



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

WOMEN'S CHARTER SESSION

19 September 2022



Commission for Gender Equality.

By : Chairperson Ms. Tamara Mathebula



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Table of Content

- CGE Mandate
- Legislative Framework
- CGE PROGRAMMES
 - (I) Public Education and Information
 - ii) Legal Services (complaints handling, investigation,
 - iii) Research
- Stakeholder engagements
- CGE work on gender based violence



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CGE and its Constitutional Mandate

The Commission for Gender Equality (CGE) is an independent statutory body established with other Chapter 9 institutions under Section 181 of the Constitution of South Africa.

Section 187 of the Constitution cites :

(1) The Commission for Gender Equality **must promote respect** for gender equality and the **protection, development and attainment** of gender equality.

(2) The Commission for Gender Equality has the power to **monitor, investigate, research, educate, lobby, advise and report** on issues concerning gender equality.

(3) The Commission for Gender Equality has the additional powers and functions prescribed by national legislation i.e. power to subpoena, impose sanctions and has the power of search and seizure.

□ Promotion of Equality & Prevention of Unfair Discrimination Act (PEPUDA) of 2000

This Act obligates the CGE to institute proceedings in Equality Courts to eliminate & prevent unfair discrimination.



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FUNCTIONS

Legal -Main function to monitor and investigate complaints

Research -conducting field and desktop based research on issues pertaining to gender equality

CGE

PEI -to foster public understanding of the CGE and gender equality through information and advocacy initiatives

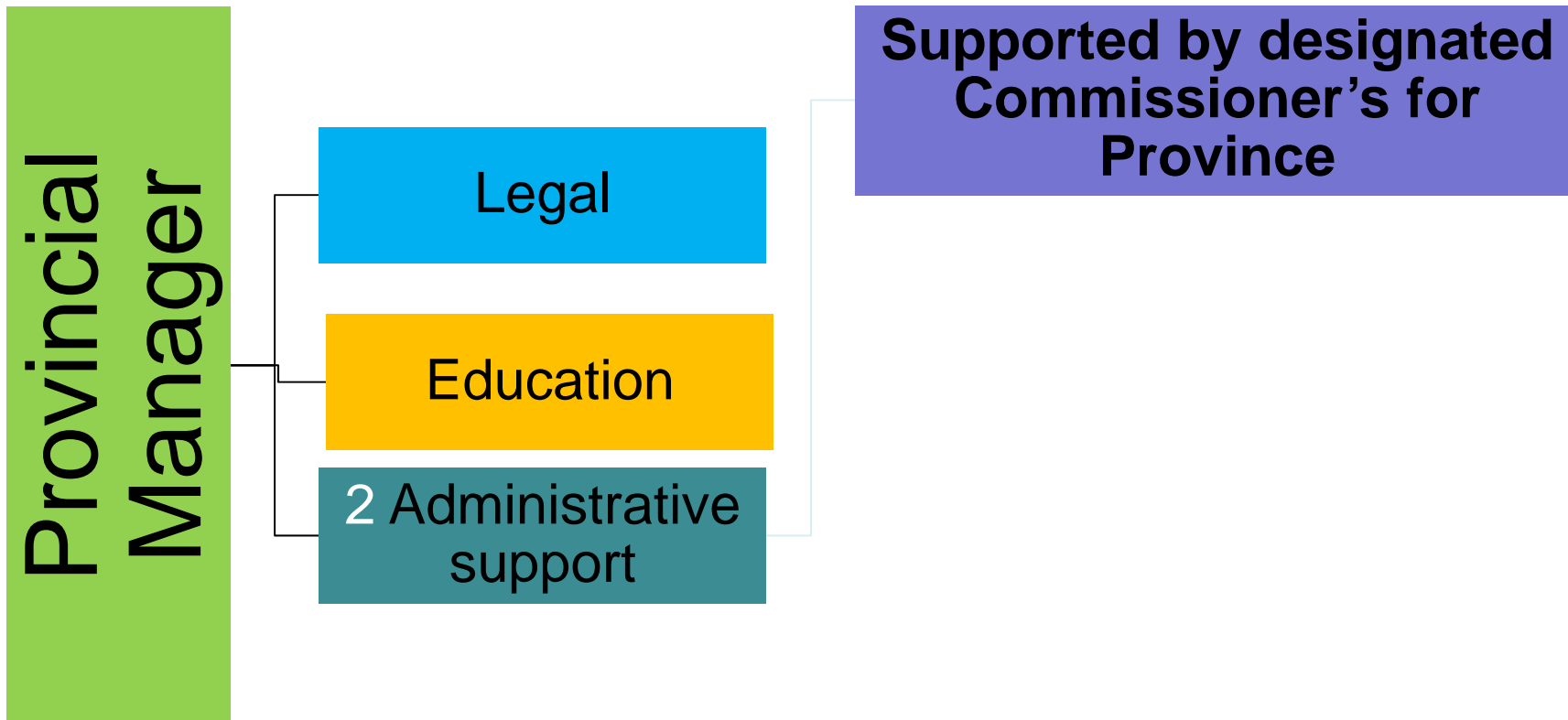
Parliamentary - Monitor international, regional instruments and assert on legislative developments pertaining to gender equality



