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A Commission for Gender Equality Newsletter

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## Eastern Cape Court Tells CGE Of Increasing Rape, Child Abuse Cases

By Nceba Mrwebo

In line with the Commission for Gender Equality's (CGE) mandate, CGE Commissioner Leonashia Leigh-Ann van der Merwe conducted an oversight and monitoring process at Khomani Magistrates Court and Mlungisi Police Station in the Eastern Cape, to assess how GBVF court cases are being handled. The Commissioner was briefed on the court's operations by area manager of Khomani Magistrates Court.

The Court mostly handles cases involving murder, rape, assault, and recently observed an increase in cases of harassment and requests for protection orders. During the visit, Maqaqa stated that "majority of cases reported on

behalf of children are sexual offences against close relatives or a community member who is very close to the child" and because of this, the court has made provision for children to testify in a safe room outside the court through an inconspicuous camera to protect them. "Children are assisted by an intermediary in providing evidence" he said.

Maqaqa said the delays in processing rape cases are caused by lack of DNA results and this can cause some of the matters to take up to three years to be finalised. "Our court has all the necessary resources and training has been provided to court officials on the amendments of Domestic Violence Act and Sexual Offences Related Amendment Act"



CGE Commissioner Leonashia Leigh-Ann van der Merwe and Khomani Magistrates Court Area Manager Mr Maqaqa during the Police Station and Court Case oversight and monitoring process

he said. Commissioner Van der Merwe did a walkabout and observed that the court is accessible to persons with disabilities and private rooms are clearly marked. During the meeting Commissioner van der Merwe was told that the training of sexual harassment

for the court staff has been conducted, however any form of assistance from CGE in reaching out to communities and empower them on their rights will greatly assist the court.

## CGE Concerned Over Lack of Progress At Mpumalanga Thuthuzela Care Centre

By Lindiwe Ntuli-Tloubatla

Commissioner Lindiwe Ntuli-Tloubatla has expressed her unhappiness about the lack of progress made by the Rob Ferreira Thuthuzela Care Centre in addressing challenges that were observed by Parliament's Portfolio Committee on Women, Youth and Persons with Disabilities. In April, the committee, during its oversight visit in Mpumalanga, visited the TCC and mandated the centre's management to

implement solutions to the warm water restoration, and lack of beds for survivors with disabilities. "Water has not been restored as promised by the Thuthuzela Care Centre, survivors are obligated to utilise cold water, as the CGE we are very concerned about this situation" said Commissioner Ntuli-Tloubatla during her monitoring visit to the centre last week.

## CGE Calls For Academic Support For Pregnant Learners In New Report on Learner Pregnancy

The Commission for Gender Equality is recommending that schools should provide support mechanisms for pregnant learners and adolescent mothers in its newly published research report titled 'Learner Pregnancy: Policy Interplay'.

The CGE further recommends that provincial Departments of Education roll out advocacy and awareness programmes to support the prevention and management of learner pregnancies across all schools. The research study investigated factors that prohibit adolescent girls from returning to school during and after pregnancy. The study

assessed the effectiveness of current institutional, legislative, and other efforts to protect and promote the right to education and non-discrimination of pregnant learners and adolescent mothers. During the study the CGE spoke to 24 teenage participants, senior officials from the National Department of Basic Education, school principals and educators, members of School Governing Bodies and School Management Teams, learner support agents. The report – and other newly published research reports can be accessed on the website <https://cge.org.za/research-reports/>



## A Sterling Caution To Employers That Use Pregnancy As A Tool Of Dismissal

Opinion Piece by Kegomoditswe Mere

The jurisprudential protection and enhancement of rights of pregnant employees in the workplace has its genesis to the past inequalities that perpetuated discrimination of women on the basis of pregnancy. Central to the democratic dispensation, is the guarantee of equality rights to everyone including pregnant employees in the workplace.

The paradigm in Section 9 of South African Constitution includes pregnancy as part of prohibited ground against unfair discrimination. An array of transformative Legislation has been promulgated into law to reaffirm equality rights of pregnant employees in the workplace.

Notwithstanding this, employers in South Africa seem not to heed to these pieces of legislation to desist from discriminating unfairly against

employees on the ground of pregnancy. Pregnant employees are often overlooked regarding benefits in the workplace. Moreover, such employees are more susceptible to dismissal based on their pregnancy. As recent as 2022 the Labour Court in the matter of Brandt v Quoin Rock Wines C152/2021, had to determine on whether Quoin Rock Wines had unfairly dismissed the Applicant, Melissa Brandt as a result of her pregnancy.

In case the Applicant, Melissa Brandt fell pregnant and was due to give birth in June 2020. In April earlier that year she had informed the CEO of Quoin Rock Wines that she would work until May. Prior to her going on maternity leave she would conduct a hand-over session with her assistance. **(To read the full piece, visit [www.cge.org.za](http://www.cge.org.za) – under Articles)**

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