

2023

Activity Report on the Maputo Protocol



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

Activity Report on the Maputo Protocol 2023

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Publisher: Commission for Gender Equality.

Copy Editor: Expert English Editors CC

Design, Layout & Printing: Shereno Printers cc

RP110/2023

ISBN: **978-0-621-51067-6**

Title of Publication: **Commission Gender Equality Activity Report on the Maputo Protocol 2023**



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Abbreviations and acronyms

ACDP	African Christian Democratic Party
ACHPR	African Charter on Human & People’s Rights
ANC	African National Congress
AU	African Union
AUC	African Union Commission
CCMA	Commission for Conciliation, Mediation & Arbitration
CEO	Chief Executive Officer
CGE	Commission for Gender Equality
CSO	Civil Society Organization
CTOPA	Choice of Termination of Pregnancy Act
DA	Democratic Alliance
DNA	Deoxyribonucleic Acid
DOH	Department of Health
DOJ&CD	Department of Justice and Constitutional Development
DSD	Department of Social Development
EFF	Economic Freedom Fighters
ERAP	Emergency Response Action Plan
GBVF	Gender-Based Violence and Femicide
HIV/AIDS	Human Immunodeficiency Virus, Acquired Immunodeficiency Syndrome
HPCSA	Health Professions Council of South Africa
HRI	Human Rights Initiative
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
IMC	Inter-Ministerial Committee
IPID	Independent Police Investigative Directorate
KZN	KwaZulu-Natal
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and Others
NAP	National Action Plan
NDOH	National Department of Health
NGO	Non-Governmental Organization
NPA	National Prosecuting Authority

NSP	National Strategic Plan
OAU	Organisation of African Unity
PEI	Public Education and Information
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PR	Proportional Representation
SACE	South African Council for Educators
SANC	South African Nursing Council
SAPS	South African Police Service
SAWG	South African Working Group
SDG	Sustainable Development Goals
STATS SA	Statistics South Africa
SU	Stellenbosch University
TVET	Technical and vocational education and training
TOP	Termination of Pregnancy
UFS	University of Free State
UJ	University of Johannesburg
UN	United Nations
VF+	Vryheidsfront Plus
WLC	Women's Legal Centre
WPS NAP	Women, Peace and Security National Action Plan

Foreword and acknowledgements

The Commission for Gender Equality (CGE) is delighted to present its first activity report as a specialised National Human Rights Institution with affiliate status with the African Commission on Human and People's Rights. The report is based on programmes and initiatives carried out by the CGE between two financial years (2020/2021 and 2021/2022) to promote and strengthen the implementation of the Maputo Protocol in South Africa.

As an affiliate of the African Commission on Human and People's Rights, every two years, the CGE is expected to produce an activity report that communicates and describes work carried out by the institution to protect and promote the rights of women as articulated through the various Articles of the Maputo Protocol. In addition to this obligation, as per Section 187 of the Constitution of South Africa, the CGE's mandate includes monitoring the country's "compliance with international conventions, international covenants and international charters, acceded to or ratified by the Republic, relating to the object of the Commission", as well as to "prepare and submit reports to Parliament pertaining to any such convention, covenant or charter relating to the object of the Commission".¹ The CGE monitored the country's implementation of the Maputo Protocol and released a report in 2019/2020 related to this work.

In terms of the current report, the CGE seeks to highlight the work it has carried out, including its achievements, as well as challenges in relation to the provisions of the Maputo Protocol. The report covers various Articles of the Protocol, with each section showcasing efforts of the CGE to address issues related to the thematic areas of the Protocol.

An important issue to note is that the reporting period (2020/2021 and 2021/2022) covers a very difficult time in history, whereby the Covid-19 pandemic restrictions had affected the operations and impact of the work of many institutions, including the CGE. Nonetheless, the report demonstrates the degree of work undertaken by the institution despite the challenges of the pandemic.

The report could not have been completed without the cooperation of the nine CGE Provincial Managers, Legal Officers and Public Education and Information (PEI) Officers based in the CGE provincial offices, who provided the necessary information and shared important insights that led to the successful compilation of the report. The CGE also wishes to thank its team of researchers who worked tirelessly to produce this report:

- Lieketseng Mohlakoana-Motopi (Project Leader)
- Naledi Selebano
- Mpelo Malebye
- Thubelihle Zitha.

The report was edited by Acting Director in the Policy and Research Department at the time of publication, Naledi Selebano.

¹ South African Constitution 108 of 1996

1. Introduction

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, also known as the Maputo Protocol, is a regional instrument that seeks to protect women's rights in Africa. The African Union adopted the Protocol in Maputo, Mozambique, in 2003, although it only came into effect in 2005. South Africa is a signatory to and ratified the Maputo Protocol, hence the obligation to observe and implement its precepts and to report periodically on progress regarding the implementation of the Protocol in the country.

The Commission for Gender Equality (CGE) monitors the implementation of the international instruments in line with its legislative mandate and powers to ensure that the country complies with its obligations to the treaty bodies. The CGE has a mandate under Section 11(h) of the CGE Act No. 39 of 1996 to monitor and evaluate the implementation of the international instruments that South Africa acceded to and ratified.

In 2019, the CGE released the first Alternative Report on monitoring South Africa's compliance to the implementation of the Maputo Protocol. The report was submitted to the African Commission on Human and People's Right as the treaty body responsible for oversight over the implementation of the Maputo Protocol. The report highlighted the progress made by the country in responding to the provisions of the Protocol, as well as achievements and challenges that the country continued to face in relation to the implementation of the Protocol.

This report focuses on the programmes and initiatives of the CGE between the 2020/2021 and 2021/2022 financial years in line with the provisions of the Maputo Protocol. This complies with the CGE's obligations as a specialised National Human Rights Institution with affiliate status with the African Commission on Human and People's Rights. The affiliate status obliges the CGE to submit an Activity Report every two years to the African Commission. Accordingly, the research department of the CGE compiled this report to highlight work done by the institution over the two years (2020/2021 and 2021/2022) in conjunction with the Maputo Protocol.

2. Background

2.1 Background on the Maputo Protocol

The Organisation of African Union (OAU) resulted from the first Congress of African Jurists held in Lagos, Nigeria, in 1961. The congress adopted the Law of Lagos declaration that called on African governments to adopt an African convention on human rights with a court and a commission.² The rationale of unionising the continent was to accelerate integration on the continent for incorporation into the global economy while also addressing a variety of social, economic and political challenges caused by globalisation. At the time, African countries advocated against colonialism and apartheid and strived for independence. The unique point of departure was to focus on the social and cultural attitudes of Africans.

From that premise, the OAU was established on 25 May 1963. The objectives of the OAU were to:

- Liberate the continent from the remnants of apartheid and colonialism
- Promote unity among member states
- Intensify cooperation for development
- Safeguard the sovereignty and territorial integrity of member states
- Promote international cooperation within the framework of the United Nations.

The coordinating committee for the liberation of Africa was also established. Through the OAU, the continent spoke in one voice representing the integrity of Africa. The OAU put several mechanisms, programmes and action plans in place to promote socio-economic and political integrity in the continent, largely through the preservation of minerals.

The African Charter on Human and People's Rights (ACHPR) was one of the mechanisms adopted after deliberations that sometimes led to hostility among member states. The ACHPR became part of the OAU agenda after the realisation that the OAU had neglected the human rights perspective for people within respective member states because it had mainly focused on ridding the remnants of colonialism. The main instrument used to safeguard human rights in international relations at the time was the Universal Declaration of Human Rights. In 1981, the president of The Gambia convened two ministerial conferences in Banjul, where the draft ACHPR was adopted, also known as the Banjul Charter. The Banjul Charter was subsequently submitted to the OAU Assembly, and the Charter was adopted and is currently known as the ACHPR. The African Court, located in Arusha in Tanzania, and the African Commission were other mechanisms established in line with Article 1 of the Protocol to the African Charter adopted in Ouagadougou, Burkina Faso, in June 1998. The Protocol was enacted on 25 January 2004 to enforce the Charter.

The African Charter on Human and People's Rights on the Rights of Women in Africa, also known as the Maputo Protocol, was established by the African Union and was adopted in 2005. This Protocol was established and adopted in line with Article 66 of the ACHPR, which provides for special protocols or agreements to be established that supplement its own provisions, where necessary. The Maputo Protocol adoption process began during the 31st Ordinary Session of the Assembly of the Heads of State and Government of the OAU in Addis Ababa, Ethiopia, in June 1995. Resolution AHG/Res endorsed it 240(XXX1). The Maputo Protocol was adopted on 11 July 2003 and entered into force on 25 November 2005. It was established following the realisation

² <http://www.achpr.org/instruments/achpr/history/>

that while numerous international, regional, and sub-regional mechanisms exist to protect women's human rights and advocate for gender equality, there were still gaps that resulted in the marginalisation of African women. Therefore, there was a concern that despite the ratification of those gender transformation international mechanisms, including the ACHPR, African women were still exposed to various forms of discrimination and harmful practices.

Additionally, the Maputo Protocol provides extensively for sexual and reproductive health and rights of African women, addressing the health needs of women within the member states.³ It was hoped that 54 African Union member states (before the number increased to 55 after Morocco rejoined) would ratify the Maputo Protocol by 2015 and fully have it domesticated and implemented by 2020. In 2022, it was found that 43 of the 55 AU Member States had ratified the Maputo Protocol. South Africa signed the Maputo Protocol on 16 March 2004, ratified it on 17 December 2004 and deposited it with the Chairperson of the Commission of the African Union on 14 January 2005.

The CGE was granted affiliate status by the African Commission during the 60th Ordinary Session that was held in Mauritania in April 2018. The event was preceded by the Commission's celebration of its 30th anniversary during the 59th Ordinary Session that was hosted in Banjul, The Gambia, from 17 October 2016 to 4 November 2016, wherein the Commission initiated the process of submission for the application of the affiliate status to the African Union Commission (AUC).

The affiliate status with the African Commission is a milestone achievement for the CGE, given that the institution is the first and remains the only specialised national human rights institution to be granted the affiliate status in line with the Commission's Resolution 370.