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Eastern Cape Office

- Comprises of 5 persons.





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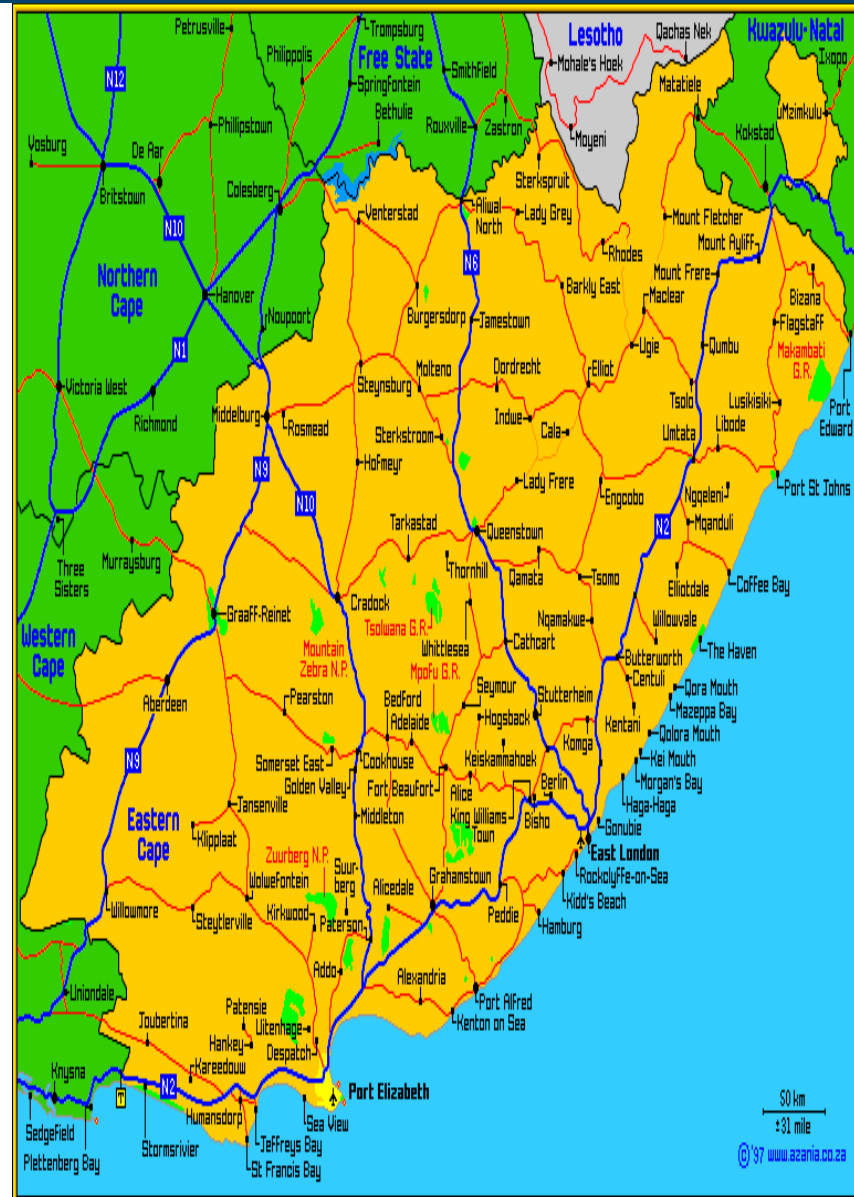
Languages: 83.4% isiXhosa,
9.3% Afrikaans, 3.6% English

