



Commission for Gender Equality

NEWSFLASH

A Commission for Gender Equality Newsletter

29 November 2024 | EDITION 125

Vision:



An independent, constitutionally mandated organisation that pioneers and catalyses gender development and transformation.

Mission:



To lead, promote, protect, monitor, and evaluate gender equality through research, managing public education, policy development, legislative initiatives, and litigation.

CGE Wants Review of Tshwane's By-Laws To Protect Informal Traders on City's Streets

The Commission for Gender Equality told City of Tshwane's senior officials to review the municipality's by-laws to ensure they empower and protect women who operate small informal businesses on the city's streets. The Tshwane officials appeared before CGE Commissioners in an investigative public hearing held on Monday, 25 November 2024, where the Commission's Gauteng office presented its findings, painting a worrying picture of the state of informal traders in the city. The Commission's Gauteng Provincial Manager, Khutso Monyepao said the office is concerned that the city seems to be focusing on removing informal traders from the streets without providing support and alternative trading mechanisms to ensure that the traders continue to have their livelihoods.

"Our office is based in the Pretoria CBD where we get to observe the city officials removing traders and impounding their goods, but we believe there should be a balance between enforcing the law and empowering informal traders," she said. "We find the city's by-laws to be restrictive and at times intimidating to informal traders, who are providing food supply to people within the city who cannot afford to buy food from restaurants" she added. During the hearing, CGE Commissioners



TAKING OATH: A senior manager from the Tshwane Municipality takes oath during the city's appearance before the Commission.

probed city officials on the extent of transformation goals in their by-laws and their plans to ensure greater protection of women who operate small businesses. "A lot of informal traders have to wake up around 3am to be on the city streets in the morning and be able to sell breakfast foods to the public, it is important for the city to build a safe environment for them to operate their stalls" said Commissioner Seehaam Samaai.

CGE's CEO, Dr Dennis Matotoka, said the city should view informal traders within the perspective of the country's efforts to reduce unemployment and poverty, "One of the aspirations of National Development Plan is to reduce poverty. We want to interrogate measures the

City of Tshwane has in place to ensure development of the informal trading sector to enable it to move towards that aspiration" Matotoka said. During CGE's assessment of the environment in which informal traders work, it found that there was lack of safety, no ablution facilities, and impounding of their goods by city officials, amongst other concerns. City of Tshwane's Acting Head of Economic Development, Benjamin Manusoe, said the city was doing its best to change the situation, "Since Covid-19, the number of informal traders in Tshwane has tripled from what it used to be before. Under the prevailing circumstances we have implemented several support systems, including inviting the Department of Small Business Development to provide enterprise development support to the informal traders," he explained.



Khutso Monyepao, CGE's Gauteng Provincial Manager.

IN THIS ISSUE:

- CGE Meets SAPS Over Traditional Leaders' Handling of Rape Cases In North West
- CGE's Findings on Women's Access to Land Reach Broader Continent
- Let's Work Together To Protect Vulnerable People Affected By Gang Violence – Nomvungu
- Empowering Social Inclusion - A Step Towards Queer Rights Awareness And Advocacy



Editor: Sello Molekwa | **Writers:** Mikateko Shipalana

Contributors:
 Kokeitso Sekhu
 Phillisiwe Gabela
 Moltah Mavuso
 Tracey Gumede
 Dennis Matotoka
 Tsholofelo Sabole

CGE Meets SAPS Over Traditional Leaders' Handling of Rape Cases In North West

The Commission for Gender Equality in the North West province met representatives from South African Police Service and Department of Social Development to discuss the tendency of traditional leaders to resolve cases of rape within traditional courts. The stakeholder engagement, which took place on 21 November 2024 in Lehurutshé, followed developments wherein traditional leaders imposed monetary or livestock fines on perpetrators instead of pursuing justice through the criminal justice system. People representing civil society organisations, including men's sector and the local traditional council, also attended the gathering.

CGE's Education Officer in the province, Tsholofelo Sabole, said traditional leaders who handle rape cases risk being charged with obstructing justice, or even aiding and abetting a crime, "It's important to note that traditional leaders who handle such sensitive cases outside the established legal framework may face severe legal repercussions. South African law requires that all cases of rape, including statutory rape, be reported to the police," she said.

