

Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities



ANNUAL REPORT 2019/20



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Commission for the Promotion and Protection of the Rights of
Cultural, Religious and Linguistic Communities

RP: 351/2020

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Part A: **GENERAL INFORMATION**

Part A:

GENERAL INFORMATION

THE COMMISSION'S GENERAL INFORMATION

FULL NAME OF THE COMMISSION	: Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
PHYSICAL ADDRESS	: 33 Hoofd Street, Forum IV, Ground Floor Braampark Office Park, Braamfontein, Johannesburg
POSTAL ADDRESS	: Private Bag X90 000 Houghton 2041
TELEPHONE NUMBERS	: 011 358 9100
FAX NUMBER	: 011 403 2098
EMAIL ADDRESS	: info@crlcommission.org.za
WEBSITE ADDRESS	: www.crlcommission.org.za
FACEBOOK ADDRESS	: Like us at: CRL rights Commission
TWITTER HANDLE	: Follow us @Crl_Commission

Letter to THE SPEAKER

Honourable Thandi Modise, MP
Speaker of the National Assembly
Parliament of the Republic of South Africa
PO Box 15
CAPE TOWN
8000

Dear Honourable Speaker

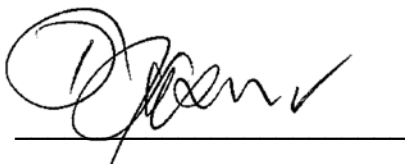
TABLING OF THE ANNUAL REPORT OF THE COMMISSION FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CULTURAL RELIGIOUS AND LINGUISTIC COMMUNITIES (CRL RIGHTS COMMISSION) FOR THE FINANCIAL YEAR ENDED 31 MARCH 2020.

It gives me great pleasure to submit the Annual Report of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (the CRL Rights Commission) in terms of section 181(5) of the Constitution of the Republic of South Africa, Act 108 of 1996. The Annual Report cover the activities and the performance of the Commission's functions for the period 1 April 2019 to 31 March 2020..

In accordance with the above provision, I hereby table the CRL Rights Commission Annual Report 2019/20 to give account of how the Commission faired in implementing its constitutional mandate in the year under review.

I would appreciate if these documents could be referred to the National Assembly's Standing Committee on Cooperative Governance and Traditional Affairs (CoGTA) for formal parliamentary scrutiny.

Yours sincerely,



Prof Luka David Mosoma
Chairperson
CRL Rights Commission
Date: 30 September 2020



1

List of **ABBREVIATIONS/ ACRONYMS**

1. List of

ABBREVIATIONS/ACRONYMS

AGSA	:	Auditor-General South Africa
CIPC	:	Companies and Intellectual Property Commission
CRL		Cultural, Religious and Linguistic (Rights Commission)
CMIL	:	Communication, Marketing, Information Technology and Linkages
LSCR	:	Legal Services and Conflict Resolution
PEE	:	Public Engagement and Education
PFMA		Public Finance Management Act
RPD	:	Research and Policy Development
ARC	:	Audit and Risk Committee
SOOGs	:	Strategic Outcome Oriented Goals
NCC	:	National Consumer Commission/National Consultative Conference
THO	:	Traditional Health organisation
ATR	:	African Traditional Religion
CC	:	Community Councils
SM	:	Senior Manager



2 Foreword by **THE CHAIRPERSON**

2. Foreword by THE CHAIRPERSON



The CRL Rights Commission has eagerly embraced the arduous task of steering the strategic direction of the organisation towards achieving the nation's aspirations of building a cohesive society through the promotion and protection of the rights of cultural, religious and linguistic communities.

Given the painful apartheid historical past from which our nation emerged, the vestiges of common national identity, shared values and citizenship were effectively destroyed. For this reason, the mandate of the CRL Rights Commission is not only about promotion and protection of the religious, cultural and linguistic communities but it is also essentially about the engagement in the constructive development of friendship, humanity, peace, tolerance and recovery of the diminished and diminishing heritages, as well as to empower communities to develop their own historical heritages.

In order to give effect to its mandate, the CRL Rights Commission has developed strategic outcomes which are informed by factors which speak to the current situation of the organisation, its organisational capabilities, assessment of its environmental influence and the state of the communities it serves. These factors are intended to guide the strategic plan, achieve targets as set out in the strategic plan, as well as to evaluate the impact of the CRL Rights Commission programmes.

Further, the CRL Rights Commission has also embarked on the development of a database as a tool for stakeholder management and engagement and to ensure planning, identification of experts, community councils, and implementation of the stakeholder related activities. The stakeholder management and engagement approach augurs well for the CRL Rights Commission given its diverse cultural, religious and linguistic communities.

The lack of regional offices is hampering the work and effectiveness of the Commission's rural outreach engagement programmes of the CRL Rights Commission. However, in the interim, the CRL Rights Commission is activating its Community Councils, through the stakeholder management principle, to be hands on and to ensure that matters of concern (cultural, religious and linguistic rights) from the communities are brought to the attention of the CRL Rights Commission.

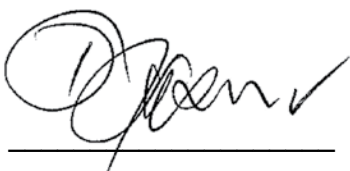
Underlying the mandate of the CRL Rights Commission is the goal to bring about a change of thought and behaviour in which culture, religion and language can serve as a glue to hold South Africans together. The programmes on religion and human dignity and the role of culture in social cohesion and nation building have raised the question of whether or not a cohesive society is possible in a society dogged by inequality, racism, gender-based violence, corruption, and where the management, control and ownership of the economy is disproportionately in the hands of one

racial group. In this way, the role of culture, religion and language is problematized in a manner that seeks critical discourse for achieving a cohesive society in which “common to the country loyalty and all our people” takes precedence over group interests and benefits.

There has been a very fruitful collaboration between the CRL Rights Commission and institutions of higher learning in terms of research and support for creating CRL Rights Student Chapters. Similarly, the collaboration with the National House of Traditional Leaders has been beneficial to the CRL Rights Commission especially with regard to the promotion of the languages, cultural practice of initiation and jointly addressing the abuse of the cultural practice such as an alarming loss of life of initiates through botched circumcision, penile amputations, assaults and dehydrations. On the religious sector, there exists an overwhelming support to address the abuse of women and children under the cloak of religion. However, there has to be serious engagements in the sector about good and harmful religious practices for which regulation may be necessary.

The CRL Rights Commission is well placed to engage communities about the following issues: the role of culture, religion and language in shaping a democratic society; what laws, if any, should be crafted to address spiritual, physical, and psychological violations of the human dignity of the congregants; development of jurisprudence of community rights and land rights for women in the rural areas. In its work, the CRL Rights Commission uses the ethical principle of Ubuntu, as the foundational value for building a cohesive society in which people have a sense of belonging, a shared vision and destiny.

If we are to succeed in building a cohesive society, the CRL Rights Commission should work towards igniting or mobilising for an Ubuntu cultural revolution. It is our view, that Ubuntu emphasises virtues of moral incentive for achieving national objectives, this suggests a change in morality towards the collective interests. For so long, the nation has neglected the centrality of Ubuntu and instead have promoted private or individual gain, thereby propagating greed, selfishness and corruption at the expense of the common good. Our national appeal to Ubuntu overarching value in politics, education, economy, health, church and society is the foundation for a cohesive society.



Prof Luka David Mosoma

Chairperson

CRL Rights Commission

Date: 30 September 2020



3

Deputy Chairperson's **STATEMENT**

3. Deputy Chairperson's STATEMENT



The Commission brings yet another Annual Report to the attention of the South African public, as the year closes its operation for the financial year 2019/2020. This is an imperative call by the constitution and our founding legislation to account, not only for the use of public resources allocated to the Commission but also to demonstrate the progress made by the Commission on programmes and projects that were carried out in fulfilment of our constitutional mandate.

The year under review remains momentous due to mainly the following two reasons. This year marks the beginning of the term of Commission linked to the 6th Parliament, and secondly it is the historic year of the spread of COVID-19 Pandemic globally. This report highlights the journey that the institution travelled within the impacts of COVID-19, that brought a whole new way of life.

It is the Constitutional mandate of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic communities to promote peace, friendship humanity, tolerance and national unity among the Cultural, Religious and Linguistic communities, on the basis of equality, non-discrimination and free association. The Commission has successfully conducted investigations and research on issues around reports on the proliferation of fake churches and their leaders, who abuse unsuspecting faithful followers. Several mediums have been used to warn people against the charlatans who have brought religion into disrepute.

The Commission had successfully facilitated resolutions of friction between religious leaders, where the rights of religious communities were affected. There were instances where religious leaders had sought intervention of the Commission and through its effective committees, the commission had assisted congregations through the processes of conflict resolution and mediation to regain peace and tolerance among and within religious and traditional communities. The religious insight that “all people are created in the image of God” called us to recognise that everyone on earth is worthy of our respect and care.

The Commission was forced to confront the most brutally honest and vitally important questions: Is there a need to review cultural and religious practices? How to identify the bogus churches and their leaders? How do we prevent sections of our communities that promotes nationalistic conflict and class wars?

The Commission has a crucial responsibility to support public discourse in which Cultural, Religious and Linguistic communities all contribute in accordance with their new conditions and needs. There is a dire need to have controls that would enable peer monitoring of each other's behaviour and being accountable to one another. That will create groundwork for national cooperation and setting stage for responses to other national threats such as corruption, gender based violence, racism and natural disasters that hinders national peace and unity.



Dr Mmamohapi Pheto

Deputy Chairperson

CRL Rights Commission

Date: 30 September 2020



4

Overview of **ACCOUNTING OFFICER**

4. Overview of ACCOUNTING OFFICER



Introduction

The Commission for the Promotion and Protection of the Rights of cultural, religious and linguistic Communities (CRL Rights Commission) is a Constitutional body. Accordingly, it assumes full responsibility for fostering peace, respect, friendship, tolerance, humanity and social cohesion between and amongst communities. The Commission conducts information and education programmes to protect the rights of cultural, religious and linguistic communities. It further monitors, investigates and researches any issue concerning the rights of cultural, religious and linguistic communities. Other than this, the Commission is also tasked with the responsibility of facilitating the resolution of conflict between and within cultural, religious and linguistic communities or between any such community and an organ of state where the cultural, religious or linguistic rights of a community are affected. Lastly, the Commission is directed through Act 19 of 2002 to make recommendations to the appropriate organs of state regarding legislation that impacts, or may impact, on cultural, religious and linguistic rights of communities as well as establishing and maintaining a database of cultural, religious and linguistic community organizations and institutions and experts on these communities.

General Performance Review of the CRL Rights Commission

In the year under review, the Commission engaged with various Municipalities and Traditional Councils in Mpumalanga, Kwa-Zulu Natal and Gauteng Provinces in areas that the Commission never visited. The rationale for these engagements was to target communities that might have not heard about the Commission and its mandate. Most importantly, the mission was geared towards raising awareness about cultural, religious and linguistic rights of communities with the intention of creating a platform for these communities, to be able to raise any issue pertaining to the violation of their rights directly through face to face engagement. This platform also served as a vehicle for the Commission to receive complaints from the communities. In addition, the CRL Rights Commission conducted capacity building workshops to empower community councils to strengthen their work of promoting and protecting their cultures, religions and languages at local levels. To augment education work for communities, the Commission participated in various exhibitions and roadshows. It was in these programs where the Commission distributed more information about cultural, religious and linguistic rights to young people and elderly who visited our stalls. It was heartening to see a number of people perusing booklets that were also distributed in these shows to learn more about the work of the Commission but most importantly identifying the relevance of its mandate to their individual areas of living. It was out of these engagements that the Commission was also invited to different communities to address different constituencies about cultural, religious and linguistic rights. The Commission continued to engage and participate

in media platforms to use this as another alternative to engage with communities on issues relevant to our mandate. Further to this, the Commission also conducted research on African cultural marriages: Traditions and Customs. The aim of the project was to highlight the customs and rituals that happens during African traditional marriages. The ultimate aim was to collate some information about this subject in order to input on the processes of the department of home affairs wherein the single legislation was thought to govern all marriages in South Africa. Cases related to religious and cultural matters continued to be lodged with the Commission in this financial year. In addition, the Commission also managed to engage with selected stakeholders on its probe into the use of official languages in South Africa.

It was also fascinating for the CRL Rights Commission to participate in the seventh annual law and religion in Africa conference held in Botswana. This was also another opportunity for the Commission to share its work and experiences with other African countries pertaining to law, religion and environment. In this engagement, two pertinent questions were raised: How does religion and religious practices/beliefs influence environmental conservation? And how does environmental mismanagement/depletion impact religion/religious practices and beliefs? Since the Commission promotes and protect the rights of all religious Communities in South Africa, we find ourselves dealing with cases related to people who practice African Religions complaining that they can no longer find a suitable land for burials and hence municipalities compel them to either re cycle the graves or do cremation and sea burials. The rationale behind this, is said to be due to scarcity of land or because municipalities are prioritizing agriculture and housing for their city's booming population. The point is, to some people who practice African religion, graves are a place of worship just like a church, mosque or temple. Because there are no suitable places for burials, the environment makes it difficult for them to worship. Further to this, there are those who use the environment for medicinal purposes. There are trees that are depleted and yet they use them for medicinal purposes which prompt governments in some African countries promoting that when you cut one tree you should plant another one, as a strategic intervention to sustain the environment.

The Commission also participated in a dialogue entitled Patriarchy and Exploitation of women in Religion. While the Commission is tasked to promote and protect the cultural, religious and linguistic rights of communities, we are mindful of other rights enshrined in our Constitution. For example, freedom of religion, no one shall be discriminated against based on gender, the right to human dignity. We believe that although we are different and may be coming from different backgrounds and genders, we are equal in dignity. It is our view that women should be treated as equals in all spheres including the religious set ups and should also enjoy the freedom and rights that are well articulated in Chapter 2 of our Constitution without any hindrance. Patriarchy should always be seen as an enemy in our different societies as it perpetuates continual oppression of our female counterparts. Another dialogue conducted in the year under review was 'communities in conflict: a threat to the values of democracy, social cohesion and common humanity'. This was organized during the conflict termed xenophobia in the public domain. The Commission then invited relevant different stakeholders to unearth the causes of these kinds of conflict. Several issues were raised which are envisaged to be the causal factors including unemployment which was deemed as an influencer of hatred between locals and foreign nationals, thus creating turmoil within communities.

General Financial Review of the CRL Rights Commission

In terms of finance and support services, the Commission continues to strive for perfection and have processes in place to improve the quality and timelines of the financial information. The CRL Rights Commission received R45,189 million for the year under review as its baseline allocation.

The CRL Rights Commission has implemented controls to ensure economic application of working capital. Cost containment measures have been implemented in line with the guidelines provided by National Treasury. The following cost containment measures have been implemented:

- **Office Rental** - The CRL Rights Commission has negotiated a reduced rate of rental at the time of renewal of the lease during 2019/2020.
- **Property, Plant and Equipment** - The useful lives of Property Plant and Equipment (PPE) have been extended to the longest possible period. Only items that can not be repaired economically are withdrawn from service and replaced.
- **Travel and subsistence** - All the cost containment measures as instructed by National Treasury have been implemented and threshold values are applied rigorously.

Three staff members have terminated service during the year under review. All three staff members were on temporary contracts. The Commission is still faced with insufficient budget which hinders the organization from expanding its work to provinces since it only has the national office based in Johannesburg. A total of 31 staff members endeavored to do their best to serve +-58 million people which is not sustainable as one person had to carry a huge load to make an impact on planned programmes to communities.