Area: 168 966 square
kilometres

With the estimated population of
6.7million people

With the two metros, six districts
and 34 local municipalities.

**Eastern Cape Cited as one
of South Africa's Poorest
Provinces**





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Legislative Framework

- ❑ South Africa:
 - ❑ **SA Constitution** (Section 12 grants individuals “the right to be free from all forms of violence from either public or private sources”. SA Constitution is recognised as one of the best Constitution in the world were women rights are protected;
 - ✓ **The Bill of Rights** provides for human rights of equality, human dignity, freedom and security of the person, to freedom from being subjected to servitude, forced labour, and the right to fair labour practices.
 - ✓ **Section 9(3)** states that the State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour , sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.
 - ✓ **Domestic Violence Act 116 of 1998** (Protection Order) a victim of Ukuthwala may apply for a protection order against the family members involved in her abduction..



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- ✓ **Employment of Educators Act No 76 of 1998** (surely the recent reported cases by the media on educators having sexually relationship with the learners is the violation of this Act).
- ✓ **The Traditional Leadership and Governance Framework Act 41 of 2003 as amended**, specify that 30 % of Traditional Councils should comprise of women; this Act lowers the bar for 50/50 gender parity.
- ✓ **Municipal Structures Act No 32 of 2000** indicate that 'Every party must [seek] to ensure that fifty percent of the candidates on the party lists are [women] and that women and men candidates are evenly distributed through the list. Did this happen in the 2016 local government elections and 2021.



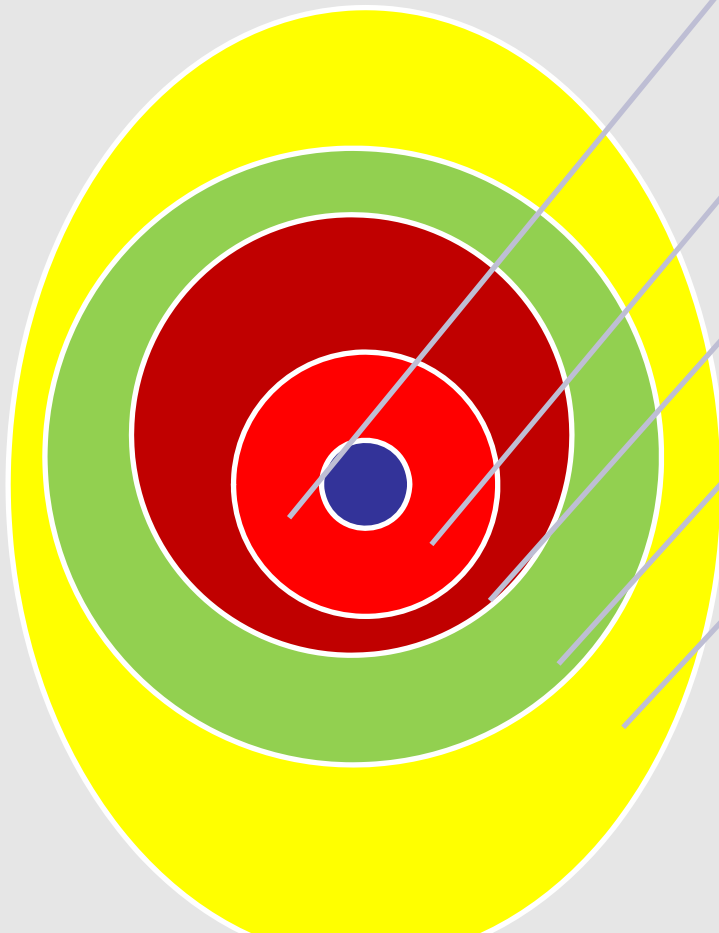
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- ✓ *Children Act 38 of 2005 states that a child below the age of 16 may not be subjected to social, cultural and religious practices which are detrimental to her well-being. Also states that a child below the minimum age of 18 may not be given out in marriage or engagement, and that a child above the minimum age may not be given out in marriage or engagement without her consent.*
- ✓ **Sexual Offences and Related Matters Amendment Act 32 of 2007.** (chapter 6 of the Act creates a National Register for Sex Offenders, listing persons convicted of sexual offenses against children and mentally disable persons. Etc.
- ✓ **Protection from Harassment Act** (the act provides for the issuance of orders of protection against harassment.