2.2. Brief background on the Commission for Gender Equality

The CGE is an independent statutory body established in terms of Section 187 of the Constitution of South Africa. The CGE's mandate is to promote respect, protection, development and attainment of gender equality in the Republic. The powers and functions of the CGE are outlined in the CGE Act No. 39 of 1996. Specifically, in terms of Section 11(1)(a) of the Commission Gender Equality Act, the CGE's mandate is to monitor and evaluate policies and practices of state organs, state agencies, public bodies and the private sector and to prepare and submit reports to Parliament. The CGE's mandate promotes gender equality.

Regarding the organisational structure of the CGE, the CGE Act No. 39 of 1996 provides for the appointment of full-time and part-time commissioners, led by a chairperson and a deputy chairperson, who form the Executive Authority of the CGE. The Commissioners appoint the Chief Executive Officer (CEO) of the organisation, who is an invited ex-officio member of the CGE in plenary meetings. The CEO is the Accounting Officer, reporting to the Commissioners for the day-to-day operations of the organisation. The CEO appoints staff to support these operations and functions of the Commission.

The CGE consists of three line-function departments that are directly involved in carrying out the mandate of the organisation. They are the CGE Research Department, Legal Department and Public Education and Information Department.

The Research Department researches to fulfil CGE's mandate to monitor and evaluate policies

³ <http://www.the-isa.org/events/thematic-workshop-on-article-14-of-the-maputo-protocol-22-23-june/>

and practices of the organs of state, statutory bodies/functionaries, public bodies/authorities, private sector and civil society to promote gender equality and transformation in South Africa. The department produces knowledge and develops policy recommendations published in various research outputs, such as research reports, policy briefs and opinion pieces, and others, to inform policymakers to improve policymaking and implementation of gender equality strategies, policy and legislative frameworks. The department further engages in policy dialogues, stakeholder workshops, seminars and media platforms to disseminate research findings.

The Legal Department investigates gender-related complaints and evaluates laws, customs and practices affecting gender equality or the status of women that are in force or proposed by Parliament or recommended to Parliament. The purpose is to promote gender equality and the status of women; monitor compliance with international conventions, covenants, and international charters acceded and ratified by the government that have a bearing on the object of the CGE; make contribution/submission to law-making-processes, especially regarding laws that affect women adversely and have a bearing on gender equality in South Africa; and contribute to general public policy debates through presentations and other platforms on gender mainstreaming.

The Public Education and Information (PEI) Department employs various educational and advocacy strategies to reach various sectors of society. The department performs its functions by conducting dialogues, information-sharing sessions, seminars, conferences, capacity-building workshops, radio interviews, campaigns, roadshows and exhibitions. In some of these activities, the CGE partners with other national human rights institutions, and in some instances, with non-profit organisations (NGOs) working on gender issues and other state agencies.

This Activity Report on CGE's work in accordance with the Maputo Protocol is based on the activities, programmes, and initiatives of the CGE as undertaken by the three line-function departments, as well as the work carried out more broadly by the nine CGE provincial offices. The report focuses on two financial years: the 2020/2021 and 2021/2022 financial years.

2.3. Methodology

To carry out the process, provincial visits by the research team were undertaken to the nine CGE offices to hold structured interviews with the CGE Provincial Managers, PEI Officers, and Legal Officers who are based in these provincial offices. The structured interviews aligned with the various Articles of the Maputo Protocol. The nine provinces of South Africa where the CGE is based are as follows:

1. Eastern Cape
2. Free State
3. Gauteng
4. KwaZulu-Natal
5. Limpopo
6. Mpumalanga
7. Northern Cape
8. North West
9. Western Cape.

The review of secondary sources of information was conducted to track progress made by the CGE over the last two financial years in doing work that strengthens and supports the implementation of the Maputo Protocol in the country. The secondary sources include strategic and operational documents of CGE, including the institutional strategic plan, annual performance plans, quarterly reports and annual reports.

It is worth noting that Article 1 "Definitions", Article 27 "Interpretations", Article 28 "Signature, Ratification and Accession", Article 29 "Entry into Force", Article 30 "Amendment and Revision", Article 31 "Status of the Present Protocol", and Article 32 "Transitional Provisions" were not covered in the report because they are a group of Articles classified as administrative and not operational Articles. Most of these administrative Articles also fall squarely within the ambit of the State Party. There are also Articles not included in the report because CGE's programmes did not address them over the two-year reporting period.

The following section focuses on reporting on the work done by the CGE with regard to the various Articles of the Maputo Protocol. As per the reporting guidelines of the Protocol, the Articles are arranged thematically and do not necessarily follow a numerical order.

3. Equality/Non-discrimination

3.1. Elimination of discrimination (Article 2)

The CGE runs an ongoing programme of analysing and assessing existing and proposed legislation from a gender perspective to contribute towards ensuring that policies and legislation are not gender blind but that they effectively promote and protect the right to equality. For the years under review (2020/2021 and 2021/2022), the Legal Department made submissions to Parliament and other legislation-making organs to improve the country's legislative framework. Details of the submissions made in the 2020/2021 financial year are found in Annexure 1,⁴ while those made in 2021/2022 are in Annexure 2.

During the 2020/2021 financial year, when the Covid-19 pandemic first hit South Africa, the CGE Gauteng provincial office observed the gendered impact of the Covid-19 lockdown levels imposed by the government. The main aim of the observations was to assess whether lockdown measures did not contravene gender rights in order to draw up recommendations to mitigate violations of rights where they existed. Partner stakeholders involved were the Department of Social Development, Department of Basic Education, Department of Higher Education, Department of Health, South African Police Services, OUT Wellbeing, a non-profit organisation, faith-based organisations and the National Shelter Movement.

The observation revealed that the lockdown regulations that prohibited pregnant women and parents from purchasing baby clothes and other essential supplies were insensitive to the unique needs of these women and parents. The CGE Gauteng provincial office intervened; consequently, the ban on purchasing baby clothes and other baby provisions was revised. The intervention involved the Provincial Manager writing to the Department of Cooperative Governance and Traditional Affairs (COGTA) to raise awareness about the negative impact of the regulations. COGTA subsequently relaxed the measures and allowed pregnant women and parents to purchase baby clothes.

In terms of awareness raising and public education on existing legislation, the CGE PEI Department from KwaZulu-Natal partnered with the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Department of Employment and Labour to conduct workshops on the Code of Good Practice on handling sexual harassment cases in the workplace and on compliance with the Employment Equity Act. These important legal frameworks aim to address gender discrimination in the workplace. The workshop objectives were to sensitise municipalities about the importance of developing or updating their sexual harassment policies, employment equity plans and employment equity committees in accordance with legislation.

3.2. Access to justice, including legal aid and the training of law enforcement officials (Article 8)

The CGE ran legal outreach activities with the objective of equipping the public with knowledge regarding their right to access justice. The legal outreach sessions were conducted collaboratively between the legal and the CGE PEI Department units across all nine provinces of South Africa during the two-year reporting period.

The CGE PEI Department also engaged in public education outreach programmes focusing

⁴ CGE (2020/2021) Annual Report

on access to justice, educating communities about various legislations on gender equality and justice services available and raising awareness on the mandate of the CGE. The CGE PEI unit in the Free State specifically, rolled out a programme on educating communities in the province about the role of the criminal justice system in cases of sexual offences, such as on the roles of the various justice, crime prevention and security cluster departments, including the South African Police Services (SAPS), Department of Health, National Prosecuting Authority (NPA), Department of Social Development (DSD), and Department of Justice and Constitutional Development (DOJ&CD). The programme also covered issues of preservation of evidence in cases of sexual offences in order to lead to successful prosecutions.

The Northern Cape provincial office held stakeholder engagements, radio interviews and legal outreach sessions to raise awareness about the Domestic Violence Act and the rights of lesbians, gays, transgender, queer, intersex, asexual and others (LGBTQIA+). The provincial office also met with the Head of the Independent Police Investigative Directorate (IPID)⁵ in the Northern Cape to bring to their attention some of the cases related to SAPS officials who had been accused of gender-based-violence-related offences. This engagement aimed to take IPID to task on accountability issues and ensure that the principle of equality before the law is upheld, irrespective of the person's power or position.

Furthermore, in the 2021/2022 financial year, the CGE Commissioners conducted oversight visits at about 65 police stations identified as GBVF hotspots in the country. This exercise aimed to monitor the level of compliance by the targeted police stations in providing victim-friendly services. Some of the key issues that were monitored included the availability of rape kits, the availability of victim-friendly rooms within the precincts and the number of trained personnel handling gender-based violence and femicide (GBVF) cases. Issues of availability of resources, such as vehicles and functional victim-friendly rooms, were raised as challenges across many stations. The CGE launched the report and called for accountability from the SAPS and other relevant stakeholders. The initiative is ongoing, and more reports of this nature should be expected from the CGE.

The CGE produced a report on systemic investigations into transformation issues in the judiciary. The report was followed by a meeting with the Deputy Minister of Justice and Constitutional Development in July 2020 to discuss the paucity of female judges and magistrates in the country and the dynamics that have led to this situation. The DOJ&CD committed to putting measures in place to comply with the recommendations of the CGE report. The CGE also met with the Chief Justice on issues pertaining to transformation in the judiciary. The Chief Justice indicated that practical steps were needed to increase the representation of women in the judiciary, including the establishment of a fund for possible administration by the CGE to provide the necessary financial support to female candidates that require training. The CGE committed to exploring this option.⁶

The CGE works closely with Legal Aid South Africa and refers gender-related cases requiring litigation to the entity. The CGE also partners with Legal Aid South Africa on outreach campaigns to educate citizens about the justice system and services they offer.

Finally, as per this Article, the CGE monitors gender-related court cases to ensure no unnecessary delays and that justice is ultimately served. Many cases that the CGE monitors relate to cases of GBV, such as femicide, sexual assault and rape. The CGE also undertakes this function to hold

⁵ The aim of IPID is to ensure independent oversight over the South African Police Service (SAPS) and the Municipal Police Services (MPS), and to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAPS and the MPS and make appropriate recommendations.

⁶ CGE (2020/2021) Annual Report

stakeholders involved in the justice system accountable for their actions by ensuring that they perform their duties optimally.