Sabole added that the traditional leaders' actions not only undermine the rights of victims of sexual violence but could

also contribute to a culture of impunity by perpetrators. Furthermore, violating constitutional principles of equality and justice could result in their authority being questioned or revoked. "It is crucial for victims of rape to receive comprehensive care to support their physical, emotional, and psychological recovery. This ensures access to medical treatment, counselling, and legal assistance, empowering survivors to heal and seek justice," she said.



CGE North West in a meeting with members of the South African police and officials from the provincial Department of Social Development.

CGE's Findings on Women's Access to Land Reach Broader Continent

The Commission for Gender Equality (CGE) participated at the First African Women Land Professionals Associations Conference (FAWLPA) held in Tanzania this week, where findings of its research report on barriers to women's access to communal land, were discussed. Hosted by the Africa Regional Network of the International Federation of Surveyors, the conference held policy dialogues on issues affecting women and access to land, including; Land reform programme - formalisation and rural titling; Household, macro, and external exacerbating conditions and threats to women's land rights, and; Legal and social legitimacy or rights.

Laying bare the findings of CGE's report on women's access to communal land, Acting Head of Policy and Research, Naledi Selebano, told the conference that it is important to underscore the dire consequences posed by barriers to land access for women. "The disparities between men and women in communal land access perpetuates gender inequality, limits women's economic empowerment, and undermines their food security and social dignity" she said.

Speaking on the subject of legal frameworks in relation to customary, religious and formal law, Selebano explained the different land tenure systems in South Africa and their impact on women, "The persistence of patriarchal norms, discriminatory practices, and limited awareness and lack of representation of women within the traditional decision-making structures perpetuate gender-based discrimination in land governance," she added. Conference delegates discussed solutions that could be adopted to narrow the gap between law and practice, and how challenges in enforcing

existing women's land rights can be overcome, "Relevant government ministries must take the lead in leading difficult conversations and debates among all sectors players," Selebano said. Selebano added that the challenge with traditional leaderships is that their customary systems are often entrenched in patriarchy, owing to the influences of colonialism and apartheid. In their very nature, traditional authorities exist to uphold and preserve culture and tradition. This becomes a challenge when culture is embedded in patriarchal beliefs. Other organisations participating at the conference – which started on 25 November 2024 - included the Institute for Poverty, Land, and Agrarian Studies, which is an independent policy research hub at the University of Western Cape; NELGA, a partnership of leading African universities and research institutions on land governance in Africa; and the United Nations Economic Commission for Africa.



CGE's Naledi Selebano (far right) with stakeholders at the FAWLPAC conference in Tanzania.

Let's Work Together To Protect Vulnerable People Affected By Gang Violence – Nomvungu



CGE Commissioner in Western Cape, Mfundo Nomvungu called on stakeholders to work together in gang infested communities. Stakeholders (right) welcomed CGE's findings on men, masculinities and gang violence.

Gangsterism has a severe impact on communities and stakeholders must find a way of working together to stop this social ill and protect vulnerable people. This was the view of Commissioner Mfundo Nomvungu during a meeting with stakeholders in Cape Town on 20 November 2024. The Commission for Gender Equality in the Western Cape province invited various provincial government departments and non-governmental organisations, to respond to the findings contained in CGE's research study on men, masculinities and gangs. The study investigated factors behind the persistence of male gangs in Western Cape, KwaZulu-Natal and Gauteng, and made findings and recommendations that call for the intervention of certain government departments.

In the opening remarks, Commissioner Nomvungu emphasised the importance of cooperation amongst stakeholders, "It is important for us all to collectively join hands and make it our responsibility to find solutions to the problem of gangsterism". Commissioner Nomvungu also added that the involvement of stakeholders is critical in the research work that the Commission for Gender Equality is doing on issues that affect

communities. CGE's Provincial Manager in the Western Cape, Mpelo Malebye, said the Commission wanted to present the findings to stakeholders who participated in the research study when it was conducted, "Through this engagement we want to find a wayforward through accountability sessions and establish who should play which role and the kind of support they need to achieve that," she said.

