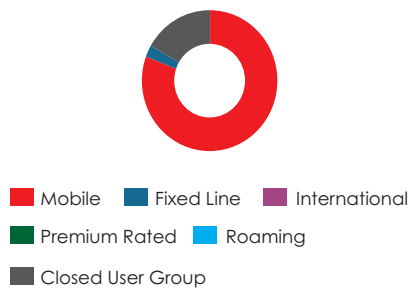
We had forty-five devices including cell phones and 3G's ready for renewal as per the contract with Vodacom. The Commissioners' eligibility was only applicable in the December period; however, we have managed to negotiate with Vodacom to accommodate all Commissioners' cell phones in the current renewal period without attracting any additional costs.

A SUMMARY OF YOUR MOBILE USAGE FOR THE BILLING MONTH OF NOVEMBER 2019



Usage Breakdown

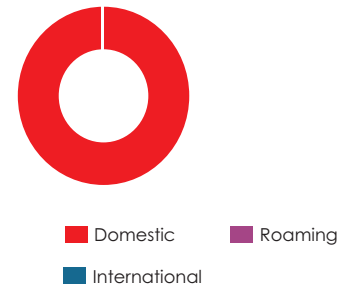
Voice Breakdown



Data Breakdown



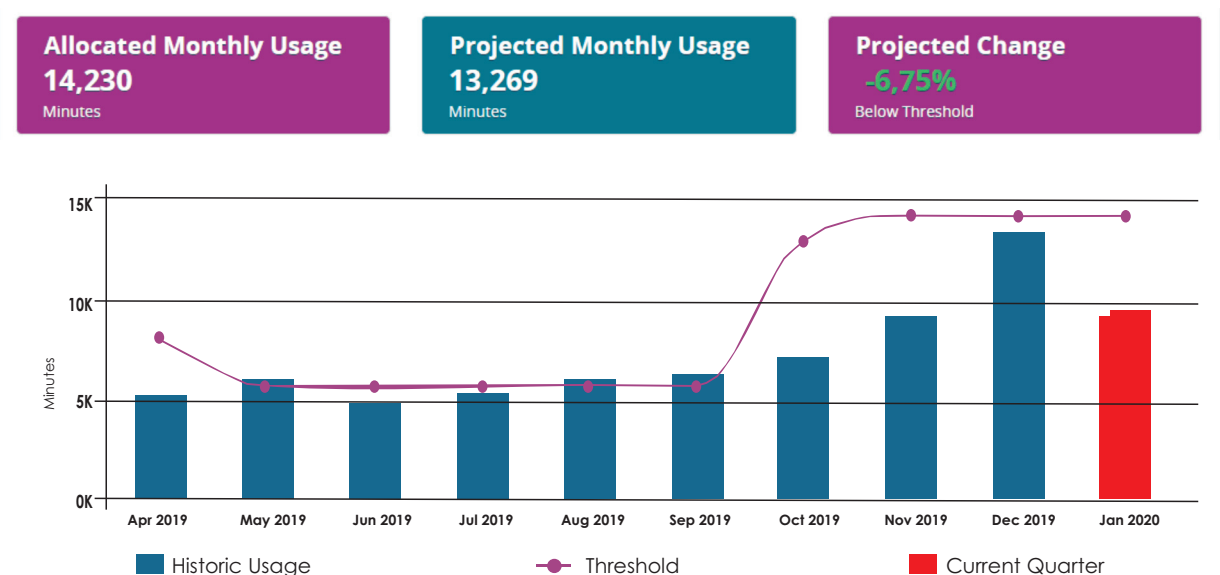
Message Breakdown





In line with treasury guidelines, all cell phone subsidies have been terminated and all qualified staff members have been issued with a Commission cell phone under National treasury RT 15 contract.

This is the high-level Enterprise bundle category, with a 50% increase in our data consumption, followed by a decrease in our voice and SMS categories (with negative 6% and 57% respectively). The Commission's data appetite is constantly high due to cloud-based software and data intensive applications such as Microsoft Office, coupled with mobility capabilities as well as other social media applications. Domestic voice analysis activity demonstrates increased patterns during the November month, with a significant jump between the month of November to December. This depiction can be apportioned to activities relating to the 16 Days of Activism campaign and legal hearings during this reporting period.





Domestic Data

50,57%

Allocated Monthly Usage

94,00

Gigabytes

Projected Monthly Usage

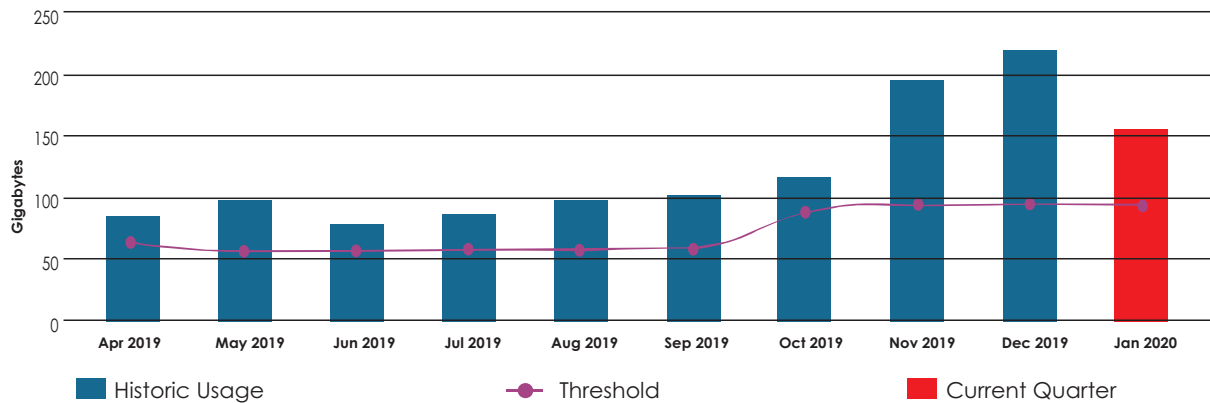
141,54

Gigabytes

Projected Change

50,57%

Above Threshold



Domestic SMS

-57,88%

Allocated Monthly Usage

1,162

Messages

Projected Monthly Usage

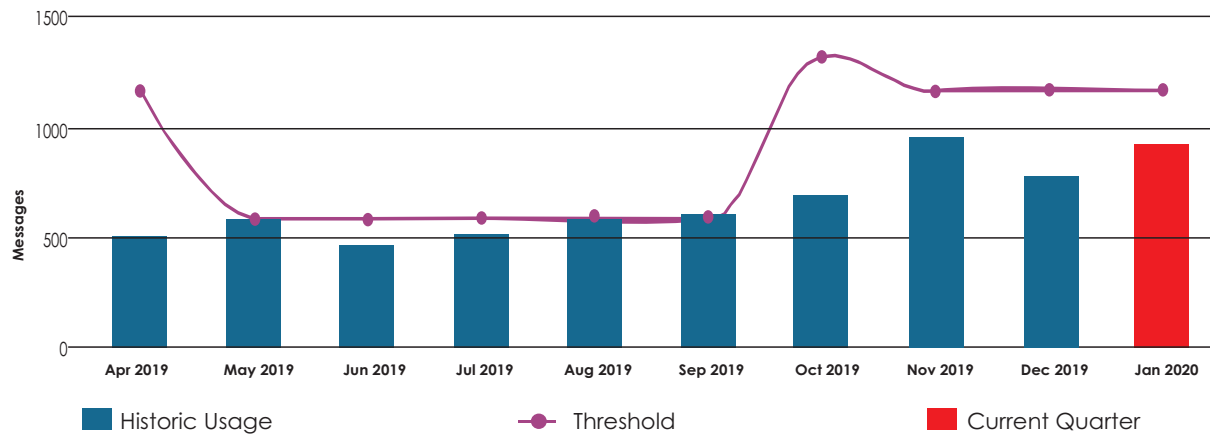
489

Messages

Projected Change

-57,88%

Below Threshold



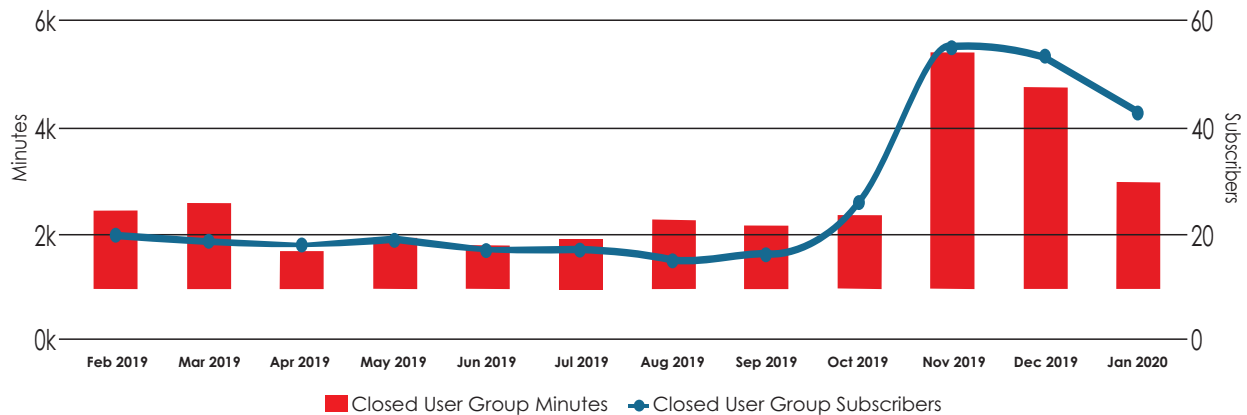
The general observation of the three class categories suggest that there is a need to adjust the data package and the allotted data per user accordingly, and in line with the consumption patterns. This will require a policy change and contract assessment to move from a considerable positive projection into a healthier moderate negative threshold.



Closed user groups (CUG) illustrate free call charges or zero-rated calls on the CUG platforms between Commission subscribers, interestingly a familiar pattern is demonstrated during the same reporting period.

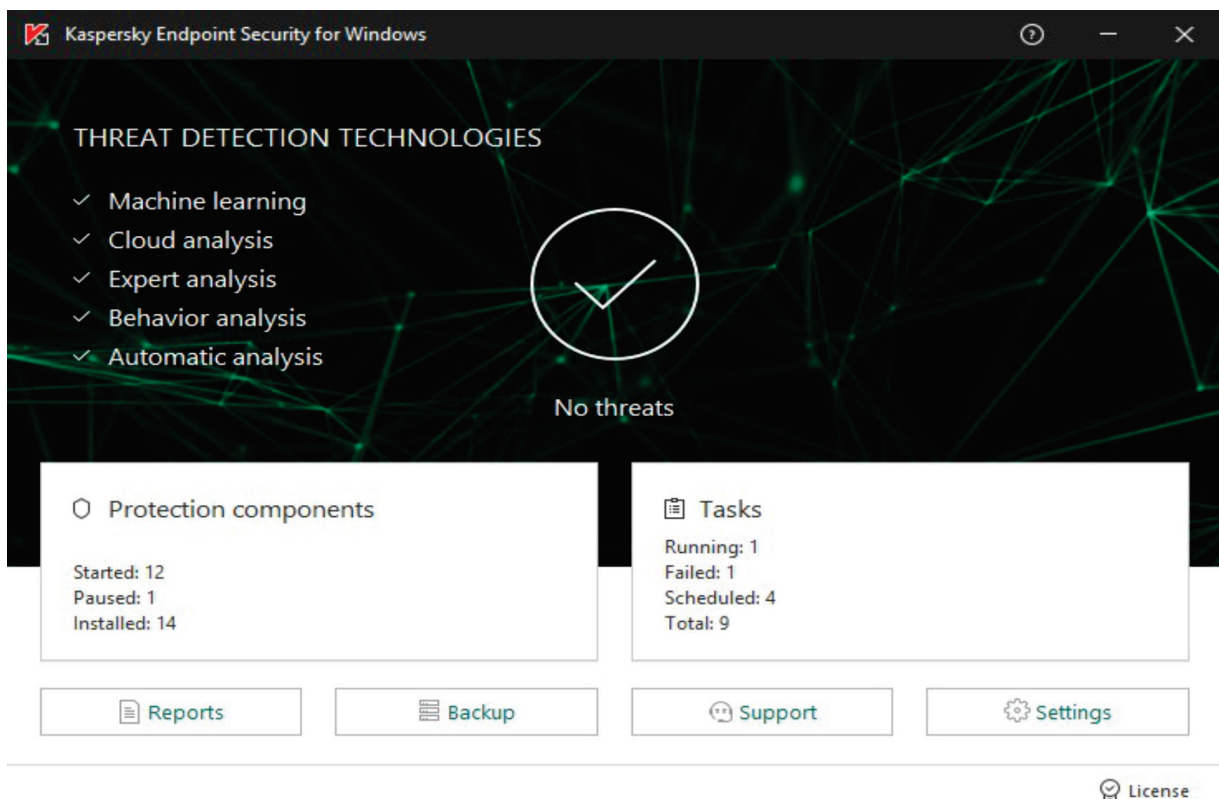
Closed User Groups

A SUMMARY OF YOUR CLOSED USER GROUP USAGE FOR THE LAST 12 MONTHS



Anti-Virus

The current Commission's IT virus ESET Endpoint has come to an end, SCM has sourced a new anti-virus called Kaspersky Endpoint security. The roll-out will be done through an agent package which will be pushed down to all workstations.





IT conducted a vulnerability assessment through Kaspersky Endpoint. This is part of IT operational activity to ensure that no systems are compromised, and are clean and virus-free. This is done per device on a periodic basis.

Copiers/Printing devices

The sharp copier project could not be completed during the December 2019 period due to delays in ordering and shipping. This project will continue once all outstanding parts have been delivered.

Microsoft Office 365

The Microsoft Office 365 renewal was completed and activated.

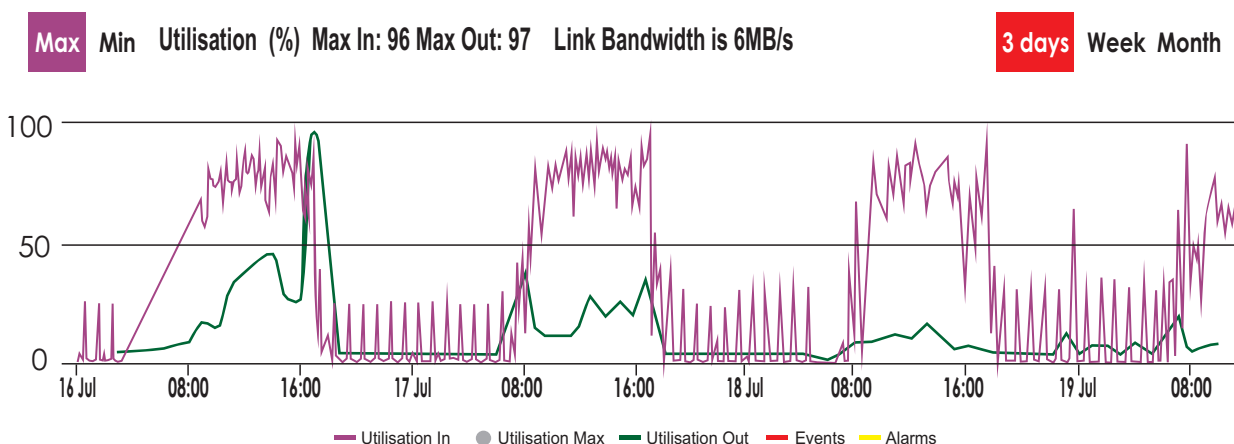
Wide Area Network (WAN)

The Commission currently has a WAN contract with Vodacom for the provision of the Wide Area Network, or inter-branch connectivity. The current contract will be coming to an end, as a result there will be a need to procure WAN services to ensure business continuity.

In addition, we have performed a utilisation report through proof of concept to assess our consumption appetite. This interest came as a result of increased reliability on the network infrastructure technologies, such as VoIP solution, video transmission etc.