Cultivating Organizational Efficiency

The CRL Rights Commission continued to receive an unqualified audit opinion in the year under review with compliance findings on procurement. It has been the focus of the Commission to improve its internal controls and address the audit findings raised in a previous financial year. While we thought the Commission got its ducks in the row towards attaining the clean audit, a finding on the appointment of the internal audit services was picked up by the Auditor General which changed our fortunes for an audit report free from material findings on non-compliance with key legislation. On preliminary enquiries to the relevant bid committees entrusted with evaluation and adjudication of bids, they responded to a finding as a bona fide oversight, at least at face value. However, on detection of such non-compliance, management immediately appointed an independent investigator from the Public Service Commission to assist in finding out what had transpired during the process of appointing internal auditors and it is a service to be given to the Commission with no charge. This process will determine the extent to which consequence management will be applied to those that would have been found wanting. In addition, the same report will also be used to motivate for the application for condoning irregular expenditures to National Treasury. The Commission will endeavor to illuminate the recurrence of irregular expenditures in the future. On this note, I take the opportunity to thank all staff members and Commissioners who at all times had to soldier on to ensure that the work of the Commission continues in spite of limited resources allocated to the organization.



Mr Tshimangadzo Edward Mafadza

Accounting Officer

CRL Rights Commission

Date: 30 September 2020



5 Strategic **OVERVIEW**

5. Strategic OVERVIEW

5.1 Vision

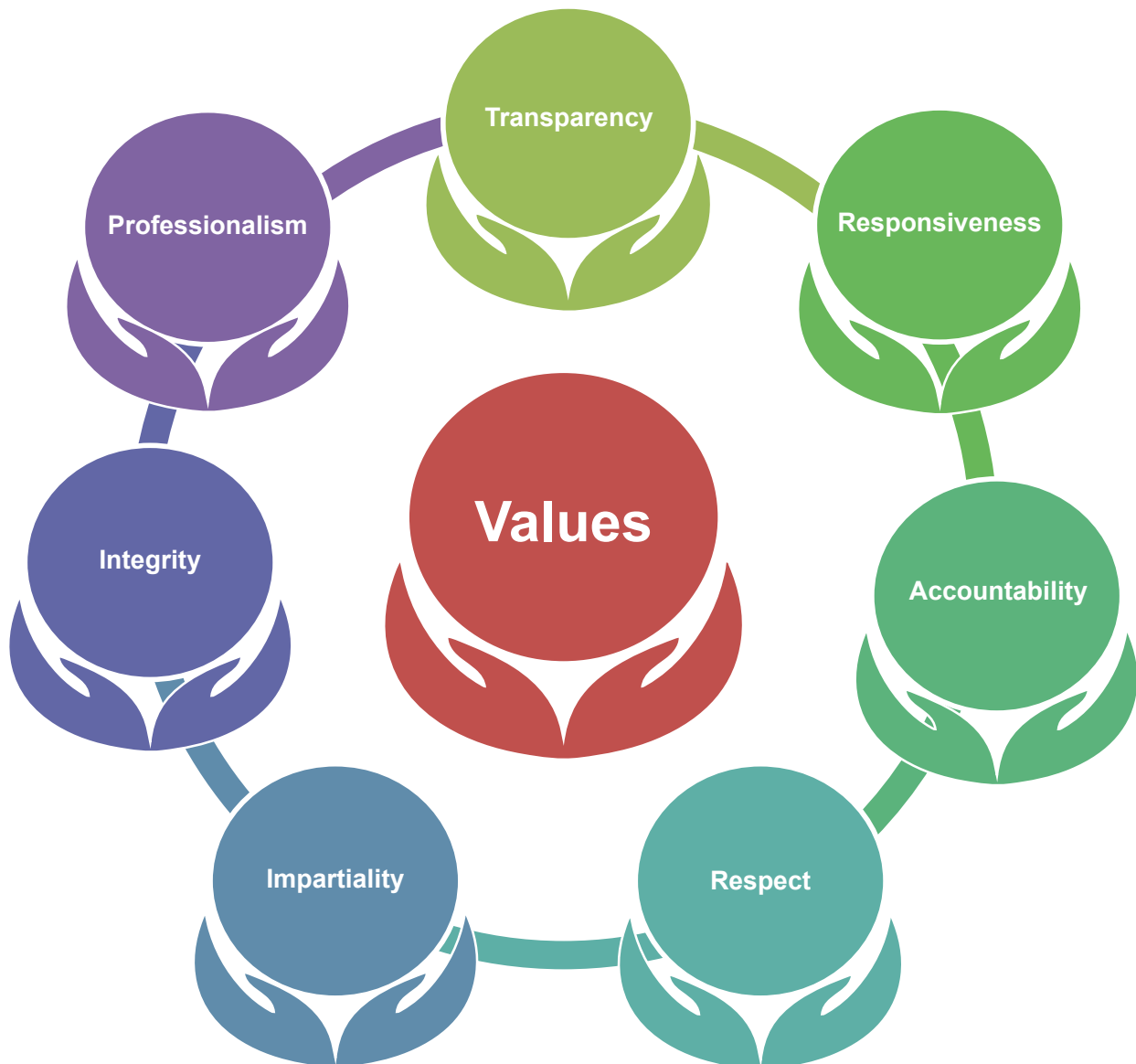
Mutual respect among diverse cultural, religious and linguistic communities.

5.2 Mission

To foster the right of communities to freely observe and practise their culture, religion and language.

5.3 Values

The Commission subscribes to the following organisational values in the execution of its mandate:





6 Legislative and **OTHER MANDATES**

6. Legislative and OTHER MANDATES

6.1 Constitutional Mandate

The CRL Rights Commission is a constitutional institution established in terms of Section 181 (1) (c) of the Constitution of the Republic of South Africa, 1996 to strengthen constitutional democracy. This Commission was established to protect and promote the rights of cultural, religious and linguistic communities, with a mandate that is achievable through a proactive and reactive approach.

In terms of Section 185 (1), the CRL Rights Commission must:

- *promote and develop peace, friendship, humanity, tolerance and national unity among cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association;*
- *promote respect for [and further the protection of] the rights of cultural, religious and linguistic communities; and*
- *recommend the establishment or recognition [of community councils] in accordance with national legislation of cultural or other council or councils for a community or Communities in South Africa.*

6.2 Legislative Mandate

The duties and functions of the CRL Rights Commission are defined in Section 5 of the CRL Rights Act.

These include:

- (a) *conduct information and education programmes to promote public understanding of the objects, role and activities of the Commission;*
- (b) *conduct programmes to promote respect for and further the protection of the rights of cultural, religious and linguistic communities;*
- (c) *assist in the development of strategies that facilitate the full and active participation of cultural, religious and linguistic communities in the nation building in South Africa;*
- (d) *promote awareness among the youth of South Africa of the diversity of cultural, religious and linguistic communities and their rights;*
- (e) *monitor, investigate and research any issue concerning the rights of cultural, religious and linguistic communities;*
- (f) *educate, lobby, advise and report any issue concerning the rights of cultural, religious and linguistic communities;*
- (g) *facilitate the resolution of conflict between and within cultural, religious and linguistic communities or between any such community and an organ of state where the cultural, religious or linguistic rights of a community are affected;*
- (h) *receive and deal with requests related to the rights of cultural, religious and linguistic communities;*

- (i) *make recommendations to the appropriate organs of state regarding legislation that impacts, or may impact, on cultural, religious and linguistic rights of communities.*
- (j) *establish and maintain a database of cultural, religious and linguistic community organisations and institutions and experts on these communities; and*
- (k) *bring any relevant matter to the attention of the appropriate authority or organ of state, and, where appropriate, make recommendations to such authority or organ of state in dealing with such a matter.*

6.3 Policy Mandate

The CRL Rights Commission aims to pursue its mandate informed by the following policies:

The National Development Plan in Chapter 15 provides that South Africans should:

- Foster a feeling of belonging, with accountability and responsible behaviour.
- Ensure different cultures are respected, and equal citizenship for all is guaranteed, thus reversing the Apartheid legacy of devaluing and erasing the heritage of black South Africans. Build trust, which is associated with stronger economic performance.
- Craft and implement a social compact based on mutual benefit and mutual sacrifice. Societal division impedes forming a consensus to develop, change or even implement policy.
- Create a society with a shared South African identity, without detracting from our multiplediverse identities.

National Heritage & Cultural Tourism Strategy of March 2012:

In Section 1 of this Strategy, the guiding principles and values of sustainable tourism, sustainable development, social cohesion, public participation, and public private partnership acknowledge stakeholder mandatory roles and responsibilities. As such the Strategy refers to:

- Communities' rights to be consulted and to participate in the management of their cultural, religious and language heritage.

Cultural Charter for Africa:

Article 1 of the CULTURAL CHARTER FOR AFRICA has as its aims and objectives the following:

- *to liberate the African peoples from socio-cultural conditions which impede their development to recreate and maintain the sense and will for progress, the sense and will for development;*
- *the rehabilitation, restoration, preservation and promotion of the African cultural heritage;*
- *the assertion of the dignity of the African and of the popular foundations of his culture;*
- *the combating and elimination of all forms of alienation and cultural suppression and oppression everywhere in Africa, especially in countries still under colonial and racist domination including apartheid;*
- *the encouragement of cultural co-operation among the States with a view to the strengthening of African unity;*

- *the encouragement of international cultural co-operation for a better understanding among peoples within which Africa will make its original and appropriate contribution to human culture;*
- *promotion in each country of popular knowledge of science and technology; a necessary condition for the control of nature;*
- *development of all dynamic values in the African cultural heritage and rejection of any element which is an impediment to progress.*

The South African Charter of Religious Rights and Freedoms October 2010:

Stipulates the following:

- *Every person has the right to believe according to their own convictions and to make choices regarding their convictions and religious affiliation (art 1).*
- *No person may be forced to believe, what to believe or what not to believe, or to act against their convictions (art 2).*
- *Every person has the right to the impartiality and protection of the state in respect of religion (art 3).*
- *Every person has the right to the private or public, and individual or joint, observance or exercise of their convictions (art 4).*
- *Every person has the right to freedom of expression in respect of religion (art 6).*



Young girls in Moletjie Marowe attending to Kgoshi Kgabo Moloto wa Boraro during the Marula Festival



7 SITUATIONAL ANALYSIS

7. SITUATIONAL ANALYSIS

7.1 Performance Environment

The Commission has in the year under review reasonably managed to perform all its functions because of the committed staff members and the strengths it has which is supported by its enabling legislation and the guaranteed funding it receives from government. The legislation presents a framework within which the Commission operates. The existing skilled human capacity although limited, has allowed the Commission to perform its functions in a professional manner and has reached areas that it has not managed to reach in recent years.

The Commission has also identified opportunities which justify its continuing existence. Notwithstanding the identified strengths and opportunities, the Commission has also identified various weaknesses and threats which have the potential to impede the achievement of its mandate. One cardinal opportunity that helped the Commission to reach out to communities and to fulfil its mandate is the strategic cooperation and memorandum of understanding it has signed with various stakeholders and other organs of state. This has helped the Commission to reach out to communities that under the normal circumstances are difficult to reach out to. The Commission signed memoranda of understanding with the Department of Correctional Services, the National Consumer Commission, the National House of Traditional Leaders and also continue to recognise Community Councils whose purpose is to help promote the objectives of the Commission.

Absence or limited visibility in communities which the Commission seeks to promote and protect continues to be a weakness that negatively impacts the Commission's ability to deal with issues that hampers development of peace and friendship that the Commission is mandated to achieve. Proper controls need to be put in place to mitigate the above weaknesses to ensure that cultural, religious and language matters are appealing to the youth of South Africa in order to educate them about the diversity of views in the country. Limited funding continues to threaten the operations of the Commission and engagement at political level needs to take place to alleviate the identified threat in order for the Commission to be able to serve all cultural, religious and linguistic communities at all levels

7.2 Organisational Environment

This new Commission that coincide with the 6th Parliament was appointed on the 1st July 2019, three months after the end of the 3rd Commission and is comprised of 13 members of which 11 are appointed on a part time basis and the Chairperson and Deputy Chairperson are appointed on a full time basis. The late appointment of Commissioners had a negative impact on the operations as the situation created a vacuum in which the budget could not be approved which had a rippling effect on the spending in the year under review. The Commission had to work on the new strategy which was approved in August of the year under review whilst running with operations.

In the year under review the Commission approved a project that will see the structure of the organisation being reviewed in order to align it to its strategy. This project required that the services of a Human Resources consultant be sought and it is hoped that this will be concluded in the next financial year.

In the beginning of the year under review the Commission managed to recruit a senior manager in Public Engagement and Education however the incumbent stayed only 11 months, leaving just when the Commission was about to close the operations of the year. A temporary appointment was made to assist the Commission to finish the business plan and annual performance plan of the unit. The position will be amongst those that the Human Resources consultant will be dealing with in an effort to realign the structure in the new financial year.



Management of the National Consumer Commission (NCC) and the CRL Rights Commission Management discussing the Halaal Complaint

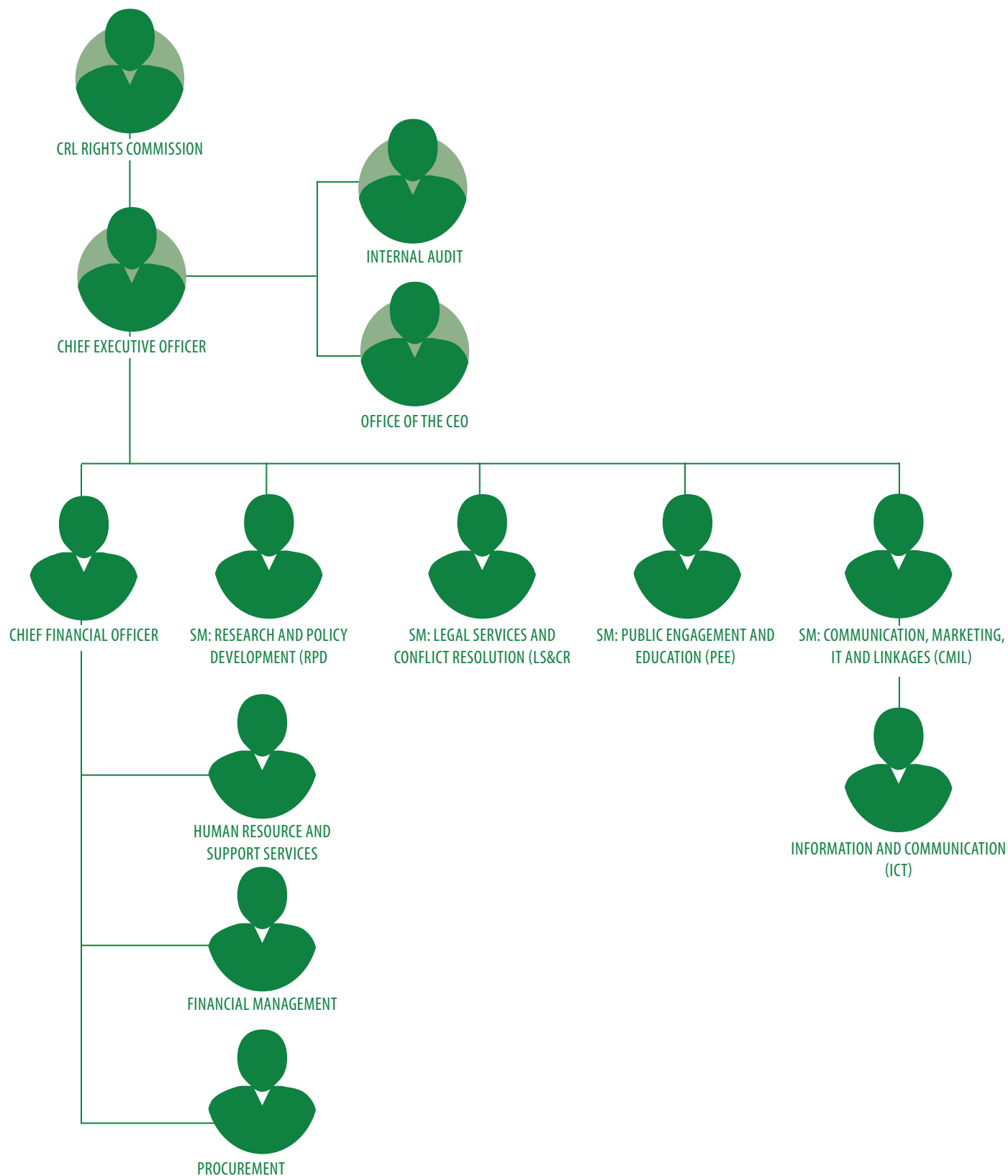


The Chief Executive Officer, Deputy Chairperson and the Chairperson of the CRL Rights Commission