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Regional and International Instruments



The SADC Declaration on Gender and Development(SDGD) calls for 50/50 representation of women in all sectors include political party lists.

The African Protocol on Gender and Development

The Beijing Platform for Action (BPFA)

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Sustainable Development Goals (SGDs) vision 2030 Goal No 5

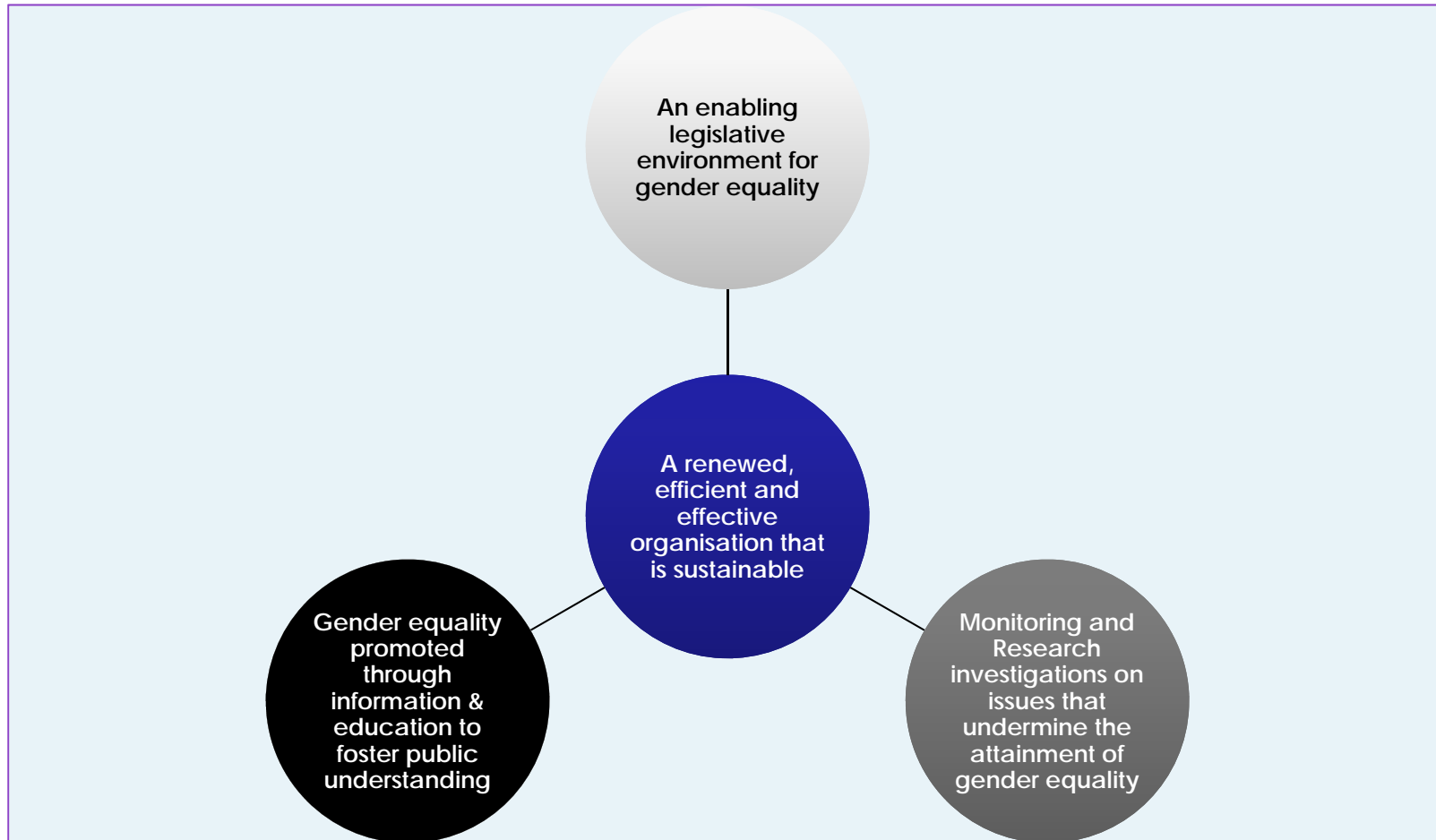


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- ❑ South Africa ratified the Beijing Platform for Action which is one of the international instruments designed to guide governments on gender transformation practices.
- ❑ ***Platform for Action (BPA, 1995)***: - The United Nations established mainstreaming as the global strategy for promoting gender equality through the Platform for Action, which emphasises the need for women's equal access to and full participation in decision-making.
- ❑ ***Sustainable Development Goal (SDG) #5***: Obligation on SA to put effective programmes in place to end all forms of discrimination against all women and girls. ***UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW, 1979)***: - Calls for national legislation to ban discrimination, recommends temporary special measures to speed up equality between men and women, and action to modify social and cultural patterns that perpetuate discrimination (SA ratified in 1996).
- ❑ As illustrated above SA promulgated myriad on legislation and ratified regional and international instruments post our constitutional democracy and Women Charter laid a firm foundation for this gains.



