

NEWSFLASH

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CGE Welcomes Supreme Court OF Appeal's Ruling In The Rape Case Against Mr Coko

The Commission for Gender Equality (CGE) welcomes the Supreme Court of Appeal's (SCA) decision to uphold the State's appeal against the High Court's acquittal of Mr. Coko on a charge of rape. The CGE joined the appeal case as Amicus Curiae. Mr. Coko was accused of raping a 21-year-old woman who had repeatedly expressed her desire to preserve her virginity and not engage in sexual intercourse. Despite assurances from Mr. Coko that he respected her wishes, he proceeded to sexually penetrate her without her consent.



The Regional Court found the State's evidence compelling and convicted Mr. Coko of rape. He appealed his conviction to the High Court and the High Court ruled that his conviction was unsustainable based on the evidence presented. The Court further said the Regional Court made significant errors in understanding the concept of consent in sexual penetration cases. The Court clarified that consent can be given explicitly or implied through conduct. The High Court said the complainant was an active participant due to her lack of objection to various actions before the sexual penetration, such as kissing, undressing, and oral sex, and concluded that force or coercion was not used by the man. The State appealed to the SCA, and yesterday the SCA ruled that

consent must be given consciously and voluntarily, either explicitly or implicitly by individuals with the mental capacity to understand the nature of the act. The SCA highlighted that consent to specific acts of sexual penetration is necessary, and withdrawal of consent during the act is valid. The court also concluded that the accused intentionally engaged in penetrative sexual intercourse without consent despite his assurances. "The Supreme Court of Appeal's decision to set aside Mr Coko's acquittal and uphold his conviction is a monumental step in the nation's fight against the scourge of rape. We are happy that the SCA has set that ruling aside" said CGE Chairperson, Adv Nthabiseng Sepanya-Mogale.

Educating Women on Legislation Aimed At Protecting Them

Commission for Gender Equality's Mpumalanga Provincial Manager, Moltah Mavuso, educated women from Women's Ministry Social Fellowship at the Turning Point International Church in Mpumalanga on the amendment Acts that seeks to protect them and to intensify the fight against Gender Based Violence and Femicide (GBVF).

and being single is not a sin It is such a painful experience to witness women and young girls put themselves under pressure and get into relationships with strangers who end up killing them". She also urged women to set themselves standards, because by doing so, they will be displaying good values to their children.

The detrimental effects that GBV has on families and society were another lesson Ms. Mavuso imparted to the women. Mavuso said, "Today I want to remind you that marriage is a gift from God

Mavuso concluded by outlining the challenges faced by institutions when dealing with GBV victims such as victims reporting cases and later, they no longer show up for court.

Gains Made, Gains Lost: Women's Representation in the 2021 Local Government Elections in South Africa

The Commission for Gender Equality's report on "Gains Made, Gains Lost" highlights Women's Representation in the 2021 Local Government Elections in South Africa. The report concludes that there is a lack of strong political will within many of the major political parties to adopt definitive internal policies and practices to promote gender equality and transformation for improving women's political representation and participation.

The report also concludes that the consistent under- representation of women in the Ward Councilor category across the country is symptomatic of the failure of political parties to engage in effective internal educational programmes. The Commission has recommended that all political parties allowed to contest any elections in South Africa be required to abide by the 50/50 gender quota target for women's and men's representation as outlined in the SADC Protocol on Gender and Development. **(To read the full report, visit www.cge.org.za – under research reports)**



Imbizo on Customary Marriages

The Commission for Gender Equality in KwaZulu-Natal attended an Imbizo on Customary Marriages, which focused on the law, registration procedure, and rights of women when customary marriages are registered. CGE's Legal Officer, Nomthandazo Sithole, enlightened the attendees on what happens if a husband refuses to register the marriage, the husband marrying a second wife without consent, posthumous registrations, and the effects of non-registration, among other issues. "Even though the non-registration of customary marriages doesn't impact their validity, it usually poses challenges when dealing with estate matters at the Master's Office," said Sithole.



Attendees from Melmoth Community including Local Chiefs in KwaZulu- Natal

Educating Women In Mining on Gender Mainstreaming

As part of its objectives, the Commission For Gender Equality in the Northern Cape visited John Taolo Gaitsewe District Municipality to implement Gender Mainstreaming with ASSMANG Black Rock Mine. The Commission Educated ASSMABF Black Rock Mine, Women in Mining Committee on the CGE Mandate, understanding gender concepts/ terminology and gender transformation in the mining industry, the engagement also touched on issues of sexual harassment.