3.3. Political participation and decision-making (Article 9)

The CGE monitored and assessed the general and local government elections from a gender perspective in every election year since 2011. The CGE analyses the country's elections by analysing the entire cycle of the election processes from the pre-election period (which involves political parties compiling their lists of candidates as well as developing and launching their election manifestos), the election day (whereby the CGE observes the events on the day of the election from a gender lens), to the post-election period (where the emphasis is on the outcome of the elections).

The CGE covered the assessment of the 2019 general elections⁷ and the 2021 local government elections.⁸ The 2019 report revealed that many of the manifestos of the major political parties in South Africa failed to address the issue of gender transformation coherently and systematically. The party manifestos of the six major political parties by representation in the National Assembly were analysed. The parties were the African National Congress (ANC), Democratic Alliance (DA), Economic Freedom Fighters (EFF), Inkatha Freedom Party (IFP), Freedom Front Plus (VF Plus), and the African Christian Democratic Party (ACDP).

The analysis revealed that the ANC and the EFF manifestos addressed issues of concern for gender equality and women's rights that included the economy, community safety, GBV, domestic violence, sexual harassment, healthcare and reproductive rights, social support grants, and employment equity, among others. In the case of manifestos from other political parties, issues of gender equality were confined to a small number of policy sectors, such as community safety, GBV, sexual harassment and domestic violence. No attempt was made by the parties to see gender transformation as an overarching societal challenge that cuts across all sectors.

Regarding party political representation, the ANC, which is the ruling party, is the only party with the zebra stripes strategy and 50/50 quota policy. The EFF adopted the principle of the zebra stripes strategy and the 50/50 quota practice. However, this was not formalised through policy. The DA is the second largest political party and subscribes to the notion of 'equal opportunity', whereby attributes such as gender and race are disregarded. The party is also known for resisting a system of quotas in selecting its party leaders, as the emphasis is placed on the merit of the candidates. However, historically, the merit system disadvantaged women, given that very few women come to represent key party leadership structures. Other political party policies were silent on issues of gender equality and gender mainstreaming.

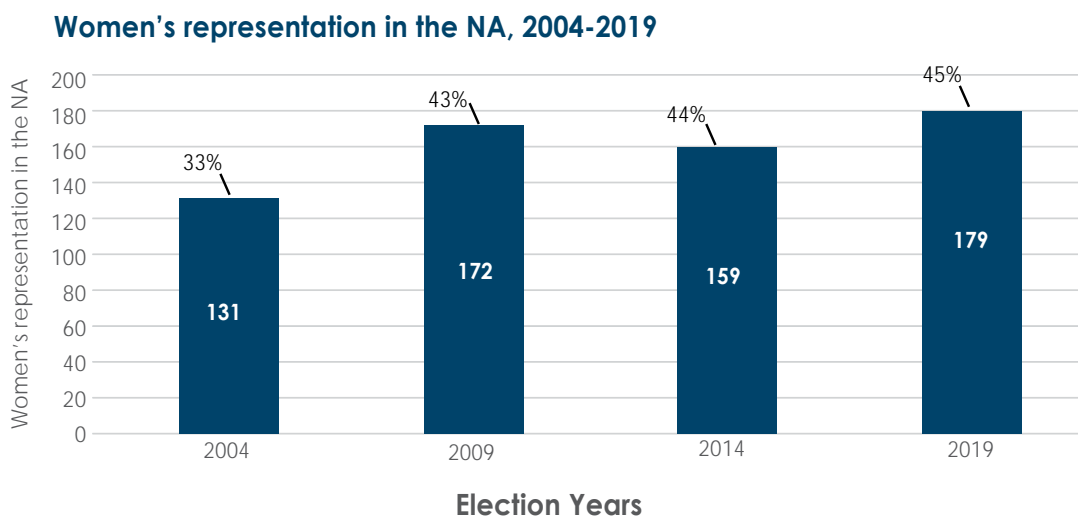
In the 2019 national and provincial elections, the ANC was the only political party to reach the 50/50 voluntary gender parity target in the National Assembly, with the EFF very close at 48%.

In terms of the deployment of Independent Electoral Commission (IEC) staff in the running of the South African elections, data by the CGE revealed a skewed gender representation in favour of women across all categories of personnel represented. An increase from 67% in the 2014 elections to 72% in the 2019 elections was noted among ordinary IEC voting staff by CGE observers. In terms of the presiding officers, 64% were women, while 34% were men. Women's representation in political party agents was also skewed in favour of women (55% females versus 45% males) and

⁷ CGE (2019) Elections and Gender Mainstreaming: Assessing Gender Issues and Women's Representation in South Africa's 2019 Elections. Research Report.
⁸ CGE (2021) Gains Made, Gains Lost: Women's Representation in the 2021 Local Government Elections in South Africa. Research Report.

the national election observers (54% women versus 46% men). Nevertheless, the figures overall showed an increasing role for women in electoral processes on election day. Furthermore, based on the observations of voting day proceedings, overall, the team of CGE election observers did not gather any evidence to indicate that any voters suffered systematic discrimination during the 2019 national and provincial elections.

Figure 1 illustrates the outcome of the elections regarding gender representation in the National Assembly.



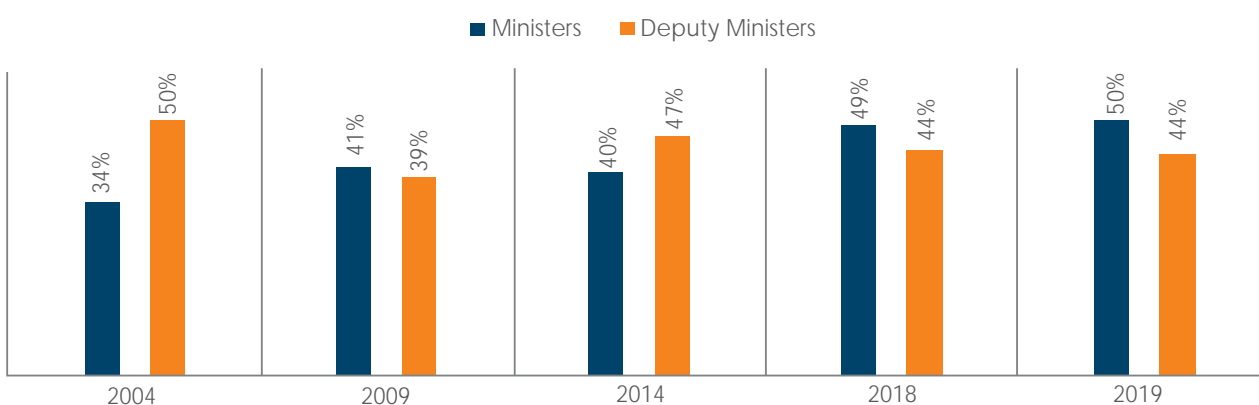
Source: National Assembly, IEC & CGE

Figure 1: Women's representation in the elections in the National Assembly

Women's representation in the National Assembly has increased since 2009. The figure stood at 45% in 2019, the highest since the dawn of the democratic dispensation (see Table 1).

Figure 2: Women cabinet ministers and deputy ministers 2004 to 2016

Women as ministers and deputy ministers from 2004 to 2019



Source: CGE

There was an increase in the number of women Ministers from 40% in the 2014 Cabinet to 50% in the 2019 Cabinet. The post-2019 elections new Cabinet reached gender parity between male and female Cabinet Ministers. The number of women Deputy Ministers fluctuated over the years, dropping from 50% in 2004 to 39% in 2009, then up to 47% in 2014, and up again in 2019 to 50%.

With the 2021 local government elections, a concerted effort was noticed. The EFF party manifesto mainstreamed gender in all key policy areas. The ANC, IFP and ACDP manifestos also touched on important areas of gender in their proposed policies, such as GBV, healthcare, social security, and economic development, among others, but hardly systematically. The DA and the VF Plus, on the other hand, were largely silent on matters related to gender mainstreaming, gender transformation and the empowerment of women. The DA and VF Plus parties also strongly emphasise the principle of merit rather than privileges based on race or gender.

Regarding party lists, the report revealed that men dominated the lists across all six parties, except for the ANC proportional representation (PR) lists, whereby women were featured in their majority (2 957 at 61% women and 1 874 at 39% men).

Election day observations revealed that women dominated all key roles involved in the running and management of the various aspects of the voting process on election day, except for the category of personnel from the international observer agencies where the male observers constituted the majority (57%) over the female observers (43%).

The 2021 local government elections saw some reversal of the past gains made in the overall representation of women at the local government level for the first time since 2011. Women's representation declined by 4% in 2021 to 37% from 41% in 2016. In 1995, women's representation stood at 19% and increased to 29% in 2000, 40% in 2006 and 38% in 2011.

The CGE follows the practice of convening policy dialogues in the period following the publication of election reports to share the findings of the assessments and the policy recommendations proposed by the CGE. The dialogues are held to discuss policy and programming issues related to the representation and participation of women in elections and political leadership. Stakeholders targeted for those policy dialogues include political parties, IEC, Parliament, government departments, civil society organisations and other relevant interest groups.

3.4. Education (Article 12)

With regards to Article 12 on education, investigative transformation hearings were held in November 2020 with institutions of higher learning. The hearings aimed to investigate reasons for the slow pace of gender transformation within the various institutions of higher learning. These hearings were follow-up hearings geared towards tracking progress made in the implementation of the recommendations of the initial CGE report. The following institutions of higher learning were summoned to appear before the CGE:

- University of Mpumalanga
- Nelson Mandela University
- Sol Plaatje University
- University of Johannesburg
- University of the Free State
- Stellenbosch University
- University of Zululand.

The CGE observed low levels of compliance by these institutions with legislation that specifically targeted gender transformation. Most of the institutions failed to implement the recommendations tabled through the first CGE report. One reason given for the lack of compliance was the challenge of budgetary constraints. However, the CGE also found a lack of commitment and lack of willingness by the leadership of those institutions to prioritise gender transformation. The CGE faces challenges when it comes to compliance with its recommendations due to the lack of enforcement powers with regard to its mandate.