8

ORGANISATIONAL STRUCTURE

8. ORGANISATIONAL STRUCTURE



8.1 Members of the Commission



CHAIRPERSON
Prof Luka David



DEPUTY CHAIRPERSON
Dr Mmamohapi Pheto



COMMISSIONER
Nomalanga Tyamazshe



COMMISSIONER
Tsholofelo Mosala



COMMISSIONER
Renier Schoeman



COMMISSIONER
Mandla Langa



COMMISSIONER
Ramokone Kgatla



COMMISSIONER
Sicelo Dlamini



COMMISSIONER
Prof Pitika Ntuli



COMMISSIONER
Sheila Khama Mbele



COMMISSIONER
Dr Nokuzola Mdende



COMMISSIONER
Adv. Richard Botha



COMMISSIONER
Adv Muneer Abduroaf



PEE Engagement with Stakeholders in EKangala

PART B:

PERFORMANCE

INFORMATION

PART B:

PERFORMANCE INFORMATION

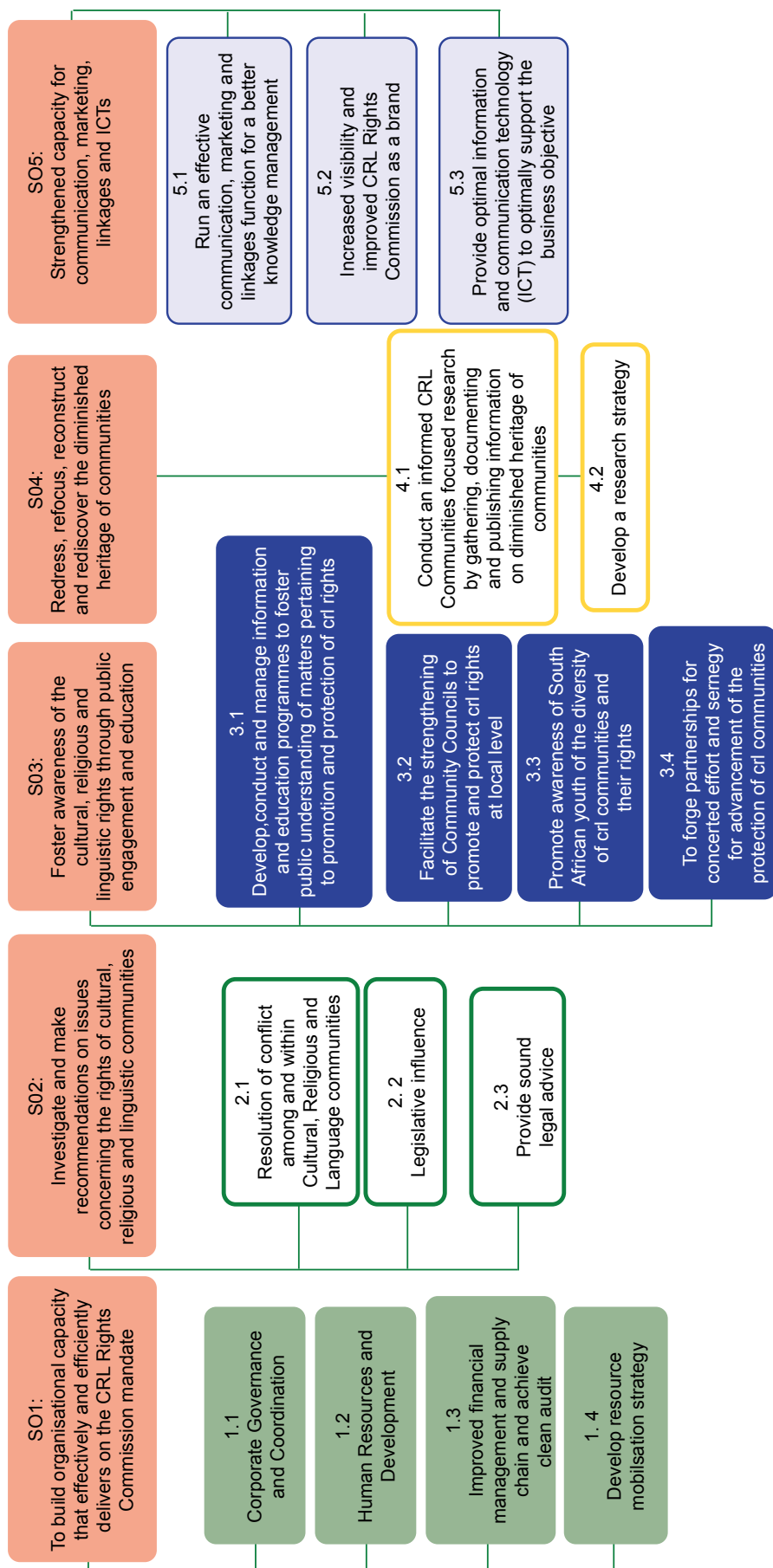
9. STRATEGIC OUTCOME-ORIENTED GOALS

Table 1: The Commission's strategic outcome-oriented goals(SOOGs)

Programmes	Strategic outcome-oriented Goals	Number of target	Number achieved	Number of Targets partially achieved	Number not achieved	Percentage achievement
Programme 1 Administration: Organisational Development and Support Services	Goal 1: Enhanced Organisational capacity to effectively and efficiently deliver on its mandate	17	10	4	3	58.82%
Programme 2 Legal Services and Conflict Resolution	Goal 2: Strengthened legal services and capacity to facilitate resolution of friction between and within CRL communities.	3	2	1	0	66.67%
Programme 3 Public Engagement and Education	Goal 3: Strengthened capacity to support Promotion and Protection of Culture, Religion and Linguistic Rights through Public Engagement and Education.	7	7	0	0	100%
Programme 4 Research and Policy Development	Goal 4: Effective research system to inform evidence-based Policies and CRL Rights dialogues.	2	2	0	0	100%
Programme 5 Communication, Marketing, IT and Linkages	Goal 5: Communication, and knowledge management through the state of art information and communication technologies.	5	5	0	0	100%

9.1 Strategic Objectives and Sub- strategies

Diagram 1



10. Media Impact Analysis

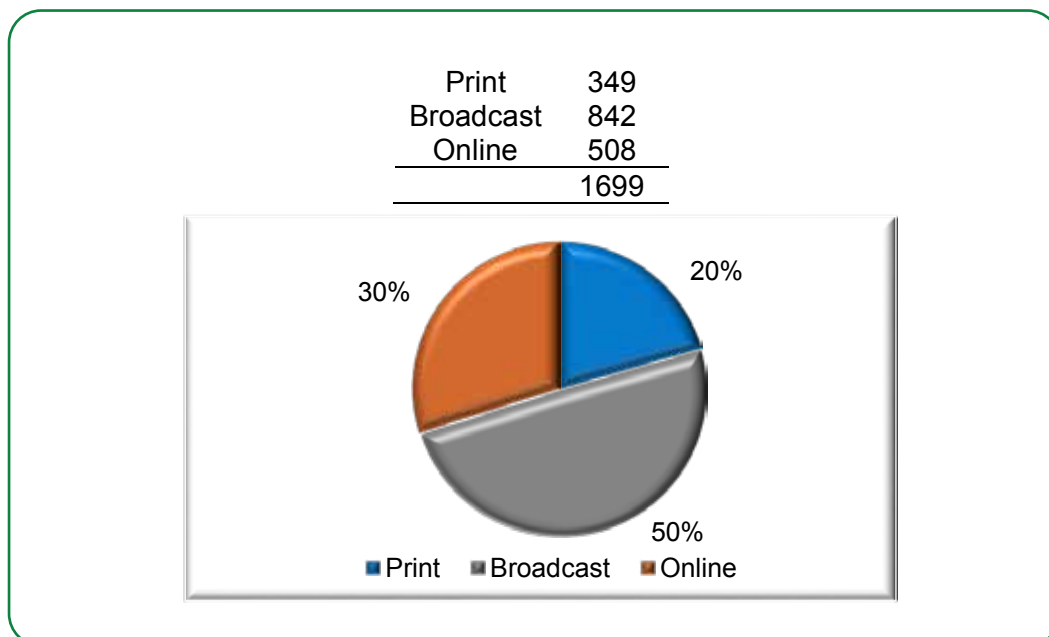
Statistical report of metadata volumes, by service, showing yearly movement and direction- overview

CRL Rights Commission generated a total of 1699 traditional media items during the period of June 2019 – May 2020. It has garnered the most media publicity in the month of December 2019. December witnessed a substantial increase in media publicity driven by the response by the CRL Rights Commission to deaths at initiation schools in four regions of the Eastern Cape. The commission suspended initiation schools for a year in four regions of the Eastern Cape, especially where deaths occurred, until all compliance-related matters are comprehensively addressed. Further, the commission called for the removal of initiates following the death of 23 of their peers from several factors, including dehydration.

Media Type	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20
Print	19	31	24	31	44	37	62	22	2	54
Broadcast	13	53	9	42	28	85	366	46	7	102
Online	35	42	19	39	54	26	102	28	33	56
Total	67	126	52	112	126	148	530	96	42	212

Print		Broadcast		Online	
Clip Count	349	Clip Count	842	Clip Count	508
AVE (R)	14 937 010	AVE R	29 590 231	Ave R	11 939 989
Publication Daily Sun	(Bloemfontein) (25)	Parliament TV Station	(145)		
		Radio Station (SAFM)	(81)		

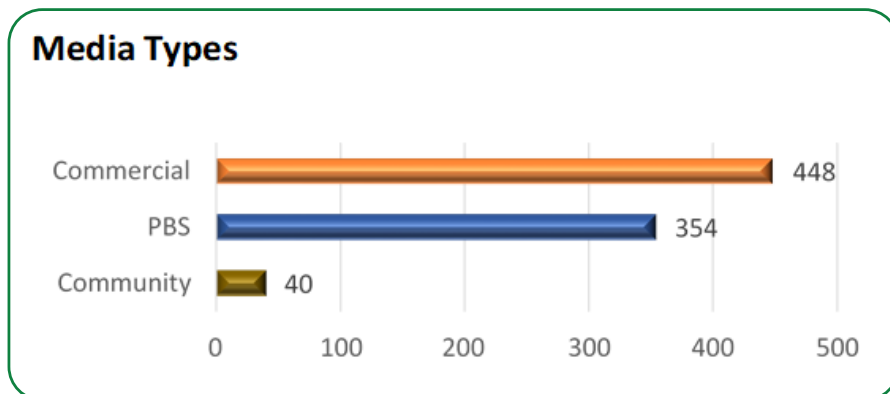
Total Combined media coverage



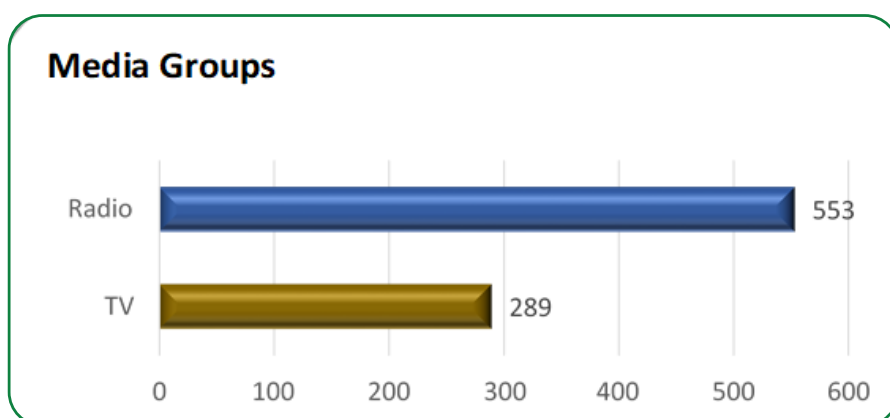
Breakdown of Media Types, Media Groups, and Regions

Broadcast

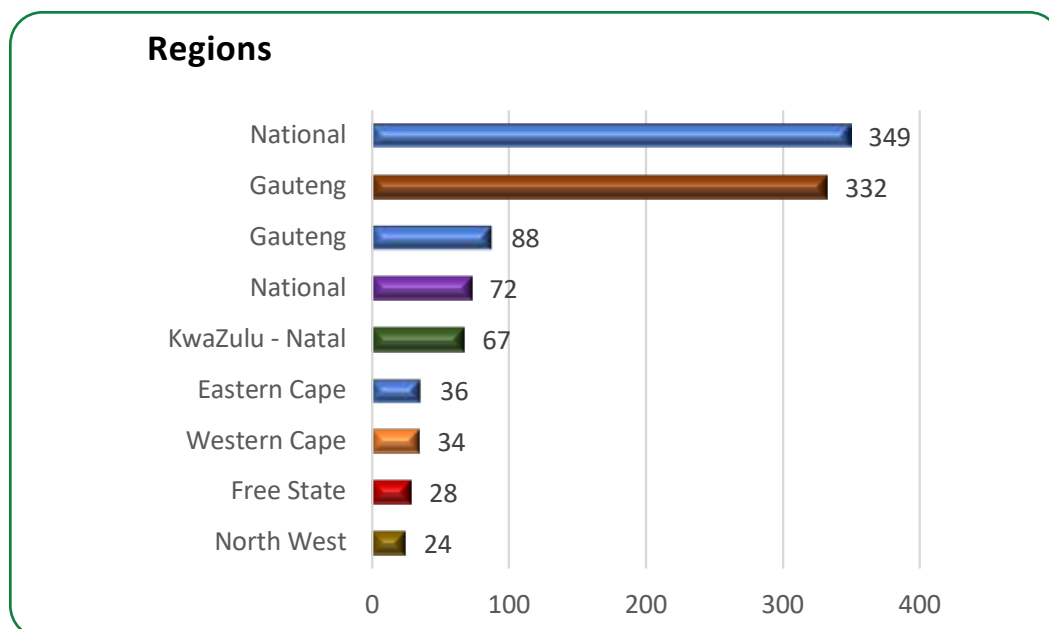
Overview: Commercial contributed the bulk of coverage followed by PBS and Community



Overview: Radio contributed 553 media articles and TV contributed 285.