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Public Education & Information- Outreach legal clinics

Area/ Districts	Urban/Rural	reached	race	Gender		
				M	F	GNC
Nelson Mandela bay Metro Municipality (21 June 2021 Uitenhage)	Urban	38	black	7	30	1
Alfred Nzo District (23 June 2021 Matatiele)	Rural	26	black	8	18	-
Alfred Nzo District,Matatiele 24 June 2021	Rural	46	black	15	31	-
Buffalo City Metro 6 August 2021 in Good Hope	Rural	39	black	9	30	-
OR Tambo District, 24 August 2022 Umthatha	Urban	39	black	2	37	-
Buffalo City Metro, East London 25 th August 2022	Urban	39	black	3	36	-



Public Education & Information- Outreach legal clinics

Area/ Districts	Urban/Rural	reached	race	Gender		
				M	F	GNC
Nelson Mandela bay Metro Municipality in Gqeberha (27 August 2021)	Urban	37	White- 3 Black - 34	2	35	-
Buffalo City Metro, Ncera Village 4 TH September 2021	rural	56	black	6	50	-
OR Tambo District, Lusikisiki Dubane village 17 th November 2021	Rural	26	Blacks	8	18	-
OR.Tambo District,Lusikisiki Mzintlavu Vilage 17 th November 2021	Rural	32	Blacks	15	17	
OR.Tambo District, Lusikisiki, Nkunzimbi Village 18 November 2021	rural	37	Blacks	14	23	



Public Education & Information- Outreach legal clinics

Area/ Districts	Urban/Rural	reached	race	Gender		
				M	F	GNC
Buffalo City Metro, Ncera Village 7 7 th March 2022	Rural	22	Blacks	5	17	-
Buffalo City Metro, Kuni Village 8 th March 2022	Rural	47	Blacks	18	29	
Buffalo City Metro, Ncera Village 6 17 th March 2022	Rural	42	Blacks	7	35	
Buffalo City Metro, Ncera Village 2 28 th March 2022	Rural	23	Blacks	4	19	



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Public Education & Information- Outreach legal clinics 2022/ 2023 1st Quarter