The CGE PEI Department in Limpopo held stakeholder engagements with Technical and Vocational Education and Training (TVET) Colleges in the province. The sessions aimed to engage senior management of these institutions regarding mainstreaming gender in all programmes within campuses. The engagements also sought to influence these institutions to incorporate a human rights approach and a culture of inclusion across all their campuses. This was an important exercise as students with gender minority identities and sexualities, as well as students with disabilities, tend to be marginalised and excluded due to a lack of reasonable accommodation within the institutions.

Another programme involving a TVET College was carried out in Gauteng in the 2020/2021 financial year. The dialogue focused on addressing challenges facing young people in the 21st century.

The objectives were as follows:

- To inform students of their right to education as enshrined in Article 26 of the Universal Declaration of Human Rights and Article 12 of the Maputo Protocol
- To promote Section 29(1) of the Constitution pertaining to the right to basic education, as well as the right to further education
- To outline examples of gender discrimination/violations
- To empower students to know how and where to report all gender-related crimes.

The CGE discovered that one of the institutions visited in Gauteng was attracting more young men than women, meaning that very few girls and women were enrolled for artisan modules at the centre. A noteworthy observation is that in the country, less than 10% of artisanal jobs are occupied by women, meaning it is a male-dominated field.⁹

In KwaZulu-Natal, the CGE PEI Department visited two high schools in Richmond¹⁰ to share information regarding the rights of learners, particularly girls, regarding adolescent pregnancy, sexual harassment, bullying and GBV. This exercise aimed to educate learners about their rights and the various forms of GBV and bullying, the importance of reporting incidents of this nature should they occur, and the channels available for reporting.

The CGE discovered, through this initiative, that various forms of sexual harassment, including touching and grabbing, were rife in these schools. Furthermore, some learners feared reporting cases of sexual abuse due to potentially being removed from their families and being placed in shelters or places of safety. The fear of being placed in shelters stemmed from the prominent culture of shaming victims or survivors of GBV in their communities. Some learners also expressed fear of harassment and being targeted for killings by perpetrators. On a positive development,

⁹ Solidarity, [Potential opportunity for women lies in SA artisan skills shortage – Solidariteit Beroepsnetwerke/Solidariteit Beroepsnetwerke](#), Retrieved 11 December 2022.

¹⁰ A town situated in the midlands of KwaZulu-Natal Province.

the schools visited were enforcing the National Policy on the Prevention and Management of Learner Pregnancy of 2021. Two of the notable provisions of the policy are that it places an obligation on educators to report learner pregnancies where the female children are under the age of 16 and the male is older than 16 to the police, as the age of consent for sex is 16 in South Africa. Another key provision of the policy is that schools are expected to retain pregnant learners and reintegrate them into the schooling system in the postpartum period.

CGE PEI Department, KwaZulu-Natal also implemented an initiative on the prevention of ukuthwala, a practice rife in the province. Ukuthwala is the abduction of women and girls for marriage. The programme objective was to educate communities about the right to education of women and girls and to illustrate how the practice of ukuthwala robs girls and women of opportunities to enjoy this right. The girls who marry under ukuthwala often fail to complete their schooling, as they are removed from their area of residence to another that could be far from their school. The girls who marry under ukuthwala are also robbed of their right to education through carrying the burden of care work, as they are expected to perform the duties of wives, including bearing and caring for children. The CGE, therefore, undertook this programme to educate communities about the adverse effects of ukuthwala on the educational outcomes of women and girls.

In Gauteng, a stakeholder engagement was held to address the challenge of sexual exploitation within schools and institutions of higher learning and education. The CGE convened several stakeholders involved in the education sector to go over some of the available legislative prescripts that specifically deal with issues of sexual assault and violence in schools and how they are currently utilised and can be effectively utilised to ensure that there is the realisation of the protection of the rights of women and children.

The following institutions participated:

- Department of Basic Education
- Department of Higher Learning and Education
- South African Council of Educators (SACE)
- South African Police Services
- Higher Health
- The Teddy Bear Clinic.

The engagement revealed that some schools in the province treated cases of GBV that occur in schools, especially cases that involve teachers, as internal cases. Therefore, perpetrators are not submitted to the criminal justice system by reporting them to the police. The challenge with internal investigations is that alleged perpetrators usually resign without facing the consequences of their actions, which makes them eligible to find work in other schools as schools do not keep and publicise records of sexual misconduct cases. A key outcome of the meeting was that mechanisms for reporting GBV within schools needed to be strengthened to comply with the laws of the country.

4. Protection of women from violence

4.1. **Bodily integrity and dignity, including sexual violence, trafficking of women and medical and scientific experimentation (Articles 3 and 4)**

Mpumalanga conducted presentations on radio slots discussing issues related to equality and the Promotion of Equality and Protection from Unfair Discrimination Act (PEPUDA). Enacted in 2000, this comprehensive legislation deals with anti-discrimination relating to race, gender, sex, pregnancy, family responsibility or status, marital status, ethnic or social origin, HIV/AIDS status, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. The radio slots were held at several community radio stations. The benefit of this initiative was that the provincial office saw an influx of gender discrimination cases being reported to the CGE and resolved.

The CGE monitored various GBVF cases:

- The Eastern Cape conducted investigations on the heinous GBVF cases alleged to have happened within the province as they had been trending on social media.
- One of these cases was about a female councillor in Amathole District, whom two men and a woman assaulted. The woman was allegedly dragged across the floor, with her underclothing exposed, which violates her right to dignity. The case is still ongoing in court, and the CGE is closely monitoring the case.
- The dignity of one female staff member was undermined when she was assaulted at a school in full view of other staff and learners by the principal. Assisting with interventions, the CGE, the Department of Education and the South African Council for Educators sanctioned the principal, resulting in his dismissal.
- Another case was about a male supervisor in a private company who strip-searched women to check whether they were menstruating. The CGE investigated to test the veracity of these allegations. The results of the investigation led to the supervisor being fired.
- The CGE monitored a case of a fourth-year law student who was killed, dismembered and had her body parts scattered in the streets by her boyfriend. The accused was arrested, and the matter was still awaiting finalisation in court at the time of completing this report.
- The CGE monitored and investigated a similar case of femicide, where a man killed his wife and disposed of the body by burning it with petrol.
- The CGE also intervened in a case where a young girl was allegedly raped by her father, leading to a case being opened and later withdrawn due to the alleged lack of sufficient evidence. The victim was never informed about the withdrawal of the case. In conducting its investigation on the case, the CGE discovered that the father was a former SAPS employee. The Commission consulted with the National Prosecuting Authority on details that led to the withdrawal of the case at the time of data collection for the compilation of this report.

The CGE also observed very gruesome cases of rape and murder that yielded poor results for victims. The poor results were due to various factors, such as forced mediation between victim and perpetrator by the SAPS and allegations of collusion between SAPS officials and perpetrators. In some cases, the lack of deoxyribonucleic acid (DNA) evidence was alleged as another key factor.

Some prominent cases that the CGE monitored with successful outcomes for victims include State vs Pistorius (prominent athlete Oscar Pistorius was found guilty of killing his girlfriend, Reeva Steenkamp), State vs Ninow (Nicholas Ninow was found guilty of raping a child in a restaurant bathroom), State vs Mantsoe (Sandile Mantsoe killed his girlfriend Karabo Mokoena and disposed of her body in a field) and State vs Shoba (Ntuthuko Shoba hired a hitman to kill his nine-month pregnant girlfriend who was found hanging on a tree with multiple stab wounds).

The CGE is part of various forums on protecting women across various provinces, including victim empowerment programmes, trafficking in persons forums, and provincial task teams on LGBTQIA+ rights. As part of these forums, the CGE creates awareness on issues such as the dangers of forced marriages, GBV, sexually transmitted infections (STIs), school dropout, teenage pregnancy and other related health implications.

4.2. Practices harmful to women, including female genital mutilation (Article 5)

The Commission's provincial offices' dialogues on harmful practices have been on how engagements address activities such as survivors of female genital mutilation, child marriages and forced marriages, and virginity testing. These dialogues have taken place in Mpumalanga, KwaZulu-Natal and Eastern Cape. In KwaZulu-Natal, the CGE has a partnership with the University of KwaZulu-Natal and a local NGO where a social contract was developed with key stakeholders on ukuthwala due to the increasing number of cases in the community. The contract aims to assist in combating the practice. The contract was signed and endorsed by the chief of the Amangwe Village, where the practice is prevalent.

In the Eastern Cape, the Commission received complaints about two women accused of witchcraft who were hounded and torched by their community. As a result, the CGE contacted the South African Police Services, who managed to save the life of one of the women. Following this event, the CGE conducted awareness-raising activities on the attack and killing of women based on allegations of witchcraft.

4.3. Female stereotypes (Article 4(2)(c))

Through its Research Department, the CGE has been tracking, monitoring and assessing the country's interventions to deal with GBVF for the past decade.

From October 2019 to March 2020, there was a review of the implementation of the Emergency Response Action Plan (ERAP). ERAP is a multi-stakeholder programme of government that sought to address the scourge of GBVF in the country. President Cyril Ramaphosa unveiled the ERAP as a programme of action to fast track the implementation of services and other short-term interventions to address the high rate of GBVF in South Africa. The CGE carried out a post-hoc assessment of the programme to review the implementation of the ERAP interventions and targets by lead institutions and other implementing agencies under various thematic areas. The assessment revealed that the implementation of the ERAP lacked the necessary preparation, coordination, effective oversight and accountability to render it a success. Only 21.25% of the targets set in the ERAP had been achieved at the end of the six months, while 15% were partially achieved, and an astounding majority of 63.75% was not achieved.

During 2019/2020, 2020/2021 and 2021/2022 financial years, the CGE Research Department assessed and reviewed government programmes and initiatives that stemmed from the commitments contained in the 2018 Presidential Summit on GBVF Declaration. The Declaration, amongst other things, called for developing and implementing the National Strategic Plan on GBVF (NSP on GBVF) as a key intervention to tackle the scourge of GBVF in South Africa.

The Declaration contained collective government and civil society commitments to take the necessary steps to address GBVF in the country. An Interim Steering Committee (ISC) on GBVF was established to operationalise some of the commitments contained in the summit declaration. The ISC was granted a lifespan of six months and a specific mandate to establish a permanent multi-sectoral body/National Council on Gender-Based Violence to coordinate country responses towards GBVF. In 2019/2020, the CGE tracked and reviewed the work of the ISC to examine how it intended to meet its objectives in line with the summit declaration.