Performance

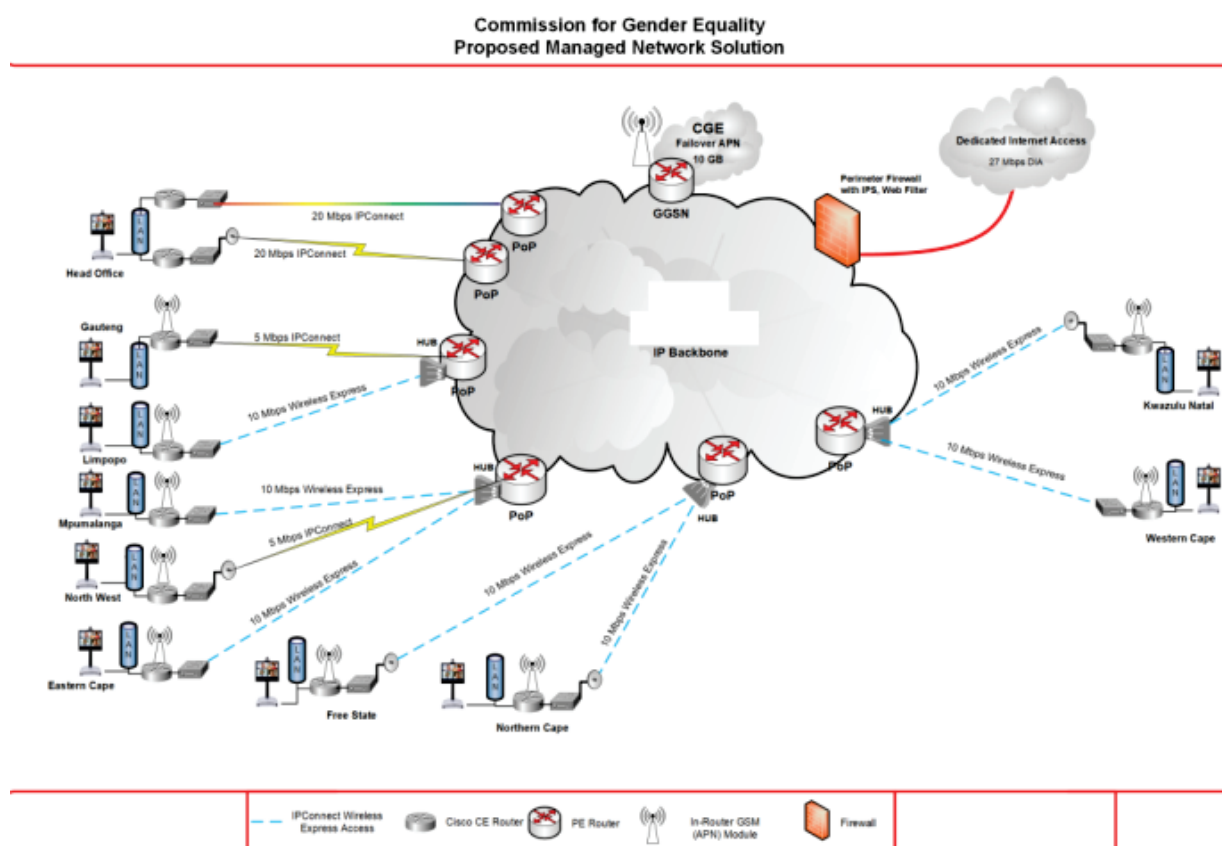
If couv.za00019GigabitEthernet0/0/0





These improvements will have a positive impact on the day to day operations, and will fully equip the Commission with a stable and reliable network infrastructure, secure from any possible interruptions.

Based on the proof of concept and advisory services, the following proposal is currently presented to ensure that the infrastructure supports the Commission's current and future technological endeavours.



10.2. Communications

The Communications Unit of the CGE operates to fulfil the strategic outputs related to internal and external communications functions of the institution. This occurs in several ways through support mechanisms rendered by the Corporate Communication component of the organisation. In other words, the Corporate Communications of the CGE seeks to provide support to user departments. This occurs through content development for public education, legal and other functions of the CGE. Apart from this, Corporate Communications is also responsible for managing the brand of the CGE.

Media and Communication Campaigns

The Corporate Communications unit was responsible for devising communication mechanisms for relaying messages to the public through communication campaigns. These campaigns occur during national



calendar months. The following communication campaigns were carried out in an effort to support the overall public education drive of the institution, including: Human Rights Month, Youth Month, Women's Month and 16 Days of Activism Against Women and Children.

Communication tools used to deliver the campaign include public service announcements, radio interviews, articles for community newspapers and social media.

Media and Communication Partnerships

Due to inadequate funding of corporate communications, the Corporate Communications unit utilised partnerships with likeminded institutions. The partners that the corporate communications unit worked with included the following:

- SABC Foundation;
- Government Communications and Information Systems (GCIS); and,
- GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit).

Corporate Communications Strategy

During the year under review, the Corporate Communications unit developed an overall communications strategy in line with the 5-year organisational strategy of the CGE. The strategic considerations for this strategy took in account the following important factors in the future communication effort of the institution:

- Leveraging existing partnerships for external communication;
- Raising funds for communication programmes;
- Applying focus on substantive equality issues in the content meant for external circulation; and,
- Improving usage of digital media tools of the CGE.

Branding

As the custodian of the CGE brand, it was the responsibility of the Corporate Communications unit to ensure that there is a branding strategy in place which was meant to achieve the following:

- Enhance visibility of the CGE in public platforms
- Development of material needed for public relations events;
- Brand activation within the realm of multiple partnership events; and,
- Maintenance of the CGE Brand on a quarterly basis.



Media Liaison

Interviews conducted: 516

Press statements/ press releases

- Gender Commission is pleased the court held that parts of the apartheid era Matrimonial Property Act 88 of 1984 were unconstitutional and invalid – 28 January 2020
- Invitation to the Review of the Land Expropriation Bill and Constitutional Amendment of section 25 – 14 February 2020
- The Commission for Gender Equality (CGE) joins Deputy Minister in the Presidency: Women, Youth and persons with disabilities Professor Hlengiwe Mkhize to engage with TVET Colleges on GBVF – 21 February 2020
- Invitation to the Launch of the Commission for Gender Equality Investigation Report on Forced/Coerced Sterilisation – 21 February 2020
- Gender Commission seeks redress on human rights violations: The case of forced sterilisation in South Africa – 24 February 2020
- Joint Statement: Health Ministry and Commission for Gender Equality – 05 March 2020
- CGE welcomes the implementation of its systemic Investigative Report on the State of Shelters in South Africa – 05 March 2020
- CGE calls for the Prioritisation of women and persons with disabilities in combating Covid-19 – 16 March 2020
- Commission for Gender Equality monitors 2019 National and Provincial Elections – 06 May 2019
- Disregard of its own internal policy by the ANC on the appointment of Premiers concerning – 14 May 2019
- Bonuses offered to Banyana Banyana a right step in bridging wage gap in football – 28 May 2019
- CGE welcomes the appointment of a Task Team to guide policy on sexual harassment, gender-based violence at varsities – 29 May 2019
- CGE Serves the South African Police Services with a Notice to appear for Investigative Hearings – 29 May 2019
- Gender Commission subpoenas SAPS to account for implementation of its recommendations – 03 June 2019
- African Monitor hosts a Voluntary National Review (VNR) Civil Society Symposium – 07 June 2019
- Invitation to the Launch of the Commission for Gender Equality Investigative Report on the State of Shelters in South Africa – 22 June 2019
- Briefing of Systemic Investigation Report of Shelters that accommodate victims of violence – 24 June 2019



- African Monitor hosts a Voluntary National Review (VNR) Civil Society Symposium – 10 July 2019
- CGE congratulates Proteas Netball Team for their heroics in the World Cup – 24 July 2019
- CGE welcomes the appointment of new Commissioners and the Chairperson – 01 August 2019
- CGE welcomes Minister Mthembu's statement on National Development Plan being gender blind - 12 August 2019
- Matter: Ntuli Annanius v the State and Tshabalala v State CC – 22 August 2019
- Media Invite: the outcome of the outreach and legal clinic by Commission for Gender Equality in Makause Informal Settlement, Primrose, Germiston, Ekurhuleni Metropolitan Municipality – 27 August 2019
- Women as the face of poverty: Makause Informal Settlement – 30 August 2019
- Uyinene's (Mrwetyana) murder calls for a re-think in addressing gender-based violence (GBV) – 02 September 2019
- CGE calls for President Ramaphosa to take concrete action in fighting GBV – 05 September 2019
- CGE meets with DBE Spokesperson & DG following sexist tweets – 10 September 2019
- CGE meets with SACE, Teddy Bear Clinic and DBE DG over Sexual Violence in Schools – 30 September 2019
- Nicholas Ninow's life sentence a turning point in the fight against gender-based violence (GBV) – 18 October 2019
- Invitation to Hearings on Gender Transformation on Technical and Vocational Education and Training (TVET) Colleges – 11 November 2019
- Justice for Uyinene Mrwetyana – 16 November 2019
- CGE Calls for More Caring Society and Inclusive of People with Disabilities – 02 December 2019
- Invitation to Public Hearings: Employment Equity and the Review of transformation in the Public and Private Sector – 19 November 2019
- Invitation to Hearings on Gender Transformation at Institutions of Higher Learning – 24 November 2019
- CGE sends its heartfelt condolences to the family of Precious Ramabulana – 27 November 2019
- Public Investigative Hearings on the State of Shelters in South Africa – 30 November 2019
- Public Investigative Hearings on the State of Shelters in South Africa – 04 November 2019



- Gender Commission's response to Deputy Minister Hendrietta Bogopane -Zulu's unfortunate comment that "Women are equally guilty for gender-based violence" – 09 December 2019
- CGE congratulates Miss South Africa Ms Zozibini Tunzi on winning the Miss Universe crown – 10 December 2019
- Intimate Partner Violence (IPV) Panel discussion – 10 December 2019
- CGE welcomes the Constitutional Court Judgment: Tshabalala Jabulane v State; Ntuli Annanius v the State CC – 13 December 2019

Opinion pieces

- Violence Against Women Is Blocking Development- Commissioner Tlaleng Mofokeng (project Syndicate)
- Global health crisis lays bare imbalances and inequality – Commissioner Ntuli-Tloubatla (City Press)
- Gender mainstreaming in political party manifestos: We are not there yet – Velenkosini Zitha, Naledi Selebano And Mojalefa Dipholo (City Press Online)
- Mandate of the Commission for Gender Equality and its role in fighting GBV – Commissioner Mathebula (Public Sector Magazine)
- Women's representation and participation in political parties and government – Commissioner Nthabiseng Moleko (City Press)
- Will a 50/50 leadership translate to a just, humane, safer SA for women? – Commissioner Moleko (City Press)
- 21 years after the Domestic Violence Act, We Should Be Doing Better – Commissioner Jennifer Smout (The Star)
- Social Media and gender parity – Commissioner Tamara Mathebula (City Press)
- GBV should be recognised as an economic issue too – Commissioner Jennifer Smout (City Press)
- Aftermath of the 100 Men March – Javu Baloyi (Public Sector Magazine)
- Gender-Based Violence – Nkhensani Hlekane (Triumphant – A Christian Magazine)
- Trafficking – what do we actually know - Commissioner Smout (City Press)
- Gender Commission and CEO's role in advancing gender equality – CEO Keketso Maema (PSM)
- Fighting a huge, ongoing battle – Commissioner Mathebula (Sunday Independent)



Listenership

Radio Station	Average Daily Listenership
Ukhozi FM	3 651 000
Umhlobo Wenene	2 793 000
Lesedi FM	2 107 000
Metro FM	1 955 000
Motsweding FM	1 605 000
Thobela FM	1 535 000
RSG	1 073 000
East Coast Radio	923 000
SAFM	192 000
Ikwewezi FM	881 000
Jacaranda FM	879 000
Gagasi 99.5	836 000
Ligwalagwala FM	621 000
Munghana Lonene FM	870 000
Capricorn FM	117 000
94.7	871 000
Radio 702	202 000
Tru FM	189 000
You FM	109 000
Vuma FM	210 000
Rise FM	42 000
Power FM	108 000
Lotus FM	105 000



Readership

Newspaper Title	Readership per day
Daily Sun	1 460 000
Sunday Times	1 200 000
City Press	620 000
Rapport	450 000
Sowetan	430 000
Ilanga	240 000
Isolezwe	220 000
The Star	170 000
Beeld	170 000
Daily Maverick	150 000
The Citizen	1 300 000
Mail & Guardian	1 300 000
The Cape Argus	900 000
The Times	1 100 000

Viewership

TV channel	Viewership per day
SABC News	26 000 000
CGTN	24 600 000
ENCA	1 700 000
E-TV	2 300 000
SABC 3	514 917
SABC 2	1 501 811
SABC 1	10 314 901
Newzroom Afrika	2 727 828

10.3. Human Resources Management Report - 31 MARCH 2020

10.3.1. Personnel costs by salary band

Row Labels	Sum of Number of employees	Sum of TOTAL	Percentage of total personnel	Average personnel cost per employee
Skilled (Level 3-5)	11	2 887 276	5%	262 480
Highly Skilled (Level 6 -8)	20	8 088 273	15%	404 414
Highly Skilled Supervision (Level 9 -12)	44	29 887 905	55%	679 271
Senior Management (Level 13-15)	5	6 451 152	12%	1 290 230
Commissioners	11	6 882 186	13%	625 653
Temporary and Internships	3	343 524	1%	114 508
Grand Total	94	54 540 316	100%	216 580

10.3.2. Salaries, overtime, home-owners' allowances and medical assistance programme.

Programme	Home Owners	Leave payout	Overtime	Salaries	Medical Assistance	Grand Total
Administration	39 636	127 749	24 305	12 910 828	106 392	13 208 910
CEO's office	-	4 141	-	2 102 858	-	2 106 999
Commissioners Office	-	269 290	20 468	7 335 224	11 016	7 635 999
Financial Management	39 636	-	326 653	5 543 651	62 517	5 972 457
Human Resources	13 212	21 873	11 505	491 462	11 016	549 067
Information & communication	19 818	27 554	22 721	3 657 077	15 630	3 742 800
Internal Audit/ monitoring & evaluation	3 303	6 104	16 179	1 637 274	11 016	1 673 876
Legal services	34 131	43 505	30 795	7 230 449	64 260	7 403 140
Parliamentary liaison & legislation	-	-	-	-	-	-
Public education & information	52 848	38 172	39 424	6 184 674	50 976	6 366 094
Research & policy program	11 010	-	45 901	5 756 839	67 224	5 880 974
Grand Total	213 594	538 388	537 951	52 850 336	400 047	54 540 316

10.3.3. Performance-related Rewards in 2019/2020

Management Level	Number of Employees	Amount Paid
Commissioners		-
Middle Management	14	855 316
Senior Management	5	428 833
Staff	54	1 508 755
Grand Total	73	2 792 904



10.3.4. Foreign Workers employed by the CGE in 2019/2020

Country of origin	Number
Lesotho	1
Zimbabwe	2
Total	3

10.3.5. Sick Leave over the period

Salary Band	Number of employees	Total days taken	% days with medical certification	Number of employees using sick leave	Average cost per day	Average days per employee
Skilled (Level 3 - 5)	11	21	43%	7	821	3
Highly Skilled (Level 6-8)	20	98	70%	15	1 292	7
Highly Skilled Supervision (Level 9-12)	44	176	77%	28	2 363	6
Senior Management (Level 13-15)	5	7	29%	3	4 069	2
Commissioners	11	3	67%	1	3 371	3
Temporary and Internships	3	-	0%	-	-	-
Grand Total	94	305	71%	54	1 962	6

10.3.6. Annual Leave over the period

Salary Band	Number of employees who have taken leave	Total days taken	Average days taken per employee
Skilled (Level 3-5)	11	224	20,4
Highly Skilled (Level 6-8) - 8)	20	448	22,4
Highly Skilled Supervision (Level 9-12)	43	862	20
Senior Management (Level 13-15)	5	92	18
Commissioners	7	74	10,6
Temporary and Internships	2	30	15,0
Grand Total	88	1730	19,7