Area/ Districts	Urban/Rural	reached	race	Gender		
				M	F	GNC
Buffalo City Metro, Nxarhuni village 20 th May 2022	Semi-urban	38	Blacks	9	28	1
Joe Gqabi District, polar park township, 21 June 2022	Urban	45	blacks	10	35	-
Joe Gqabi District, Venterstad	Farming community	52	blacks	4	48	
OR. Tambo District, Umthatha 28 th June 2022	urban	27	Blacks	11	16	



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Radio stations	Topics	Date
Alfred Nzo Community Radio		29 th April 2021
Umhlobo Wenene FM		5 TH June 2021
Izwilethemba FM	Child Protection week and domestic violence	7 th June 2021
Vumani FM	Domestic Violence and recourse	7 th June 2021
Inkhonjani and Matatiele FM	The effects of level 4 lockdown	1 st July 2021
2 nd Quarter 2021 (July 2021to September 2021		



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Radio stations	Topics	Date
2nd Quarter July 2021 to September 2021		
Inkonjani Community Radio	Gender and Patriarchy	9 th August 2021
Sajonisi youth Radio	Women representation in senior management	10 August 2021
Jeen Radio stations	Men as protectors of women and children against GBV in our communities	19 th August 2021
Umhlobo Wenene FM	CGE responses on the gruesome murder of the 4 th year law student at UFH	23 August 2021
Sajonisi youth radio	GBV in institutions of higher learning	24 th August 2021
Tru FM	Challenges and hindrances in curbing GBV	24 August 2021



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Radio stations	Topics	Date
2nd Quarter July 2021 to September 2021		
Alfred Nzo FM	Role of men in curbing GBV	26 TH August 2021
Umhlobo Wenene FM	Culture language and gender	24 th September 2021
Tru FM	Culture and patriarchy in the family situation	28 th September 2021



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Radio stations	Topics	Date
3 Quarter October 2021 to December 2021		
Voice of Matatiele	Sexual and Reproductive Health Rights	4 th November 2021
Inkonjane Community Radio	Sexual and Reproductive Health Rights	11 November 2021
Takalani FM	Sexual and Reproductive Health Rights	19 November 2021
Kumnkani FM	Sexual and Reproductive Health Rights	25 November 2021
Izwilethemba CR	Discrimination and violence by Women against other Women	25 November 2021
Alfred Nzo Community Radio and IFM	What is CGE mandate towards preventing GBVF	02 December 2021



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Radio stations	Topics	Date
3 Quarter October 2021 to December 2021		
UNITRA Community Radio	Scourge of statutory rape across nine provinces	03 December 2021
Alfred Nzo Community Radio and IFM	What is CGE mandate towards preventing GBVF	02 December 2021



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Radio stations	Topics	Date
4th Quarter-January to March 2022		
Alfred Nzo Community Radio	GBV in the workplace	26 th January 2022
Alfred Nzo Community Radio	Gender, power and violence	09 th March 2022
Kumnkani FM	GBV and LGBTQIA rights	24 th March 2022
Inkonjane FM	Right to equality	31 March 2022
Tru FM	Equality and substantive equality	03 rd March 2022
Tru FM	Huge burden of poverty and inequality, Women continue to carry post apartheid, how these changes can be addressed.	07 March 2022



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Radio stations	Topics	Date
4th Quarter-January to March 2022		
Alfred Nzo Community Radio	What are the rights of LGBTIA and does the Commission think the DOE has discriminatory principles on school guidelines on school uniform?	14 March 2022
Alfred Nzo Community Radio	GBVF and harmful traditional practises	23 March 2022.
Tru FM	Men's role in curbing GBVF	31 March 2022



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Radio stations	Topics	Date
1st Quarter-April to June 2022		
Mdantsane FM	Freedom month- Role of Chapter 9 institutions in strengthening democracy	25 th April 2022
Tru FM	Site visits on disaster areas and gender.	06 May 2022
Kumkani FM	GCIS Partnership - Role of Chapter 9 institutions in strengthening democracy	25 th May 2022
Takalani Radio	Visit by CGE to Walter Sisulu LM,	21 June 2022



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Gender Mainstreaming in local government