The GBV study conducted by the CGE Research Department found that the ISC had digressed from its primary objective of setting up the multi-sectoral body on GBVF and had instead focused on the development of the National Strategic Plan (NSP) on GBVF, a task set aside for the permanent multi-sectoral body once in place. The ISC also took on the role of conceptualising, costing and managing the implementation of the six-month ERAP on GBVF that the President unveiled when the ISC was expected to conclude its activities and mark the end of its term in September 2019. The ISC appeared to have diverted from the summit declaration by prioritising tasks that were not in its plans at inception.

The CGE study continued in the 2020/2021 financial year and found that the ISC was disbanded in April 2020 but had no multi-sectoral coordination structure. Developments within this period included the transfer of the ISC's responsibilities, particularly the task of setting up the multi-sectoral coordination structure to the Department of Women, Youth and Persons with Disabilities (DWYPD); Cabinet's establishment of an Inter-Ministerial Committee (IMC) on GBVF; government's plans to establish a Board of Trustees that would establish the permanent structure responsible for coordinating country responses to GBVF; and the implementation of the NSP on GBVF, although it was found to be staggered as it was still in its infancy.

The CGE report for the 2021/2022 financial year found that stakeholders involved in implementing the NSP on GBVF had made headway in many respects of the strategy. The findings of the study illustrated an array of achievements under the various pillars of the NSP. However, accountability appeared to be a challenge as some of the entities assigned under NSP pillars appeared not to be pulling their weight. It was concluded that an urgent intervention in the form of a permanent national coordination and accountability structure was needed to strengthen the accountability of NSP implementation.

The recommendations contained in the CGE reports have consistently called for the government, in partnership with civil society and other role-players, to fast track the establishment of the multi-sectoral coordinating structure on GBVF and for the expedition of the implementation of the NSP on GBVF. The CGE also recommended that the process of setting up the structure be transparent and inclusive to ensure its legitimacy and solicit buy-in from all related stakeholders.

4.4. Sexual harassment

Across the country, the CGE receives many complaints relating to sexual harassment, particularly at workplaces. The CGE assists in awareness raising and policy development at various organisations. In the North West, for example, following a complaint at YouFM, CGE assisted through such mechanisms. The CGE PEI Department also ran campaigns to raise awareness, share information and ensure that women know the definition of sexual harassment and the channels to follow for reporting it. Some of these were held at agricultural colleges in North West.

At a mining house in Limpopo, the CGE raised awareness and educated staff on sexual harassment in the workplace following a complaint. Thereafter, a sensitisation programme was conducted, and a survey was rolled out to assess the landscape of sexual harassment within the organisation. The survey findings pointed to an environment where sexual harassment was rife. Unfortunately, the survey findings were not well received by the Limpopo-based mining house, which the CGE took as a clear indication of the need for continued work on this area/subject with the organisation.

4.5. Domestic violence (Article 4(2)(a))

The CGE took part in the consultative processes of the amendment of three GBVF bills adopted into law. The initiative of amending the laws was to ensure that stringent measures were implemented to ensure deterrence for perpetrators of GBVF in the country. Such laws include the Domestic Violence Act, Criminal Law (Sexual Offences and Related Matters) Amendment, Amendment Act and Criminal Law Related Matters, Criminal Procedure Act of 1977 and Superior Court Act of 2013.

South Africa enacted the Domestic Violence Act in 1998¹¹ to address the scourge of domestic violence. The Act aimed to protect victims and survivors of domestic violence. The Act was amended several times, with the recent amendment effected in 2021.¹²

The recent amendment to the Act significantly improved the principle of domestic violence by broadening and extending what acts of domestic violence are. The amendment led to domestic violence not being limited to sexual abuse, economic abuse, damage to property, physical abuse, and emotional, verbal, and psychological abuse as per the old Act. The Act was amended to incorporate provisions that include exposing a child to domestic violence, spiritual abuse, sexual harassment, related personal abuse, controlling behaviour and coercive abuse. The amendment extended the definition of domestic relationship to a person in a close relationship who shares or shares the same residence with the survivor/victim. This close relationship is determined by the degree of trust between the survivor/victim and the abuser, and the level of dependence, to mention a few. Therefore, this means that the parties need not be related in any manner for an application to be made. The amendment further diversified the means of applying for the protection order, where the victim or a person representing the victim can apply online and be granted the protection order.

The amendment's provisions further expand the crime of incest and introduce a notion of sexual intimidation, allows for virtual proceedings (witnesses can testify virtually), and allows for intermediary services. Intermediary services are now available to witnesses with certain disabilities and persons who suffer from physical, psychological, mental or emotional conditions. Gesture

¹¹ Act 116 of 1998
¹² Domestic Violence Amendment Act 14 of 2021

language is now considered as *viva voce*/oral evidence and allows a witness who lacks the sense of hearing or the ability to speak to testify using a gesture language. The inclusion of gesture languages ensures that services to victims of crime are victim and disability centric.

The Act further increases accountability by including sections that make it compulsory for adults who become aware of the acts of domestic violence to report or fail to do so to be eligible for being prosecuted in the courts of law. It prohibits and punishes bystanderism and ensures that every member of society or community is accountable for reporting the acts of domestic violence that occur within their surroundings or vicinity. The inclusion of bystanders supports the notion that domestic violence cannot be deemed a matter to be dealt with by the family only.

The amendment also increases the National Register for Sex Offenders to include sex offenders further than those convicted of sexual offences towards children and persons who are mentally disabled and ensures that the register incorporates further particulars of the sex offender. The amendment of the Criminal Procedure Act ensures that all GBVF-related cases receive the minimum sentences to life sentences. This initiative is to ensure deterrence for perpetrators of GBVF cases.

The amendments to the Sexual Offences Act provide that perpetrators of GBVF should not be released on bail before their first appearance in court, a move that does not allow for police and prosecution bail. The existing protection orders against the accused person must be considered before a decision is taken to grant bail. According to the new provisions, bail in GBVF cases must be denied unless it would be in the interests of justice to grant it.

The CGE played a significant role regarding these amendments, as the institution contributed to the submissions that strengthened these pieces of legislation.

4.6. Support to victims of violence, including health services and psychological counselling (Article 5(c))

In 2019, in partnership with two other experts, the CGE submitted a report to the United Nations Special Rapporteur on Violence Against Women titled *Obstetric Violence in South Africa: Violence against women in reproductive health & childbirth*. This submission provided an overview of the forms of violence that girls and women face when seeking reproductive healthcare, especially during maternity and childbirth, and mostly in public health sector facilities. This work, including other advocacy efforts of the CGE, led to obstetric violence being recognised as one of the serious forms of GBV on the national agenda, particularly for programmes aimed at addressing GBV.

In 2021, the CGE investigated the forced sterilisation of women with HIV/AIDS. The findings led many other women who experienced this heinous violation to come to the CGE to request legal intervention. The process of addressing the issue is still ongoing.

5. Rights relating to marriage (Articles 6 to 7)

5.1. Marriage and its effect on property relations, nationality, name (Article 6(e) to(j))

Evidence shows that unmarried and divorced women and widows in rural provinces are often denied land or land ownership access. These include provinces such as KwaZulu-Natal, Limpopo, Northern Cape, Eastern Cape, Mpumalanga and North West. However, the footprint and presence of traditional authorities in these provinces are still visible, and their communities respect them. As a result, customary law is still practised even though it is sometimes inconsistent with the Constitution of the Republic of South Africa.

Several complaints regarding the denial of access to land or land ownership by women were received by CGE through its provincial offices:

- In Limpopo, five cases of women discriminated against by their traditional authorities (the Traditional Councils) were brought to the CGE. The allegations were that these women were denied the right to occupy land due to lacking a man as a guardian or guarantor. Therefore, five women were denied permission to build houses in their villages due to failing to present a man before the tribal authorities for land application. The disappointing practices continue that deny women the holding of land rights independent of their husbands or male relatives, despite these women having the money to purchase land or being part of the communities where they desire to occupy the land. The cases were still ongoing at the time this report was completed.
- Another disappointing practice is when women are left behind at the homestead by their husbands and the tribal authorities deny the women the certificate for municipal services (such as water and electricity, among others). In an attempt to assist women in resolving these issues, the CGE took these matters to the Provincial Houses of Traditional leaders, the Department of Cooperative Governance and Traditional Affairs (COGTA) and the Premiers' offices. These are crucial stakeholders to involve in resolving issues of land access through tribal authorities. Even though the CGE does not have the powers to litigate in such cases, the CGE facilitates successful mediation processes and maintains ongoing investigations.

Various provinces participated during the consultative processes on the Green Paper on Marriages in South Africa. The Green Paper on Marriages was published on 20 April 2021 for public consultation. Subsequently, the CGE participated in public consultations held across the provinces. The Green Paper aims to develop a new Single Marriage Bill that will align the country's marriage regime with the constitutional principle of equality. The paper proposes unions of people from all sexual orientations, religious and cultural persuasions. It also proposes the complete removal of child marriages in the South African marriage regime and addresses harmful practices such as *ukuthwala*.

5.2. Minimum age of Marriage and Registration of Marriage (Article 6(b) (d))

In South Africa, customary marriages must be registered at the Department of Home Affairs within three months of conclusion. However, the CGE has learned through the high number of complaints it received over the years that many customary marriages remain unregistered. The complaints are often related to women losing their properties, estates, and land, among others,

due to the lack of proof of marriage, particularly in cases of the death of the spouse. Through the CGE Legal Department and PEI Department, awareness-raising programmes were implemented to educate the public about the importance of the registration of customary marriages.

The CGE Legal Department in KwaZulu-Natal held legal clinics through face-to-face interactions and radio platforms, wherein the Legal Officer ran educational programmes on the registration of customary marriages. In other provinces like Limpopo, a joint venture between the CGE Legal Officer and PEI Officer, with the help of the Provincial Managers, was recorded whereby outreach and advocacy programmes were conducted with the purpose of educating the public about the importance of registering customary marriages. In addition, the CGE Legal Department conducted information-sharing sessions with women in rural areas on the implications of the various types of marriages (matrimonial regimes).