10.3.7. Leave Payouts

Reason	Number of employees paid out	Total amount paid out	Average pay-out over employee
Termination of services	12	265 576	22 131
End of contracts	6	257 430	42 905
Retirement	2	15 381	7 691
Death	-	-	-
Grand Total	20	538 388	26 919

10.3.8. Employee Changes in the year

Termination type	Number	% Total
Death	-	-
Resignation	12	60%
Expiry of contract	6	30%
Dismissal-operational changes	-	-
Dismissal - misconduct	-	-
Dismissal - inefficiency	-	-
Discharge due to illness	-	-
Retirement	2	10%
Transfer to other public service departments	-	-
	20	100%



10.3.9. Employment Equity per race and gender

	African		Coloured		Indian		White		Total per Gender		Total per Race				Grand total
Programme	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	African	Coloured	Indian	White	
Administration	18	7	2	0	0	0	0	0	20	7	25	2	0	0	27
CEO's office	1	1	0	0	0	0	0	0	1	1	2	0	0	0	2
Commissioner's Office	10	2	1	0	0	0	0	0	11	2	12	1	0	0	13
Financial Management	5	6	0	0	0	0	0	0	5	6	11	0	0	0	11
Human Resources	2	0	0	0	0	0	0	0	2	0	2	0	0	0	2
Information & communication	1	3	0	0	0	0	0	0	1	3	4	0	0	0	4
Internal Audit/ monitoring & evaluation	3	1	0	0	0	0	0	0	3	1	4	0	0	0	4
Legal services	2	6	0	0	0	0	2	0	4	6	8	0	0	2	10
Parliamentary liaison & legislation	0	0	0	0	0	0	0	0	-	0	0	0	0	0	0
Public education & information	5	5	1	0	0	0	0	0	6	5	10	1	0	0	11
Research & policy program	6	4	0	0	0	0	0	0	6	4	10	0	0	0	10
Grand Total	53	35	4	0	0	0	2	0	59	35	88	4	0	2	94



10.3.10. Employment and vacancies by programme as at 31 March 2020

Position	Number of vacancies	Number of funded positions in the establishment	Number of positions filled	Vacancy rate	Number of additional positions-unfunded
Commissioners	1	12	11	8%	1
Human Resources	0	2	2	0%	1
IT/C	0	5	5	0%	1
Legal-National	1	4	3	25%	0
Research-National	2	12	10	17%	0
Education-National	0	3	3	0%	0
Provincial Co-ordinators	1	9	8	11%	0
Provinces-Legal	2	9	7	22%	0
Provinces-Education	0	9	9	0%	0
Provinces Administrators	1	9	8	11%	0
Provinces-Office Assistants	1	9	8	11%	0
Finance	0	9	9	0%	0
Parliament	2	2	0	100%	0
PA/Admin-National	2	4	2	50%	0
Driver-National	0	2	2	0%	0
Office Assistant - National	0	1	1	0%	0
Internal Audit	0	2	2	0%	0
CEO's Office	0	1	1	0%	1
TOTAL PERMANENT	13	104	91	13%	4
Temporary & Internships	4	7	3	57%	0
Grand Total	17	111	94	15%	4



10.3.11. Recruitment over the period

Occupational bands	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Commissioners	1	0	0	0	6	0	0	1	8
Senior Management	0	0	0	0	0	0	0	0	0
Professionally qualified	0	0	0	0	3	0	0	0	3
Skilled, technical and academically qualified workers	1	0	0	0	2	0	0	0	3
Semi -skilled and discretionally decision making	0	0	0	0	0	1	0	0	1
Unskilled and defined decision making	0	0	0	0	0	1	0	0	1
Employees with disabilities	0	0	0	0	0	0	0	0	0
Temps, Trainees & Internships	1	0	0	0	1	0	0	0	2
TOTAL	3	0	0	0	12	2	0	1	18

10.3.12. Promotions over the period

Occupational bands	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Commissioners	0	0	0	0	0	0	0	0	0
Senior Management	0	0	0	0	0	0	0	0	0
Professionally qualified	0	0	0	0	0	0	0	0	0
Skilled, technical and academically qualified workers	0	0	0	0	0	0	0	0	0
Semi -skilled and discretionally decision making	0	0	0	0	0	0	0	0	0
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Employees with disabilities	0	0	0	0	0	0	0	0	0
Temps, Trainees & Internships	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

10.3.13. Terminations over the period

Occupational bands	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Commissioners	1	0	0	0	3	0	0	1	5
Senior Management	0	0	0	0	0	0	0	0	0
Professionally qualified	3	0	0	0	0	0	0	1	4
Skilled, technical and academically qualified workers	1	0	0	0	1	0	0	0	2
Semi -skilled and discretionally decision making	1	0	0	0	2	0	0	0	3
Unskilled and defined decision making	0		0	0	2	0	0	0	2
Employees with disabilities	0	0	0	0	0	0	0	0	0
Temps, Trainees & Internships	1	0	0	0	3	0	0	0	4
TOTAL	7	0	0	0	11	0	0	2	20

10.3.13. Disciplinary matters over the period

Occupational bands	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Commissioners	0	0	0	0	0	0	0	0	0
Senior Management	0	0	0	0	0	0	0	0	0
Professionally qualified	0	0	0	0	0	0	0	0	0
Skilled, technical and academically qualified workers	0	0	0	0	0	0	0	0	0
Semi -skilled and discretionally decision making	0	0	0	0	0	0	0	0	0
Unskilled and defined decision making	0	0	0	0	2	0	0	0	2
Employees with disabilities	0	0	0	0	0	0	0	0	0
Temps, Trainees & Internships	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	2	0	0	0	2



10.3.14. Skills Development

Occupational bands	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Commissioners	0	0	0	0	0	0	0	0	0
Senior Management	0	0	0	0	0	0	0	0	0
Professionally qualified	7	0	0	0	1	0	0	1	9
Skilled, technical and academically qualified workers	6	0	0	0	12	1	0	0	19
Semi -skilled and discretionally decision making	2	0	0	0	2	0	0	0	4
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Employees with disabilities	0	0	0	0	0	0	0	0	0
Temps, Trainees & Internships	0	0	0	0	2	0	0	0	2
TOTAL	15	0	0	0	17	1	0	1	34



FINANCIAL MANAGEMENT OVERVIEW



12. FINANCE REPORT

FINANCIAL MANAGEMENT REPORT

Financial Year ending 31 March, 2020

Financial Management overview

The Role of the Finance and Administration department

The mandate and functions of the Finance and Administration department derives from the PFMA by delegation from the Accounting Officer and is further expanded by the provisions under section 5 of the National Treasury Regulations. The department takes responsibility for organising the financial and accounting affairs of the Commission, including a direct support to the Accounting Officer to discharge the general and specific responsibilities as respectively contained under section 38 and elsewhere within the Public Finance management Act, 29 of 1999 (as amended).

The role relates to the effective Financial Management of the institution, including the exercise of sound internal controls, planning, budgetary control practices and timely reporting on financial performance and financial position of the Commission. To this end, the finance department is assigned roles for the strategic management support, financial reporting, the oversight over risk management and the systems of internal controls as well as the stewardship over the assets and property of the Commission.

Overview of the Financial Performance

The primary sources of income for the Commission is transfers from National Government. The operating budget is allocated in terms of the government's Medium-Term- Expenditure- Framework (MTEF). For the year under review, National Treasury granted the Commission an annual budget allocation of R85,2 million from a baseline of R80 million in the previous financial year.

Against a history of budgetary reductions on the CGE baseline, the increase in allocation fundamentally represents a restoration of the budget to the nominal figures. It is worth noting that, in real terms, the operating budget was eroded as the rate of increase over the years, was outstripped by the higher than inflation increase on staff salaries, without a concomitant from the fiscus.

The income and spending figures from the activities undertaken over the reporting period resulted in a net recorded net surplus of R9,9 million mainly attributable to underspending on compensation of employees due to



existing vacant positions for both staff and Commissioners. These positions were however filled mid-term and as a result the underspending would not be carried forward. The surplus result therefore arises from R1.4 million additional income and R8,5 million under-spending that was realised for the period.

Revenue and Income

For the reporting period ending 31 March 2020, the Commission recognised a total revenue of R86,6 million, of which R85,2 million is received as transfers from National Treasury. The transfer figure represents an increase of a 5.5% on the prior year allocation of R80,7 million. In this period, interest income and other sundry income to a combined amount of R1,4 million were recorded. The interest income constitutes the most at R1,1 million (2019; R823,000) mainly earned from cash held in the current bank account of the Commission. The residue income arose from donations and other insignificant sundry sources.



Expenditure analysis

Expenditure by programme and economic classification Actual expenditure year-to-31 March 2020

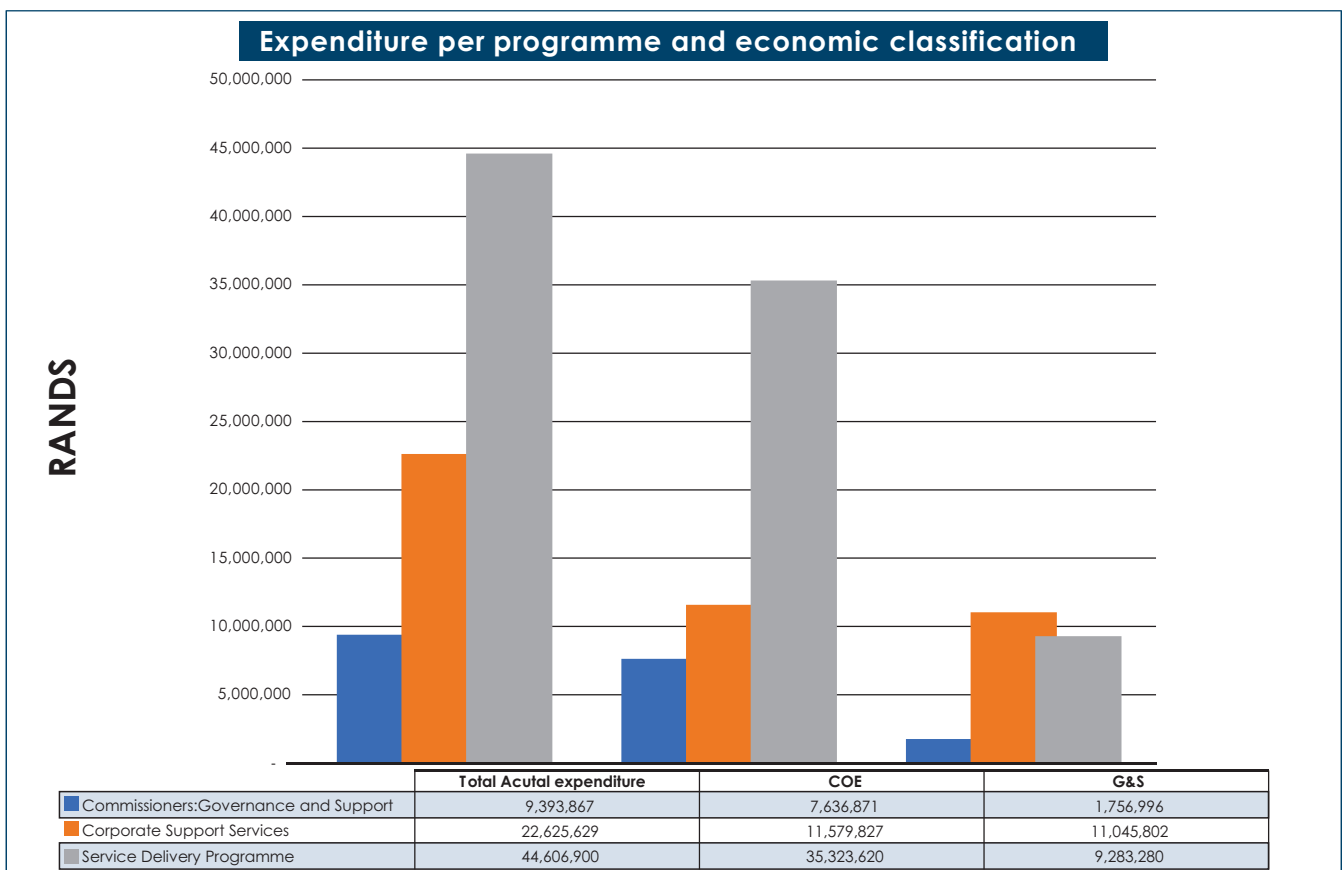
Programme	Compensation of Employees	Depreciation and Amortisation	Finance Costs	Goods and Services	Grand Total
Commissioners: Governance and Support	7,636,871			1,756,996	9,393,867
Corporate Support Services	11,579,827	1,723,786	34,031	9,287,985	22,625,629
Service Delivery Programme	35,323,620			9,283,280	44,606,900
Grand Total	54,540,318	1,723,786	34,031	20,328,261	76,626,396

Annual budget for period ending 31 March 2020

Programme	Compensation of Employees	Depreciation and Amortisation	Finance Costs	Goods and Services	Grand Total
Commissioners: Governance and Support	12,359,500			2,351,600	14,711,100
Corporate Support Services	11,455,400	-	-	11,214,900	22,670,300
Service Delivery Programme	38,935,300			8,860,300	47,795,600
Grand Total	62,750,200	-	-	22,426,800	85,177,000
Under/(over-spending)	8,209,882	(1,723,786)	(34,031)	2,098,539	8,550,604

For the 2019/2020 financial year, total expenditure of R76,6 million was realised, constituted by R54,5 million spent on Compensation of Employees (COE), R20,3 million for Goods & Services as well as R1,7 million on depreciation provision and R34,031 on finance costs arising from finance lease transaction arising from a lease contract arrangement. The total current expenditure compares favourably with the operating budget of R85,2 million, the generating an under-spending of R8,5 million (or 10% of the annual budget). The major contributor to this spending variance is a saving of R8,2 million realised on COE, mainly due to existing vacancies within the staff establishment during the most part of the year – For the year, the vacancy rate at the Commission stood at 10%. The Commissioner programme contributed more and accounted for R4,7 million of the unspent salary budget, followed by the main service deliver programme at a saving of R3,6 million for the period.

Goods & services component of spending was R20,3 million compared to a budget figure of R22, 4 million, resulting in spending variance of R2,1 million which was however counter-effected by a provision for depreciation and amortisation expense of R1,7 million.



The distribution of spending levels and corresponding variance and comparatives are provided hereunder for further explanation. From the table below, it can be seen that the expenditure recorded for the current period was less than both the budget and prior year figures, respectively by R8,55 million and R4,55 million.



