



Follow the CGE on Instagram: @cgeLive

A Commission for Gender Equality Newsletter

13 October 2023

EDITION 98

Follow the CGE's Youtube Channel: @CommissionForGenderEquality

CGE Concerned Over Colleges' Lack of Commitment to Preventing GBV, Sexual Harassment

CGE's Provincial Manager in Limpopo province, Tshepang Mokgokong addressing a session with TVET colleges.



The Commission for Gender Equality (CGE) observed with grief concern the lack of commitment by TVET colleges to address sexual harassment cases and gender-based violence on campuses. The CGE expressed this concern during a stakeholder engagement session with the colleges, which was held in Limpopo in collaboration with the Department of Higher Education's regional office.

In the session, the CGE and DHET addressed the colleges' managers and principals across the province on gender transformation in Post School Education Sector. The Commission also emphasized the need for institutions of higher learning to pa eliminating violence and sexual harassment within campuses and creating

safer spaces where GBV is prevented. "The Commission noted that institutions of higher learning do not have transformation policies including sexual harassment policies, this necessitates intervention," said CGE's Limpopo Provincial Manager, Tshepang Mokgokong.

The engagement also focused on the popularisation of the Code of Good Practice on the Prevention and Elimination of Harassment in the workplace. "Following this engagement, the CGE will conduct a high-level audit to ascertain the level of compliance with legal prescripts governing the handling of sexual harassment and other gender transformation frameworks", concluded Mr. Mokgokong.

CGE's Acting Head of Legal Services, Mr Tsietsi Shuping during a meeting with the office of the Provincial SAPS Commissioner in the Northern Cape.



CGE Consults Justice System on GBV Case-Flow Pilot Project

The South African Police Service (SAPS) has expressed its support to the Commission for Gender Equality (CGE) by committing to provide necessary statistics information towards a gender-based violence (GBV) Case-Flow Pilot Project initiated by the CGE. The Commission undertook to consult the office the Northern Cape SAPS Provincial Commissioner regarding this project. The project aims to unearth challenges, blockages, advantages, and system gaps in respect of GBVF case-flow within the justice system and will also address concerns raised by Parliament that the National Prosecuting Authority (NPA) is often reporting high conviction rates on matters without accounting or linking the said success to the number of matters

reported to SAPS within the same financial year. "SAPS has committed to provide statistics information to this project, which will assist the CGE and other stakeholders in assessing case handling in remote and rural areas," said CGE's Legal Officer, Tsietsi Shuping. He further said the project might lead to an effective criminal justice system that ensures fairness, impartiality, and accessibility in the administration of justice. "Such a system must be designed to protect the rights of individuals and promote public safety while providing a timely and efficient resolution of matters", said Shuping. The project has been welcomed by the NPA, SAPS and the Department of Justice, as it will assist to improve accountability on investigations, dockets movement, decision making, prosecution and litigation.

Efforts To End GBV And Create Safe Spaces at TVET Colleges in North West



Representatives from the CGE, Department of Social Development, Thuthuzela Care Centre, Lifeline, Higher Health and End GBV Collective after engaging with Taletso TVET Management on safe spaces in campuses.

The CGE continues to implement interventions aimed at addressing Gender-Based Violence incidents at the three TVET colleges in the North-West province. These interventions are aimed at capacitating students, management, and gender-focal persons with strategy development, plans and skills development that will assist colleges to find solutions to safety challenges, as well as creating safer spaces. "These are some of the reasons the Commission collaborated with the End GBVF Collective to launch and activate safer spaces at all Taletso TVET College's campuses. The End GBVF Collective has taken on the 100-day challenge of implementing the GBVF National Strategic Plan. This is a team made up of people from different NGOs, Government departments and Taletso TVET College," said CGE's Education Officer in the province, Tsholofelo Sabole. Throughout the week, the Commission and End GBVF

Collective conducted public awareness campaigns to activate men and boys' safe spaces in all three campuses. The campaign was supported by the National Prosecuting Authority (NPA), Department of Social Development, Thuthuzela Care Centre, Lifeline, Taletso TVET College, Higher Health, amongst other stakeholders. This intervention was encouraged by the agreement and finalisation of the Global Goals for the sustainable development, **themed:** "Ensuring that no one is left behind". Non-Government Organisations who supported the campaigns committed to place their social workers at all Taletso campuses. The social workers have been going to the campuses once a week. "The CGE will continue to conduct public education and information programmes in the TVET Colleges, to ensure that the survivors of SGBV access justice and quality services" said Tsholofelo.