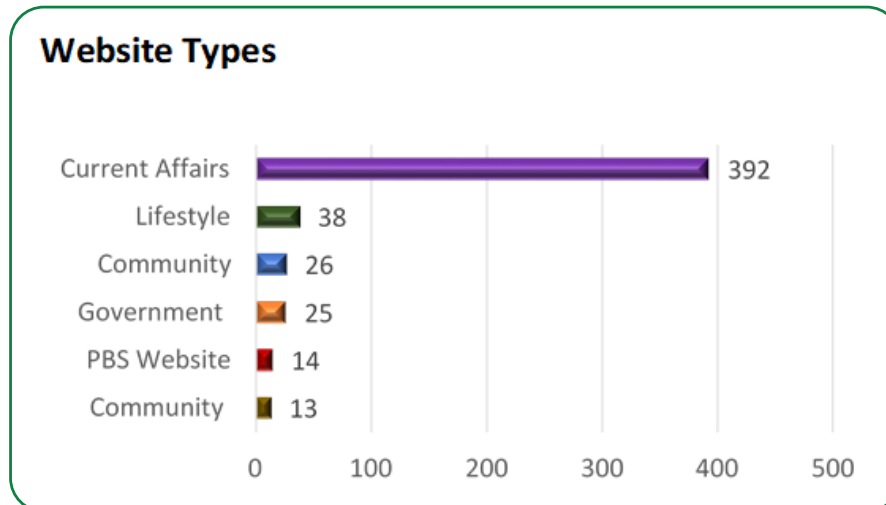
Overview: Regionally 349 news stories, Gauteng and Western Cape 49



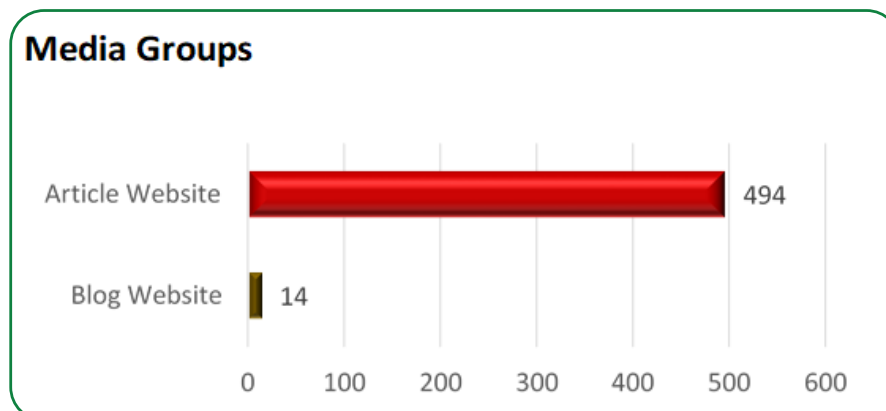
Breakdown of Media Types, Media Groups, and Regions

Online

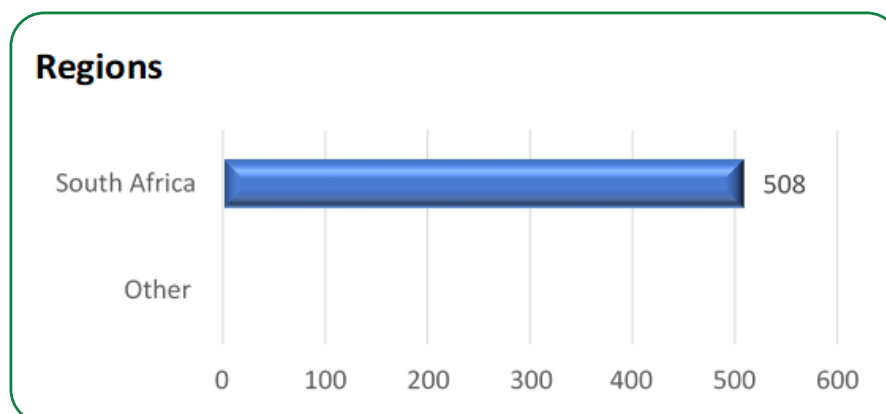
Overview: Current affairs contributed 392 media articles and followed by Lifestyle 38.



Overview: Website articles accounted for 494 online media articles and Blogging sites 14.



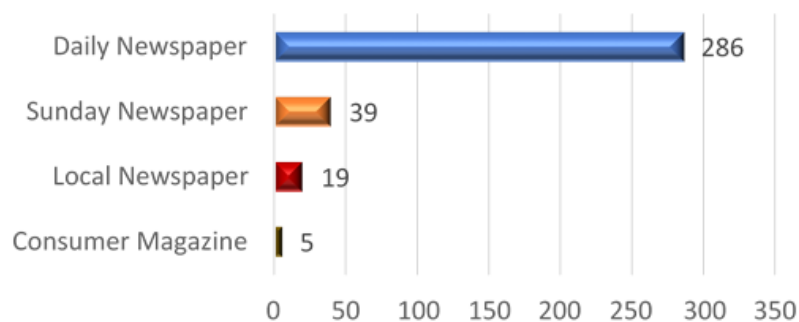
Overview: South Africa contributed all online media stories.



Breakdown of Media Types, Media Groups, and Regions

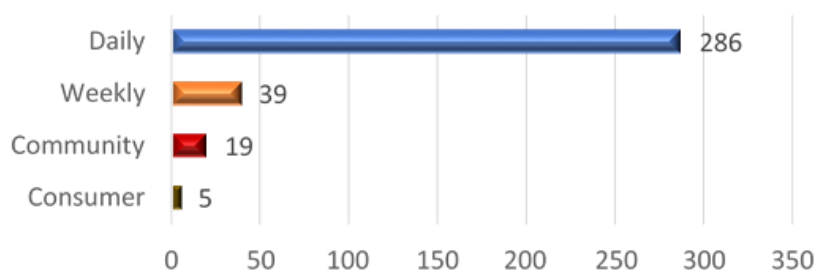
Overview: Daily newspapers contributed 285 media articles and Sunday papers 39.

Media Types



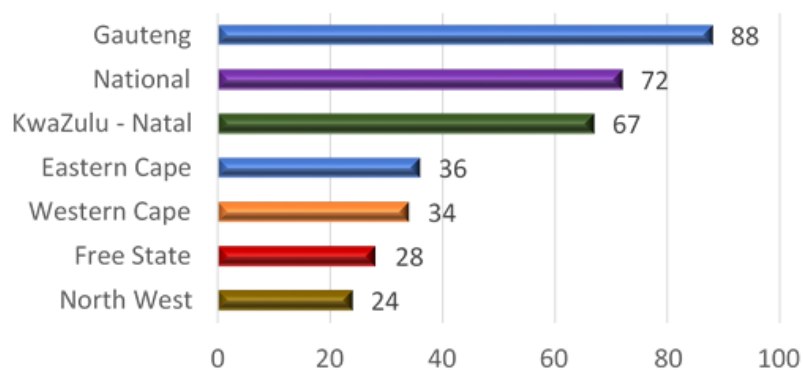
Daily contributed 286 media articles and Weekly 39.

Media Groups



Gauteng contributed 88 media articles and National 72.

Regions



Statistical summary of top performing titles by clip volumes per service

Top publications

Print: From the print service Daily Sun Bloemfontein produced the most clips (25), then the Daily Sun (24) and Daily Sun Port Elizabeth and KZN (23).

Publication	Clip Count	AVE
Daily Sun Bloemfontein	25	894 872
Daily Sun	24	1 216 139
Daily Sun Port Elizabeth	23	873 244
Daily Sun Cape Town	23	879 050
Daily Sun North West	22	1 117 406
Daily Sun Gauteng	21	1 038 546
Daily Sun KwaZulu Natal	21	770 298
The Mercury	9	169 781
Sowetan	9	761 088
The Sunday Independent	8	699 722

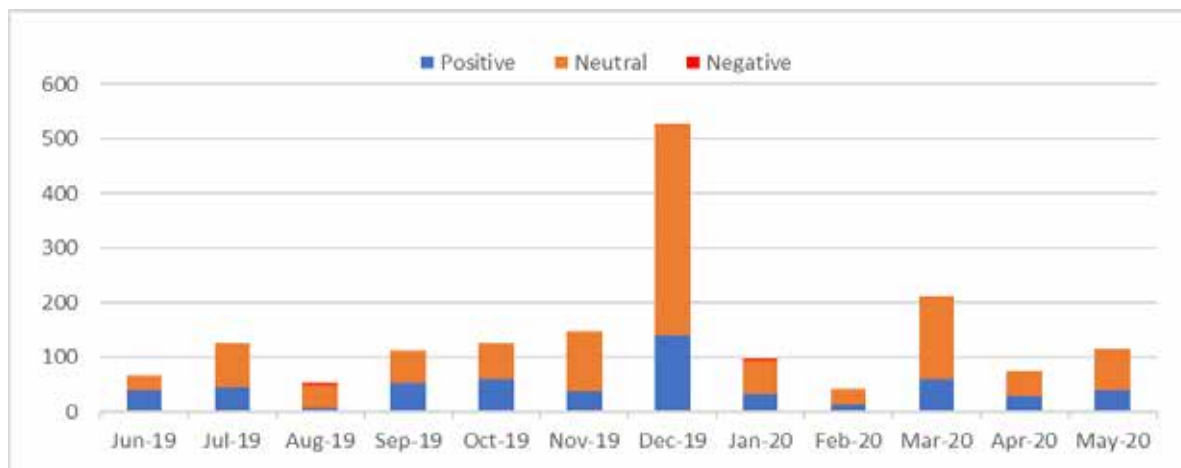
Websites: Of the online services MSN produced the most clips (33), then the IOL (29) and Daily Sun (25).

Website	Clip Count	AVE
MSN	33	1 836 000
IOL	29	1 177 192
Daily Sun	25	806 250
SowetanLive	19	773 056
South Africa News	17	944 650
safrica24	16	13 414
News 365	15	54 330
SABC	14	370 860
celebgossip	13	14 417
Parliamentary		

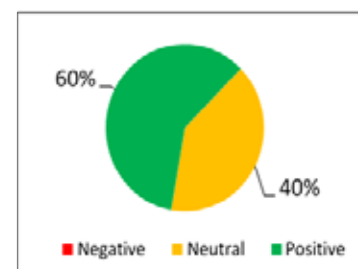
Broadcast: Of the broadcast services Parliament SA produced the most clips (145), then SAFM (81) and SABC News (59).

Station	Clip Count	AVE
Parliament SA	145	1 728 875
SAfm	81	2 076 981
SABC News	59	3 218 851
Newzroom Afrika	53	4 696 125
Power FM	52	2 467 336
Talk Radio 702	50	2 372 363
567 CapeTalk	36	353 724
eNews Channel Africa	33	2 777 271
Tru FM	24	132 897
Metro FM	23	1 186 109

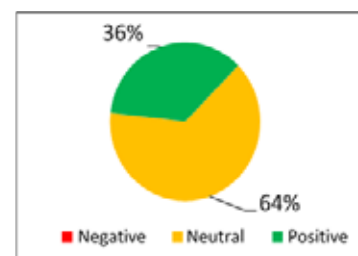
Statistical Reports, by service and favourability



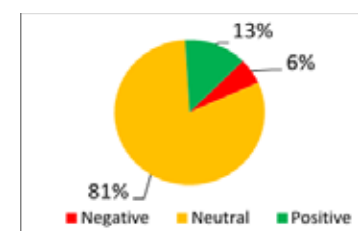
Media Type	June
Print	19
Broadcast	13
Online	35
Grand Total	19



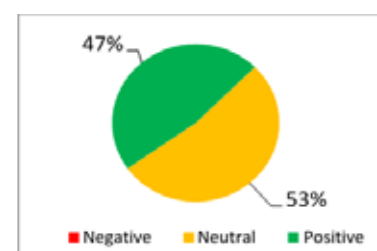
Media Type	July
Print	31
Broadcast	53
Online	42
Grand Total	126



Media Type	August
Print	24
Broadcast	9
Online	19
Grand Total	52

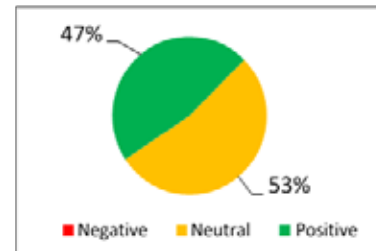


Media Type	September
Print	31
Broadcast	42
Online	39
Grand Total	112

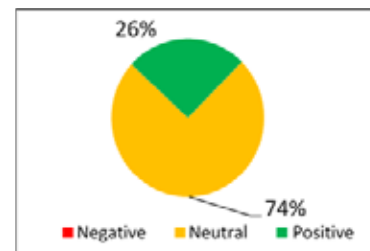


Statistical Reports, by service and favourability

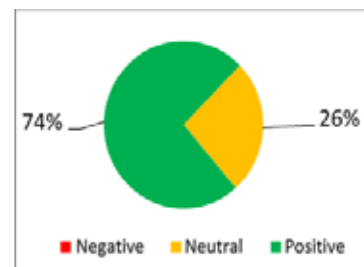
Media Type	October
Print	44
Broadcast	28
Online	54
Grand Total	126



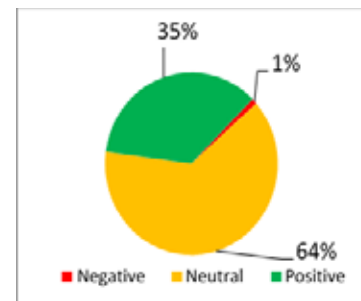
Media Type	November
Print	37
Broadcast	85
Online	26
Grand Total	148



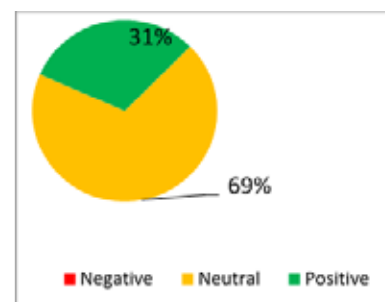
Media Type	December
Print	60
Broadcast	366
Online	102
Grand Total	528



Media Type	January
Print	22
Broadcast	46
Online	28
Grand Total	96

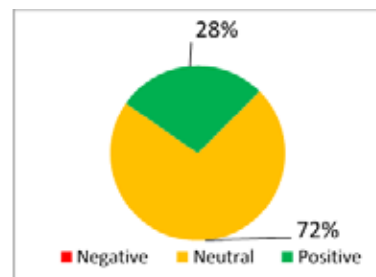


Media Type	February
Print	2
Broadcast	7
Online	33
Grand Total	42

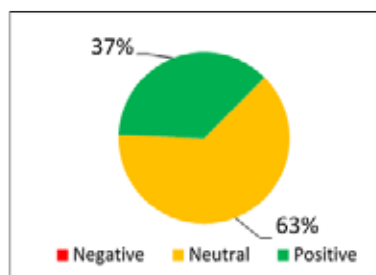


Statistical Reports, by service and favourability

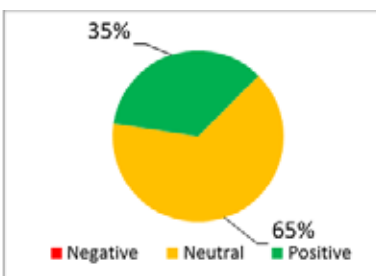
Media Type	March
Print	54
Broadcast	102
Online	56
Grand Total	212



Media Type	April
Print	2
Broadcast	34
Online	40
Grand Total	76



Media Type	May
Print	23
Broadcast	57
Online	34
Grand Total	114



CRL Rights Commission staff engaging with communities during the Durban Business Fair in 2019

11. PERFORMANCE INFORMATION BY PROGRAMME

11.1 Programme 1: Administration: Organisational Development and Support Services

Programme 1 supports the achievement of the Strategic Outcome Oriented Goal 1; which is **Enhanced Organisational capacity to effectively and efficiently deliver on its mandate**. The programme provides for general administration, financial, support and oversight functions in the Commission.

The programme is made up of three sub-programmes the Executive Office whose function is to be responsible for Commissioners services and general oversight and governance, Office of the Chief Executive responsible for general administration, planning, reporting, monitoring and evaluation and finally Finance and Support Services which is responsible for financial administration and corporate functions.

Executive Office

There are 13 members of the Commission with two appointed in a full-time capacity and 11 appointed on a part time basis. The Chairperson and the Deputy Chairperson are appointed on a full-time capacity. The current Commissioners were appointed on the 1st of July 2019 which means they were appointed 3 months into the start of the new financial year and had to hit the ground running. Upon the appointment of Commissioners, Section 22 Oversight Committees were set up as spelled out in the CRL Act 19 of 2002 and the Commission soon worked on a 5 year strategic plan that will guide their function and to hold management accountable. The committees appointed are as follows:

- **Finance and Support Services Sec 22 Committee** convened by the Chairperson, **Prof Luka David Mosoma**
- **Research and Policy Development Sec 22 Committee** convened by Commissioner, **Dr Nokuzola Mndende**
- **Legal Services and Conflict Resolution Sec 22 Committee** convened by Commissioner **Sheila Khama Mbele**
- **Public Engagement and Education Sec 22 Committee** convened by Commissioner **Mandla Langa**
- **Communication, Marketing, IT and Linkages Sec 22 Committee** convened by Commissioner **Reiner Schoeman**
- **ICT Governance Committee** convened by Commissioner **Mandla Langa**

The purpose of these committees is to provide oversight and to assist the Commission in ensuring the mandate of the Commission is fulfilled and that the Commission continues to promote and protect the cultural, religious and linguistic rights of communities and continues to promote peace, tolerance, humanity and national unity on the basis of equality and non-discrimination.