Economic Classification (All)

Cost Centre	Prior Year Actual 2018/2019	Current Year Budget 2019/2020	Current Year Actual 2019/2020	Current Year Variance
Commissioners: Governance and Suppo	11,160,407	14,711,100	9,393,867	5,317,233
Commissioners	11,160,407	14,711,100	9,393,867	5,317,233
Corporate Support Services	25,337,199	22,670,300	22,625,629	44,671
Chief Executive Officer	5,660,392	4,731,800	5,458,506	(726,706)
Finance and Administration	12,209,370	10,224,300	12,187,306	(1,963,006)
Human Resources	4,422,237	4,836,200	2,181,438	2,654,762
Information Technology	3,045,200	2,878,000	2,798,379	79,621
Service Delivery Programme	44,679,963	47,795,600	44,606,900	3,188,700
Communications	4,504,166	4,342,460	4,254,181	88,279
Eastern Cape	3,444,324	3,385,700	3,026,912	358,788
Free State	2,943,521	2,946,300	3,106,002	(159,702)
Gauteng	2,150,042	3,334,140	2,788,762	545,378
Kwazulu Natal	3,108,345	3,065,900	3,163,943	(98,043)
Legal	3,583,678	4,019,400	3,501,641	517,759
Limpopo	3,455,100	3,151,100	3,114,906	36,194
Mpumalanga	3,348,799	3,255,200	3,597,401	(342,201)
North West	2,862,111	2,865,700	2,732,410	133,290
Northern Cape	3,166,021	3,094,600	2,840,931	253,669
Parliamentary Unit	1,217,296	1,602,600	214,036	1,388,564
PEI Support	381,262	345,700	378,036	(32,336)
Public Education and Information	2,206,980	1,833,800	2,231,341	(397,541)
Research and Policy development	6,214,541	7,390,600	7,204,402	186,198
Western Cape	2,093,775	3,162,400	2,451,995	710,405
Grand Total	81,177,569	85,177,000	76,626,396	8,550,604



The current year's key contributors to the noted spending variances were;

- R5,3 million on Commissioners' programme due to savings from the salary bill. A new cohort of commissioners were appointed in August 2019 later than was anticipated.
- The Corporate services component was on aggregate within the allocated budget, however, note should be taken that the sub-component (Finance department) incurred expenditure in excess of the budget by R2 million mainly due to current depreciation recorded at R1,7 million. The remainder of the over-expenditure is attributable to the higher than budgeted audit fees. The over-expenditure was set-off by savings of R2,7 million mainly from the Human Resources department.
- The Service delivery programme recorded a R3,2 million saving mainly due to staff vacancies and efficiency gains that were realised from the cost containment measures that were implemented during the course of the year.

Financial Position

Net Asset position

At reporting date, the solvency status and related liquidity conditions were sound and healthy, affirming the going concern assertions as well as the financial viability in the short to medium-term. This conclusion is drawn even though the organisation considers the long-term funding of its mandate as a key risk to budgetary pressure due to constrained allocations from National Treasury. The going concern assumption is based on the projection that funds will be available to finance current operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business - the supporting make-up and analysis of this position is as follows;

- **Accumulated Surplus** increased from R10.4 million to R20,3 million as compared the prior year's reported figures. The movement is mainly accounted for by the surplus realised from the results of the current year.

Current assets

- **Current assets are** mainly constituted by the Cash and cash equivalents – R21.8 million (2019; R11,4 million) being balances held in current bank account and petty cash accounts for ten CGE offices. At



a cash to current ratio of 2 to 1, a highly favourable liquidity is demonstrated at reporting date and was prevalent during the course of the year hence a material interest income was recorded for the year.

- **Receivables** comprise of internal/staff debtors, Prepayments to a total balance of R 722 448. The prepayments are mainly short-term software subscriptions that are systematically expensed over the period of licence validity and/or within which the software is available for use by the CGE. The licences cover applications such as legal library, Financial Management and Human Resources Administration system.
- **Inventory** for an amount of R 78 704 relates to consumables and stationery at the end of the quarter.

Non-Current Assets.

Property, plant & equipment and intangible assets are stated at carrying amounts of R8,8 million compared to the amount of R7.7 million in the prior year. During the reporting period, the Commission purchased assets of capital nature to a total amount of R2,9 million, the biggest of which was for an investment for the replacement of motor vehicles at R1,1 million as well as an acquisition of leased assets to a total amount of R1 million. The latter acquisitions were from a finance lease for telephony and copy machines.

Total Liabilities

The Commission's liabilities were 95% current at a total of R10.5 million compared to prior year balance of R10 million. The liabilities are mainly payable for non-exchange transactions relating to employee costs whilst the Exchange creditors' balances were R 3,116 million (2019; R 3.553 million). The Commission's payables are mainly aged current to 30 days, indicating an effective compliance to the government policy which encourages shorter payment lead times to service providers.

Administrative activities

The Public Finance Management Act (PFMA) states as its object; being to secure transparency, accountability, and sound management of the revenue, expenditure, assets and liabilities of the institutions. The Act further promotes the Value-for-Money (VFM) principles by outlining numerous and specific provisions to be followed to achieve effective and efficient use of resources through financial management systems. To give effect to Act, National Treasury Regulations were promulgated and are ordinarily supported by guidelines, instructions notes and memoranda to ensure certainty of rules and regulations, seeking to realise the objectives of the Act.

It is therefore that the policies and standard operating procedures of the Commission are designed for effective performance whilst in parallel are ensured to be in compliance with the above-mentioned prescripts. Withing this regulated environment, the finance department continued over the period under review, continued setting up improvements to systems of internal controls that are able to detect and avoid incurrence of irregular, fruitless & wasteful expenditure, amongst others. Furthermore, in order to enhance performance and support the strategy of the Commission, efforts to realise an efficient and effective management of Revenues, Expenditure, Assets and Liabilities were undertaken. In part and chief amongst many, the management of the CGE in this period successfully undertook and implemented actions planned to resolve or address the weakness which previously reported in the regularity audit conducted by the Auditor General of South Africa (AGSA).

Risk Management

The Commission recognises that risk management is an integral part to good corporate governance. To this end, the Commission has established a Risk Management Committee to monitor the implementation of Risk Management in a systematic and regular manner, ensuring the Commission achieves its objectives. Risk management also underpins an organisation-wide strategic and operational management philosophy in that risk management is integrated to business activities undertaken at all levels of the organisation; from planning through to execution as well as oversight and control.

The Commission's Risk Management framework governs the manner in which risk is identified, assessed and treated to mitigate any potential or probable adverse impact to the performance of the organisation. The responsibility to manage risk is assigned to the Accounting Officer, Executive management and all employees of the Commission, ensuring that risk management is embedded from the strategic level to the day to day activities of the CGE. The Commissioners and Executive/Senior management oversee the management of strategic risks and in the same token, the roles cascades and integrated to the operational levels in the delivery of organisational goals .

The Commission follows a structured approach to identify, evaluate, and manage opportunities, threats and uncertainty affecting the achievement of the organisational objectives. For the financial period under review, the Commission engaged in a risk identification process whereupon a Risk Register and response plans of action were devised. The implementation of these plans is monitored by the audit Committee and other strategic oversight structures of the Commission.



A summary of a Risk Status Report is rendered below, indicating the key risks as well as their respective risk ratings and the response strategies undertaken by management to address the residual impact, within the prevailing operating control environment.

Risk	Risk Description	Risk Rating	Response plan
Different understanding of the CGE mandate	Perceptions and interpretation of the CGE Mandate internally and externally might not be in a manner conducive for meaningful exercise and/or realisation of the section 9 rights to substantive equality	Moderate	Through proper induction and education programme to Staff and Commissioners, the CGE should have One voice for media and other engagements with stakeholders.
Reputational Risk	Potential failure to exercise the legal powers and perform functions without fear or favour in accordance with section 181 of the Constitution	Moderate	Training on Human Rights, organisational culture development, improved stakeholder engagements to ensure that both internally and externally, the culture of Human Rights is upheld.
Sustainability Risk	The available funding is inadequate for an effective delivery of the Constitutional Mandate	High	Review and optimisation of the operating model, collaboration and sourcing for funding from extra-budgetary allocations
Discontinuous Change, displacement of current channels of service delivery as well as effective management of the institution due to COVID-19	The COVID-19 impact on existing operating processes has created a "new normal", requiring innovative adjustments to how business is carried out to deliver the mandate in an effective manner, despite the constraints.	High	<ul style="list-style-type: none"> Continuous improvement and embracing new technologies and platforms (Digitisation, IoT) Change Management, innovation and organisational development Business Model Review

Risk	Risk Description	Risk Rating	Response plan
Adaptation to existing and evolving technology	Rapid changes to technology. Skills, awareness, attitude to embrace technology.	High	A renewed information and technology strategy, responsive to the changes in the macro-environment
Dilution of the mandate	Possible amalgamation of the Constitutional institution creates a significant uncertainty around the commitment to gender equality	Moderate	An effective stakeholder management strategy
Dependency on other stakeholders to deliver on the mandate	Apart from collaborations, co-operation by external stakeholders such as government department is critical for an effective intervention by the CGE on matters relating to gender equality such as gender-mainstreaming	High	Improved Stakeholder Management as well as efforts to secure adequate financial and other resources to ensure internal capabilities and effective core-competences.
Human capital risk	The ability to attract and retain top talent remain the most critical success factor for the Commission. Innovative and properly resourced plans are necessary to build on the human capital as a critical asset for an effective institutional performance.	High	Implementation of the Human Resources strategy must be a centralise focus in the immediate term.
Lack of an effective management of information resources and knowledge Management	Information and knowledge is catalytically at the centre of the CGE mandate and must as such be effectively collected, harnessed and disseminated in accordance with the legal mandate and/or improve performance.	High	Develop effective information and Knowledge Management strategies and support systems, including automation thereto.



REPORT OF THE AUDIT COMMITTEE

11. REPORT OF THE AUDIT COMMITTEE ON THE COMMISSION FOR GENDER EQUALITY

We are pleased to present the Audit Committee report for the financial year ended 31 March 2020.

11.1. Audit Committee members and attendance

The Audit Committee for the year under review comprised three external members and one internal member. The members of the Audit Committee are listed hereunder. The Audit Committee is required to meet at least four times a year according to its approved terms of reference (TOR). During the current year, the committee held Six (6) meetings.

Name of Member	Designation	Number of meetings attended
Mr. M.G Nthakheni	Chairperson (External)	6
Ms. S . Setati	Member (External)	6
Vacant *	Member (External)	-

* the position has been vacant for the whole financial year.

11.2. Audit committee responsibility

We report that we have complied with its responsibilities emanate from Sections 38 (1) (a) and 77 of the Public Finance Management Act No. 1 of 1999 and Treasury Regulation 3.1. We also report that we have adopted appropriate formal Terms of Reference. We report that the affairs of the Committee were conducted in compliance with the Terms of Reference referred to above.

11.3. Effectiveness of internal control

The Commission has designed a system of internal control to provide cost-effective assurance that its goals will be achieved economically, effectively, and efficiently.

In line with the PFMA, the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and the requirements of the King III Report on Corporate Governance, Internal Audit provided the Audit Committee and management with assurance as to whether internal controls are appropriate and effective .



Shortcomings were identified by Internal Audit during the financial year and, management has put commitments and addressed them through implementation of management audit action plan. Several deficiencies in the system of internal control were reported by Internal Audit and the Auditor General of South Africa. In most areas, the matters reported previously have been addressed. Despite this, nothing significant and/or material has been brought to our attention to indicate a total breakdown in the functioning of these controls as of 31 March 2020.

Accordingly, with the exception of the reported deficiencies and deviations, we can report that we are satisfied with the key control implemented over financial and performance management reporting for the period under review.

11.4. Internal Audit

The Audit Committee reviewed the internal audit quarterly reports to ensure that internal audit activities were conducted in terms of the approved risk based annual and three-year rolling plan. Internal audit has discharged its responsibilities in terms of approved charter and executed the plan accordingly. The Audit Committee still registering its concerns with Management regarding the adequacy of human resources within the Internal Audit function. Management continuously appointing additional internal auditors at entry level on to augment existing capacity to ensure that plans are implemented as approved.

Management has further committed to consider other sourcing arrangements when deem necessary to ensure that the work of Internal Audit complies with the requirements of the Standards for Professional Practice of Internal Audit.

11.5. Risk Management

Management is responsible for proactively identifying, evaluating, managing, and monitoring all significant risks faced by the Commission. The Commission has developed a comprehensive risk management policy with a view to safeguarding its staff, assets, corporate credibility, and reputation.

During the period under review the Audit Committee has made various recommendations to management regarding areas of improvement in the management of the risk management processes. Risk maturity level is gradually improving as various improvements have been seen during the year under review in the identification, monitoring and management of risk facing the Commission.

11.6. In-Year Management and Quarterly Report

The Audit Committee has reviewed the content and quality of the quarterly financial and performance reports prepared and issued by the Commission during the year under review, in compliance with the statutory reporting framework. The Committee has noted continuous improvement in the quality of quarterly financial and performance reports submitted by management for review over time.

11.7. Evaluation of Annual Financial Statements

The Audit Committee has reviewed and discussed financial statements and performance information for 2019/2020 financial year with management and dully recommended them for approval. We have also reviews the Commission's compliance with legal and regulatory requirements and satisfied with the outcome.

11.8. Auditor General's Report

The Committee has reviewed the Commission's implementation plan for audit issues raised in the prior year. We have noted some issues that have identified by the Auditor General in the previous year have not been fully addressed for various reasons which management have stated. Management has made further commitment to address shortcomings noted and we are satisfied that if those commitments can be implemented accordingly, risk will be properly mitigated.

The Committee has reviewed the Auditor General's management and audit reports and concurs with their conclusion.

In accordance, the Audit Committee concurs and accepts the conclusions of the Auditor General of South Africa on the annual financial statements and pre-determines objectives and is of the opinion that the audited financial statements and performance information be accepted and read with the report of the Auditor General.

We would like to express our appreciation to the Commissioners, Accounting Officer, Management, and to Internal Audit for their commitment and achievement of unqualified audit opinion.



Mr. MG Nthakheni

Chairperson of the Audit Committee
02 October 2020



REPORT OF THE AUDITOR-GENERAL SOUTH AFRICA

AUDITOR GENERAL'S REPORT

Report of the auditor-general to Parliament on the Commission for Gender Equality

Report on the audit of the financial statements

Opinion

1. I have audited the financial statements of the Commission for Gender Equality set out on pages 164 to 196, which comprise the statement of financial position as at 31 March 2020, the statement of financial performance, statement of changes in net assets, cash flow statement and the statement of comparison of budget and actual amounts for the year then ended, as well as the notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Commission for Gender Equality as at 31 March 2020, and its financial performance and cash flows for the year then ended in accordance with the Standards of Generally Recognised Accounting Practice (Standards of GRAP) and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).

Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's responsibilities for the audit of the financial statements section of this auditor's report.
4. I am independent of the constitutional institution in accordance with sections 290 and 291 of the Code of ethics for professional accountants and parts 1 and 3 of the International Code of Ethics for Professional Accountants (including International Independence Standards) of the International Ethics Standards Board for Accountants (IESBA codes) as well as the ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA codes.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.



Responsibilities of accounting officer for the financial statements

6. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with Standards of GRAP and the requirements of the PFMA, and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
7. In preparing the financial statements, the accounting officer is responsible for assessing the constitutional institutions' ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the constitutional institution or to cease operations, or has no realistic alternative but to do so.

Auditor-general's responsibilities for the audit of the financial statements

8. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
9. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

Report on the audit of the annual performance report

Introduction and scope

10. In accordance with the Public Audit Act of South Africa 2004 (Act No. 25 of 2004) (PAA) and the general notice issued in terms thereof, I have a responsibility to report on the usefulness and reliability of the reported performance information against predetermined objectives for selected strategic objectives presented in the annual performance report. I performed procedures to identify material findings but not to gather evidence to express assurance.



11. My procedures address the usefulness and reliability of the reported performance information, which must be based on the approved performance planning documents of the constitutional institution. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures do not examine whether the actions taken by the constitutional institution enabled service delivery. My procedures also do not extend to any disclosures or assertions relating to planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.
12. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected strategic objective presented in the annual performance report of the constitutional institution for the year ended 31 March 2020:

Strategic objective	Pages in the annual performance report
Strategic objective 1: To advance an enabling legislative environment for gender equality	103-106

13. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.
14. I did not identify any material findings on the usefulness and reliability of the reported performance information for the strategic objective 1: To advance an enabling legislative environment for gender equality.



Other matters

15. I draw attention to the matters below.

Achievement of planned targets

16. Refer to the annual performance report on pages 103 to 114 for information on the achievement of planned targets for the year and explanations provided for the under and over achievement of a number of targets.

Adjustment of material misstatements

17. I identified material misstatements in the annual performance report submitted for auditing. These material misstatements were in the reported performance information of Strategic objective 1: To advance an enabling legislative environment for gender equality. As management subsequently corrected the misstatements, I did not raise any material findings on the usefulness and reliability of the reported performance information.

Report on the audit of compliance with legislation

Introduction and scope

18. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the constitutional institution's compliance with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.