The new Single Marriage White Paper seeks to set the age of marriage at 18 years and for marriage to be consensual. The CGE participated in consultative processes regarding these developments.

5.3. Protection of women in polygamous marriages (Article 6(c))

Several cases reported to the CGE suggest that when men want to take up more than one wife, they sometimes do so without the knowledge or consent of the first wife, leading to additional marriages not being registered under the Recognition of Customary Marriages Act No. 120 of 1998.

To address this challenge of unregistered polygamous marriages and customary marriages in general, the CGE PEI Officer conducted outreach-advocacy and access-to-justice programmes in Limpopo. This programme aimed to educate the public on the types of marriages (customary and civil marriages) that exist, divorce processes and to refer communities to suitable agencies for assistance on these issues. Since the CGE conducted these outreach programmes, the Limpopo office witnessed more women reporting cases of issues related to abuse and the violation of other rights in marriages, including polygamous marriages. The CGE intervened by offering legal assistance and linking women to other necessary support services, such as psychosocial support services.

5.4. Protection of women during separation, divorce or annulment of marriage (Article 7)

Through its provincial offices in Limpopo, Mpumalanga and KwaZulu-Natal, the CGE conducted workshops on marriages, separation and divorce. A noteworthy development is a recent move by courts to provide separation and divorce services pro-bono to assist those who cannot afford legal representation during a divorce. The CGE incorporated this information in its public awareness campaigns.

The CGE Legal Department also assisted women divorced by their husbands without their knowledge. This practice is reportedly rife in customary marriages.

The CGE Legal Department intervened on and assisted women in cases of non-payment of maintenance by their ex-husbands after separation or divorce across the provinces. Many of the reported cases were related to the enforcement of Maintenance Orders in cases of divorce and prosecutions in terms of Section 31 of the Maintenance Act. The CGE Legal Department intervened successfully in many of these cases.

5.5. Protection of children in the family (Article 6(i) &(j))

The CGE conducted a research study on issues of fathers and produced a report titled *When relations disentangle: Assessing factors prohibiting unmarried, divorced, or separated biological fathers from exercising their parental rights, including contact with their children*. The aim of the study was to investigate factors that prevent unmarried, divorced and/or separated biological fathers from enjoying full parental rights and exercising their parental responsibilities, with a specific focus on the right to contact with the child. The CGE disseminated the findings and recommendations of the report through various platforms, such as media, seminars, webinars, community meetings, and others, to reach a wide array of stakeholders, including policy and law makers, legal practitioners, parents and communities in general. The report was well received and hailed by stakeholders for bringing to the fore the importance of involved parenting by both parents of a child.

6. Health and reproductive rights

6.1. Reproductive health services, including the reduction of maternal mortality (Article 14(1)(a) and (b))

In 2019/2020, the CGE published an investigative report into the forced sterilisation of HIV-positive women.¹³ The report was based on a complaint lodged on 20 March 2015 by the Women's Legal Centre (WLC) on behalf of Her Rights Initiative (HRI)¹⁴ and the International Community of Women Living with HIV.¹⁵ The complaint was lodged on behalf of 48 women whose cases of forced sterilisation had been documented.

The complaint lodged was grounded on the gross human rights violations of women living with HIV in South Africa as they were allegedly subjected to forced sterilisation in public hospitals. The women were forced to consent to sterilisation in circumstances that undermined their ability to act voluntarily.

The rights violated included the following:¹⁶

- a. Right to equality
- b. Right to dignity
- c. Rights to act autonomously and to choose one's own method of birth control
- d. Right to the highest attainable standards of health, including sexual and reproductive health and rights
- e. Right to adequate and comprehensive information.

The CGE adopted a three-leg approach in addressing the complaint. In leg one, the CGE requested further details and information regarding the complaint; in leg two, several meetings were held with the Department of Health regarding their role in the matter; and in leg three, onsite inspections in partnership with the Department of Health were conducted at the healthcare facilities where the offences were alleged to have occurred.

The investigation revealed that the women who had lodged complaints were African, and most were HIV-positive and pregnant at the time. They were either in labour and/or in extreme pain, seeking medical assistance at various hospitals in the country. The investigation further revealed that just before giving birth, the women were coerced into signing forms that they later learnt through various means were consent forms allegedly permitting the hospital to sterilise them. Additionally, all the women who were allegedly subjected to this process of sterilisation gave birth through caesarean section. As stated in the women's statements, most of the women were either humiliated and/or threatened by medical personnel who told them they would not be attended to if they did not sign the forms. Furthermore, some stated that due to the extreme pain that they were in, they did not understand the contents and consequences of the forms they were signing.

The investigation led to the following findings:¹⁷

¹³ CGE (2020). Forced sterilisation of women living with HIV and AIDS in South Africa. Investigative Report.

¹⁴ Her Rights Initiative (HRI) was established in 2009. HRI is an advocacy organisation based in Durban but has a national, regional and international reach on issues pertaining to sexual and reproductive health and rights. In addition to advocacy, the organisation uses evidence-based research as a key component of achieving its policy objectives.

¹⁵ The network focuses on advocating for and advancing the protection of the rights of women living with the human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS). Through its work, the ICW brings to light the plight of women living with HIV/AIDS. Some of the cases involve women who have been victims of critical human rights abuses such as, violation of the right to the highest attainable standards of health, specifically, sexual and reproductive health and rights. Furthermore, the organisation plays a big role in advocating against forced sterilisation, discrimination and stigma directed towards persons living with HIV/AIDS, domestic violence, and other forms of private and institutionalised violence against women living with HIV.

¹⁶ CGE (2020). Forced sterilisation of women living with HIV and AIDS in South Africa. Investigative Report.

¹⁷ CGE (2020). Forced sterilisation of women living with HIV and AIDS in South Africa. Investigative Report.

- a. The complainants had their right to equality and freedom from discrimination violated.
- b. The complainants' right to dignity, bodily integrity and freedom and security over their bodies were violated.
- c. The complainants' right to the highest attainable standards of health, including sexual and reproductive rights, were violated.
- d. The complainants were not provided with adequate knowledge of the sterilisation procedure before being asked to consent, thus violating their right to information.
- e. The complainants were not advised on other alternative methods of contraception.
- f. The complainants were subjected to cruel, torturous or inhuman and degrading treatment.
- g. The medical staff breached their duty of care to the patients.
- h. While some files had consent forms, this cannot be equated to informed consent. The consent forms do not reflect the nature of the discussions that took place before such consent was given and are also not indicative of the language used to explain the procedure. This begs the question of whether the complainants even understood the procedure.
- i. There is a lack of a uniform file management system within the DOH, including electronic file management and backup.
- j. The complainants could not reasonably be said to have consented to the procedure, given the current structure of the consent forms and the alleged unethical process used to obtain consent. They were therefore forced into being sterilised.

The CGE made the following recommendations:

- a. The Commission will refer the report and its findings to the Health Professions Council of South Africa (HPCSA) and the complaints contained herein. The HPCSA guides and regulates health professions in all aspects pertaining to professional conduct and ethical behaviour. Thus, the HPCSA ought to engage with the report as they have the necessary capacity to investigate the professional conduct and behaviour of the implicated health care practitioners.
- b. The Commission referred the report and its findings to the South African Nursing Council (SANC) and the complaints contained in it. The SANC guides and regulates nurses on all aspects pertaining to professional conduct and ethical behaviour. Thus, they ought to engage with this report as they have the necessary capacity to investigate the professional conduct and behaviour of the implicated health care practitioners.
- c. The NDOH, upon receipt of the report, must interrogate and scrutinise the provisions of the Sterilisation Act and interrogate consent forms for sterilisations to ascertain whether the provisions contained therein provide for and protect the principle of informed consent in all respects. The NDOH must report to the CGE within three months of receipt of the report as to what concrete steps the department will take in order to ensure the eradication of the harmful practice of forced sterilisation.
- d. The NDOH, upon receipt of the report, must facilitate dialogue between themselves and the complainants in order to for them to find ways of providing redress to the complainants.
- e. The Commission presented the report as part of its petition to the South African Law Reform Commission (SALRC) for legislation amendments that ensure consent is properly obtained, such as counselling prior to consent, timing of obtaining consent and compulsory information that must be provided.
- f. The NDOH must revise consent forms to conform with the guidelines provided by the International Federation of Gynaecology and Obstetrics. The consent forms must be

- standardised for all sterilisation procedures. The NDOH should also print consent forms in all official languages, and the explanation of the procedure, particularly its irreversible nature, should be given in the patient's language of choice. This must be executed and attested to.
- g. The NDOH must make it an operational policy requirement that when a patient agrees to sterilisation, they must be given a cooling-off period in order to fully appreciate the risks and consequences of their sterilisation procedure.
 - h. Standard timeframes should be put in place concerning when the discussion around sterilisation should occur. Patients cannot be informed about this process minutes before going to theatre. Patients must also be informed that they are at liberty to change their minds at any time before the procedure takes place.
 - i. The DOH must ensure that their manual and electronic filing systems are standardised for ease of coordination. Feedback to the latter must be provided within three months from the date of the CGE report.

At the time of completing this report, the investigation had reached an advanced stage whereby the DOH had to provide the CGE with the clinical analysis report for each complainant and indicate the relief available for each affected complainant in line with the clinical directives.

6.2. Provision for abortion (Article 14(2)(c))

The CGE investigated the application of the Choice of Termination of Pregnancy Act No. 92 of 1996 (CTOPA) in 2021. The CTOPA, was enacted in 1996 and amended in 2008 to increase facilities that provide abortions and to introduce a rights-based framework for addressing women's sexual and reproductive health and rights. The Act enshrines women's and girls' right to have an abortion on request up to 12 weeks of pregnancy and up to 20 weeks in cases of socioeconomic hardship, rape, incest, and for reasons related to the health of the pregnant woman or the foetus. Both medical and surgical methods of abortion are provided for free or at subsidised costs in designated facilities accredited by the NDOH. Private health facilities may also provide abortion services after receiving accreditation.