During the 2019/20 financial year the Support Services Unit managed to achieve most of its objectives. The main objective not completed during the financial year, relates to the redesign of the organizational structure. Achievements and challenges will be discussed in more detail in the following paragraphs.

Office of the Chief Executive Officer

The Office of the CEO is responsible for monitoring the implementation of the strategic plan and adherence to the implementation of the organisational policies and the achievement of set performance targets, objectives and goals and to hold senior managers to account. The CEO monitored achievement of performance targets by quarterly reviewing of the quarterly performance reports as set out in the approved Annual Performance Plan (APP) for the year under review.

Internal Audit

The Internal Audit Services has been outsourced 100% to a private company. In the year under review from April to September the service was provided by Ditsebi Solutions whose contract lapsed in September and a new provider, (PWC) was appointed through a tender process and will be contracted to the Commission for the next three years. The outsourced Internal Audit function provides for the utilisation of specialized auditor skills, professional execution, proven methodologies and world class technologies and tools that a full-time internal auditor may not be able to access.

Finance and Support Services

Overview

“In this section the achievements of and challenges experienced by the Support function of the CRL Rights Commission will be discussed. The Support Services function is mainly responsible to fulfil functions that assist the operations of the CRL Rights Commission. The function include Financial Administration, Procurement, Human Resource Management, Risk Management, Security Management.

The Commission could not host the National Consultative Conference in the first 12 months of the current Commission.”

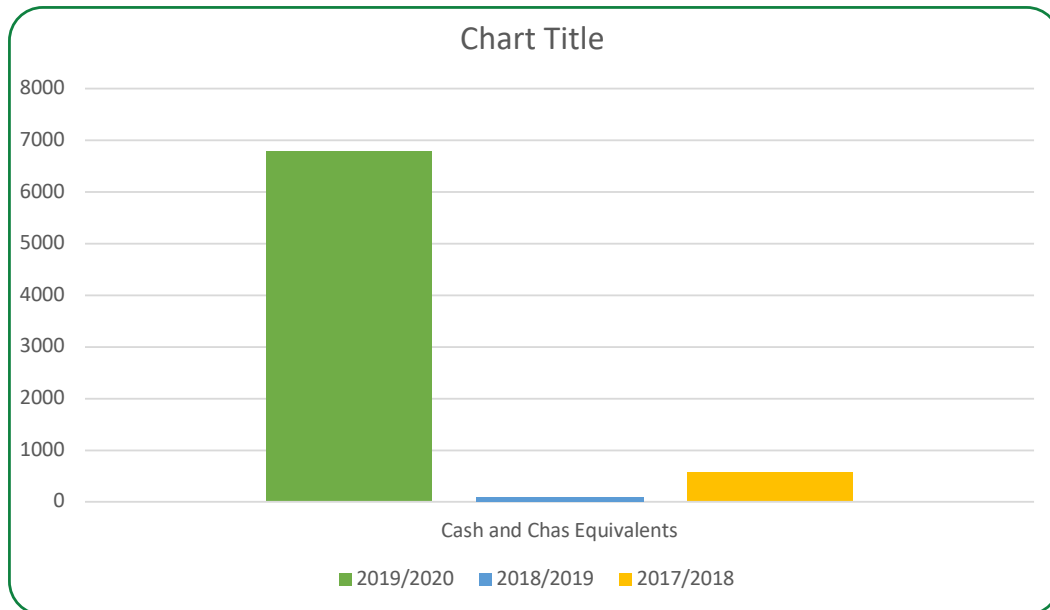
The figure below reflects changes to the baseline allocation over the past three years: 2017/18 (R42 447 000) with an increase of +10,21%, 2018/19 (R48 793 000) with an increase of +14,95% and 2019/20 (R45 189 000) with a decrease of – 7.39%.

Financial Administration

The Unit made improvements to the quality of financial statements issued on a quarterly basis. These improvements also improved the quality of the annual financial statements. The Finance Unit continues to strive for perfection and have processes in place to improve the quality and timeliness of financial information. The objective of the Finance team is to obtain an unqualified audit opinion without any findings.

The CRL Rights Commission improved its solvency level during the year under review. Cash resources have improved significantly to R 6, 973 m. The improvement is due to savings generated at the end of the term of the third Commission on 29 February 2019. The forth commission was appointed on 1 July 2019.

The graph below reflects the change in cash and cash equivalents over the medium term.



Financial Position

The CRL Rights Commission will remain a going concern due to its status as Constitutional Institution. The CRL Rights Commission maintains a stable financial position with sufficient resources to settle its obligations.

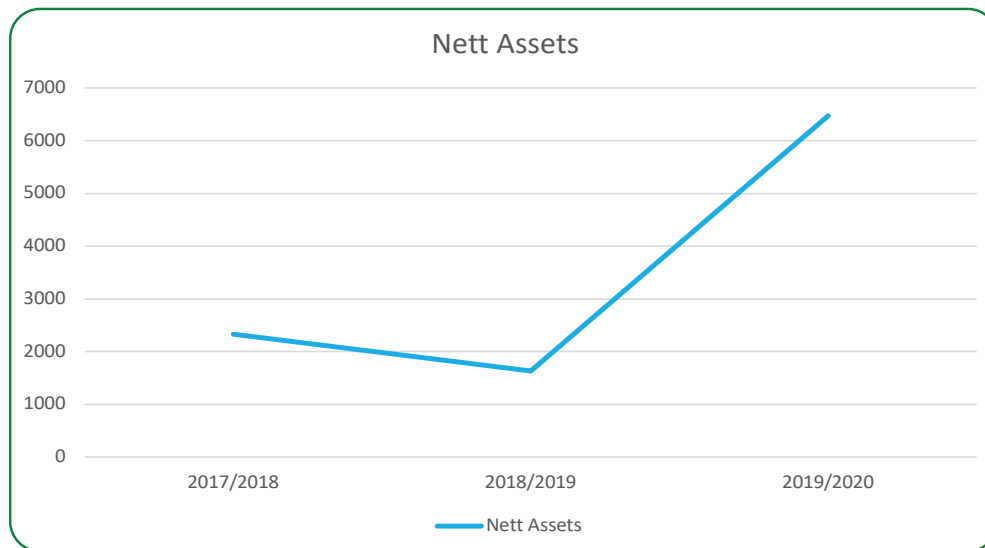
The increase in trade payables relate to projects that were executed during March 2020 for which invoices received were paid in the subsequent financial year due to the timing of receipt of the invoices.

Financial Performance

Expenses in respect of depreciation decreased due to the revaluation of the useful lives of the asset classes of computer equipment, office equipment and leasehold improvements. Decreases in administrative and operational expenses relates to the hosting of the National Consultative Conference in 2018/2019, for which additional funding was made available in the adjustment budget from the department of Traditional Affairs.

Net assets

Due to the increase in cash and cash equivalents and the reassessment of the useful lives of assets, the net asset position of the CRL Rights Commission increased from R 1, 631 m in 2018/2019 to R 6, 472 m at the end of 2019/2020.



Compliance with laws and regulations

Wasteful expenditure

The CRL Rights Commission incurred R 3 000 in wasteful expenditure during the year under review. All the wasteful expenditure related to traffic fines, which was recovered from the relevant employees.

Irregular expenditure

The CRL Rights Commission did not manage to avoid irregular expenditure in all its procurement during the year under review. Five cases of non-compliance were raised by the auditors. These cases have been reported to National Treasury and the processes of management of irregular expenditure is being implemented. Of the five cases raised, one relates to the incorrect calculation of the preferential score calculation in awarding a tender for internal audit services. Two relate to contracts that have not been signed appropriately, one relates to an irregular contract of the prior year that had been terminated during the current year and one relates to the appointment of the second supplier that quoted for the facilitation of a strategic planning session.

The summary of irregular expenditure is displayed in note 25 of the financial statements.

Human Resource Management

The CRL Rights Commission maintained good human resource management practices as is evident from the fact that it had no cases referred to the CCMA. The CRL rights Commission processed one resignation during the year under review. The staff member resigned due to an appointment to a higher post. Services of three staff members that were appointed on contract have been terminated during the period due to the end of their respective terms of contract.

Compliance in respect of leave management was also achieved by the continued implementation of the Employee Self Service System and improvements to leave reconciliations. The Auditor General did not raise any findings in respect of leave management during the year under review. This is an improvement from the prior period.

Improvements are to be made in respect of staff development and training. This will be addressed by the approval and implementation of a training and development plan by management.

Supply Chain Management

The CRL Rights Commission has performed well in respect of supply chain management, although there still remains room for improvement in respect of compliance with the Preferential Procurement Regulations. Controls in the form of checklists and training interventions will be implemented during the year under review to ensure that 100% compliance is achieved.

Risk Management

Risk management is continuously receiving the required attention with a formal risk assessment conducted yearly and quarterly reviews by management and internal control under the oversight of the Audit and Risk Committee of the CRL Rights Commission. The standard of risk management will be maintained during the following financial year.

Security Management

The CRL Rights Commission received assessments from the State Security Agency in which their satisfaction was expressed with the implementation of recommendations from the assessment. The CRL Rights Commission regularly attends meetings of the security cluster and implements practices of security management. The process of security vetting of staff members is still underway.

Information and Communication Technology Management

The CRL Rights Commission established a management committee to oversee the Information and Communication Technology function. This committee meets every quarter and considers matters of ICT security, infrastructure, systems and governance. The CRL Rights Commission implemented projects to improve the ICT infrastructure. These projects have been finalised, although new projects are identified continuously to keep the ICT of the CRL Rights Commission at a high standard. This endeavor enabled the CRL Rights Commission to perform most of its functions remotely during the national lockdown due to the COVID-19 pandemic.

Improvements are planned in respect of the management of the website and social media of the CRL Rights Commission.

Challenges

With regards to supply chain management, some delays were experienced in respect of the processing of tenders. Management is paying close attention to these matters and has implemented strict work plans to ensure improvement in keeping to time frames. It needs to be noted that capacity in this field is still being improved and as staff members gain more experience this problem is expected to decline.

In respect of governance, the review of policies also lagged behind. Management will implement a schedule for review of policies during the current financial year.

The challenges in respect of compliance to supply chain prescripts will be addressed through training and improved oversight of the function. The services of internal auditors will also be focused to ensure that repeat findings are avoided during the following audit. The CRL Rights Commission is currently reviewing its organizational structure to ensure alignment to its strategy. Management is confident that this review will enable the CRL Rights Commission to build capacity where it is required.

Challenges in respect of development of staff will be addressed by implementing the staff development plan.

Challenges in respect of social media will be addressed through oversight and the implementation of a redesigned website.

Table 2: Administration: Strategic objectives, sub-strategies performance indicators, planned targets and actual achievements

Measurable objective	Strategic Objectives	Performance Indicators	Baseline 2018/19	Actual Performance 2019/20		Variance	Reason for Variance/ Corrective Measure
				Annual Targets	Actual Target Achieved		
1. To build organisational capacity that effectively and efficiently delivers on CRL mandate	1.1. Corporate Governance and Coordination	Number of Plenary and Oversight Committee meetings held per annum	4 Plenary and 4 Oversight Committee meetings	4 Plenary and 4 Oversight Committee meetings per annum	4 Plenary and 4 oversight committees meetings were held	Target met	No variance
		Number of quarterly reports reviewed by the CEO within 30 days after the start of the quarter per annum	4 quarterly reports reviewed and approved	4 Reviewed and approved quarterly reports per annum	4 quarterly reports were reviewed by the CEO within 30 days after the start of the new quarter	Target met	No variance
		Number of quarterly internal audit reports prepared by the Internal Auditor for review by Audit Committee within 60 days of the next quarter per annum	4 quarterly internal audit reports reviewed by the Audit Committee per annum	4 quarterly internal audit reports reviewed by the Audit Committee per annum	4 quarterly internal audit reports were prepared by the Internal Auditor	Target met	No variance
		Number of performance agreements submitted on time by the 1 st April annually	Previous performance agreements submitted	Approved and aligned annual performance agreements annually	31 performance agreements submitted on time.	Target partially met – All performance agreements were signed on the 1 st of April 2019 as was required, however amongst them 2 were only signed on the 5 th of April 2019, and 1 signed 20 May 2019, hence a variance.	3 performance agreements signed after the 1 st of April 2019 will be corrected in the new Financial Year.
		Approved Commissioners handbook annually	New measure	Crafted Commissioners handbook annually	A Commissioners' handbook has been approved	Target met	No variance
		Annual review of governance structure	New measure	Reviewed and approved governance structure per annum	A governance structure was reviewed and approved	Target met	No variance
		Annual review of organisational structure and approved change management framework	Approved organisational structure	Approved organisational structure and change management framework per annum	Organisational Structure and change management framework approved.	Target partially met – change management framework was approved while the review of organisational structure was carried over to the new financial year	The tender process will be finalised during the second quarter of the 2020/2021 financial year. The reviewed structure will be approved by 31 March 2021.

Strategic Objectives	Performance Indicators	Baseline 2018/19	Actual Performance 2019/20		Variance	Reason for Variance/ Corrective Measure
			Annual Targets	Actual Target Achieved		
1.2. Human Resource Management and Development	Approved and implemented Human Resources Strategy and Human Resources Management policies annually	Approved Human Resources Strategy and Human Resources	Reviewed and approved Human Resources Strategy and Policies annually	Human Resources management strategy and policies have been approved and implemented	Target not met	The review of human resources management and policies was deferred to the 2020/21 financial year pending finalisation of the process of appointing an HR Consultant – This is part of the package that the HR consultant will be working on. The tender process to appoint an HR consultant was delayed further due to Lockdown and COVID-19 related challenges
	Approved Competency Framework work and skills audit conducted annually.	New measure	Approved and implemented Competency framework and skills audit conducted per annum	Competency Framework has not been approved and the Skills Audit not conducted	Target not met	Project deferred to the 2020/21 financial year pending finalisation of the process of appointing HR Consultant – This is part of the package that the HR consultant will be working on. The tender process to appoint HR consultant delayed further due to Lockdown and COVID-19 related challenges.
	Percentage of workplace skills development plan implemented per annum	Workplace skills development plan	Implemented Workplace skills development plan 2019/2020 report annually	37.1% of workplace skills development plan has been implemented	Target partially met - Workplace skills development plan is in place. 37.1% represents 13 staff members who received the planned training as reflected in their Performance Agreements	More training will be conducted in the next financial year.
	Approved and implemented PMDS System policy annually	2018/19 staff performance assessments reports	Annual staff performance assessment reports 2019 in line with approved PMDS Policy	Performance Management Development System (P-MDS) policy has been approved and implemented.	Target met	No variance
	Number of staff attended trainings, workshops, seminars for Continuous Professional Development (CPD) per annum	New measure	Training and Workshop organised and attended for Continuous Professional Development plan per annum	13 staff members have attended training, workshops, seminars for Continuous Professional Development	Target met	No variance

Strategic Objectives	Performance Indicators	Baseline 2018/19	Actual Performance 2019/20		Variance	Reason for Variance/ Corrective Measure
			Annual Targets	Actual Target Achieved		
1.3. Improved financial management and supply chain and achieve unqualified/clean audit	Achieve unqualified audit report on Annual Financial Statements each year	2018/19 Audit Report.	Clean or Un-qualified audit report on Financial Statements per annum	Clean or Unqualified audit reports on Financial Statements.	Target met	No variance
	Updated external and internal audit findings register and all audit queries resolved per annum	Updated audit findings register	Quarterly audit findings register updated and all audit queries resolved per annum	External and Internal audit findings register has been updated and all audit findings resolved	Target met	No variance
	Risk Management in compliance with standard set for risk management per annum	Risk Management workshop, updated risk register	Risk Management Workshop conducted and risk register updated annually	Risk Management workshop has been conducted and risk register updated	Target met	No variance
	Procurement conducted in compliance with approved supply chain management policy and other related prescripts per annum	Procurement done in compliance with approved Supply Chain Management policy and other applicable prescripts	100% of procurement done in compliance with approved supply chain management policy and other applicable prescripts per annum	100% of procurement has been done in compliance with approved supply chain management policy	Target met	No variance
	Approved Resource mobilisation strategy per annum	New measure	Draft resource mobilisation strategy presented for approval per annum	Resource mobilisation strategy is in the process of approval	Target not met	The resource mobilisation strategy is in a draft format and it will be finalised in the 2020/21 Financial Year
1.4. Develop resource mobilisation strategy						

11.2 Programme 2: Legal Services and Conflict Resolutions

The Unit handled cases around destruction and/or disturbance of graves. These cases are very complex and involve strong emotions which if not handled carefully and with the necessary compassion can produce dire consequences. In many instances these cases drag on for a long time owing to their divergent complexity.