19. The material findings on compliance with specific matters in key legislation are as follows:

Procurement and contract management

20. Bid documentation for procurement of commodities designated for local content and production, did not stipulate the minimum threshold for local production and content as required by the 2017 preferential procurement regulation 8(2).

Other information

21. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report. The other information does not include the financial statements, the auditor's report and the selected strategic objective presented in the annual performance report that has been specifically reported in this auditor's report.
22. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion thereon.
23. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected strategic objective presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.
24. If based on the work I have performed, I conclude that there is a material misstatement in this other information, I am required to report that fact. I have nothing to report in this regard.

Internal control deficiencies

25. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it. The matter reported below is limited to the significant internal control deficiency that resulted in the finding on compliance with legislation included in this report.
26. Insufficient oversight responsibility was exercised with regards to compliance and related internal controls, particularly in the areas of procurement planning and contract management.

Auditor - General

Pretoria
30 September, 2020



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence



Annexure – Auditor-general's responsibility for the audit

1. As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for selected strategic objective and on the constitutional institution's compliance with respect to the selected subject matters.

Financial statements

2. In addition to my responsibility for the audit of the financial statements as described in this auditor's report, I also:
 - identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control
 - obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the constitutional institution's internal control
 - evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the accounting officer.
 - conclude on the appropriateness of the accounting officer's use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the Commission for Gender Equality to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify my opinion on the financial statements.

My conclusions are based on the information available to me at the date of this auditor's report. However, future events or conditions may cause a constitutional institution to cease operating as a going concern evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the



financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

Communication with those charged with governance

3. I communicate with the accounting officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.
4. I also confirm to the accounting officer that I have complied with relevant ethical requirements regarding independence, and communicate all relationships and other matters that may reasonably be thought to have a bearing on my independence and, where applicable, actions taken to eliminate threats or safeguards applied.



ANNUAL FINANCIAL STATEMENTS



FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2020

General Information

Country of incorporation and domicile	South Africa
Business address	Women's Jail East Wing No 2 Kotze Street Constitutional Hill Braamfontein 2017
Bankers	First National Bank Parktown PO Box 31512 Bramfontein 2017
Auditors	Auditor-General of South Africa



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The reports and statements set out below comprise the financial statements presented to the provincial legislature:

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CGE	Commission for Gender Equality
GRAP	Generally Recognised Accounting Practice
IAS	International Accounting Standards
IPSAS	International Public Sector Accounting Standards



Accounting Officer's Responsibilities and Approval

The Accounting Officer is responsible for monitoring the preparation and the integrity of the financial statements and related information included in this annual report. In order for the accounting officer to discharge these responsibilities, as well as those bestowed on it in terms of the Public Finance Management Act, No. 1 of 1999 and other applicable legislation. In terms of the provisions of the PFMA, the Accounting Officer has developed and effectively maintained a system of internal controls during the year under review.

The accounting officer acknowledges that management is ultimately responsible for the system of internal financial controls established by the Commission for Gender Equality (hereinafter: CGE) and place considerable importance on maintaining a strong control environment. To enable the accounting officer to meet these responsibilities, the Commissioners set standards for internal control aimed at reducing the risk of error or loss in a cost-effective manner. These standards include the proper delegation of responsibilities within a clearly defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These controls are monitored throughout the CGE and all employees are required to maintain the highest ethical standards in ensuring the CGE's mandate is conducted in a manner that, in all reasonable circumstances, is above reproach. The focus of risk management is on identifying, assessing and monitoring all known forms of risk across the CGE.

While operating risk cannot be fully eliminated, the CGE endeavours to minimize it by ensuring that appropriate infrastructure, controls, systems and ethical behaviour are applied and managed within predetermined procedures and constraints. Monitoring of these controls includes a regular review of their operations by the accounting officer and independent oversight by an audit committee.

As part of the system of internal control, the internal audit function conducts operational, financial and specific audits and co-ordinates audit coverage with the Auditor-General. The Auditor-General South Africa (AGSA) is responsible for reporting on the financial statements.

The financial statements are prepared in accordance with South African Standards of Generally Recognised Accounting Practice (GRAP), including any interpretations, guidelines and directives issued by the Accounting Standards Board. They are based on appropriate accounting policies consistently applied and supported by reasonable and prudent judgment and estimates. The accounting officer believes that the CGE will continue to be a going concern in the foreseeable future due to the availability of funding from the National Treasury. For this reason, the accounting



officer continues to adopt the going concern basis in preparing the annual financial statements.

The accounting officer approved the annual financial statements for the year ended 31 March 2020 as set out on pages 164 to 196 on 31 September 2020 which were signed on its behalf by:

Marisa Van Niekerk

ACEO



Statement of Financial Position as at 31 March 2020

Amounts in Rand	Note(s)	2020	2019 Restated*
Assets			
Current Assets			
Inventories	2	78 704	231 127
Receivables from exchange transactions	3	771 915	1 026 232
Receivables from non-exchange transactions	4	88 710	122 618
Cash and cash equivalents	5	21 787 714	11 428 583
		22 727 043	12 808 560
Non-Current Assets			
Property, plant and equipment	6	8 395 597	7 191 488
Intangible assets	7	358 819	499 610
		8 754 416	7 691 098
Total Assets		31 481 459	20 499 658
Liabilities			
Current Liabilities			
Finance lease obligation	8	435 002	174 093
Payables from exchange transactions	9	5 803 215	6 507 986
Provisions	10	4 300 365	3 350 694
		10 538 582	10 032 773
Non-Current Liabilities			
Finance lease obligation	8	557 734	39 564
Total Liabilities		11 096 316	10 072 337
Net Assets		20 385 143	10 427 321
Accumulated surplus		20 385 143	10 427 321

Statement of Financial Performance for the year ended 31 March 2020

Amounts in Rand	Note(s)	2020	2019 Restated*
Revenue			
Revenue from exchange transactions			
Other income	11	1 105 112	822 767
Gain on disposal of assets		101 385	-
Total revenue from exchange transactions		1 206 497	822 767
Revenue from non-exchange transactions			
Public contributions and donations	12	200 721	343 704
Transfers from National Government		85 177 000	80 735 000
Total revenue from non-exchange transactions		85 377 721	81 078 704
Total revenue		86 584 218	81 901 471
Expenditure			
Employee related costs	14	(54 540 317)	(55 471 194)
Depreciation and amortisation		(1 723 787)	(1 569 022)
Finance costs		(34 031)	(22 450)
Debt Impairment		-	(10 287)
Loss on disposal of assets		-	(41 059)
Operating Expenses	13	(20 328 261)	(24 063 557)
Total expenditure		(76 626 396)	(81 177 569)
Surplus for the year		9 957 822	723 902



Statement of Changes in Net Assets for the year ended 31 March 2020

Amounts in Rand	Accumulated surplus
Balance at 01 April 2018	10 315 426
Changes in net assets	
Surplus for the year ending 31 March 2018	723 902
Funds Surrendered to National Treasury	(612 007)
Total changes	111 895
Opening balance as previously reported	10 488 913
Adjustments	
Correction of errors	(61 592)
Restated* Balance at 01 April 2019 as restated*	10 427 321
Changes in net assets	
Surplus for the year	9 957 822
Total changes	9 957 822
Balance at 31 March 2020	20 385 143

Cash Flow Statement for the year ended 31 March 2020

Amounts in Rand	Note(s)	2020	2019 Restated*
Cash flows from operating activities			
Receipts			
Grants		85 177 000	80 735 000
Interest Income		1 024 895	724 564
Debt Recoveries		7 146	-
Donor Income		-	226 224
Sundry Income		73 073	159 582
		86 282 114	81 845 370
Payments			
Personnel		(54 400 998)	(54 869 233)
Suppliers		(19 562 433)	(22 930 232)
		(73 963 431)	(77 799 465)
Net cash flows from operating activities	16	12 318 683	4 045 905
Cash flows from investing activities			
Purchase of property, plant and equipment	6	(1 578 378)	(1 402 127)
Proceeds from sale of property, plant and equipment	6	201 479	4 100
Purchase of other intangible assets	7	-	(118 717)
Net cash flows from investing activities		(1 376 899)	(1 516 744)
Cash flows from financing activities			
Finance lease Obligation		(582 653)	129 572
Net increase in cash and cash equivalents		10 359 131	2 658 733
Cash and cash equivalents at the beginning of the year		11 428 583	8 769 850
Cash and cash equivalents at the end of the year	5	21 787 714	11 428 583



Statement of Comparison of Budget and Actual Amounts for the year ended 31 March 2020

Budget on Accrual Basis				
Amounts in Rand	Approved and Final Budget	Actual amounts on comparable basis	Difference between final budget and actual	Reference
Statement of Financial Performance				
Revenue				
Revenue from exchange transactions				
Other income	-	1 105 112	1 105 112	Note 19
Revenue from non-exchange transactions				
Transfer revenue				
Public contributions and donations	-	200 721	200 721	Note 19
Transfers from National Government	85 177 000	85 177 000	-	Note 19
Total revenue from non-exchange transactions	85 177 000	85 377 721	200 721	
Total revenue	85 177 000	86 482 833	1 305 833	
Expenditure				
Personnel	(62 750 200)	(54 540 317)	8 209 883	Note 19
Depreciation and amortisation	-	(1 723 787)	(1 723 787)	Note 19
Finance costs	-	(34 031)	(34 031)	Note 19
Operating Expenses	(22 426 800)	(20 328 261)	2 098 539	Note 19
Total expenditure	(85 177 000)	(76 626 396)	8 550 604	
Operating surplus	-	9 856 437	9 856 437	
Gain on disposal of assets and liabilities	-	101 385	101 385	Note 19
Surplus for the year	-	9 957 822	9 957 822	



Accounting Policies

1. Presentation of Financial Statements

The financial statements have been prepared in accordance with the Standards of Generally Recognised Accounting Practice (GRAP), issued by the Accounting Standards Board in accordance with Section 122(3) of the Public Finance Management Act (Act 29 of 1999).

These financial statements have been prepared on an accrual basis of accounting and are in accordance with historical cost convention as the basis of measurement, unless specified otherwise.

Assets, liabilities, revenues and expenses were not offset, except where offsetting is either required or permitted by a Standard of GRAP.

A summary of the significant accounting policies, which have been consistently applied in the preparation of these financial statements, are disclosed below.

1.1 Presentation currency

These financial statements are presented in South African Rand, which is the functional currency of the entity. All financial information presented in South African Rand has been rounded to the nearest Rand, unless otherwise stated.

1.2 Reporting Entity

Background

The entity is an institution established in terms of Chapter Nine of the Constitution Act (Act No. 108 of 1996) of the Republic of South Africa, and is responsible for:

- The promotion for the respect of gender equality and
- Protection, development and attainment of gender equality. Its additional mandate is further provided for in the Commission on Gender Equality Act (Act No. 39 of 1996) as amended.

The primary objective of Chapter Nine institutions, including the CGE, is to strengthen constitutional democracy. The core business of the entity is: -

- To promote gender equality and
- To advise and make recommendations to Parliament and any other legislature with regard to any laws or proposed legislation that affects gender equality and the status of women.



For the purpose of reporting its activities as amongst others is contemplated in the Constitution of the Republic of South Africa, section 181 and the Public Finance Management Act of 1999;

1.3 Going concern assumption

These annual financial statements were prepared based on the expectation that the entity will continue to operate as a going concern for at least the next 12 months. The going concern basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

1.4 Significant judgements and sources of estimation uncertainty

The preparation of financial statements requires management to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets, liabilities, income and expenses. Actual results may differ from these estimates.

Estimated and underlying assumptions are reviewed on an on-going basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised and in any future periods affected. Information about significant areas of estimation, uncertainty and critical judgements in applying accounting policies that have the most significant effect on the amount recognised in the financial statements is given in the following notes:

Depreciation and amortisation

At the end of each financial year, management assesses whether there is any indication that the entity's expectations about the residual value and the useful life of assets included in the property, plant and equipment have changed since the preceding reporting date. If any such indication exists, the change has been accounted for as a change in accounting estimate in accordance with Standards of GRAP on Accounting Policies, Changes in Accounting Estimates and Errors. The amortisation period and the amortisation method for intangible assets are reviewed at each reporting date.

Impairment of non-cash generating assets

The entity assesses at each reporting date whether there is any indication that an asset may be impaired. If any such indication exists, the entity estimates the recoverable service amount for non-cash asset. In testing for, and determining the value-in-use of non-financial assets, management is required to rely on the use of estimates about the asset's ability to continue to generate cash flows (in the case of cash-generating assets). For non-cash-generating assets, estimates are made



regarding the depreciated replacement cost, restoration cost, or service units of the asset, depending on the nature of the impairment and the availability of information.

Provisions and contingent assets and liabilities

Provisions were raised based on management's estimate using the information available.

1.5 Revenue from exchange exchange transactions

Measurement

Revenue is measured at the fair value of the consideration received or receivable, net of trade discounts and volume rebates.

Interest

Interest is recognised in surplus or deficit using the effective interest rate method.

1.6 Revenue from non-exchange transactions

Revenue comprises gross inflows of economic benefits or service potential received and receivable by an entity.

Recognition

Revenue received from conditional grants, donations and funding are recognised as revenue to the extent that the entity has complied with any of the criteria, conditions or obligations embodied in the agreement. To the extent that the criteria, conditions or obligations have not been met, a liability is recognised.

Measurement

Revenue from a non-exchange transaction is measured at the amount of the increase in net assets recognised by the entity. When, because of a non-exchange transaction, the entity recognises an asset, it also recognises revenue equivalent to the amount of the asset measured at its fair value as at the date of acquisition, unless it is also required to recognise a liability.

Where a liability is required to be recognised it will be measured as the best estimate of the amount required to settle the obligation at the reporting date, and the amount of the increase in net assets, if any, recognised as revenue. When a liability is subsequently reduced, because a condition is satisfied, the amount of the reduction in the liability is recognised as revenue.



1.6 Revenue from non-exchange transactions (continued)

Gifts and donations, including goods and services in-kind

Gifts and donations, including services in kind, are recognised as assets and revenue when received.

Transfers

The entity recognises an asset in respect of transfers when the transferred resources meet the definition of an asset and satisfy the criteria for recognition as an asset.

1.7 Property, plant and equipment

Recognition and Measurement

At initial recognition an item of Property, Plant and Equipment is measured at cost. An asset acquired through a non-exchange is recognised at its fair value at a date of acquisition.

The cost of an item of Property, Plant and Equipment is recognised as an asset if, and only if, it is probable that future economic benefits or service potential associated with the item will flow to the entity, and if the cost or fair value of the item can be measured reliably. Property, plant and equipment comprise of computer equipment, furniture and fittings, office equipment and motor vehicles and are stated at historical costs less accumulated depreciation.

Cost includes expenditures that are directly attributable to the acquisition of the asset. Purchased software that is integral to the functionality of the related equipment is capitalised as part of that equipment.

When parts of item of property, plant and equipment have different useful lives, they are accounted for as separate components of property, plant and equipment and depreciated accordingly.

Repairs and maintenance

Maintenance and repairs, which neither materially add to the value of assets nor appreciably prolong their useful lives, are expensed during the financial year in which they are incurred.

Subsequent expenditures

Where the entity replaces parts of an asset, it derecognises the part of the asset being replaced and capitalises the new component. Subsequent expenditure including major spare parts and servicing equipment qualify as property, plant and equipment if the recognition criteria are met.



Depreciation

Depreciation is charged against the assets over the useful lives of an asset from the date the asset is available for use.

Depreciation is calculated on the depreciable amount, using the straight-line method over the estimated useful lives of the assets. Components of assets that are significant in relation to the whole asset and that have different useful lives are depreciated separately. The depreciable amount is determined after considering an assets' residual value, where applicable.

The assets' residual values, useful lives and depreciation methods are reviewed periodically and adjusted prospectively, if appropriate. The assets bought specifically for a project and intended for donation at the end of the project's life are depreciated over the life of the contract as the residual value at that point will be nil.