The CGE's investigation was premised on the fact that even though the CTOPA is one of the most progressive pieces of legislation on women's sexual and reproductive health rights in the world, access to abortion services remains a challenge in South Africa, with approximately 50% of abortions occurring outside of designated health facilities. Furthermore, many women and girls, especially those from poor backgrounds and marginalised communities, still struggle to access safe abortion services due to structural and systemic barriers.¹⁸

The findings of the investigation revealed the following:¹⁹

- a) There seemed to be limited and/or no monitoring done by the NDOH on termination of pregnancy (TOP) services within the various provinces. This was deduced from the observation that NDOH could not provide any information on the service and how it was being managed. Furthermore, the number of facilities reported by NDOH differed from that reported by provinces. Another factor was that the responses received suggested that each province managed TOP services at a provincial level, with no requirements for reporting to the NDOH.
- b) The CGE observed the lack of facilities and trained professionals across provinces, resulting in backlogs in many of the facilities responsible for providing TOP services.

¹⁸ CGE (2021). Investigation into Choice on Termination of Pregnancies in South Africa. Investigative report.

¹⁹ Ibid

- c) Services were not easily accessible, especially for women and girls based in rural areas.
- d) There was a lack of information and/or sensitisation programmes on TOP to address the stigma around issues of abortion.
- e) It was observed that certain districts, regions and local facilities did not provide abortion services. The impact of this was that women and girls had no access to services in such areas. Services in relation to second-trimester services were limited.
- g) The department acknowledged that the unwillingness of healthcare professionals to conduct abortion services due to conscientious objection is regarded as a barrier to rendering the services.
- h) It was observed that the department did not have a standard interview questionnaire utilised during the recruitment processes.
- i) It was observed that there was no standardised funding model for abortion services across provinces.

Based on these broad findings, the CGE proposed the following recommendations:²⁰

- a. To promote access to TOP, all healthcare facilities in the country should offer TOP services. The NDOH should provide an implementation plan to standardise access to TOP services and equip all facilities to provide TOP services, inclusive of second-trimester TOP services.
- b. Provincial departments to keep proper records of TOP services rendered within their respective areas, challenges identified and how they were addressed.
- c. The recruitment of healthcare professionals who are willing to perform TOP services is necessary. The department should aim to recruit more officials willing to perform the service to give effect to the CTOPA and the right to sexual and reproductive health rights (SRHR) services.
- d. The NDOH should consult the National Treasury to standardise national funding models for TOP services.
- e. The NDOH should increase its budget to allow for more facilities and healthcare professionals to be trained to provide TOP services, as there is a demand.
- f. The NDOH should prioritise and embark on more sensitisation programmes.

The CGE plans to host engagements with all relevant stakeholders to discuss the findings and recommendations of the investigation.

²⁰ Ibid

7. Economic, social and cultural rights

7.1. Economic and welfare rights (Article 13)

The Commission conducted many programmes seeking to inform and educate women about their economic and welfare rights.

In northern KwaZulu-Natal, the CGE PEI Officer conducted a seminar in partnership with Isihlangu events. This seminar involved several stakeholders (small, medium and macro enterprises). The seminar objectives were to:

- Provide a platform for women to discuss funding opportunities
- Network with other women-led businesses
- Identify and address barriers to funding opportunities.

Furthermore, the CGE participated in Fair-Trade Africa. The programme aims to lift farmers and workers to an economically and socially sustainable life, staying within the boundaries of ecological sustainability. The programme's crosscutting objectives were gender equality, youth, and vulnerable groups, especially persons with disabilities.

The programme's terms of reference included three sustainability priority areas with pathways of change. They are:

- Social: Farmers and workers make the decisions regarding their wellbeing
- Economic: Farmers and workers are economically resilient
- Ecological: Farmers and workers live in harmony with the environment and climate.

The CGE Western Cape provincial office also participated in the 3R Programme. The 3R Programme is funded by the Canadian government and is implemented by the UN Women in South Africa, Rwanda and Senegal. The 3Rs stand for the transformative approaches to recognise, reduce and redistribute unpaid care work in women's economic empowerment programming. The overarching objective of the programme was to remove the structural barriers that negatively affect women and limit their full and equal participation in the economy. This was done through developing and strengthening laws and policies that recognise unpaid care work and increase the capacity of women's cooperatives and other organisations that provide care services, including early childhood development services. The 3R Programme also complements existing UN Women programmes on climate-smart agriculture (CSA) and rural women's economic empowerment in South Africa, by bringing infrastructure in response to water challenges that women farmers face. The project was implemented from July 2021 to December 2022, and the CGE participated as a key stakeholder providing technical inputs from a gender perspective.

An incident was a group of social workers who lodged a complaint with the CGE raising allegations of Black women not being considered for upward mobility at the university where they worked. The complainants alleged that job advertisements would explicitly state that Black women were not encouraged to apply. The CGE wrote to the university in light of these allegations, requesting its Employment Equity Plan. The plan showed that although women were under-represented in the Department of Social Work, women were generally being discouraged from applying for work in the unit. The university was found to be in contravention in relation to the allegations that

were brought to the CGE. The outcomes of the case were discussed with the complainants to appraise them about the findings of the CGE.

7.2. Right to food security (Article 15)

The CGE intervened in cases of women whose maintenance orders were in place but were contravened. For example, a case was brought to the CGE regarding a father who paid child maintenance for nine years and then stopped due to paternity disputes. According to South African law, a parent cannot stop paying maintenance due to paternity disputes. The CGE's intervention was successful in that the man was ordered to continue paying child maintenance until the paternity results were presented.

7.3. Right to a healthy and sustainable environment (Article 18)

The CGE's Western Cape provincial office contributed to the Western Cape Climate Change Strategy. This strategy aimed to observe the gender responsiveness of state policies and practices. The Western Cape Government, specifically the Climate Change Directorate, published the call for public comments on 8 November 2021 and closed on 24 January 2022. The CGE submitted oral comments on 11 February 2022 in a special meeting with the directorate team.

The provincial office also participated at the event of the Gender for Energy Security (GENS) Trilateral Research Chair at Stellenbosch University School of Public Leadership. The event focused on mainstreaming gender for energy security in poor urban environments. The CGE participated as a key stakeholder by providing technical inputs from a gender perspective. The strategy responds to the urgency of the global climate change emergency amidst the dramatic global events of 2020. The strategy incorporates the latest science and overwhelming evidence supporting the need for a green and low-carbon economic recovery.

7.4. Right to sustainable development, including the right to property; access to land and credit (Article 19)

The CGE Western Cape provincial office participated in the women and land project in collaboration with Ubuntu Rural Women and Youth Development, an initiative addressing farm worker evictions and access to land. Some challenges faced by the women living on farms and in rural areas is access to land and tenure rights in accordance with the protection provision of the Extension of Security of Tenure Act 62 of 1997 (ESTA). The activity was based on the commemoration of Human Rights Day in South Africa.

The Western Cape provincial office has also been working on gender mainstreaming and localisation of Sustainable Development Goals (SDGs) as part of the South African Working Group on SDGs. The South African Working Group consists of civil society organisations from various provinces that have been actively engaging with Statistics South Africa as the department responsible for tracking and reporting on the country's compliance regarding the implementation of the SDGs. The working group has been active since the first reporting period of the SDGs and has been active throughout the negotiation phase with the SDGs. After that, it developed civil society organisation positions, made inputs to the intergovernmental negotiations and engaged periodically with the Department of International Relations and Cooperation (DIRCO), the Department of Social Development (DSD), the Department of Planning, Monitoring and

Evaluation (DMPE), and Statistics South Africa (StatsSA). The South African Working Group on SDGs also hosted many consultations in recent years to develop a structure and road map for CSO participation in the implementation of Agenda 2030 for Sustainable Development.

The SAWG enjoys membership of major CSO and community-based organisation networks in South Africa, NGOs from across sectors, as well as people's movements. The network has a good partnership with trade unions and Chapter 9 institutions (such as the CGE) to review SDG implementation in South Africa. African Monitor acts as the Secretariat for the group. The SAWG is the co-convenor of the Annual Open SDGs Symposium and community dialogues that provide an opportunity for civil society and other non-state actors in South Africa to review the SDGs and share perspectives on an open, inclusive and collaborative platform. They are designed to showcase and encourage the transformative nature of the SDGs. Building on the success of the 2019 symposium, the SAWG convened the Open SDG Club South Africa 2020 in November 2020. The main aim of the Open SDG Club Symposium South Africa 2020 was to build a common cause, share transformative solutions and constructive advice on crucial interventions to end poverty, reduce inequality, protect the environment and formulate building blocks for inclusive and transformative recovery. The launch of the Open SDG Club South Africa Symposium report was in 2021, and in 2022 the working group hosted the Global Forum for National SDG Advisory Bodies network ending with a political high-level-segment event in Cape Town between 4 and 7 September 2022.

8. Right to peace (Article 10)

8.1. Women's participation in peace and conflict prevention and management (Article 10(1)) and in all aspects of post-conflict reconstruction and rehabilitation (Article 10(2)(e))

The CGE participated in the formulation of the Women, Peace and Security National Action Plan (WPS NAP), launched in March 2021. The Research Department participated in technical groups responsible for the formulation of the four NAP pillars, which are participation, prevention, protection, relief and recovery.

The issue of participation is one of the key pillars of the Women, Peace and Security National Action Plan (WPS NAP). The pillar advocates for increased representation and effective participation of women and their inclusion in strategic positions and key peace processes. Such strategic structures include decision-making positions in government, including Parliament, National Assembly, Legislatures, various security cluster portfolio committees and deployments to external missions, among others. The prevention pillar employs preventative and proactive strategies to minimise the occurrence and impact of conflict. The CGE is responsible for the following through its Constitutional mandate as aligned with the AU Continental Result Framework Key Indicators for Member States:²¹

- Assess the existence of laws and policies that integrate a gender perspective
- Establish the proportion of the national budget allocated to security cluster government departments that drive the WPS agenda
- Monitor the number and percentage of women in decision-making positions in peace and security institutions.

9. Protection of women in armed conflicts (Article 11)

The NAP domesticates the provisions of UN Resolution 1325 and its subsequent resolutions and regional mechanisms that promote women, peace and security in Africa.