The unit adopted a strategy to engage with the farmers' unions to avoid attempting to directly engage with farm owners or managers, which had always been a challenge. This strategy was meant to facilitate access to graves on farms by affected families and communities. A draft protocol on this aspect was produced.

The unit further dealt with a case on graves that concerns a family. In this matter, family members in Venda, Limpopo have been denied access to their family graves that are enclosed in the yard of a particular member of the same clan. This challenge like that of graves on farms made it difficult and sometimes impossible for families to perform their cultural rituals and practice their religion. Lack of access to graves counters and renders sections 6 (4) of the Extension of Security of Tenure Act (which furthers people's right of access to graves) useless. The Unit revisited the issue of graves in Piet Retief, where communities allege that they are denied access to graves on farms - in violation of their rights.

The other issue on graves is that of the illegal burial of new deceased on top of existing graves. This is at the heart of the recycling of graves. This is prevalent in Durban, KwaZulu-Natal. The Commission had during the last term engaged the eThekweni municipality on this issue but it seems not to be coming to an end.

The unit also followed up with the Dukathole community issue in Aliwal North, Eastern Cape about the destructed graves. Recommendations were prepared but could not be presented to the relevant and responsible administrative authorities owing to lockdown. This will be carried out in the new financial year.

Religion

The cases on religion were more about concerned lack of financial accountability, financial mismanagement and poor governance in churches; misconduct of pastors; allegations of acts of sexual violation, including rape, in church premises; allegations of failure by the police to pursue criminal cases against pastors who allegedly sexually violated congregants. The unit drafted letters which were sent to the police commissioner of Gauteng and the Independent Police Investigative Directorate for handling.

There was also an issue in the Free State about church committees being at loggerheads allegedly on issues of procedure and on how religious matters should be handled in church. The rights of congregants to practice their religion were affected by some members who sang incessantly in church, thus disturbing the church services.

The Commission further followed up on the case of a pastor who allegedly resurrected a deceased person. This was done by inviting the mortuaries that were involved in the process that led to the deceased being taken to the pastor for prayer and that the person rose from death while being prayed for. The Commission also engaged the Gauteng Department of Health on the matter with a view to ascertain the steps that should be followed in order for a person to be certified dead.

The other matter involved allegations of discrimination against a gentleman in church after he came back from jail and openly informed his fellow congregants about his incarceration. The gentleman

submitted that he was ill-treated by church leadership and was informed that he is not welcome in church given that he is an ex convict. He complained about welfare in church accorded at different level/degrees between whites and blacks and further that there was language discrimination in church.

There is a longstanding issue of halaal certification on food; that the certificate is beneficial to the one religion but to the detriment of others. Given the nature of the complaint, various laws were considered to ascertain their relevance to the Commission. The Commission had a meeting with the National Consumer Commission (NCC) on this matter. The NCC is of the view that the matter does not fall within its scope; this was after the Equality Court had referred the matter of halaal to it.

Some of the matters are about people who hear voices and also feel that their private parts are 'fiddled' with by invisible people. Another matter is that of a person who alleges that his private part shrank and his intelligence was stolen by a pastor and that brain feels open. He believes all these things were done through spirits.

Language

The Unit initiated and held hearings on the use of official languages in South Africa. The issue of language use was identified by the Legal Services and Conflict Resolution Unit as a critical component that has not received much attention in the Commission and thus required focus. This matter is part of the strategic plan of the unit.

The following organs of state were invited and appeared before the Commission. Their relevance was based on their role as administrative bodies and their centrality in the day-to-day social service to the public:

The National Department and all provincial departments of Arts and Culture,

Pan South African Language Board, and

the National Departments of: Public Service and Administration, Justice and Constitutional Development, Basic Education, Higher Education and Training, Health, and the South African Police Services.

Legislative Review

The Unit conducted research and checked the Parliamentary website to discover Bills that have an impact on the mandate of the Commission. Reviewed the Recognition of Customary Marriages Amendment Bill.

The Unit perused and analysed the Issue Paper on a single marriage statute and prepared comments thereon for submission to the Law Reform Commission.

Objective: Legal Opinions and drafts

Drafted Protocol on access to graves on farms; produced opinion on Mphephu vs Ramabulana leadership case; advised on the service level agreement between the Commission and PricewaterhouseCoopers.

Drafted notice of intention to defend an affidavit in an application by a public member to force the Commission to recognize her entity as a community council.

Drafted response (Notice to Abide) in the application to court by the Public Protector against the Speaker of the National Assembly.

Responded to the application to court of Democracy in Action v Speaker of Parliament (code on removal of members of Chapter 9 institutions);

Commented on internal protocol in response to COVID-19 before lockdown announcement.

Drafted recommendations to the Eastern Cape and Gauteng Departments of Cooperative Governance and Traditional Affairs on the deaths of initiates in initiations schools;

Completed a section 32 report in terms of the Promotion of Access to Information Act (PAIA);

Responded to Hawks questionnaire on the agreement between Prophet Bushiri and a woman who had alleged that Bushiri had insulted hereby alleging that she is a witch;

Prepared letters for individuals who approached the Commission requesting advice on how to deal with their matters at the Commission for Conciliation, Mediation and Arbitration (CCMA) on cases of their dismissal on the grounds that they were practicing their culture or religion;

Worked on the questionnaire on the interpretation of the objects and functions of the CRL Commission;

Responded to the Equality Court complaint, through an affidavit, which alleged that the Commission deliberately excluded the halaal matter from its findings in the Report of the hearings on the commercialisation of religion and the abuse of people's belief systems;

Drafted Memoranda of Understanding between the Commission and Pan South African Language Board, the National Consumer Commission and the Commission for Gender Equality. Perused MOU between CRL and Department of Correctional Services;

Prepared specifications to source legal opinions from retired Constitutional Court Justices on the mandate of the Commission;

Prepared correspondence addressed to the Sexual Offences and Community Affairs sections at the National Prosecuting Authority to discuss issues of allegations of rape by pastors; and to Home Affairs re foreign pastors who marry women in SA while still married in their countries of origin.



Research and Policy Development unit engaging in a dialogue with Stakeholders on status of Initiation in Gauteng Province in September 2019

Table 3: Legal Services and Conflict Resolution: Strategic objectives, performance indicators, performance indicators, planned targets and actual achievements

Measurable objective	Strategic Objectives	Performance Indicators	Baseline 2018/19	Actual Performance 2019/20		Variance	Reason for Variance/ Corrective Measure
				Annual Targets	Actual Target Achieved		
2. To investigate and make recommendations on issues concerning the rights of cultural, religious and linguistic communities	2.1. Resolution of conflict among and within cultural, religious and linguistic communities	Complaints processed in line with Complaints Handling Manual per annum	100% of complaints and disputes processed in line with Complaints Handling Manual	100% of cases processed in line with Complaints Handling Manual per annum	32% of Cases were processed in line with Complaints Handling Manual	68% of newly received cases not processed to determine their jurisdiction.	The disconnect between the Complaints Handling Procedure Manual and the actual practice around the stages of processing of cases is the corollary of the variance. The Manual requires the determination of case jurisdiction from the outset while the practice is that every case notwithstanding that it might not fall within the mandate of the Commission should be acknowledged first until the section 22 committee composed of members of the Commission has satisfied itself about whether it falls within the mandate or not and should thus be referred.
	2.2. Legislative influence	Draft report on legislation, Bills before Parliament, that impacts on the rights of cultural, religious and linguistic communities per annum	Report on discovered and reviewed legislation and Bills before Parliament that impacts on the rights of C-R-L communities	Report on Engagement with relevant organs of state on legislation, policies and practices that impact linguistic rights of communities per annum	One report on Bills before Parliament: • Recognition of Customary Marriages Bill; • Comments on Issue Paper on Single Marriage Statute; • Hearings on the use of languages	Target met	To align the Complaints Handling Procedure Manual and the practice, and further to insert clear definitions of the indicator and targets. No variance
	2.3. Provide sound legal advice	Legal opinions and/or draft responses to all requests per annum	16 legal opinions/drafts	100% response to all requests per annum	100% response to all requests: 39 Legal opinions and/or drafts have been produced.	Target met	No variance

11.3 Programme 3: Public Engagement and Education (PEE Unit)

The Public Engagement and Education (PEE) unit is one of the core units running the programmes of the Commission established in terms of section 5(1) (a) (b) (C) and (f) of the CRL Act of 2002. It undertakes a public engagement and educational role in communities to highlight the diverse cultures and religious beliefs that coexist in South African society. Through this programme, new communities are informed and existing and recognised community councils are workshopped on their cultural, religious and linguistic rights as enshrined in the Constitution of the Republic of South Africa and on how to work out strategies to improve the running of their organisations. The fact that the Commission supports communities from a head office in Gauteng Province in Johannesburg still poses a serious challenge. Our counterparts who have a presence in provinces and regional spaces, engage more with communities and tends to even take over complaints from communities that would under normal circumstances be dealt with by the CRL Rights Commission. A sister chapter 9 organisation with offices in provinces has more engagement with communities than the Commission can manage with its own clientele.

During the term under review the unit rolled out its programmes through conducting various educational programs which includes capacity building workshops, awareness campaigns and also participating in joint strategic initiatives in support of the stakeholders. The following are some of the themes that PEE focused on in conducting educational programmes:

- The role of religious leaders in promoting and protecting the rights of religious communities
- The role of the CRL Rights Commission in promoting and protecting the rights of Cultural, Religious and Linguistic Communities
- The involvement of youth in the promotion and protection of the rights of cultural, religious and linguistic communities
- Preserving our heritage through promoting and protecting linguistic rights of communities
- Taking the work of the Commission to uncharted areas

Capacity building programmes

In the fulfilment of its mandate the Commission has an obligation to support Community Councils that are established in terms of its enabling Act, CRL Act 2002. The Commission through the Public Engagement and Education unit developed workshop programmes that seeks to support communities in how they should conduct their businesses in ensuring they help promote the objects of the Commission. If their systems of how to conduct businesses are improved through these workshops, it will guarantee that they are able to promote the objectives of the Commission as spelled out in the CRL Act. During the term under review, seven capacity building workshops were conducted in Gauteng, Kwazulu Natal and Northern Cape Provinces. In the Northern Cape the Commission engaged with communities in Galeshewe, Upington and Barkley West. The Workshop in Barkley West was conducted in collaboration with Dikgatlo Municipality and present in the workshop was the Executive Major, Ward Councilors and the Manager in the Office of the Mayor.

The aim of the workshops was to capacitate community councils about the role of the Commission and also share with communities the previous projects that the Commission embarked on. Out of the engagements it was clear that the Commission needs to work closely with communities and encourage the establishment of community councils in each area as the structure that can attend to people's issues and concerns since the Commission is operating at a National level and it does not have provincial offices .

In some of the areas, especially in the remote areas where even provision of basic service is a luxury, communities including local leadership and government officials are not aware of the existence of the CRL Rights Commission. This resulted in a recommendation for CRL Rights Commission to develop a plan to capacitate local leaders on the mandate and objectives of the Commission. This will be done through Traditional Councils, ward committees, and other community structures to cover all areas. In one of the workshop held in Masinga in the Kwa-Zulu Natal Province which members of SAPS attend. The local leaders of SAPS recommended capacity building workshop for police officers and also to partner with the Commission when rolling out peacemaking programmes. The SAPS leadership in the area indicated that the workshops and partnership will improve relations and also ensure its members have an understanding of how to deal with religion-related cases.

Recommendations made during these workshops included amongst others the following:

- The Commission to have tangible programmes that promotes the use of indigenous languages.
- The Commission should be able to connect its community councils with potential funders in order to develop their projects.
- There should be a strong partnership between CRL Rights Commission and other institutions on the recognition of Nama Language.
- There is an urgent need for the Commission in the Kimberly region, where two community members have volunteered their time to mobilise for the community to have access to the services of the Commission. This work will be done in collaboration with the councilors in the area of Galeshewe.
- Challenges experienced in the religious sector will only be dealt with by the religious sector. An active umbrella body was strongly recommended and it was emphasized that all religion in the Barkley West area in Kimberly should affiliate to it.

Educational Programmes

The Unit conducted 6 educational programmes with the aim of educating communities on the mandate of the CRL Rights Commission and to get the communities to understand how they can benefit from their interaction with the Commission. The Commission met with communities in the Eastern Cape Province in the areas of Uitenhage, Brighton, Motherwell, and the Nelson Mandela Municipality Offices. The Unit further had a dialogue with religious communities at the eThekweni Municipality offices. The dialogues aimed to afford communities a platform to have a conversation on religious rights of communities and further than that it was sparked by community complaints concerning the celebration of Diwali. Other community members raised concerns about the fire crackers being used during Diwali celebrations, that they make a noise which affects people and animals. Some argued that this is against municipal by-Laws. Pursuant to its mandate of promoting and protecting the rights of cultural, religious and linguistic communities and that of assisting with the building of a truly united South African nation, bound by common loyalty to its people, the Commission had to conduct an educational dialogue as a means to proactively deal with finding solutions regarding the infringement, liberties and restrictions associated with the rights of religious communities. The dialogue's main intention was for the Commission to bring together stakeholders that were and still are affected by the Hindu community's celebration of Diwali. During this dialogue, which was attended and hosted by the eThekweni Municipality, the following challenges were identified:

- The municipal by-laws do not have a specific focus on, cultural, religious and linguistic matters
- Most of the non- Hindu communities do not understand Diwali and its significance and what happens during Diwali. This creates attitude of discomfort and discrimination towards communities celebrating Diwali.
- Indians who make up 80% of the working population in the KZN Province or in eThekweni Municipality are denied the rights to observe the day as a religious holidays like other religious holiday and are forced to take annual leave.
- During the dialogue it was also noted that the Tamil speaking community is not represented or recognised

Recommendations that came out of this dialogue will assist the Commission and community at large and lessons learned here could be replicated elsewhere where the Hindu community experience challenges regarding their religious observations. Engagement of this nature will going forward include ward councillors, community policing forums and school governing bodies so that they are able to deal with challenges that are posed by Diwali celebrations. On the flipside it was also recommended that while communities are celebrating their religious observation and enjoyingtogether with other members of such communities, their religious rights, they should not forget to keep in mind environmental considerations. Government should make a policy position on religious tolerance and related matters in order to deal with workers who are forced to work when they are supposed to be celebrating their religious holidays. It was further recommended that the Commission should conduct intensive research on all religions in the country so that communities can be educated on various religious practices and thus increase religious tolerance and social cohesion. The eThekweni Municipality resolved that a task team should be established and this task team should be responsible for dealing with concerns, complains and any violations of religious rights and will work closely with the CRL Rights Commission.

In addition to the educational programmes conducted the Unit came up with an accelerated and intense intervention strategy that is called ***taking the work of the Commission to uncharted areas***. The purpose of this project was to ensure that the services of the Commission are accessible to cultural, religious and linguistic communities at a local level. This is of critical importance in the sustenance of the broader vision of building one South African Nation in its diversity. The involvement of such a group of people in the work of the Commission is essential, as they directly experience the beauty born out of their observances of cultural, religious and linguistic heritages and thus, have first-hand information of issues in the communities they represent. These communities are a nucleus for South Africa to harness its differences in order to yield positive results contributing to peace, friendship, tolerance, humanity and social cohesion in cultural, religious and linguistic communities, prevailing under all spheres of government.