- ❑ In 2021/2022 fiscal year the CGE Eastern Cape office selected three municipalities namely :
 - 1) Port St Johns LM under OR. Tambo District
 - 2) Ndlambe LM under Sarah Baartman District
- ❑ Both municipalities IDPs were analysed in order to establish whether gender mainstreaming is done in all their programmes, projects.
- ❑ The CGE's focus was on whether the IDPs do respond to issues such as gender based violence, women empowerment, sexual reproductive health rights, equitable provision of services were provided to both men and women as well as gender disaggregated data on services provided to the communities by the municipalities.
- ❑ **Findings:** Councils do not adopt policies that respond to gender issue e.g. sexual harassment policy, retention and recruitment policies and skills training and bursary policies.
- ❑ The SPU units in municipalities were inadequate in providing information such employment equity plans in their respective municipalities,
- ❑ The functions of the SPU in the municipalities are not clearly define.
- ❑ The CGE Eastern Cape office collaborate with SALGA Eastern Cape Provincial office in empowering multi party women's caucus on gender equality and gender mainstreaming in local government.



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Stakeholders engagements

- ❑ Through the office of the Chairperson the CGE Commissioners held meetings with the then SAPS Provincial Commissioner Lt General Ntshinga, Eastern Cape Premier and Provincial Executive Members. The concern for CGE is the scourge of GBV&F in the Eastern Cape.
- ❑ The following issues were highlighted in relation to the GBV namely :
 - ✓ Shelters budget allocation in Eastern Cape over the years has been decreasing, in 2012 there was 12 million budget available for shelters but in 2019 the budget decreased to about 8 million to 9 million.
 - ✓ Lack of standard operating procedures for all the shelters.
 - ✓ The funding criteria was concerning as some were allocated limited funds without clear explanation how shelter's budget is allocated and delays in disbursement of funds to shelters compromise services rendered for the victims of GBV.
 - ✓ Lack of DNA forensic laboratory in Eastern Cape delays speedy finalisation of cases.
- ❑ Apart from the above the Public education and Information unit has held several stakeholder engagements on the following matters :
 - ✓ LGBTQIA+ rights
 - ✓ Women economic empowerment
 - ✓ GBVF
 - ✓ Men and boys and positive male masculinity



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CGE Programmes in Eastern Cape





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Stakeholders

- SAPS
- DOJ & CD
- DSD
- Department of Health
- NPA and Thuthuzela Care Centres
- Legal Aid South Africa
- GCIS
- Local Municipalities
- Civil Society Organisations
- Office of the Premier
- Chapter nine institutions
- Institutions of higher learning
- VEP forum, PTT, Trafficking in persons forum



Work done GBV

- ❑ The CGE Eastern Cape forms part of the multi sectoral stakeholder- forums that champion programmes on GBV such :
 - ✓ VEP forum
 - ✓ Provincial task team on LGBTIQ+ rights which serve as catalyst in promoting and protecting the rights of the LGBTQA+ communities.
 - ✓ Trafficking in persons forum
 - ✓ Provincial Gender Machinery
- ❑ For 2021/ 2022 through the Commissioners program on monitoring of the top 30 police stations the following SAPS stations and TCC's visited
 - ✓ Lusikisiki Police station.
 - ✓ Umthatha central police police station
 - ✓ Centane police station
 - ✓ Duncan village police station
 - ✓ NU 1 Mdantsane police station
 - ✓ Kwazakhele police station, New Brighton, Addo and Graaffreint police stations



Work done GBV

- Thuthuzela care centres visited :
- ✓ Saint Barnabas Libode
- ✓ Sinawe TCC Nelson Mandela Academic Hospital Umthatha
- ✓ Cecil Makhiwane TCC at Cecil Makhiwane Hospital
- ✓ Dora Nginza TCC at Dora Nginza Hospital in Gqeberha

Observations on TCC's.

- No standard operating procedures between NPA, Health, SAPS, Social development.
- Inadequate resources e.g., office space, food equipment's (medical equipment's and office equipment's
- Insufficient security measures .
- disjointed reporting lines.
- Lack of cooperation from the multiple disciplinaries that operate at TCC's.
- Misuse of the state resources by the community members (misrepresentation of facts / false rape accusation against unknown perpetrators- teenage pregnancy above 12 weeks termination.