The protection pillar for women, peace and security, recognises that conflict disproportionately impacts women. The pillar recognises that women are at risk of all forms of sexual and gender-based violence and sexual exploitation, including rape and forced prostitution, among others. One of the key responsibilities of the CGE, as per the NAP, is to monitor the establishment of national policy forums on women, peace and security from the three spheres of government, civil society and the private sector that work within the security cluster. A CGE representative was part of the task team that guided the development of the NAP and provided technical support, especially during the consultative phase across the nine provinces.

The protection pillars of both the WPS NAP and the GBVF NSP are interlinked so that the strategies and plans under the NSP are also applicable to the WPS NAP. South Africa amended the three crucial GBV Bills that have augmented the stringency of the laws on GBVF-related cases. These bills include:

- Victims Service Bill. The Bill provides a statutory framework for promoting and upholding the

²¹ AU Continental Result Framework Key Indicators for Member States 2018

rights of victims of violent crime. The Bill prevents secondary victimisation of people by the criminal justice system processes by providing protection, response, care and support, as well as re-integration programmes. The framework provides for:

- integrated and multi-disciplinary coordination of victim empowerment and support to provide for designation and registration of victim empowerment and support services centres and service providers
- the development and implementation of victim empowerment services norms and minimum standards
 - the specific roles and responsibilities of relevant departments and other stakeholders
 - matters connected therewith.
- Domestic Violence Act. The Act gives protection to victims and survivors of domestic violence. This Act was amended several times, with the recent amendment introduced in 2021.²² The recent amendment to the Act significantly improved the principle of domestic violence by broadening what constitutes acts of domestic violence. The Act, among other things, increases accountability by including sections that make it compulsory for adults who become aware that acts of domestic violence have been committed to report, and failure to do so amounts to a crime. The Act prohibits bystanderism and leads to the punishment of bystanders, thereby preventing bystanderism.
- Criminal Law (Sexual Offences and Related Matters) Amendment Act and Criminal Law Related Matters. The amendment, among other provisions, expands the ambit of the crime of incest and introduces a notion of sexual intimidation, allowing for virtual proceedings (witnesses can testify virtually) and intermediary services. Intermediary services are now available to witnesses with certain disabilities and persons who suffer from physical, psychological, mental or emotional conditions. Gesture language is now considered as viva voce/oral evidence and allows a witness who lacks the sense of hearing or the ability to speak, to testify using a gesture language. This ensures that services to victims of crime are victim and disability centric. The amendment increases the National Register for Sex Offenders to include sex offenders.

The CGE played a role in the consultative processes, as well as in making the submissions to the Bills in relation to the laws to ensure that the provisions are compressive and stringent.

22 Domestic Violence Amendment Act 14 of 2021

10. Rights of specially protected women's groups

10.1. Widows, including their inheritance rights (Articles 20 and 21)

The CGE dealt with various issues regarding widows. For the period under review, the CGE covered matters relating to widows discriminated against for various reasons. The cases covered were those of women who were victims of property grabbing, being isolated, being unduly taxed or having no access to the estate after the passing of the husband. Widows have also been victims of GBV. The CGE Legal Department intervened in the case by involving the Department of Cooperative Governance and Traditional Affairs to mediate. A woman was pushed out of the community because she refused to wear the mourning attire prescribed for widows. The case was resolved successfully, with the woman reintegrating into the village.

The CGE also contributed to changing the double pension deduction by the South African Revenue Services, where widows were being taxed more than required on their deceased husbands' pension funds.

The CGE was part of the Women's Lekgotla in the North West, where widows were given a voice to participate in traditional leadership structures and processes. In this regard, the CGE shared research findings and provided education on human rights, particularly widows' rights.²³ The CGE assisted the Lekgotla with preparatory material for an upcoming women's celebration.

The Commission is also part of the Widows' Forum as established in some provinces, including the North West. Bahumahadi (chief's wives) is a collective that assists in addressing the plight of widows through education and access to information on ways to gain assistance following discriminatory processes. The CGE also provided education on customary marriage legislation and GBV.

10.2. Elderly women (Article 22)

In Kwa-Zulu Natal, two cases arose regarding elderly women. The first case was of an elderly woman's grandchildren who were raped and killed in her presence. Unfortunately, no arrests had been made, although investigations were still underway at the time of publishing the report. The CGE has been observing and monitoring this case in court. The second case was of a 75-year-old woman who was raped and murdered by criminals posturing to be the South African National Defence Force during the Covid-19 lockdown under the pretence of coming to sanitise her residence. The perpetrators were arrested, prosecuted, found guilty and sentenced to life imprisonment. The CGE monitored this case until completion.

The CGE Mpumalanga office is part of the Gender Machinery and District Social Clusters, where the issues affecting elderly women are discussed. It was noted by the Mpumalanga provincial office through its participation in these forums that elderly women were living in unhealthy and unsafe environments. The CGE noted that these elderly women were neglected by their respective families and communities, who at times accused them of witchcraft. The CGE implemented awareness-raising campaigns around the rights of elderly women in response to these challenges.

²³ CGE (2018). Gender Rights Under Culture Rites: Assessing women's empowerment through Houses of Traditional Leaders in South Africa. Research Report.

The general experience across the provinces was that some grandchildren had fraudulently attained the social security grants of elderly women. The CGE PEI Department raised awareness, and the CGE monitored such cases in the courts until justice was served for the victims.

10.3. Women with disabilities (Article 23)

The CGE engaged with various stakeholders regarding persons with disabilities (PWD) where GBV issues were covered to raise awareness and share avenues for intervention, including the CGE complaints system. Some stakeholders included the KwaZulu-Natal Blind and Deaf Society, Department of Social Development, Department of Justice and the South African Police Services.

The issues related to disabilities are also discussed and handled by the provincial units of the National Gender Machinery and the district social clusters. These issues are deliberated generally under these structures to provide policy guidance and direction where necessary.

10.4. Women in distress (Article 24)

During the Covid-19 hard lockdown period, the CGE participated in observations to ensure women were not treated unfairly. The main aim of conducting the observations was to guard against any gender and/or human rights violations that came with the provisions for managing the disaster. The gendered impact of the Covid-19 lockdown in Gauteng was also assessed. This included hospital visits, shelter observations and acceptance of gender-related complaints.

Through this exercise, the CGE received complaints and thus intervened regarding the closure of the sale of goods and services related to mothers' needs during the heavy lockdown period.

11. Conclusion

The information provided in this Activity Report demonstrates the intensive contribution of the CGE in the implementation of the African Charter on Human and People's Rights on the Rights of Women, herein called Maputo Protocol. The national and provincial CGE offices make this contribution to ensure compliance by the duty bearers across various government departments and sectors on the promotion of gender transformation in the country. The findings reveal that there have been strengthened partnerships and collaborations with diverse key stakeholders at various levels of governance in the country. The findings demonstrate gains and impactful initiatives by the CGE in ensuring the advancement of gender equality across the various provinces in South Africa. This is the first Activity Report since the attainment of affiliate status by the Commission.

12. Annexure 1: Submissions made during the 2020/2021 financial year

In accordance with Strategic Objective 1 of the CGE to advance an enabling legislative environment for gender equality, the Commission made the following 22 submissions during the 2020/2021 financial year:

1. Submission to the National Treasury: Draft Public Procurement Bill, 30 June 2020
2. Submission to the Western Cape Education Department: Draft Guidelines on Gender Identity and Sexual Orientation in Public Schools, 19 June 2020
3. Submission to the Select Committee on Security and Justice: Judicial Matters Amendment Bill [B13b-2019], 3 July 2020
4. Submission to the Select Committee on Security and Justice: Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill [B22-2019], 31 July 2020
5. Submission to the Portfolio Committee on Agriculture, Land Reform and Rural Development: Upgrading of Land Tenure Rights Amendment Bill [B6-2020], 7 August 2020
6. Submission to the Department of Social Development: Draft Victim Support Services Bill, 7 October 2020
7. Submission to the Portfolio Committee on Justice and Correctional Services: Criminal and Related Matters Amendment Bill [B17-2020], 9 October 2020
8. Submission to the Portfolio Committee on Justice and Correctional Services: Domestic Violence Amendment Bill [B20-2020], 9 October 2020
9. Submission to the Portfolio Committee on Justice and Correctional Services: Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill [B16-2020], 9 October 2020
10. Submission to the Department of Labour: Draft Code of Good Practice on the Prevention and Elimination of Violence and Harassment in the World of Work, 20 October 2020
11. Submission to the Limpopo Legislature: Customary Initiation Bill, 31 August 2020
12. Submission to the KwaZulu-Natal Legislature: Social Assistance Bill, 18 September 2020
13. Submission to the Children Amendment Bill, 27 November 2020
14. Submission to the South African Police Service Amendment Bill, 27 November 2020
15. Submission to the Draft Code of Good Practice on the Prevention and Elimination of Violence and Harassment in the Workplace, 20 October 2020
16. Submission to the Domestic Violence Amendment Bill, 9 October 2020
17. Submission to the Criminal Law Sexual Offences and Related Matters Amendment Act Bill, 9 October 2020
18. Submission to the Criminal and Related Matters Bill, 9 October 2020.
19. Submission to the Employment Equity Amendment Bill, 19 February 2021
20. Submission to the Compensation for Occupational Injuries and Diseases Act, 19 February 2021
21. Submission to the Expropriation Bill, 28 February 2021
22. Submission to the One Stop Border Post Policy, 28 February 2021.

13. Annexure 2: Submissions made during the 2021/2022 financial year

1. Electoral Amendment Bill
2. Criminal Law (Forensic Procedure Amendment Bill)
3. Draft National Labour Migration Policy and Employment Services Amendment Bill
4. Free State Integrated Local Economic Development and Transformation Bill
5. Employment Services Amendment Bill
6. Relocation of Families with Reference to Minor Children.
7. Health Regulation Bill
8. The National Railway Safety Standards Development Regulations
9. Directives on Policy and Procedure for the Implementation of Recognition of Prior Learning
10. Single Marriages Discussion Paper 152
11. Compensation for Occupational Injuries and Diseases Amendment Bill
12. Regulations of Social Assistance Act