Stakeholders welcomed CGE's findings and said in Cape Town, gangsterism is influenced by challenges such as substance abuse, neglect of trauma in communities, and Coloured males feeling economically and politically excluded. Abdul Raof Ryklief, Director of Restorative Services at the Provincial Department of Social Development, said intervention programmes are needed in communities to help individuals affected by gang violence, "In my Directorate we are responsible for a crime prevention programme, victim empowerment programme, and a substance abuse programme. We have to register and also monitor and fund substance abuse treatment centres and NPOs that run adult diversion programmes" he said.

CGE KZN Identifying Signs of GBV In Children

The Commission for Gender Equality in KwaZulu Natal office is partnering with the Children in Distress Network (CINDI) to raise awareness about gender-based violence (GBV) as part of the 16 Days of Activism campaign. The outreach programme targeted Early Childhood Development Organisations and focused on identifying the signs of GBV in children, understanding its prevalence, and providing resources for reporting cases. As part of the launch of the 16 Days of Activism Against Gender-Based Violence, the CGE collaborated with the Commercial City Clinic to raise awareness and provide valuable insights on GBV. The Commission's Education Officer in the province,

Tracey Gumede gave a presentation on the various forms of GBV, how to identify signs of abuse, and practical steps that individuals and communities can take to combat GBV.



CGE's Education Officer in KwaZulu Natal, Tracey Gumede addresses stakeholders on children and GBV.

Empowering Social Inclusion - A Step Towards Queer Rights Awareness And Advocacy

The Ramosa Community Hall in Mohlakeng- Randfontein came alive with vibrant discussions and a shared commitment to equality during the advocacy workshop. The workshop, which was organized in collaboration with the CGE's Gauteng provincial office and COGTA and other key government departments, sought to foster inclusivity, promote economic opportunities, and raise awareness about the LGBTQIA+ challenges in South Africa's townships.

CGE's Education Officer in Gauteng, Koketso Sekhu, unpacked constitutional provisions that safeguard human rights. Participants were educated on Section 9 (equality), section 10 (human dignity) and section 27 (access to social security and on health, especially on sexual reproductive health and right) of the constitution. Sekhu addressed the audience on the PEPUDA and international conventions/treaties that empower the CGE to advocate for the rights of Queer persons. Beyond constitutional awareness, the CGE monitored how government departments were upholding and advancing LGBTQIA+ rights. "The workshop created a platform for collaboration, allowing us to evaluate departmental strategies while identifying gaps in service delivery to the community" Sekhu said.

The workshop also provided a platform for the LGBTQIA+ persons to shed light on the persistent struggles they face in the township settings. Issues of secondary victimisation in healthcare, economic marginalisation and insufficient protective services were some of their concerns. The workshop concluded with a collective resolution on partnership and inclusivity. Resolutions included scaling up crisis response mechanisms and post crisis support for victims of hate crimes. Stakeholders also resolved to strengthen community awareness about LGBTQIA+ rights and the constitutional protections available



CGE's Education Officer in Gauteng, Koketso Sekhu (bottom left) spoke on the Commission's mandate at the Ramosa Community Hall in Mohlakeng.

to all citizens. The workshop reinforced CGE's aim of ensuring that the LGBTQIA+ persons are not only protected but empowered to participate fully in economic, social, and political spheres. "The workshop marked a step towards bridging the gap between policy and practice, ensuring that every individual is treated with dignity and respect regardless of their gender identity" Sekhu said.

CGE Worried Over Hate Crimes Against LGBTQIA Persons In Eastern Cape

The Commission for Gender Equality in the Eastern Cape held a stakeholders' dialogue to address growing hate crimes against members of the LGBTQIA+ community and discuss mechanisms to curb this violence. Five LGBTQIA+ persons were allegedly murdered in hate crime sprees in the Gqeberha region recently. The stakeholders agreed to develop an action plan against hate crimes and ensure training for first responders such as police officials, social development officials, educators, and faith-based and religious leaders on gender diversity and LGBTQIA + rights. "There will also be a progress report compiled to assess the level of attention these crimes are given, as well as the progress being made into the investigations for access to justice for the victims and their families," said Nceba Mrwebo, CGE's Eastern Cape provincial manager.



