

THE COMMISSION ON GENDER EQUALITY (CGE)

By
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Historical Context

On attainment of our new democracy in 1994 South Africa embarked on a Programme to build a non-racist, non-sexist society. Taking account of regional and international experiences, South Africa developed a structural framework to facilitate and promote the goal of gender equality. Established in 1996, the CGE is one of the key components of the national gender machinery.

The National Gender Machinery

Includes:

The office on the Status of Women.

The Parliamentary Committee on the quality of life and the Status of Women.

The Commission on Gender Equality.

All these structures are tasked with the responsibility of supporting constitutional democracy by protecting and promoting gender equality.

Mandate/Powers of the CGE

The Commission on Gender Equality Act No. 39 of 1996 states that the powers and functions of the commission as follows:

shall monitor and evaluate policies and practices of-

organs of the state at any level;

statutory bodies or functionaries;

public bodies and authorities; and

private businesses, enterprises and institutions, in order to promote gender equality and may make any recommendations that the Commission deems necessary;

shall develop, conduct or manage-

information programmes; and education programmes,

to foster public understanding of matters pertaining to the promotion of gender equality and the role and activities of the Commission;

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shall evaluate-

any Act of parliament;
any system of personal and family law or custom;
any system of indigenous law, customs or practices; or
any other law,
in force at the commencement of this Act or any law proposed by Parliament or any other legislature after the commencement of this Act, affecting or likely to affect gender equality or the status of women and make recommendations to the Parliament or such other legislature with regard thereto;

may recommend to Parliament or any other legislature the adoption of new legislation which would promote gender equality and the status of women;

shall investigate any gender-related issues of its own accord or on receipt of a complaint, and shall endeavour to-

resolve any dispute; or
rectify any act or omission,
by mediation, conciliation or negotiation: provided that the Commission may at any stage refer any matter to-

the Human Rights Commission to deal with it in accordance with the provisions of the Constitution and the law;
the Public protector to deal with it in accordance with the provisions of the constitution and the law; or
any other authority;
whichever is appropriate;

shall as far as is practicable maintain close liaison with institutions, bodies or authorities with similar objectives to the Commission, in order to foster common policies and practices and to promote co-operation in relation to the handling of complaints in cases of overlapping jurisdiction or other appropriate instances;

shall liaise and interact with any organisation which actively promotes gender equality and other sectors of civil society to further the object of the Commission;

shall monitor the compliance with international conventions, international covenants and international charters, acceded to or ratified by the Republic, relating to the object of the Commission;

shall prepare and submit reports to Parliament pertaining to any such convention, covenant or charter relating to the object of the Commission;

may conduct research or cause research to be conducted to further the object of the Commission;

may consider such recommendations, suggestions and requests concerning the promotion of gender equality as it may receive from any source.

Structural Context

Our constitution is one of the few in the world which guarantee gender equality. Our constitution provides institutional mechanisms like the CGE to promote and protect gender equality.

The electoral system we have coupled with the very gender sensitive policies of some political parties has enabled South Africa to boast a significantly high level of women's participation in the National Assembly and in Cabinet.

Various pieces of legislation passed since 1994 further give form to Constitutional guarantees of gender equality. Legislation includes:

- The Basic Conditions of Employment Act
- Employment Equity Act
- Domestic Violence Act
- Maintenance Act

South Africa now enjoys relative peace and stability as a nation in the international political scene.

Further, we have seen the realisation of Constitutional bodies established for the support and promotion of democracy. These include:

- The Human Rights Commission.
- The Youth Commission
- The Commission on Gender Equality and other Chapter nine Independent bodies.

Within the government, we have the office on the Status of Women and with it gender focal points in each government department and provincial government.