The useful lives of items of property, plant and equipment have been assessed as follows:

Item	Depreciation method	Average useful life
Office Furniture	Straight line	5-15 years
Motor vehicles	Straight line	7-15 years
Office equipment	Straight line	5-12 years
IT equipment	Straight line	5-12 years
Leased Assets	Straight line	2 years

De-recognition

Items of property, plant and equipment are derecognised when the asset is disposed of or when there are no further economic benefits or service potential expected from the use of the asset. The gain or loss arising on the disposal or retirement of an item of property, plant and equipment is determined as the difference between the sales proceeds and the carrying value and is recognised in Surplus or Deficit.

Impairment

The entity tests for impairment where there is an indication that an asset may be impaired. An assessment of whether there is an indication of possible impairment is done at each reporting date. Where the carrying amount of an item of property, plant and equipment is greater than the estimated recoverable service amount, it is written down immediately to its recoverable service amount and an impairment loss is charged to Surplus or Deficit.

Where items of property, plant and equipment have been impaired, the carrying value is adjusted by the impairment loss, which is recognised as an expense in Surplus or Deficit the period that the impairment is identified. An impairment is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined had no impairment been recognised. A reversal of the impairment is recognised in Surplus or Deficit.

1.8 Intangible assets

At initial recognition Intangible assets are measured at cost. An asset acquired through a non-exchange is recognised at its fair value at a date of acquisition.

Where an intangible asset is acquired in exchange for a non-monetary asset or monetary assets or a combination of monetary and non-monetary assets, the asset acquired is initially measured at fair value (the cost). If the acquired item's fair value is not determinable, it's deemed cost is the carrying amount of the asset(s) given up.

Intangible assets consist of computer software. Intangible assets are stated at cost less accumulated amortisation and any accumulated impairment losses. Purchased computer software and the direct costs associated with the customisation and installation thereof, are capitalised and amortised over estimated useful lives of the assets from the date that they are available for use.

The costs of generating internally generated intangible assets are classified into whether they arise from in a research or development phase. Research expenditure is recognised as an expense. Development expenditure that meets specified criteria is recognised as the cost of an intangible asset.

Amortisation

Each item is amortised over its useful life once it is available for use. Amortisation is charged so as to write off the cost or valuation of assets over their estimated useful lives, using the straight-line method.

The estimated useful lives, residual values, and amortisation method are reviewed at each year end, with the effect of any changes in estimate accounted for on a prospective basis.

Item	Depreciation method	Average useful life
Computer software	Straight line	5-9 years

Intangible assets are derecognised when the asset is disposed of or when there are no further economic benefits or service potential expected from the asset. The gain or loss arising on the disposal or retirement of an intangible asset is determined as the difference between the sales proceeds and the carrying value and is recognised in Surplus or Deficit.



1.9 Leases

Operating Lease- Lessee

Assets subject to operating leases are those wherein, substantially all the risks and rewards of ownership are not transferred to the lessee through the lease and are not recognised in the Statement of Financial Position.

The lease expense recognised for operating leases is charged to Surplus or Deficit on a straight-line basis over the term of the relevant lease. To the extent that the straight-lined lease payments differ from the actual lease payments the difference is recognised in Surplus or Deficit as either lease payments in advance (operating lease asset) or lease payments payable (operating lease liability) as the case may be. This resulting asset and / or liability is measured as the undiscounted difference between the straight-line lease payments and the contractual lease payments.

Finance leases - lessee

Finance leases are recognised as assets and liabilities in the statement of financial position at amounts equal to the fair value of the leased property or, if lower, the present value of the minimum lease payments. The corresponding liability to the lessor is included in the statement of financial position as a finance lease obligation. The discount rate used in calculating the present value of the minimum lease payments is the incremental borrowing rate.

Minimum lease payments are apportioned between the finance charge and reduction of the outstanding liability. The finance charge is allocated to each period during the lease term so as to produce a constant periodic rate on the remaining balance of the liability.

1.10 Employee benefits

Short-term employee benefits

Short term employee benefits encompass all those benefits that become payable in the short term, i.e. within a financial year or within 12 months after the financial year. Therefore, short term employee benefits include remuneration, compensated absences and bonuses.

Short term employee benefits are recognised in Surplus or Deficit as services are rendered, except for non-accumulating benefits, which are recognised when the specific event occurs. These short-term employee benefits are measured at their undiscounted costs in the period the employee renders the related service, or the specific event occurs. Short-term employee benefits including annual leave are measured on an undiscounted basis and are expensed as the related service is provided. A provision is recognised for the amount expected to be paid under short-term cash plans if the entity has a present legal or constructive obligation to pay this amount as a result of past service provided by employee and the obligation can be estimated reliably.

Defined contribution plans

Contributions made towards the fund are recognised as an expense in Surplus or Deficit in the period that such contributions become payable. This contribution expense is measured at the undiscounted amount of the contribution paid or payable to the fund. A liability is recognised to the extent that any of the contributions have not yet been paid. Conversely an asset is recognised to the extent that any contributions have been paid in advance.

Termination Benefits

Termination benefits are recognised as an expense when the entity is committed, without realistic possibility of withdrawal, to a formal detailed plan to terminate employment before the normal retirement date. Termination benefits for voluntary redundancies are recognised if the entity has made an offer encouraging voluntary redundancy, it is probable that the offer will be accepted, and the number of acceptances can be estimated reliably.

1.11 Financial instruments Initial recognition

Financial instruments are recognised initially when entity becomes a party to the contractual provisions of the instruments. Financial instruments or their component part are classified on initial recognition as a financial asset, a financial liability or an equity instrument in accordance with the substance of the contractual arrangement. Financial Instruments are recognised using trade date accounting.

Measurement

Financial instruments are measured initially at its fair value plus, in the case of a financial asset or a financial liability at amortised cost, transaction costs that are directly attributable to the acquisition or issue of the financial asset or financial liability. The entity measures all financial assets and financial liabilities after initial recognition using the amortised cost. All financial assets measured at amortised cost are subject to an impairment review.

Financial assets

The entity's principle financial assets are accounts receivable and cash and cash equivalents, which are classified as financial instruments at amortised cost.

Receivables

Receivables are initially recognised at fair value plus transaction costs that are directly attributable to the acquisition and subsequently stated at amortised cost, less provision for impairment. All receivables are assessed at least annually for possible impairment. Impairments of receivables are determined in accordance with the accounting policy for impairments. Impairment adjustments are made through the use of an allowance account.

Bad debts are written off in the year in which they are identified as irrecoverable. Amounts receivable within 12 months from the reporting date is classified as current.

**Cash and cash equivalents**

Cash and cash equivalents are measured at amortised cost. Cash includes cash on hand and cash with banks. Cash equivalents are short-term highly liquid investments that are held with registered banking institutions with maturities of three months or less and are subject to an insignificant risk of change in value.

For the purposes of the Cash Flow Statement, cash and cash equivalents comprise cash on hand and deposits held on call with banks.

Financial liabilities

All financial liabilities are measured at amortised cost, comprising original debt less principle payments and amortisation. The entity's principle financial liabilities are accounts payable.

Payables from exchange transactions

Trade payables are initially measured at fair value plus transaction costs that are directly attributable to the acquisition and are subsequently measured at amortised cost using the effective interest rate method.

Derecognition**Financial assets**

The entity derecognises a financial asset (or where applicable part thereof) only when:

The right to receive cash flows from the asset have expired;

The entity retains the right to receive cash flows from the asset, but has assumed an obligation to pay them in full without material delay to a third party under a 'pass through arrangement'; or

The entity has transferred its rights to receive cash flows from the asset and either

- Has transferred substantially all the risks and rewards of the asset or,
- Has neither transferred nor retained substantially all the risks and rewards of the asset but has transferred control of the asset.

Financial liabilities

A financial liability is derecognised when the obligation under the liability is discharged or cancelled or expires.

Where an existing financial liability is replaced by another from the same customer on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as a de-recognition of the original liability, and the difference in the respective carrying amounts is recognised in the surplus or deficit for the year.



1.12 Contingent Assets and Liabilities

Contingent assets and liabilities are not recognised and an estimate of the financial impact is only disclosed in the notes.

1.13 Commitments

Items are classified as commitments when an entity has committed itself to future transactions that will normally result in the outflow of cash. Disclosures are required in respect of unrecognised contractual commitments.

1.14 Irregular expenditure

Irregular expenditure as defined in section 1 of the PFMA is expenditure other than unauthorised expenditure, incurred in contravention of or that is not in accordance with a requirement of any applicable legislation, including this Act. Irregular expenditure is recognised as an expense in the Statement of Financial Performance in the year that the expenditure was incurred. The expenditure is classified in accordance with the nature of the expense. If liability as a result of losses incurred in relation to irregular expenditure can be attributed to a person, a debt account must be created if such a person is liable in law.

1.15 Fruitless and wasteful expenditure

Fruitless and wasteful expenditure means expenditure which was made in vain and would have been avoided had reasonable care been exercised. Fruitless and wasteful expenditure is recognised as an expense in the Statement of Financial Performance in the year that the expenditure was incurred. The expenditure is classified in accordance with the nature of the expense.

If liability as a result of losses incurred in relation to fruitless and wasteful expenditure can be attributed to a person, a debt account must be created if such a person is liable in law

1.16 Related parties

Parties are considered to be related if one party has the ability to control the other party or to exercise significant influence or join the party in making financial and operating decisions. Entities in the National Sphere of government are considered related parties of the entity by virtue of the common control through Parliament.

Key management is defined as being individuals with the authority and responsibility for planning, directing and controlling activities of the entity. All individuals from Management up to the Commissioners are key management individuals in their dealings with the entity.



Other related party transactions are also disclosed in terms of the requirements of the Standard. The objective of the standard and financial statement is to provide relevant and reliable information and therefore materiality is considered in the disclosure of these transactions.

1.17 Events after reporting date

The entity will adjust the amounts recognised in the financial statements to reflect adjusting events after the reporting date once the event occurred.

The entity will disclose the nature of the event and an estimate its financial effect or a statement that such estimate cannot be made in respect of all material non-adjusting events, where non-disclosure could influence the economic decisions of users taken on the basis of the financial statements.

1.18 Inventories

Inventories comprise current assets for consumption or distribution during the ordinary course of business. Inventories are initially measured at cost except where inventories are acquired through a non-exchange transaction, then their costs are their fair value as at the date of acquisition. Cost generally refers to the purchase price, plus taxes, transport costs and any other costs incurred in bringing the inventories to their current location and condition.

The cost of inventories is assigned using the weighted average cost formula. The same cost formula is used for all inventories having a similar nature and use. Inventory is presented at the lower of cost or current replacement cost.

1.19 Budget information

The approved budget is prepared on a accrual basis and presented by economic classification linked to performance outcome objectives. Due to the CGE's operations, the following income and expense items are not budgeted for:

Depreciation and Amortisation;
Interest income.

The approved budget covers the fiscal period from 2019/04/01 to 2020/03/31.

The financial statements and the budget are on the same basis of accounting therefore a comparison with the budgeted amounts for the reporting period have been included in the Statement of comparison of budget and actual amounts.



1.20 Standards and guidelines approved not yet effective

The CGE has not applied the following standards and interpretations, which have been published and are mandatory for the entity's accounting periods beginning on or after 01 April 2020 or later periods:

Standards/Interpretation	Effective Date	Expected Impact
GRAP 104 (amended): Financial Instruments	No effective date	It is expected that there will be a significant impact on the impairment of financial assets.
Guideline on the application of Materiality to Financial Statements	No effective date	It is expected that there will be a significant impact on the assessment of material transaction and balances.



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020	2019
2. Inventories		
Consumable stores	78 704	231 127
3. Receivables from exchange transactions		
Software Subscriptions	450 608	741 488
GCIS Media Slots Prepaid	256 840	-
Deposits and Rental paid in advance	15 000	-
Water and lights prepaid	-	284 744
InsuranceDebtors	49 467	-
	771 915	1 026 232
Trade and other receivables past due but not impaired		
Trade and other receivables which are less than 3 months past due are not considered to be impaired. All receivables were less than 30 days due as at 31 March 2020.		
4. Receivables from non-exchange transactions		
Staff debtors	91 851	127 667
Cash Advance	-	5 238
Provision for doubtful debts	(3 141)	(10 287)
	88 710	122 618
Receivables from non-exchange transactions past due but not impaired		
Other receivables from non-exchange transactions which are less than 3 months past due are not considered to be impaired. At 31 March 2020, R 68 800 (2019: R 3 500) were past due but not impaired since the related debt is collectible on a monthly basis and its collectibility is considered secured.		
The ageing of amounts past due but not impaired is as follows:		
3 months past due	68 800	3 500
5. Cash and cash equivalents		
Cash and cash equivalents consist of:		
Cash on hand	11 878	14 488
Bank balances	21 775 836	11 414 095
	21 787 714	11 428 583



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020	2019
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6. Property, plant and equipment

	2020			2019		
	Cost / Valuation	Accumulated depreciation and accumulated impairment	Carrying value	Cost / Valuation	Accumulated depreciation and accumulated impairment	Carrying value
Office Furniture	3 758 035	(2 333 439)	1 424 596	3 314 375	(1 965 055)	1 349 320
Motor vehicles	7 703 679	(3 003 347)	4 700 332	7 124 212	(3 125 107)	3 999 105
Office equipment	1 051 618	(516 862)	534 756	781 049	(360 298)	420 751
IT equipment	4 328 900	(3 537 851)	791 049	4 349 692	(3 134 392)	1 215 300
Leased Assets	1 212 031	(267 167)	944 864	355 582	(148 570)	207 012
Total	18 054 263	(9 658 666)	8 395 597	15 924 910	(8 733 422)	7 191 488

Reconciliation of property, plant and equipment- 2020

	Opening balance	Additions	Disposals	Depreciation	Total
Office Furniture	1 349 320	443 660	-	(368 384)	1 424 596
Motor vehicles	3 999 105	1 121 305	(41 438)	(378 640)	4 700 332
Office equipment	420 751	280 117	(5 403)	(160 709)	534 756
IT equipment	1 215 300	98 600	(34 596)	(488 255)	791 049
Leased Assets	207 012	985 172	(10 728)	(236 592)	944 864
	7 191 488	2 928 854	(92 165)	(1 632 580)	8 395 597

Reconciliation of property, plant and equipment - 2019

	Opening balance	Additions	Disposals	Depreciation	Total
Office Furniture	1 453 868	260 127	(30 003)	(334 672)	1 349 320
Motor vehicles	3 501 000	502 249	-	(4 144)	3 999 105
Office equipment	319 928	249 324	(8 351)	(140 150)	420 751
IT equipment	1 981 663	104 440	(6 803)	(864 000)	1 215 300
Leased Assets	60 896	285 987	-	(139 871)	207 012
	7 317 355	1 402 127	(45 157)	(1 482 837)	7 191 488

Assets subject to finance lease (Net carrying amount)

Leased Assets	944 864	207 012
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Change in Accounting Estimates

Included in depreciation for 2019/2020 financial year is an effect of a change in estimate of R 754 475 arising from management's decision to change the useful lives of motor vehicles in terms of GRAP 17 from 7 to 15 years. The change is as a result of past experience in terms of utilisation of fleet which has been seen to be at measurably lower rate. The change will result in a decrease of depreciation in current period for Motor Vehicles and the corresponding increase in depreciation for future periods by R 754 475.

On 1 April 2019, management also reviewed the useful lives of assets in the Office Equipment, Office Furniture and Computer Equipment categories. Following this review, management concluded to extend the useful lives of the assets by an average duration of 15 months. The change will result in a decrease for the current period of R14 647 with a corresponding increase in the future periods.