It is therefore justifiable for the CRL Rights Commission to utilize its human, financial and other resources to redirect its work by reprioritizing its activities, efforts and all its might as a way of broadening its presence in these communities. Without the above-mentioned endeavors, the Commission will in no uncertain terms not be able to fulfil its mandate as envisaged in the Constitution of the Republic of South Africa.

In Mpumalanga several Traditional Councils were visited and had engagement with traditional leadership in villages such as Moreipuso, Mathibela, Mogane, Malele, Graskop and Acornhoek. The unit further took the work of the Commission to Gauteng (Mabopane, Nkangala, Zithobeni and Khutsong in the West rand) and Kwa Zulu Natal (Kwa Mtetwa and Entumeni) Province.

The following observations and recommendations emerged from the engagements:

- To have modified presentations or an info pack distributed during events for community members to take home. It is believed that the Commission is spreading a nation building message and everyone has to hear the message.
- Issues regarding the disregard of traditional councils by the Department of cooperative governance and traditional affairs (i.e. Indunas in Acornhoek not receiving 'stipends'). The recommendation will be shared with the Department of Traditional Affairs as our important stakeholders to ensure that they take their services to the people and communities that need those services.
- Developing and promoting Sepulana as an official language. This plea was shared with the Commission the second time and we took it upon ourselves as the Commission to deliver the message to PanSALB to help the communities with the development of the language. As a Commission we pledged our unwavering support and indicated that in order for this language to flourish the speakers of the language should take it upon themselves to speak the language, to write in the language and like any other it will develop.
- Condemn the degrading of other languages which are regarded as inferior and condemn tribalism (i.e. Xitsonga speaking community members). There has been continuing problems between the Xitsonga and Sepulana (Pedi) speaking communities. The schools in the area segregate learners on the basis of language.
- Communities pleaded with the Commission to include stakeholders in the communities to assist in curbing issues that are a problem to their communities. CRL Rights Commission (through awareness campaigns to educate members of the public to engage local stakeholder resources; i.e. the police with matters of crime in the community; the Department of Cooperative Governance and Traditional Affairs regarding issues of the royal house and traditional authority; the PanSALB regarding developing and resuscitation of diminishing and diminished languages and the department of education regarding the incorporation of the developed languages into the school curriculum.

Youth Awareness Campaigns

Two awareness campaigns were conducted in Gauteng and North West Provinces. The campaigns focused on encouraging youth to be involved in cultural, religious and language matters in the country as future leaders. The youth needs to take part in programmes that are aimed at preserving diminished and diminishing heritage, however this requires creating awareness around such matters to encourage participation. In the North West, young people are already involved in cultural activities in the sense that one of the groups called Meriting Tai Kwando - a martial arts group - during the discussions they alluded that their strong conviction is embedded in the Japanese religion and culture. They felt strongly that the Commission would help them to create an awareness of what they do. Another group called Exodus deals with talent searches and hosts events. Following the engagement, they felt that they could also include South African cultures, especially with Boitekong and Sondela where there is sometimes intolerance between the local Batswana people and other ethnic groups which speak other South African languages. Their view is that they could contribute to peace building, friendship and tolerance through cultural activities.

Joint Strategic Initiatives and stakeholder engagements

In line with its strategy and programme, the unit participated in four initiatives that were hosted in collaboration with various stakeholders. The Unit engaged with Moral Regeneration in a workshop

on the 29th and 30th August 2019 in Polokwane and also engaged and participated at the North West annual women's summit on the 5th September 2019, hosted by the IEC. These two platforms afforded the Commission a platform and opportunity to engage with communities on the work of the Commission. The programme further participated at the Gauteng Spiritual Expo on the 18th of September 2019 in Springs hosted by the Department of Correctional Services where the Commission made a presentation on the state of Religion and challenges facing the country and also participated in the International Year of Indigenous Languages and International Translation Day Commemoration in Kimberly on the 30th of September 2019 hosted in collaboration with the Pan South African Language Board and conducted a presentation on the role of the Commission and projects undertaken towards promoting linguistic rights. The collaboration and engagement with the Moral Regeneration Movement (MRM) and the Department of Correctional Services (DCS) respectively, served as a springboard for the Commission to end up signing Memoranda of Understanding with those institutions and agreeing to working together in future engagements on matters of mutual concern.

The programme in the fourth quarter in the year under review collaborated in an interfaith seminar with the Department of Correctional Services under the theme: changing offenders lives towards building a new story. The objectives of the collaboration were listed as follows:

- To foster dialogue among peoples of different faiths, traditions and cultures who labour in the correctional facilities in order to promote cooperation, tolerance, coexistence and instil a mutual respect in the delivery of the services to the inmates.
- To promote intercultural and inter-religious dialogue to help in building communities' resistance against prejudice; advance justice and strengthen social cohesion.
- To counteract the abuse of religion to justify violence by creating an awareness on religious tolerance and non-violent religious practices.

Engagement during the interfaith seminar in collaboration with the Department of Correctional Services.

A number of speakers delivered speeches on what needs to be done to take care of the spiritual welfare of the inmates and to ensure that no single religion dominates the correctional facility but that all are given equal shares to the benefit of all inmates. What stood out the most is what the Deputy Chairperson of the CRL Rights Commission said in her presentation. She indicated that the values and principles espoused in the CRL Rights Act 19 of 2002, empowers the commission "to play a key role in assisting with the building of a truly united South African nation bound by a common loyalty to our country and all our people". Without a doubt the commission focuses its energies on developing strategies for social cohesion and nation building in our country.

She further indicated that as a commission, vigorous awareness campaigns on religious tolerance and non-violent religious practices will assist in striking a healthy balance between human dignity, freedom and equality, to enable us to strengthen social cohesion in South Africa.

Breakaway Commissions

The interfaith seminar had 6 breakaway commissions with each led by a Commissioner for the CRL Rights Commission. Topics discussed included the following:

- Intercultural approach to offender rehabilitation and reintegration
- Moral regeneration bridging religious divides amongst communities for social cohesion and nation building

- Religion and social crime prevention as a factor for all South Africans
- Interfaith role and programming: Meaningful response to gender based violence
- Interreligious and intercultural dialogues for mutual coexistence and cooperation in Correctional Advisory Structures: Composition and Terms of Reference

Way forward

Some of the points that were registered from various commissions were that all religions should be given a space to address or provide services at the correctional facilities. An advisory council should be established which will look into issues of equity for all religions.

Signing of the Pledge

In the end all participants including the CRL Rights Commission pledged to work together with the Department of Correctional Services in achieving the following:

- To collaborate with other faith-based organisations, non-governmental organisations, community-based organisations and learning institutions in enhancing the rehabilitation and social reintegration of offenders;
- To execute our duties and responsibilities with diligence and commitment to excellence in our quest to make a difference;
- To facilitate the provision of need-based spiritual care services and programmes towards building offenders' moral values which are acceptable to society;
- To help in curing attitudes that lead to re-offending;
- To help in facilitating victim- offender mediation, reconciliation, and victim support to bring about healing and restoration of relationships towards enhancing social cohesion;
- To assist in building safer communities and a crime-free South Africa, and.
- To acknowledge cultural, religious and linguistic diversity of the offenders and commit to respect their constitutional cultural, religious and linguistic rights.



PEE outreach programme with communities in Zithobeni and seminar in collaboration with Department of Correctional Services

Table 4: Public Engagement and Education: Linked strategic objectives, performance indicators, planned targets and actual achievements

Measurable objectives	Sub- Strategies	Performance Indicators	Baseline 2018/19	Actual Performance 2019/20		Variance	Reason for Variance/ Corrective Measure
				Annual Targets	Actual Target Achieved		
3. To foster awareness of cultural, religious and linguistic rights through public engagement and education	3.1. Develop, conduct or manage information programmes and education programmes, to foster public understanding of matters pertaining to the protection and promotion of CRL rights	Public Engagement and Education Strategy developed and approved per annum	New measure	Collate information and develop draft PEE Strategy by 31 st March 2020	Information has been collated and Public Engagement and Education Strategy was developed and approved	Target met	No variance
		Educational manual for Cultural, Religious and language rights matters developed per annum	New measure	Collate information and develop draft PEE educational manual by 31 st March 2020	Information to develop Educational Manual has been collated and manual has been developed	Target met	No variance
	3.2. Facilitate the strengthening and/or establishment of the Community councils to promote and protect CRL rights at local level	Number of educational programmes conducted on CRL matters per annum	New measure	6 Educational programmes conducted annually	10 educational programmes have been conducted on CRL matters	Target exceeded	There was a need from communities to conduct more educational programmes
		Annual review of Community Council Policy	Approved Community Council Policy	Reviewed Community Council Policy by March 2020	Community Council Policy has been reviewed by March 2020	Target met	No variance
	3.3. Promote awareness amongst youth of South Africa of the diversity of CRL communities and their rights	Number of capacity building workshops conducted per annum	18 Capacity Building Workshop	6 Capacity Building workshops conducted per annum	10 capacity building workshops have been conducted	Target exceeded	There was a need from communities to conduct more educational programmes
		Number of youth awareness campaigns on CRL matters conducted per annum	New measure	2 youth awareness campaigns on CRL matters conducted per annum	2 youth awareness campaigns on CRL matters have been conducted	Target met	No variance
	3.4. To forge strategic partnerships for concerted effort and synergy in advancement of the protection and promotion of CRL Communities	Number of engagements with PEE Stakeholders on CRL matters per annum	New measure	4 engagements with PEE stakeholders on CRL matters per annum	4 engagements with PEE stakeholders on CRL matters have been conducted	Target met	No variance

11.4 Programme 4: Research and Policy Development (RPD Unit)

11.4.1 AFRICAN CULTURAL MARRIAGES, CUSTOMS AND RITUALS IN SOUTH AFRICA

The decision to look at the subject of cultural marriages; customs and rituals came about after the Department of Home Affairs announced that they were embarking on the process of developing a marriage policy that will lay a policy foundation for drafting a new single legislation which shall govern all marriages in South Africa. This is so as:

- The current legislation does not regulate some religious and cultural marriages as practiced by our communities.
- The current cultural marriage practices are contradictory to the current pieces of legislation on marriage.
- Marriage Act does not allow polygamous marriages.
- Traditional Leaders roles and responsibilities with regard to customary marriages are not covered by legislations.

Background

The South African National Department of Home Affairs is embarking on the process of developing a marriage policy that will lay a foundation for drafting a new single marriage legislation governing all marriages in South Africa. This new single Marriage Act, they hope, will enable South Africans of different religious and cultural persuasions to conclude legal marriages that will accord with the doctrine of equality as encapsulated in the constitution of the country. As per the Department of Home Affairs scope of the marriage policy, they intend covering the following issues:

- The role of various stakeholders in the solemnization, registration and dissolution of marriages.
- Indiscriminative solemnization of all marriages by marriage officers.
- Recognition of equality principle in the marriage legislation.
- Alignment of the marriage, matrimonial property, and divorce legislation.
- Change of sex status for married transgender and intersexes people and their marriage status.
- Marriages involving foreign nationals.
- Marriages involving minors.
- Fraudulent marriages.
- Marriages not recognised by the current legislation.
- Polygamous marriages
- Challenges associated with marriages that are not registered with Department of Home Affairs.

Purpose of the Report

The CRL Rights Commission took a decision to focus on Indigenous African religious and cultural marriages as these marriages are seen as diminishing heritage. Again, this is in line with the mandate of the CRL Rights Commission of promoting and protecting the diminished heritage of communities. The CRL Rights Commission decided to investigate and understand the communities feeling about this intended process of the Department of Home Affairs and what their marriages customs, rituals and celebrations are like. Focus groups meetings were held in all nine provinces with different cultural communities.

Presentations

Numerous questions were put to the different cultural communities throughout the country, and the key question being asked was what was the purpose of people getting married? Although the finite details of different African cultural marriages celebrated differs in style and form, the essence of the customs and rituals are more or less the same and this has helped us in reaching our conclusions and making recommendations contained in this report.

Interestingly all cultural groupings we met during our focus group meetings, in all the nine provinces of South Africa, agree that culturally speaking, the primary reason for marriage is the expansion of the family from one generation to another. This, they said, is at the core of why people get married and why they remain in marriage.

Again, they made it clear to us that marriage, is a union of two families and not just two individuals.

Cultural Marriages, Customs and Rituals

According to the focus groups that we met, interviewed and engaged with, there are several types of cultural marriages that are practised by Africans in South Africa today. These types of marriages are arranged marriages, ukugcagca, Ukuthwala/Ho Shobedisa, Polygamous marriages that include Ngwetsi ya Setshaba/UMama wesizwe.

a. Lobola and Marriage

Lobola/Magadi/Lovhova (Nguni/Sotho/Tshivenda) is a marriage process through which two families build a relationship with a purpose of increasing a family, and this process involves a number of rituals.

In this type of marriage, a young man and young woman, would meet and date. When the young man is ready, the young man will inform his parents of his intentions to marry that particular young woman. Normally, the parents of the young man would send some representatives called Masupatsela/Abakhongi/Onozakuzaku to the family of the young woman to inform them of their intention to negotiate marriage.

While it is a common practice among many cultures that the first lobola negotiations starts in the young woman's home. However, after arrival and being welcomed, both family negotiators start by reciting the family clan names first, before even starting to talk about the reason why they are there, as custom dictates. In some cultures, if a family has a couple of young women, the young women's' family negotiators would invite all the young women into the room and ask the young man's family to point at the young woman they have identified to be their daughter in law. Upon

pointing at her, then the young woman would be asked a question as to whether she knows the family from which the negotiators have come. When the answer is affirmative then they are asked to leave the room for the negotiations to begin.

Then the negotiations will continue along customary lines involving how many herds of cattle are required for lobola purposes. Different communities are guided by their different traditions when coming to the number of herds of cattle to ask for during the negotiations.

Both teams of negotiators would report back to their respective families how the negotiations went and start preparing for the new date when the negotiations will be finalised and when the young woman will be officially taken to the young man's home. When the negotiators meet again, they would discuss the date and format of the wedding.

b. Ukugcagca

Ukugcagca is when, a young man who is in love with a young woman, secretly go to the home of the young woman and invite her to come with him to his home as his wife. The young woman will willingly go with the young man to his home. In the morning, the young man will go to his mother's room and tell her that she has a young woman in his room that she intends to marry her. Then, the family of the young woman will be informed where she is and this opens up discussion between the two families. The young man's mother will then inform the father and the close relatives and proceed to design the traditional makoti (daughter in law) attire, as a sign and symbol of welcome and acceptance in the family.

c. Ngwetsi ya Setshaba /UMama wesizwe

Customary Law of Succession in South Africa requires that the successor to an inkosi/traditional leader must be born by a woman, who is from royalty, and whose lobola has been paid for by the community as a whole. This usually occurs in a polygamous situation.

d. Polygamous or Sethepu/Isithembu/Lefufa (Sesotho/Nguni/Setswana)

The groupings we met agree that polygamy/sethepu/isithembu/lefufa are allowed by their cultures. They were, however, very quick to point out to us that although allowed by their cultures, one need to have a very good reason to enter into polygamous marriage. They cited examples like lack of child birth in a marriage, the issue of power and status and a rich individual who has many responsibilities and the one wife could not cope alone.

According to people who spoke on this subject matter, the process starts first in a discussion between a husband and a first wife on why the husband should consider having a second wife. They explained to us that in most cases the first wife will be the one who gives a blessing to such a marriage. They told us that in most cases, the first wife would be the one to encourage the husband to remarry especially in cases where the first wife cannot bear children as the understanding is that the primary reason for marriage is the procreation and expansion of the family.

e. Ukuthwala/Ho Shobedisa

The words Ukuthwala/ Ho Shobedisa process is best described as a forced marriage between a young man and a girl. In all instances, the young woman or sometimes a girl, who would not have been having a prior relationship with the young man and without her consent, would be taken by

force to the home of the young man. At the young man's home, the young woman or the girl will be expected to act like his wife. Normally, the young man would identify the young woman or the girl he wants to marry and arrange with his friends or relatives to wait for the young woman or girl and grab her to take her to the young man's homestead.