CGE met representatives from Eastern Cape SAPS over the hate crime attacks against LGBTQIA persons in the province.

CGE Summons NPA, SAPS To KZN Public Hearings Over GBV Systemic Failures



CGE Commissioners and Secretariat (right) and SAPS officials at KZN hearings with the Justice Cluster.

The National Prosecuting Authority told the Commission for Gender Equality that its convictions for sexual offences in KwaZulu Natal stands at 70%. The prosecuting authority appeared before CGE Chairperson Adv Nthabiseng Sepanya-Mogale, Deputy Chairperson Prabashni Subrayan-Naidoo, Commissioner Bongani Ngomane and Commissioner Dr Charnell Naidu. Addressing CGE Commissioners, the NPA's state advocate, Nonhlanhla Dlamini said they have made significant progress in prosecuting sexual offence cases. CGE's Acting Head of Legal Services, Tsietsi Shuping, said although 70% was an improvement from the previous year, the actual numbers of cases were not clear.

"A conviction rate can be 20 cases. The NPA must be clear so that the system can track these cases" Shuping said. The CGE summoned the NPA and South African Police Service to public hearings between 20 - 22 November 2024 in Durban. The CGE is concerned about the progress within the criminal justice system to prosecute gender-based violence cases and protect victims of sexual violence. The Commission also wanted to understand the efficiency of Thuthuzela Care Centres in the province. The Departments of Justice, Health and Social Development also appeared before the

Commission alongside the NPA and SAPS to account for their respective roles in the efficiency of the courts and victim support services in respect of GBV victims. NPA's advocate Omashani Naidoo said the Sexual Offences and Community Affairs had played an important role in supporting victims of sexual offence crimes.

During the presentation by SAPS, CGE's Chairperson Sepanya-Mogale raised a concern about the handling of rape kits at police stations across the province, "We were shocked to learn that some rape victim support centres have developed a protocol wherein they destroy rape kits. And I want you to own that because this is equivalent to destroying evidence, but they say they destroy it because SAPS does not come back to collect them and they don't know what to do." Responding to these claims, Deputy Provincial Commissioner responsible for crime detection, Major General Vukani Mgobhozi says he believes these allegations relate to incidents where people do not go through with the process of opening cases with the police. He said when people do open cases of rape, police follow the protocols with regards to the collection of rape kits.

Create Space for Youth and Women in Political Leadership – CGE

"The state must adequately create meaningful and inclusive democratic reforms to address barriers preventing young people and women accessing political leadership and decision-making roles" this was a call by the Commission for Gender Equality's Head of Public Education and Information, Philisiwe Gabela. The CGE in Gauteng gave an overview of its monitoring observations on youth and women's political participation and representation. Gabela participated in the National Intergenerational Dialogue which advances youth participation and representation in leadership and decision making. Attended by various youth advocacy organisations, the dialogue was organised by the International Institute for Democracy Assistance (International IDEA) alongside the European Union. Gabela's presentation highlighted barriers to young people and women's participation in politics, which is notoriously characterised by low representation.



CGE's Head of Public Education and Information, Philisiwe Gabela (centre, seated) advocated for the participation of women and youth in political leadership.

Community Tells CGE of Frustrations with Child Maintenance and Domestic Violence Cases

Community members of Mjejane in Nkomazi told the Commission for Gender Equality about their frustrations and challenges when applying for child maintenance and opening domestic violence cases. The CGE in Mpumalanga conducted an outreach session in Mjejane to discuss issues related to child maintenance and Gender-Based Violence and Femicide (GBVF). "We hosted this gathering in collaboration with the Department of Justice, South African Police Service (SAPS) and the National Prosecuting Authority (NPA). The Department of Justice spoke on child maintenance and the procedures connected therewith, while the NPA gave a presentation on GBVF and the procedures to be followed when applying for protection and harassment orders. SAPS shared the challenges and experiences they face when dealing with GBVF matters, such as complainants opening cases, then subsequently withdrawing the cases" said CGE's Provincial Manager in Mpumalanga, Moltah Mavuso. CGE's Commissioner HRH Eureka Mogane will hold a strategic leadership engagement on the 5th of December with relevant authorities to formulate a response to the community's challenges.