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020	2019
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7. Intangible assets

	2020			2019		
	Cost / Valuation	Accumulated amortisation and accumulated impairment	Carrying value	Cost / Valuation	Accumulated amortisation and accumulated impairment	Carrying value
Computer software	593 742	(265 544)	328 198	606 453	(269 608)	336 845
Intangible assets under development	30 621	-	30 621	162 765	-	162 765
Total	624 363	(265 544)	358 819	769 218	(269 608)	499 610

Reconciliation of intangible assets - 2020

	Opening balance	Transfers	Derecognition	Amortisation	Total
Computer software	336 845	132 144	(49 583)	(91 208)	328 198
Intangible assets under development	162 765	(132 144)	-	-	30 621
	499 610	-	(49 583)	(91 208)	358 819

Reconciliation of intangible assets - 2019

	Opening balance	Additions	Amortisation	Total
Computer software	423 030	-	(86 185)	336 845
Intangible assets under development	44 048	118 717	-	162 765
	467 078	118 717	(86 185)	499 610

Intangible assets in the process of being constructed or developed

Cumulative expenditure recognised in the carrying value of Intangible assets		
Intangible assets under development.	30 621	118 717

The expenditure incurred relates to the development of the case management system as well as the Human Resource Performance Management System. In the current financial year, the case management system was fully capitalised at a cost of R 132 144 (Inclusive of further expenditure that was incurred in the current year). The Human Resources Management System is envisaged to go live in 2020/2021 period.



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020	2019
8. Finance lease obligation		
Minimum lease payments due		
- within one year	510 827	187 265
- in second to fifth year inclusive	607 509	40 486
	1 118 336	227 751
less: future finance charges	(125 613)	(14 094)
Present value of minimum lease payments	992 723	213 657
Present value of minimum lease payments due		
- within one year	435 061	174 092
- in second to fifth year inclusive	557 662	39 565
	992 723	213 657
Non-current liabilities	557 734	39 564
Current liabilities	435 002	174 093
	992 736	213 657

These leases are imputed at relevant prime lending rate of 9.75% and 10%. The leases relates to cellphone and telephone system contracts procured under National Treasury Transversal contracts for a period of two years. Depreciation on usage of the assets is allocated over 24 months lease period. Also included in the note is the lease of multifunctional printing equipment with a lease period of 48 months.

The obligations under finance leases are secured by the lessor's charge over the leased assets.

9. Payables from exchange transactions

Trade payables	2 641 907	2 786 285
Leave Accrual	2 169 377	2 333 389
Annual Bonus 13th Cheque	518 420	621 438
Accrued expenses	473 511	766 874
	5 803 215	6 507 986

10. Provisions

Reconciliation of provisions - 2020

	Opening Balance	Additions	Utilised during the year	Reversed during the year	Total
Performance Bonus	2 860 480	3 137 510	(2 834 185)	(26 295)	3 137 510
Provision for Salary Increases	490 214	672 641	-	-	1 162 855
	3 350 694	3 810 151	(2 834 185)	(26 295)	4 300 365

Reconciliation of provisions - 2019

	Opening Balance	Additions	Utilised during the year	Reversed during the year	Total
Performance Bonus	2 671 032	2 860 480	(2 711 540)	40 508	2 860 480
Provision for Salary Increases	511 665	490 214	(511 665)	-	490 214
	3 182 697	3 350 694	(3 223 205)	40 508	3 350 694



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020	2019
10. Provisions (continued)		
<p>The performance bonus is payable to staff and management in terms of the Performance Management and Development Policy of the Commission. The performance bonus is payable within the ensuing 12 months' period after the reporting date and is determined on the basis of an objective assessment of individual staff member's performance during the period. The provision is estimated to the current figures subject to the finalisation of the assessment as referred above. Furthermore, in terms of the internal policies, performance bonus is payable subject to a strict condition that the financial position of the Commission permits, and such payment would be relative to the financial performance objectives of the Commission for a given period.</p> <p>The provision for salary increases relates to salaries adjustments of the Commissioners pending directive from Presidency. The provision covers expected payments that would be made to Commissioners for services already rendered where the pronouncement on salary increases had not been issued by the Presidency.</p>		
11. Other income		
Interest Received	1 024 893	724 564
Sundry Income	80 219	98 203
	1 105 112	822 767
12. Public contributions and donations		
Donations in Kind	200 721	1 17 480
Donation in Cash	-	226 224
	200 721	343 704
13. Operating expenses		
Advertising	154 227	139 641
Auditor-General remuneration	2 469 528	2 614 760
Bank charges	51 239	64 233
Office Cleaning, Maintenance, Plants and Security	1 663 103	1 581 045
Consulting and professional fees	482 036	937 731
Courier Services	225 216	158 910
Conferences and seminars	2 057 646	1 518 918
Legal Fees	927 506	1 532 011
Computer Servicing, IT and Website	1 920 575	1 926 593
Printing and stationery	339 432	384 839
Repairs and maintenance	91 925	62 849
Software expenses	338 445	185 250
Subscriptions and membership fees	274 172	211 457
Telecommunication Expenses	490 840	1 410 926
Travel - local	3 458 238	4 815 190
Travel - overseas	1 182 517	1 048 154
Report Writing, Printing and Publishing	2 168 162	3 103 828
Staff Training and Development	509 804	447 564
Operating lease expenses	576 231	795 064
Other office running costs	732 409	881 825
Office Consumables and Refreshments	215 010	242 769
	20 328 261	24 063 557

**Notes to the Financial Statements for the year ended 31 March 2020**

Amounts in Rand	2020	2019
14. Employee related costs		
Basic	41 191 094	40 879 853
Medical aid - Employer contributions	402 047	369 511
Unemployment Insurance Fund	160 600	171 847
Performance Bonus	3 137 510	2 860 000
Leave pay provision charge	375 840	843 416
Provident Fund - Employer Contributions	5 142 206	5 050 052
Workers Compensation Assistance	107 893	133 774
Overtime payments	537 951	424 557
13th Cheque	2 074 292	2 572 826
Allowances	932 287	1 676 721
Employer Contributions - Other	478 597	488 637
	54 540 317	55 471 194

15. Related parties**Relationships**

Public Sector Departments and Entities

Telkom South Africa LTD
 Department of Women, Youth and Persons with Disability
 National Department of Public Works
 Government Printing Works
 Government Communication and Information System
 South African School of Government
 South African Broadcasting Corporation
 South African Revenue Services
 Unemployment Insurance Fund
 Education, Training and Education Practices SETA
 Auditor-General South Africa
 South African National Roads Agency Limited

The CGE is a schedule 1 Constitutional Institution in terms of the Public Finance Management Act (Act 1 of 1999 as amended). Although the CGE is an independent institution, created under chapter 9 of the Constitution of the Republic of South Africa, the CGE has defined relationships with other entities that fall within the national sphere of government.

Unless specifically disclosed, the transactions between the CGE and these entities are concluded on an arm's length basis. There are no restrictions in the CGE's capacity to transact with any entity. Listed above are public sector entities which the Commission transacted with during the reporting period.

Related party transactions**Services in Kind**

South African Broad Casting Corporation- Free airtime radio promotions. 200 721 117 480

The Commission as part of its mandate develops, conducts and manage public education and information programmes. In order to achieve this objective, the Memorandum of Understanding was entered with the SABC where the commission was provided with radio promotions at no cost. These are mainly to promote the Commission's Human Rights Campaigns. The value of those radio slots received at year end amounts to R 200 721



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020	2019
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15. Related parties (continued)

Key management information

Class	Description	Number
Non-executive board members	Part-time Commissioners	5
Executive board members	Chairperson and Full-Time Commissioners	7
Executive management	CEO and Heads of Departments	5

Remuneration of management

Commissioners

2020

Name	Basic Salary	13th Cheque	Allowances	Employer Contributions	Total
D.G. Mothupi - 5 year contract commencing 1 August 2019	169 215	-	35 766	2 714	207 695
M.A. Botha - From 1 August 2019	497 245	28 089	-	48 509	573 843
N. Maphazi - Contract Ended 31 May 2019	226 285	-	11 723	13 171	251 179
N.G. Mazibuko - 5 year contract commencing 1 August 2019	219 023	-	3 453	3 394	225 870
W. Mgoqi - Contract ended 31 May 2019	177 715	20 625	14 315	2 380	215 035
P.L.F. Nzimande - Contract ended 31 May 2019	79 987	-	840	949	81 776
P.S. Sobahle - Contract ended 31 May 2019	223 013	22 471	8 360	2 945	256 789
T.E. Mathebula - Chairperson	1 109 646	-	538	12 881	1 123 065
S.D. Rakolote	63 926	-	1 240	1 154	66 320
N.M. Moleko - Deputy Chairperson	847 679	-	4 242	76 108	928 029
N.S. Mogale	139 812	-	5 847	1 997	147 656
O. Ngoma - Diseko - 5 year contract commencing 1 August 2019	584 254	-	-	7 032	591 286
T. Mofokeng - 5 year contract commencing 1 August 2019	474 414	-	24 513	42 595	541 522
J. Smout - Resigned 31 January 2020	430 640	-	4 274	26 232	461 146
B. Deyi - 5 year contract commencing 1 August 2019	217 500	-	-	3 067	220 567
O.L. Ntuli-Tloubatla - 5 year contract commencing 1 August 2019	523 078	-	10 451	48 503	582 032
	5 983 432	71 185	125 562	293 631	6 473 810



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020	2019
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15. Related parties (continued)

2019

	Basic Salary	13th Cheque	Allowances	Employer Contributions	Total
Name					
LH Bata - Contract Ended 31 December 2018	774 419	-	103 139	55 956	933 514
MA Botha - Contract Ended 31 December 2018	630 569	60 658	2 800	54 628	748 655
N Maphazi	779 693	26 880	72 000	74 826	953 399
NG Mazibuko - Contract Ended 31 December 2018	295 638	-	1 400	4 295	301 333
W Mgoqi	789 365	59 825	79 503	10 861	939 554
T Mpumlwana	8 183	-	-	-	8 183
L. Nare - Contract Ended 31 December 2018	843 234	72 536	2 800	69 177	987 747
PLF Nzimande	419 634	-	27 818	5 933	453 385
PS Sobahle	861 152	44 064	69 974	10 904	986 094
TE Mathebula	631 321	-	67 675	8 144	707 140
SD Rakolote	53 613	-	8 160	1 045	62 818
NM Moleko	825 800	-	5 942	72 046	903 788
NS Mogale	107 037	-	-	3 376	110 413
	7 019 658	263 963	441 211	371 191	8 096 023

Executive management

2020

	Basic Salary	13th Cheque	Allowances	Performance Bonuses	Employer Contributions	Total
Name						
J. De Klerk - HOD Public Education and Information	841 098	36 998	130 761	81 383	118 518	1 208 758
K. Maema - Chief Executive Officer	1 431 590	22 606	98 429	117 117	18 218	1 687 960
M. Putu - Chief Financial Officer	1 029 294	-	60 650	83 843	13 396	1 187 183
T.J. Rapoo - HOD Research	867 858	46 954	36 000	65 106	118 386	1 134 304
M.M. VanNiekerk - HOD Legal	950 812	-	5 016	81 383	118 627	1 155 838
	5 120 652	106 558	330 856	428 832	387 145	6 374 043

2019

	Basic Salary	13th Cheque	Allowances	Performance Bonuses	Employer Contributions	Total
Name						
K. Anirudhra - HOD (Terminated end of January 2019)	812 675	69 527	71 109	79 322	11 791	1 044 424
J De Klerk - HOD	767 008	61 134	78 000	79 322	112 066	1 097 530
K Maema - CEO	1 257 452	100 953	131 770	114 692	17 236	1 622 103
M Putu - CFO	975 450	-	60 000	81 720	12 836	1 130 006
TJ Rapoo - HOD	821 528	46 954	36 000	63 457	111 974	1 079 913
MM VanNiekerk - HOD	967 089	-	1 246	63 457	112 672	1 144 464
	5 601 202	278 568	378 125	481 970	378 575	7 118 440



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020	2019
16. Cash generated from operations		
Surplus for the year	9 957 822	723 902
Adjustments for:		
Depreciation and amortisation	1 723 787	1 569 022
(Loss) gain on sale of assets and liabilities	(101 385)	41 059
Finance costs - Finance leases	34 031	22 450
Debt impairment	-	10 287
Movements in provisions	949 671	167 997
Other non-cash items	11 734	-
Funds Surrendered to National Treasury	-	(612 012)
Changes in working capital:		
(Increase) Decrease in Inventories	152 423	(231 127)
(Increase) Decrease in Receivables from exchange transactions	254 317	(235 972)
(Increase) Decrease in Provision for impairment of staff debtors	7 146	(10 287)
(Increase) Decrease in Receivables from non-exchange transactions	33 908	49 829
Increase (Decrease) in Payables from exchange transactions	(704 771)	2 550 757
	12 318 683	4 045 905

17. Irregular expenditure

Opening balance	985 768	34 745 106
Add: Irregular Expenditure current year	438 536	864 654
Opening balance as restated	1 424 304	35 609 760
Less: Amounts condoned	-	(34 623 992)
Closing balance	1 424 304	985 768

Incidents/cases identified in the current year include those listed below:

Possible split procurement and Proper procurement process not properly followed.	Currently under Investigation	438 536	864 654
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Cases under investigation

The irregular expenditure as at 31 March 2020 amounted to R 1 424 304. In accordance with provisions of the Public Finance Management Act, in particular section 84 of the Act, investigations are currently underway to determine liability. Furthermore, additional measures undertaken to strengthen systems of internal control in a manner enabling the Commission to fulfill its obligations whilst fully complying with applicable laws and regulations. The amounts herein are not recoverable from employees, whomsoever and as a matter of course, the figures were not recognised as revenue and receivable in the financial statements.

People Resolution - Expired Contract	53 660	53 660
Tracker- Expired Contract	17 987	17 987
Emergence Growth CC - No Contract/SCM process not followed	5 187	5 187
Mac Ndlovu Incorporated Attorneys - SCM process not followed	162 108	162 108
Delloitte Expired Contract	157 415	157 415
Chubb - Contract Automatically Renewed	10 280	10 280
Chorus Call - Expired Contract	54 123	54 123
Delloitte Similar Service Procured individually	263 898	107 546
Mapheto - Briefing outside of the approved legal panel	124 350	124 350
Breach of provisions of PPPFA	575 296	293 112
	1 424 304	985 768

**Notes to the Financial Statements for the year ended 31 March 2020**

Amounts in Rand	2020	2019
18. Reconciliation between budget and statement of financial performance		
Reconciliation of budget surplus with the surplus in the statement of financial performance:		
Surplus per the statement of financial performance	9 957 822	723 902
Adjusted for:		
Other Income not budgeted for	(1 097 966)	(1 166 471)
Operating Expenses in excess (lower) than the budget	(2 098 539)	538 157
Personnel Expenditure in excess (lower) than the budget	(8 209 883)	(1 738 406)
Depreciation and Amortisation is a non-cash item	1 723 787	1 569 022
(Gain) Loss on disposal of assets	(101 385)	41 059
Impairment of debts	(7 146)	10 287
Finance costs not budgeted for	34 031	22 450
Donation in Kind	(200 721)	-
Surplus per approved budget	-	-

19. Budget differences

Material reconciling items between budget and actual amounts

For the period under review a net surplus of R 9 957 822 was reported compared to a surplus R 723 902 in the previous period. This surplus was generated from additional income of R 1 406 218 in the 2019/2020 period mainly arising from interest income. Below are the different categories of this additional Income:

- Interest Income of R 1 024 893 was earned from the Commission's favourable current bank account.
- Sales of tender documents and grants from ETDP SETA contributed a total amount of R 73 077.
- The gain from the disposal of redundant movable assets of the Commission resulted in a net gain of R 101 385.
- Recoveries of previously impaired receivables were made to a total amount of R 7 146.
- Donation of R 200 721 relates to free airtime received from the South African Broadcasting Corporation to promote the Commission's initiatives.

A further and primary contributor to the surplus was a saving of R 8 209 884 on personnel expenditure due to positions that were vacant in the current year. The major contributors were the four position of Commissioners which were vacant until August 2019. For the current financial year, Commissioners programme spent R 7 636 871. This is against an annual budget of R12 359 500. This translates to a cumulative favourable variance of R 4 722 629. The programme realized a full staff complement in August 2019. However one of the newly appointed commissioners resigned during the financial year. There is therefore 1 (one) vacancy that exists within the Commissioner's programme.

