



19 January, 2012

Ms. Nozabelo Ruth Bhengu
Chairperson
Ad Hoc Committee on the Filling of Vacancies in the CGE

By Email: nbhengu@parliament.gov.za

Interviews for the appointment of new CGE commissioners

Dear Chairperson Bhengu:

We write to lend our support to the Ad Hoc Committee working on the selection of the new Commission for Gender Equality (CGE) commissioners.

As members of civil society organisations working to advance women's rights, we respectfully ask the Ad Hoc Committee to ask candidates to address the questions and issues posed in this letter.

In the spirit of transparency, we acknowledge that some organisations amongst those listed here have advocated for the selection of people who have been shortlisted and others who were not. We do not write this to advance the candidacy of any individual.

Our Constitution includes explicit commitments to advance gender transformation and our political leaders have frequently reiterated their conviction that gender equality is an urgent priority.

Nonetheless, women in South Africa continue to face economic marginalisation, extremely high levels of domestic and sexual violence, are disproportionately affected by HIV and AIDS and also by poor service delivery.

In this context, the CGE has a vital role to play in achieving equal rights for women. All who live in South Africa need the CGE to be strong, proactive and fearless in the execution of its duties.

The CGE is vested with extensive powers, including the power to conduct investigations and subpoena any person, including government officials, in furtherance of its investigations. The CGE is backed by an annual budget of over R55M for the 2011-12 year, and this is estimated to rise to higher than R60M by 2014, an amount inadequate for the work required but sizable nonetheless.

Sonke Gender Justice Board Members:

Ms. Sisonke Msimang, Chair; Mr Tom Fry, Treasurer; Ms Paula Akugizibwe; Ms Vuyiseka Dubula; Dr Rachel Jewkes; Dr Kopano Ratele; Dr Steven Robins; Mr Mokgethi Tshabalala; Ms Lisa Vetten; Mr Dean Peacock (Ex-Officio).

Despite these resources and powers, the reality is that the CGE is consistently underperforming on its mandate. We affirm that the CGE has indeed carried out important work in its last term. However, it is our firmly held conviction that it has not done enough to fulfil its mandate. Indeed, many non-governmental organisations carry out the monitoring and accountability work that is the core work of the Commission. This includes work by civil society to monitor the implementation of legislation intended to promote gender equality and prevent gender-based violence.

Women in South Africa need the CGE to do significantly more. The new commission will need to work hard to ensure that South Africa's progressive laws are implemented and that duty bearers in government, civil society and the private sector are held to account when that is not the case.

We take inspiration in the Public Protector's accomplishments over the last year; they serve as an important reminder of what a determined Chapter Nine institution can achieve when it fully exercises the powers it is granted as an independent watchdog body.

The new commissioners will have the opportunity to leverage the significant powers and resources of the CGE. This makes it crucial for the appointees to be individuals with the demonstrated ability to hold government, civil society, the corporate sector, and individuals to account.

The civil society organisations listed here intend to work with the new CGE commissioners to support their efforts and to strengthen the CGE, the government, and private sector accountability around gender equality. At the same time, we will also monitor the new commissioners' and the CGE's delivery on its mandate and when necessary, engage in advocacy to hold them accountable.

To ensure the appointment of commissioners who will move the CGE towards better functioning and delivery on its mandate, we ask the Ad Hoc Committee on the Filling of Vacancies in the CGE to consider the following questions as they interview the short-listed candidates:

1. Does the candidate demonstrate an understanding of the laws and policies concerning the CGE, including Constitutional Court cases, policies, administrative mechanisms, and legislation?
2. Does the candidate have a track record of speaking out about injustice?
3. Has the candidate worked effectively with civil society organisations?
4. Does the candidate understand the intersections of gender, HIV and AIDS, poverty, and disability?
5. Does the candidate have a clear and unequivocal history of advancing LGBTI rights?
6. Does the candidate demonstrate an ability to challenge religious and cultural practices that undermine gender equality?
7. Is the candidate committed to engaging men as part of the solution to gender inequality?
8. Does the candidate understand the mandate and responsibilities of other oversight bodies?
9. Is the candidate familiar with the Public Finance Management Act, including its financial reporting, due diligence, financial stewardship requirements?

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We hope that these questions will help ensure a rigorous interview process that will clarify which candidates are most equipped to improve the functioning and service delivery of the CGE. We thank you for considering our request.

Sincerely,

Dean Peacock
Executive Director
Sonke Gender Justice Network

Endorsed by:

The Lesbian and Gay Equality Project

The Medical Research Council of South Africa

Nisaa Institute for Women's Development

SECTION 27

Sonke Gender Justice Network

Students for Law and Social Justice

Thohoyandou Victim Empowerment Programme

Women's Health Research Unit, School of Public Health, University of Cape Town

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