CGE's Commissioner HRH Eureka Mogane will hold an engagement with relevant authorities to respond to community concerns.

FISD: Partners in Strengthening South Africa's Democracy



The Commission for Gender Equality is chairing meetings of the Forum for Institutions Supporting Democracy.

The purpose of chapter 9 and 10 institutions is to strengthen democracy through the implementations of their various mandates to protect the rights of citizens and promote inclusivity. The Forum of Institutions Supporting Democracy (FISD) is a coordinated group where chapter 9 and 10 institutions engage to further this common purpose. The FISD holds regular meetings and had one on Friday, 29 November 2024. The forum is made up of the Commission for Gender Equality, Office of the Public Protector, Auditor General of South Africa, the Independent Communications Authority of South Africa, the Pan South African Language Board, South African Human Rights Commission, the Public Service Commission and the Commission for Religious and Linguistic Rights. CGE's CEO Dr Dennis Matotoka, said the frequent meeting of the forum is a step in the right direction, "The forum has an important goal to work together for the common purpose of enhancing and strengthening the country's democracy for the benefit of society" he said.



Q&A With Tshepang Mokgokong



Limpopo Provincial Manager

Q: What are the most common gender-related problems you have observed in Limpopo in general?

A: Limpopo is a rural province characterised by deep cultural and religious norms and values. Some of the cultural and religious practices are rooted in gender inequality and subjugation of women. This then leads to perpetuation of gender discrimination in the name of culture and traditional practices. In Limpopo we are grappling with issues of women and access to communal land, gender-based violence especially sexual violence across districts but mainly in the Mopani, Vhembe and Capricorn Districts, teenage and adolescent pregnancy, challenges within the child maintenance system. Traditional practices that discriminate and illtreat women such as widowhood and denial of women to be traditional leaders due to the existence of male primogeniture despite it being abolished by the constitutional courts. There is also discrimination against LGBTQAI+ communities as it is deemed as un-African. Access to sexual and reproductive health is still a serious challenge.

Q: What do you think should be the solutions?

A: The solution to these challenges is multi-pronged, the critical part is to get the government machinery to prioritise

planning to be done from a gender perspective, and for government to implement gender responsive planning, budgeting, monitoring, evaluation and auditing frameworks. This led to inclusion of gender indicators and targets to be institutionalised in strategic plans to address some of the challenges mentioned. Secondly advocacy and awareness on the constitution and gender transformation across all sectors of society becomes a critical component because this will lead to consciousness around human rights and gender equality which will ultimately lead to the respect of constitutional democracy.

Q: What activities has the CGE in Limpopo initiated this year in pursuit of our mandate?

A: The focus this year has been on GBVF response, looking at Thuthuzela care centres and the challenges that exists within the TCC value chain. Secondly focus was on challenges faced by LGBTQIA+ communities, and persons with disabilities. The Province is also working with the mining sector and the higher education sector on gender mainstreaming. A focus is more on outreach and awareness on gender equality and human rights across the province. The purpose of this is to promote the mandate of the Commission so that communities may know where to get assistance should they face any form of gender discrimination.

Q: What type of programmes will the CGE in the province consider going forward?

A: The province is looking into having programmes that will focus more on the youth, especially because the province is grappling with adolescent and teenage pregnancy, the province will also be looking at women's economic power and procurement practices, working with men is also in the pipelines to ensure that we fight the scourge of GBVF and progress to deal with cultural practices that unfairly discriminate against women.

Q: How does the office receive gender-related complaints?

A: The province receives complaints from walk in clients, referrals, but most of our complaints emanate from stakeholder networks and engagements.

Q: Anything else you would like to say about the Limpopo province?

A: The future is female in the Limpopo province, currently the 7th administration is being led by women, our premier is a female, the speaker of the Legislature is female, and the deputy speaker is female. This to us as the CGE in the province speak volumes and is a step in the right direction because part of the mandate of the CGE is to ensure that there is gender representation in leadership structures and this also means that women's issues or rather gender issues will be at the epicentre of all development in the province in alignment with section 19 of Maputo protocol which is clear to say that women should be included in all development. This is also in line with section 8 of PEPUDA which promotes equality and inclusion of women.