Moreover, there has also been a few vacant critical staff positions within the CGE.



Other vacancies in the commission:

Parliamentary Liaison Unit:

The director position has been vacant for the full financial year. The financial cost implications of the vacancy is the saving of around R 1 057 000.

Human Resource Department:

The HR manager resigned from the CGE at the end of May 2019. The vacancy has been filled with effect from 1 February 2020. There also a vacant temporary position for an HR Generalist that remained vacant during the financial year. Savings on compensation for the Human Resource department amounted to R 950 794. As at 31 March 2020, five (5) vacancies for Researchers existed within the Research Department and the total saving of R1 064 026 was realised as a result. Operating expenditure on aggregate contributed savings of about R 2 098 539, resulting mainly from efficiency gains drawn from successful implementation of Cost Containment efforts.

The depreciation and amortisation expense of R 1 723 787 had a counter-effect to the above favourable variances since this provision was not budgeted for when the 2019/2020 budget was compiled. Finance costs of R 34 031 and gains on disposal of assets of R 101 385 were items that the CGE did not budget for. Part of the proceeds on disposal of assets relate to assets that were derecognised in the prior year but could not be physically disposed of by 31 March 2019. A recovery of R 7 146 was made from Santam Insurance to seal CGE's outstanding claim relating to laptop previously lost. Finance Costs relate to the implicit interest incurred on the finance leases for cellphones, multifunctional printing equipment and telephone equipment that supports the VOIP infrastructure.

20. Risk management Financial risk management

In ordinary course of operations, an entity's activities expose it to a variety of financial risks: cash flow interest rate risk, credit risk and liquidity risk. It is therefore a policy of CGE to disclose information that enables the user of its financial statements to evaluate the nature and extent of risk arising from financial instruments to which the CGE is exposed on the reporting date. CGE's overall risk management approach involves the work done Chief Risk Officer and the Internal Audit who report to the Audit and Risk Committee on risks, internal control, financial management and compliance matters.

Liquidity risk

The CGE's risk to liquidity is a result of the funds available to cover future commitments. The CGE manages the liquidity risk through an on-going review of future commitments and the cash flows arising from allocations by National Treasury. The financial liabilities maturity analysis of the CGE, for the reporting period shows contractual cash outflows on an undiscounted basis as below. The balances due within 12 months equal their carrying balances as the impact of discounting is not significant.



The CGE's exposure to the interest rate is limited, as the CGE has no significant interest-bearing liabilities. Furthermore, other than cash held in the bank account, the CGE has no significant interest-bearing assets, the entity's income and operating cash flows are substantially independent of changes in market interest rates.

At 31 March 2020

- Outflow

**Less than 1
year**
5 803 215

At 31 March 2019

- Outflow

**Less than 1
year**
6 507 987

20. Risk management**Credit risk and Interest rate risk**

Credit and interest rate risks consists mainly of cash deposits, cash equivalents and other receivables. The CGE only deposits cash with major banks and limits exposure to any other counter party. The credit quality of the bankers was downgraded to BB in March 2020 using Fitch Ratings. The risk of default on receivables from non-exchange transactions is very low. The CGE's general exposure to credit risk is very minimal.

Financial assets exposed to credit risk at year end were as follows:

Financial instrument	2020	2019
Current Account	21 787 714	11 428 583
Receivables from non-exchange transactions	88 710	122 618
Receivables from exchange transactions	49 467	-

21. Financial instruments disclosure**Categories of financial instruments****2020**

Financial assets	At amortised cost
Trade and other receivables from exchange transactions	49 467
Other receivables from non-exchange transactions	88 710
Cash and cash equivalents	21 787 714
	21 925 891



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020	2019
21. Financial instruments disclosure (continued)		
Financial liabilities		At amortised cost
Trade and other payables from exchange transactions		5 803 215
2019		
Financial assets		At amortised cost
Other receivables from non-exchange transactions		122 618
Cash and cash equivalents		11 428 582
		11 551 200
Financial liabilities		At amortised cost
Trade and other payables from exchange transactions		6 507 987
22. Commitments		
Authorised capital expenditure		
Already contracted for but not provided for		
• Property, plant and equipment	1 107 672	384 450
Total capital commitments		
Already contracted for but not provided for	1 107 672	384 450
Authorised operational expenditure		
Already contracted for but not provided for		
• Goods and Services	8 118 705	6 895 080
Not yet contracted for and authorised by members		
• Goods and Services	-	2 903 739
Total operational commitments		
Already contracted for but not provided for	8 118 705	6 895 080
Not yet contracted for and authorised by members	-	2 903 739
	8 118 705	9 798 819
Total commitments		
Total commitments		
Authorised capital expenditure	1 107 672	384 450
Authorised operational expenditure	8 118 705	9 798 819
	9 226 377	10 183 269

**Notes to the Financial Statements for the year ended 31 March 2020**

Amounts in Rand	2020	2019
This committed expenditure relates to plant and equipment as well as goods and services and will be financed by available cash resources and retained surpluses.		
Operating lease commitments		
Minimum lease payments due		
- within one year	527 771	559 797
- in second to fifth year inclusive	20 932	548 703
	548 703	1 108 500

The operating lease payments relate to rental of parking facilities for the Commission's offices in Cape Town (7 parking bays), Polokwane (3 parking bays) and Head Office (23 Parking bays). The lease in Western Cape and Head Office in Johannesburg are on a month to month basis and will be honoured until the Commission vacates these premises. The lease in Polokwane, Limpopo will expire on 30 April 2022.

Rental expenses relating to operating leases		
Minimum lease payments	500 164	461 382

23. Contingencies**Contingent liabilities**

In terms of the National Treasury practice notes, the Commission is required to surrender surplus funds generated from operating activities in a reporting period back to the Revenue Fund. For the 2019/2020 period, the Commission reported a net surplus of R 9 957 822. The Commission intends to apply for a permission to retain the whole of the surplus for use during the 2020/21 financial year, and it is expected that National Treasury will grant the application.

It is worth mentioning that in the formulation of the amounts to surrender, the prescripts prescribes factors to mitigate for surrender against which the CGE intends to mitigate for retention, given the current demands on the mandate of the Commission, especially amid the GBV and COVID19 pandemic. In terms of the regulatory prescriptions, the decision for surrender or retention will be made upon a declaration based on the audited results and contingent upon the discretion of the Director-General of National Treasury. A final determination shall be upon application by the Commission on the basis of audited outcomes set for 30 September 2020.

Contingent Asset

The Commission was taken to CCMA by one of its former employees on account of unfair dismissal. During the previous financial year, the CCMA granted an order against CGE that the former employee must be compensated an amount of R223 026 as part of settlement. The Management of the Commission are of the view that the judgement was irrational. Management therefore made a decision to appeal the matter. The matter is still currently in the labour court. The Commission's lawyers and management are of the view that the matter will be resolved in CGE's favour.



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020	2019
24. Fruitless and wasteful expenditure		
Opening balance as restated	-	-
Add: Fruitless and Wasteful Expenditure prior period	-	20 424
Less: Amounts recoverable current	-	(20 424)
Closing balance	-	-

The fruitless and wasteful expenditure mentioned above took place as a result of incorrect payments of medical aid subsidies to employees who in terms of the internal policies were not entitled to receive the subsidy. To this effect, management has instituted corrective action to recover the amounts and the necessary disciplinary steps.

25. Events after the reporting date

Non-adjusting events after the reporting date

As a result of Covid 19 pandemic, the National Treasury proclaimed a reduction on the annual budget for the 2020/2021 financial year originally set aside for goods and services to a total amount of R13 million. Moreover, a R3 million additional allocation was granted to support measures intended to respond to COVID 19, an effective R10 million rand reduction in allocation for the ensuing financial year is expected. Notwithstanding, the Commission has developed measures and strategies to ensure continued delivery of services as well as maintain its going concern status. Such measures includes internal re-organisation, efficiency building through heightened cost containment measures and/or its resultant expenditure reprioritisations.

26. Prior-year adjustments

Presented below are those items contained in the statement of financial position, statement of financial performance and cash flow statement that have been affected by prior-year reclassifications or adjustments:

Statement of financial position

2019

	As previously reported	Correction of error	Restated
Payables from exchange transactions	6 446 395	61 592	6 507 987
Net Assets	10 488 913	(61 592)	10 427 321
	16 935 308	-	16 935 308

**Notes to the Financial Statements for the year ended 31 March 2020**

Amounts in Rand	2020	2019
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26. Prior-year adjustments (continued)**Statement of financial performance**

2019	As previously reported	Correction of error	Restated
Operating Expenses	24 001 965	61 592	24 063 557

Cash flow statement

2019	As previously reported	Re-Classification	Restated
Cash flow from operating activities			
Finance Costs	(22 450)	22 450	-
Cash flow from financing activities			
Finance Lease Payments	152 022	(22 450)	129 572

Interest Expense

The interest expense of R22 450 was reclassified from cash flows from operating to financing activities. This is due to the fact that the interest is as a result of amortisation of finance leases which are by nature part of financing activities

Operating Expenses

Management obtained information in the 2019/2020 financial year providing evidence that legal fees to the value of R 61 591 were not accounted for or accrued in the 2018/2019 reporting year. The error has been adjusted retrospectively. The error has resulted on the increase in expenses and accounts payable in the prior year. The effect of the error on opening balance of accumulated surplus is a reduction of R 61 591.

Related Party Transactions

In the prior year the South African Broadcasting Corporation (SABC) granted CGE the benefit of free airtime in support of some of the activities of the Commission. The financial statements for the financial year ended 2018/2019 did not disclose gratuitous benefit which had a value of R 117 480.

Commitments

The calculation of commitments takes into account the value of goods and services received against the contractual values. Such goods and services are reduced from the value of the contract to determine the value of the commitments. During the financial year ended 31 March 2019, goods and services to the value of R 92 735 were incorrectly disclosed as received or rendered. The resulting effect of the inclusion was that the value of the commitments was understated by R 92 735. The error has been adjusted retrospectively.



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand

2020

2019

Operating lease Commitments

During the Current financial year ended 2019/2020, management reviewed the short term contracts for the lease of parking facilities. The contracts are on a short term basis. As the contracts will be in place and honoured as long as the Commission is occupying the current premises, management decided that in the interest of fair presentation, the operating lease commitment be disclosed and the adjustment be done to the comparative period. The effect of the adjustment in the prior year is the increase of the operating lease commitment of R 1 048 867.

27. Segment information

General information

Identification of segments

The Commission operates its affairs through three sub-programmes. The Corporate Services and Commissioners' sub-programmes are considered predominantly administrative. The third sub-programme is considered a segment that focuses on the core service delivery objectives of the Commission.

Segment surplus or deficit, assets and liabilities

2020

	Commissioners and Governance	Corporate Support Services	Service Delivery	Total
Revenue				
Revenue from non-exchange transactions	-	85 177 000	-	85 177 000
Revenue from exchange transactions	-	1 199 351	-	1 199 351
Public Contributions and donations	-	200 721	-	200 721
Debt Recoveries	-	7 146	-	7 146
Total segment revenue	-	86 584 218	-	86 584 218
Entity's revenue				86 584 218
Expenditure				
Personnel	7 636 871	11 579 828	35 323 618	54 540 317
Operating Expenditure	1 756 996	9 288 534	9 282 731	20 328 261
Depreciation and Amortisation	-	1 723 787	-	1 723 787
Finance Costs	-	34 031	-	34 031
Total segment expenditure	9 393 867	22 626 180	44 606 349	76 626 396
Total segmental surplus				9 957 822
Assets				
Inventories	-	78 704	-	78 704
Receivables from exchange Transactions	-	771 915	-	771 915
Receivables from non-exchange transactions	-	88 710	-	88 710
Cash and Cash Equivalents	-	21 787 714	-	21 787 714
Property, Plant and Equipment	-	8 395 597	-	8 395 597
Intangible Assets	-	358 819	-	358 819
Total segment assets	-	31 481 459	-	31 481 459
Total assets as per Statement of financial Position				31 481 459



Notes to the Financial Statements for the year ended 31 March 2020

Amounts in Rand	2020			2019
Segment surplus or deficit, assets and liabilities (continued)				
	Commissioners and Governance	Corporate Support Services	Service Delivery	Total
Liabilities				
Finance Lease Liabilities	-	992 736	-	992 736
Payables from Exchange Transactions	-	5 803 215	-	5 803 215
Provisions	-	4 300 365	-	4 300 365
Total segment liabilities	-	11 096 316	-	11 096 316
Total liabilities as per Statement of financial Position				11 096 316

Information about geographical areas

The strategy deployment and delivery of the service are carried out through service offices in the nine provinces of the republic. The line function departments at Head Office based in Johannesburg also render services which are directly contributing to the delivery in the main segment as defined in GRAP18. The Segment's main activities are to roll out the legislative mandate ranging from Public Education and awareness on gender rights. Research and Monitoring of gender related policy and practice issues as well as the protection and advancement of gender equality within the private and public sector. Revenue is centrally received in Head Office and no revenue is generated in the provincial offices.

2020

	Total expenditure	Non-current assets*
Head Office	48 741 893	4 107 667
Gauteng	2 871 051	405 688
Free State	3 193 915	433 359
North West	2 825 700	371 351
Northern Cape	2 939 539	649 577
Limpopo	3 214 903	538 093
Mpumalanga	3 671 623	345 243
Kwazulu-Natal	3 262 158	582 145
Western Cape	2 775 736	645 469
Eastern Cape	3 129 878	675 824
Total	76 626 396	8 754 416

2019

	Total expenditure	Non-current assets*
Head Office	52 828 198	3 497 845
Gauteng	2 205 531	393 890
Free State	3 001 184	342 115
North West	2 909 642	590 687
Northern Cape	3 236 502	397 365
Limpopo	3 525 226	543 192
Mpumalanga	3 404 793	331 318
Kwazulu-Natal	3 180 026	601 796
Western Cape	3 390 391	405 212
Eastern Cape	3 496 076	587 678
Total	81 177 569	7 691 098



ABBREVIATIONS AND ACRONYMS

APP	Annual Performance Plan
ACHPR	The African Commission on Human and People's Rights
ACT	Association of Community Television
AGDI	African Gender Development Index
AU	African Union (AU)
ACHPR	African Commission on Human and Peoples Rights
CCMA	Commission for Conciliation Mediation and Arbitration
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CEO	Chief Executive Officer
CGE	Commission for Gender Equality
COGTA	Cooperative Governance and Traditional Affairs
COSATU	Congress of South African Trade Unions
CRL	Cultural, Religious, Linguistic Rights Commission
CSO	Civil Society Organisations (CSOs)
DBE	Department of Basic Education
DDG	Deputy Director General
DSD	Department of Social Development
DoH	Department of Health
DOJ& CD	Department of Justice and Correctional Services
HEI	Higher Education Institutions
HOD	Head of Department
IEC	Independent Electoral Commission
HSRC	Human Science Research Council
IT	Information Technology
LAN	LAN AREA NETWORK
LGBTI	Lesbian, Gay Bisexual Transgender Intersex
MoU	Memorandum of Understanding NAP National Action Plan
NCRF	National Community Radio Forum
NDP	National Development Plan
NGO	Non-Government Organisation
NICSA	National Interfaith Council of South Africa
NPA	National Prosecuting Authority
NT	National Treasury
PANSALB	Pan South African Language Board
PEI	Public Education and Information
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination
ActPFMA	Public Finance Management Act
PHTL	Provincial Houses of Traditional Leadership
SABC	South African Broadcasting Corporation
SACC	South African Council of Churches
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SALGA	South African Local Government Association
SALRC	South African Law Reform Council
SAPS	South African Police Services



SARS	South African Revenue Services
SDG	Sustainable Development Goals
STC	Specialized Technical Committee
TOR	Terms of Reference
UNISA	University of South Africa
UIF	Unemployment Insurance Fund
UN	United Nations (UN) agencies,
WAN	WIDE AREA NETWORK

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