

# NEWSFLASH

A Commission for Gender Equality Newsletter

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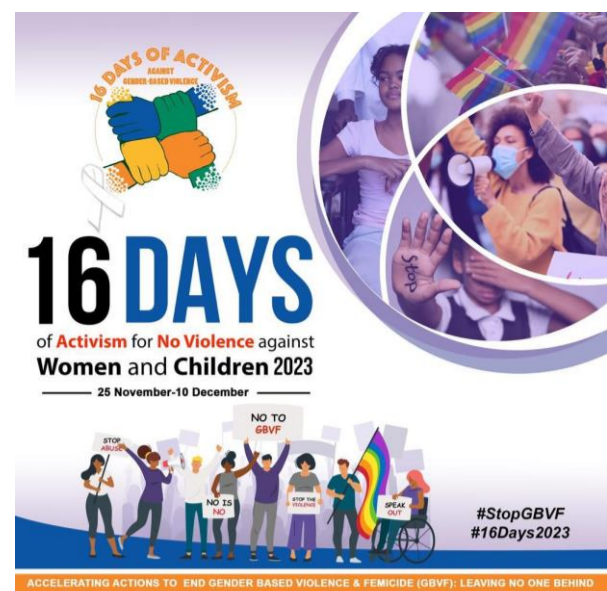
EDITION 102

## Engaging Civil Society Organisations on Gender Equality and LGBTQIA+ Rights



The Commission for Gender Equality (CGE) participated in a consultative session aimed at engaging civil society organisations in preparation for the second **#Unmated Civil Society National Conferences**, which will take place early 2024 in the Eastern Cape. The session was hosted by Kagiso Trust last week in East London in the Buffalo City Metro Municipality. Civil Society Organisations were taught on human rights, early childhood development, food security, women empowerment, poverty alleviation programs, economic opportunities, gender-based violence, gender equality and youth empowerment, as well as para-legal clinics and victims centres. Participants raised concerns on LGBTQIA+ hate crimes and the involvement of some

traditional leaders in stoking hostility against LGBTQIA+ people. "We conduct oversight visits to police stations, sexual offence courts, maternity wards in hospitals, Thuthuzela care centres, and correctional service centres, this is how we monitor any inequality in both the private and public sectors, LGBTQIA+ persons are also included," said Eastern Cape, Provincial Manager, Nceba Mrwebo in his address. Some of the issues that the delegates agreed on included identifying hotspots for GBVF at the district level and collaborating with Chapter 9 institutions, strengthening working relationships with all Chapter 9 institutions, and identifying areas of common interest and similarities between provinces in preparation for the national conference.



## CGE To Ensure Accountability On GBVF In Eastern Cape Province

The Commission for Gender Equality (CGE) will be conducting an accountability dialogue on gender-based violence and femicide (GBVF) in the Eastern Cape province.

The Commission noted several reports on attacks on elderly women in parts of the province and held consultations with stakeholders on the prevailing violence against the elderly. As a result, older

some have deserted their homes. "Most of the crimes against elderly women are associated with witchcraft killings, stock theft and these killings are rampant in deep rural communities particular under OR. Tambo, Chris Hani and Alfred Nzo Districts" said Eastern Cape Provincial Manager, Nceba Mrwebo.

Nceba said most of the reported cases emanated from areas under OR. Tambo District such as Emqhekezweni, Ncethuli, Matyengqina, Sithebe, Bityi and ku khanyayo in Bizana, Ntlavukazi in Lusikisiki, Ezingqolweni, Tsembeyi under Chris Hani are the expression of the scourge of violence in rural areas and violence directed against women and girls. The dialogue will be held in Lusikisiki in the OR Tambo district on 24 November 2023, under the theme: "The scourge violence and rape of older women in Eastern Cape province – A call to end violence against women and children". The accountability dialogue will coincide with the beginning of the 16 Days of Activism for no violence against women and children in South Africa. Various government entities responsible for community safety and the criminal justice system will be part of the dialogue.



## CGE Successfully Litigates on Redistribution Orders in Constitutional Court.

Opinion Piece by Bradley Swanepoel

In the recent decision of *EB (born S) v ER (born B) and others; KG v Minister of Home Affairs and others* [2023] ZACC 32, the Commission for Gender Equality ('CGE') successfully litigated on section 7(3) of the Divorce Act 70 of 1979 in the Constitutional Court. In its order, the court declared section 7(3) unconstitutional because it infringed the right to equality contained in section 9 of the Constitution for the Republic of South Africa, 1996.

In 1984 the Matrimonial Property Act 88 of 1984 ('the MPA') introduced the accrual system into marriages out of community of property in South Africa. This system provided that upon the termination of such a marriage, either by divorce or the death of one spouse, the spouse whose estate had grown the least in value during the marriage had a claim against the other spouse, or their estate, for half of the difference between the accrual of the spouses'

respective estates. Spouses already married out of community at the time of the passing of the MPA were given a two-year window period to include the accrual system into their marriage regimes, should they wish to. At the same time, section 7(3) of the Divorce Act 70 of 1979 was introduced. This section empowered a court granting a decree of divorce in a marriage out of community of property, and which

marriage had been entered into prior to the MPA's commencement, to make an order that the assets of one spouse be transferred to the other spouse where it was just and equitable to do so. This is known as a 'redistribution order.' The CGE's litigation related to a wife who had married after the commencement of the MPA.

(To read the full piece, visit [www.cge.org.za](http://www.cge.org.za) – under Articles)

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## Promoting Employment Equity Structures in the Workplace

## South African NATIONAL PARKS

CGE's Legal Officer in the Mpumalanga province, Sandile Useni, provided a brief overview of recent court cases contested by the CGE, such as the Caster Semenya case, paternity leave mater, and marriage case, emphasizing the CGE's work at a stakeholder engagement at the Kruger National Park last week. The engagement focused on sections 16, 17, 19 and 20 of the Employment Equity Act, 55 of 1998 and the Commission spoke to Kruger National Park's Employment Equity Committee Members about the Committee's establishment, role, and responsibilities of employment equity committee.