Commissions Intervene on Funelani Nganeno Cultural Acts in Mpumalanga



Management from Departments of Health, Education, Social Development, SAPS, the Hawks and Lagedlane Tribal Council bringing solutions on "Funelani Nganeno" during the engagement with the CGE and SAHRC

A non-governmental organisation in Mpumalanga is alleging that adult men in Nkomazi, Mpumalanga engage in sexual intercourse with minor girls and impregnate them, thereafter, approach the families of the young girls to pay a fine called "Funelani Nganeno". The Commission for Gender Equality (CGE) and South African Human Rights Commission (SAHRC) in Mpumalanga have intervened and engaged with stakeholders on the issue of Funelani Nganeno on Thursday. This comes after a complaint was received by the Commissions regarding the misuse of "Funelani Nganeno".

The engagement was also supported by the Departments of Health, Education, Social Development, South African Police Service, the Hawks and Lagedlane Tribal Council. "We are concerned to hear that adult men are abusing minor girls in the name of culture and action must be taken against perpetrators of these acts", said CGE's Public Education Officer Lucky Mabuza. He further said that "Departments have showed us statistics of pregnant and HIV positive schoolgirls in Nkomazi and it reflects very high numbers, this is also disturbing".

A representative from the Lagedlane Tribal Council gave a detailed explanation of the custom of Funelani Nganeno and further denounced the current practice as being contrary to the custom of Funelani Nganeno. During the discussion, poverty, and the lack of reporting of such cases by families and schools was pointed out as one of the causes of this sexual ill. The Departments have outlined several programmes that they have in place to educate and support schoolgirls on this issue.

Stakeholders agreed that this needs a concerted effort from everyone involved to find ways to fight this criminal conduct. It was also agreed that an education drive must be conducted to teach communities about this custom and their constitutional rights. The investigation by the CGE and SAHRC is ongoing.

The Importance of Engaging Men and Boys in Gender-Based Violence Solutions

Engaging men and boys is a key strategy to achieve gender equality, address HIV and gender-based violence (GBV) and create peaceful families and society that respect and protect human rights. The Commission for Gender Equality in Mpumalanga engaged GBV convicted offenders at the Nelspruit Correctional Services Center on Tuesday to understand what might have prompted them to commit such act.

"Today we had a fruitful session where we taught the offenders on shaping GBV programmes that will impact positively on communities, they were also able to open up to us and shared their experiences and the deep-rooted triggers that drove them to commit such violence crime", said CGE's Education Officer in Mpumalanga, Augustine Mabuza.

Constitutional Court Decision Is Victory for Women Married Out of Community



By Keletso Rampeng

The Commission for Gender Equality and Legal Resources Centre have described the Constitutional Court's judgment on the Divorce Act as victory for women. On Tuesday, 10 October, the Constitutional Court confirmed a High Court decision that invalidated section 7(3) of the Divorce Act of 1979.

The court confirmed the invalidity of the section on the foundation that it is not inclusive of marriages concluded on or after the commencement of the Matrimonial Property Act of 1984. Section 7(3) of the Divorce Act provides that where spouses married out of community of property get divorced, the court may make an equitable order that assets of one spouse be redistributed to the other. However, the remedy was only applicable to civil marriages entered into before 1st November 1984. The reason being that, marriages entered into after 1st November 1984 would be automatically subject to accrual unless expressly excluded by the antenuptial contract. Speaking on the court ruling, acting CEO of the Commission for Gender Equality, Dr

Matotoka expressed his satisfaction and acceptance of the ruling "From the Commission for Gender Equality (CGE) we welcome the decision by the Constitutional Court. We believe that the decision is just, fair and it really acknowledges the plight women experience, especially in marriages out of community of property with an accrual system".

Matotoka further stated that this reaffirms the equality of women in marriages but, most importantly puts in place the necessary protective mechanisms needed to make sure that just and equitable redistribution of an estate is realised within such marriages.

He went on to endorse educational programmes which will educate the public on this new judgement, "What is needed at this point is that educational programmes need to roll-out. We have a public education department where we will take the message down to the ground to educate and sensitize people around this new development".



Tune in to **GENDER SPACE**, CGE's own TV Talk Show showing every Thursday at 18:00 on DUMISA TV, Channel 340 as we discuss the mandate of the Commission and all gender-related topics such as Teenage Pregnancy Crisis, Women's Economic Empowerment, Challenges Faced by Widows etc.