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Legal Unit and complaints handling

Cases/ Gender Challenges

- ❑ Concerns SAPS stations are far away from the community, accessibility of SAPS services it's a challenge.
- ❑ SAPS justifying its unavailability based on the internal factors such as lack of human resources, no vehicles to attend complaints, infrastructure and others.
- ❑ Victims complaining about the Eastern Cape Province not having a laboratory in analysing its DNA samples.
- ❑ Victims complaining about lack of updates regarding the progress of their cases from SAPS.
- ❑ Back log of cases not been finalised at Courts.
- ❑ Poor investigations of cases by the SAPS.
- ❑ Concerns that the Justice system is not responding adequately to crimes committed against the LGBTQIA+ community



Legal Unit and complaints handling

- ❑ Community members lacking information regarding the Equality Courts (some of the accredited Equality Courts have no knowledge of handling the Equality Court matters including clerks not being well equipped).
- ❑ Maintenance application (child and spousal maintenance) procedure.
- ❑ Custody & Access to minor children (Fathers rights), *Ukuthwala* or early child forced marriage is still prevalent within the province.
- ❑ Gender Based Violence and Femicide and Sexual offenses escalating within the province.
- ❑ Sexual Harassment in the workplace inclusive of general gender discrimination.
- ❑ Unfair discrimination based on gender regarding the traditional leadership (Impact litigation cases in progress).
- ❑ Traditional leadership still discriminating community members based gender and sexual orientation.



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COMPLAINTS HANDLING

Mandate of CGE in terms of section 187 of the Constitution

- ❑ Part of the mandate of CGE is to receive and investigate complaints of gender discrimination; and conduct public awareness and education on gender equality. CGE has powers to subpoena and further litigate on issues of gender discrimination and refer complaints to relevant institutions and forums.

Nature of Complaints

- ❑ The complaints received are categorised as mostly related to family law or matrimonial issues, maintenance application and processes (child and spousal), GBV, Unfair Gender Discrimination, discrimination based on sexual orientation, unfair discrimination based on royalty, SAPS disservices to community members.
- ❑ Complaints are received in various forms including, via in person visits to the CGE offices, Email, online, telephone and letters as wells as through post.



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COMPLAINTS HANDLING

General observations

- ❑ The complaints are predominantly from the vulnerable groups who lack the knowledge on the systems in place and what one should do in order to be able to utilise those systems. Availability and accessibility of the resources is also a major challenge for people who resides far away from the urban and or semi-urban areas.

Referrals to EE Hearings

- ❑ As part the mandate of CGE, the organisation holds investigative hearing at Provincial and National level.
- ❑ These hearing give the CGE insight into the levels of transformation within the institutions investigated as well as providing the investigated institutions the opportunity to account to the Commission based on complaints received or information obtained after investigations.



MONITORING, EVALUATION AND RESEARCH

Monitoring

- The legal unit also conducts court monitoring, provide support to the CGE's Commissioners in doing the TCC's and SAPS oversight visits.
- The legal unit also monitors the implementation of the CGE's recommendations made at the transformation hearings, systemic investigations (shelters and forced sterilisations reports)

Evaluation

- The legal unit also does submission to the Bills open for comments and does evaluate policies (example sexual harassment policies and conducts sexual harassment workshop).

Research and or investigations

- The legal unit conducts research and or investigations based on the complaints received and on any legal matter that have effects on the gender discrimination.



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Emerging issues / Areas of concerns

- Escalating GBV cases , killings and rape of the elderly in rural communities.
- Early child force marriages and arranged marriages
- Unfair gender discrimination based on traditional leadership.
- Violation of the rights of learners from LGBTIQ+ in schools.
- Maintenance applications and processes (child and spousal maintenance)
- The aftermath of Covid -19 led to many people losing their jobs and majority of those who lost their jobs are women in particular from the hospitality industry.



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Thank You

HAVE A GENDER RELATED COMPLAINT ????
REPORT IT TO

0800 007 709

Twitter Handle @CGEinfo

Facebook: Gender Commission of South Africa