Ukuthwala is the carrying or taking of the girl by force for the purpose of making her a wife. These days this is perpetuated, due to poverty, by parents who for financial reasons would decide to marry off their girl to a young man.

f. Arranged Marriages by Parents (Ukwendiswa in Isinguni)

This type of marriage is the one where both parents of a young man and a young woman, meet and conclude marriage arrangements for their children without their children knowing anything. In this case a young woman would just be told to get ready as on a certain day, as she would be accompanied by her relatives to go to so and so homestead, as his wife. Upon arrival at the young's man home, the young man will also be told that from now on, so and so is his wife.

FINDINGS

Divorce

In all the cultures, there is no divorce. The rituals performed during the marriage celebrations binds the two families and their ancestors together. As a result of this, no human being could unbind what was bound in the spiritual world by ancestors.

Same Sex Marriages

None of the groups we met agreed or could trace any moment in their cultural history, when two men or two women were allowed to marry each other. They all agree that this is un-cultural as for all of them the primary reason for marriage is the procreation and expansion of family and they found the same sex marriage to be going against this fundamental principle of marriage.

The Customary Marriage Act 120 of 1998 regulates polygamous marriages for the opposite sex couples.

Polygamy

Polygamy is not permitted by South African Marriage Act. South African civil law does not recognise polygamy hence its challenge with not knowing how to deal with marriages where there are more than one wives in them. However, in a customary marriage, in cases where the primary reason for marriage of bearing children is not realised, the first wife and family of the husband would agree that a husband should marry a second wife.

Role of Traditional Leaders

Civil law does not recognise the important role played by traditional leaders or indunas in cultural marriages. Culturally, no marriage would take place in the area of a traditional leader, without the traditional leader's knowledge. A traditional leader recorded and also served as a witness to all marriages taking place in his area. It was also its role to ensure that the newly wed have a plot

where they can build their new home. In cases of challenges, the traditional leader or indunas serves as counsellors to the couples.

Marriage as Union of Families

For most African cultures, marriage is a union of families and not individuals as emphasised in civil law. Culturally when there is a marriage, it is regarded as two families entering into a marriage and not just individuals, hence everything is planned from the beginning until the end by the families. This is important as it might help our modern South African society which is more and more facing problems of denying that one is not married according to their culture, especially after the death of a spouse, like we heard in the civil case of HHP and his wife Lerato, wherein HHP family were accusing Lerato of not being married to their son while she claimed that she has been married to their son.

Contradictions Between Civil Law and Cultural Marriages

Divorce

Civil law allows divorce while culturally no divorce is allowed.

Same Sex Marriage

The same sex marriage act legalises the marriage of two men or two women and this has never been the case in African culture hence the culture does not recognise such type of marriages.

Polygamy

The South African civil law does not recognise polygamy. While cultural marriages encourage the marrying of a second wife in special circumstances like in cases where the first wife is not able to bear children.

Children and Sharing of Estate

Civil law allows for the sharing of the estate as per the contract of marriage entered into by the couples. Children are normally awarded to the wife. Culturally, anyone who wants to leave leaves with nothing and children belong to the family of the man to which the wife is part of.

Role of Traditional Leaders

While civil law does not recognise the role of traditional leaders in marriages, culturally, they play a very important role in the marriages of their subjects.

Union of Individuals and not Families

Civil law clearly states that marriage is a union of consenting adults, while culture states that marriage is a union of families, brought together by the individuals.

Recommendations

- The new marriage act should be based on an overarching policy that is based on constitutional principles of equality and non-discrimination.
- The new marriage law should take into cognisance all cultural nuances in as far as cultural marriages are concerned and make sure that it addresses them.
- The new law must appoint traditional leaders and leaders of indigenous institutions as marriage officers so that those people living in rural areas and who do not want to get

married in church or at home affairs offices could simply go to the chief's traditional councils to get married.

- The new law must recognise and register all types of cultural marriages undertaken by our cultural communities and be accorded the status of equality as encapsulated in the Constitution of the Republic of South Africa.

Having looked at the diverse cultural marriages, customs and rituals as performed by many cultural communities in the country, it is clear to us that the decision by the Department of Home Affairs to embark on the process of developing a marriage policy that will lay a policy foundation for drafting a new single legislation which shall govern all marriages in South Africa will violate other cultural communities' marriage rights. This is so as the new legislation shall still not address issues like failure to regulate some cultural marriages as practiced by our communities, provision for entering into a polygamous marriage. Traditional Leaders roles and responsibilities and the fact that the current cultural marriage practices are contradictory to the current pieces of legislation on marriage.

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- The new law must appoint traditional leaders and leaders of indigenous faith institutions as marriage officers so that those people leaving in rural areas and do not want to get married in church or at home affairs offices could simply go to the chief's traditional councils to get married.
- The new law must recognise and register all types of cultural marriages undertaken by our cultural communities and be accorded the status of equality as encapsulated in the Constitution of the Republic of South Africa.

Conclusion

Having looked at the diverse cultural marriages, customs and ritual as performed by many cultural communities in the country, it is clear to us that the decision by the Department of Home Affairs to embark on the process of developing a marriage policy that will lay a policy foundation for drafting a new single legislation which shall govern all marriages in South Africa will violate other cultural communities' marriage rights. This is so as the new legislation shall still not address issues like failure to regulate some cultural marriages as practiced by our communities, provision for entering

into a polygamous marriage, Traditional Leaders roles and responsibilities and the fact that the current cultural marriage practices are contradictory to the current pieces of legislation on marriage.

11.4.2 Communities in Conflict: A Threat to the Values of Democracy, Social Cohesion and our Common Humanity

Introduction

This is a report on the dialogue convened and hosted by the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission), in response to the spate of conflict between foreign nationals and South African born citizens. The dialogue was held on the 15th October 2019 in Pretoria, to discuss the challenges foreigners faced in South Africa, and make recommendations on measures that could be taken to achieve harmony.

Background

In August and September 2019, South Africa experienced another wave of conflict between foreign nationals and South African born citizens. Although these conflicts erupted in some parts of the country, but in the main, the areas affected were in the Gauteng province, specifically in Ekurhuleni, Tshwane, Johannesburg, Soweto, Turffontein and Alexandra. It is reported that 12 people died in this conflict, 10 of them South African, and many more were injured. There was large-scale looting of foreign owned businesses, while others were torched and destroyed in the process. According to the Minister of Police, there were over three hundred arrests. Some foreign nationals opted for voluntary repatriation to their countries of origin.

The popular narrative, particularly from the media is that this violence was driven by xenophobic tendencies. The media and others who supported this view saw the conflict as one between South Africans and foreign nationals. Social commentators and others however, believed that these tensions were created by socio-economic challenges faced by South Africans. In the main, poverty, unemployment, drug trafficking and child trafficking were cited as some drivers of the conflict against foreign nationals.

Purpose

Section 4 (b) of the CRL Act 19 of 2002, amongst others, makes it crystal clear that the mandate of CRL Rights Commission is promoting and developing peace, friendship, humanity, tolerance and national unity among cultural, religious and linguistic communities on the basis of equality, non-discrimination and free association. In line with this mandate, CRL Rights Commission decided to organize a dialogue under the theme - 'Communities in Conflict: A Threat to the Values of Democracy, Social Cohesion and our Common Humanity.

The Chairperson, Prof. Mosoma stated that the theme is a reminder of the apartheid past, which the democratic dispensation was meant to address. He mentioned that the Constitution of the Republic of South Africa mandates the CRL Rights Commission to "play a key role in assisting with the building of a truly united South African nation bound by a common loyalty to our country and all our people. It is a project of social cohesion and nation building which is at the core of this dialogue

because the events of the last few months in society require us to build stronger communities that are at peace with each other”.

According to Prof. Mosoma, the theme attempted to describe and place in perspective the state, the condition and the context of incoherence in our society today. The incoherence is characterized by for example; the murder of women, young women and girls, the abuse of women and girls in places of worship, the destruction of property, high levels of anger is palpable.

The purpose of the dialogue was therefore to:

- Understand how this violence threatens the country's democracy, social cohesion and common humanity;
- Understand what leads communities to this conflict and what are the causes of the current social upheavals;
- Debunk the myth of xenophobia;
- See how South Africans make their country a socially cohesive society bound by a common humanity;
- Come up with constructive proposals and practical implementable solutions to bringing peace, friendship, humanity, tolerance and national unity on the basis of equality, non-discrimination and free association in society
- Come up with recommendations that can be taken to parliament and other organs of state.

The Speakers and Presentations

The speakers were selected from a wide range of key stakeholders that have an interest on the subject and could provide context as well as contribute towards finding workable solutions to the problem. Presentations were made by the following organizations:

- Statistics South Africa;
- Department of Home Affairs;
- African Diaspora;
- Department of Labour;
- Academia;
- National Youth Development Agency;
- South African Policy Services

The report will only highlight key points from each of the presentations.

1. Statistics South Africa

Regarding the Jobs situation in South Africa, Statistics South Africa alluded to the following:

- *South Africa's unemployment rate increased by 1.4 percentage points to 29, 0% in Quarter 2 of 2019. This is the highest unemployment rate since quarter 1 of 2008;*
- 38, 4 million people of the age between 15 to 64 years are currently working in South Africa and
- The official unemployment rate in South Africa is 29,0% with the Expanded Unemployment rate sitting at 38,5% .

On Migrants and Labour in South Africa the presenter emphasized the following areas:

- In 2017, just around 5% of the 37,4 Million persons in the working population were foreign born;
- In 2017, there were around 1,2 Million foreign born workers in employment;
- The trade industry provided the most employment opportunities for the foreign-born population compared to other industries;
- The proportion of foreign born own-account worker, employer and unpaid household member were higher compared to the same status for RSA born persons;
- Immigrants are more likely to be employed as they participate in employment that cannot be classified as decent work;

2. Department of Home Affairs

The Department of Home Affairs made the following points in its presentation:

South Africa has recently adopted a White Paper on International Migration. The new international migration policy introduces a new management approach that is based on a whole government approach and society philosophy. This is a departure from the approach that regarded Home Affairs as the sole department responsible for management of international migration. This paradigm shift requires embracement by all state and non-state actors (internationally, continentally, regionally, nationally and locally). The vision that is espoused by the new policy is that South Africans must embrace international migration for development while the country's guarding sovereignty, peace and security.

The White Paper recommends the following eight policy areas of intervention:

- a. Management of admissions and departures;
- b. Management of residency and naturalization;
- c. Management of migrants with skills and capital;
- d. Management of ties with expatriates to ensure immigration for development purposes;
- e. Management of international migration within the African context;
- f. Management of asylum seekers and refugees;
- g. Management of the integration process for international migrants and
- h. Management of enforcement - This is to ensure the reduction of irregular migration and enforcement of compliance with the policy on immigration and related matters.

Through the White Paper the Government recognizes the following realities that:

- a. South African as country attracts tourists from all regions of the world because of its climate, developed infrastructure and various tourism attractions;
- b. South Africa has become a major destination and transport hub for the continent and the world;

- c. South Africa has become a platform for investment into Africa;
- d. South African companies are also increasingly expanding their businesses into Africa and other countries;
- e. Migrants from the African continent, as far as North Africa, are transiting through SA to their preferred destination countries in Europe and North America;
- f. South Africa continues to receive a high number of individual's asylum seekers from almost all the regions of the world, including asylum seekers from countries that are politically stable, and
- g. Many South Africans have taken advantage of opportunities presented by globalization and have migrated to various developing and developed countries.

The following are interventions conducted by the Government, post the adoption of the White Paper on Immigration:

- a. The Immigration Act and Refugees Act are being amended;
- b. Other relevant policies including Marriages Policies are being developed
- c. Boarder Community Crossings are being introduced;
- d. Boarder Management Authority (BMA) has been developed with other government departments which includes the Departments and for an example, the Department of Arts and Culture are leading social cohesion programmes;
- e. South Africa has through the Department of Justice and Constitutional Development, adopted a National Action Plan (NAP), to combat racism, racial discrimination, xenophobia and related intolerances.

On the number of the documented migrants and integration in South Africa, the Department of Home Affairs stated the following:

- a. The Republic of South Africa has a total number of 888 683 migrants;
- b. Documented migrants in South Africa have been registered/ provided with different categories of visas;
- c. There is also a total number of 184 976 Asylum Seekers and total number of 82 823 refugees;
- d. South Africa does not have an integration policy and as such migrants self-integrate into communities. This has led to the emergence of community groupings in terms of nationality, language and other related aspects in different towns and townships;
- e. Once a migrant is in South Africa, he or she has the same rights in terms of freedom of movement. However, they have to comply with conditions of Visas or permits. The department has a Directorate of Inspectorate that conducts regular inspections and investigations while tracing, locating and deporting illegal migrants. However, it is not easy to locate the illegal migrants because of lack of capacity;
- e. On average the Department deports a total number of 5000 illegal migrants on a quarterly basis.

3. African Diaspora Forum

African Diaspora Forum (ADF) is a forum of people of native African origin, living outside their countries (continent), irrespective of their citizenship and nationality (6th Region of AU) and their objectives are to:

- Promote development through innovation, broad based networks, and tried and true outreach initiatives;
- Building bridges by celebrating rich cultural heritage, diversity and histories, foreign relationships, dispelling myths and breaking stereotypes, and
- Supporting humanitarian emergencies when disaster strikes

The ADF has been involved in the following interventions as part of fighting xenophobia in South Africa:

- Establishing migrants' forums of different nationalities to work together to build a common voice on common issues and promote a sense of shared belonging;
- Facilitate and develop relationships and exchange between South Africans and non- South African residents through different programs and events;
- Working with the South African government (at national, provincial and local level) to promote integration between all African and migrant communities to combat xenophobia;
- Awareness campaigns including but not limited to the Alexandra Pan African Carnival, Youth African Soccer Cup, Africa Week Festival, Africa Heritage Indaba and Township Challenge Soccer Tournament, to promote diversity and integration.

South African response to migration and asylum seekers has remained unchanged, as many vulnerable migrants still continues to be subjected to discrimination, criminality, exploitation and state's inability to sort out the vital issues like documentation.

Assimilation and integration have been slow and at times non-existent and because of this, migrants are often used as scapegoats for high crime levels and other community alignments.

Migration into South Africa is a modern phenomenon. This challenge will require creativity and innovation to deal with it in a manner that does not create social divisions and animosity between South Africans and other African migrants residing in South Africa.

4. Department of Employment and Labour

The Department made the following points:

- The Department of Employment and Labour is responsible for the management of international Boarder Labor Migration through the Employment Service Act No 4 of 2014;
- The Department of Employment and Labour has a constitutional mandate to recommend positively or negatively to the Department of Home Affairs, on issuing of work visa;
- The department provides a regulatory framework for the employment of qualifying foreign workers;
- The employment of foreign workers may not compromise the South African citizen's opportunity for employment, employment conditions, economic development or social stability;

- A foreigner must produce a valid work visa before he or she can be employed;
- A company that is applying for a business Visa must have 60 % of South African staff or permanent residents;
- Companies are inspected to ensure that they comply when they are applying for work visa;
- The Department has a policy that promotes protection of job and job opportunities for South Africa;
- It takes a globalization stance to facilitate economic activity by allowing recruitment of expatriates' skills where the local ones are in short supply or not available at all;
- For future purposes, the Department has started the process of developing a National Labour Migration Policy as per instruction of Ministers of Employment and Labour in the SADC region;
- The Department has also developed draft regulations on employment of foreign nationals. Draft regulations were published in December 2018 and road shows were conducted in February 2019 and the Department is currently consolidating inputs from Stakeholders.

5. A Perspective from Academia

Professor Sarah Mosoetsa is an associate Professor at the University of Witwatersrand, Department of Sociology. She made the presentation in her personal capacity and not on behalf of any institution. Her presentation was titled "The pace and absence of (meaningful) economic and social transformation in South Africa". Professor Mosoetsa made the following points in her presentation:

- *South Africa is the most unequal society in the world;*
- Violence that we are witnessing and experiencing in South Africa predates apartheid;
- There is violence in South African households, families and at a community level;
- Patriarchy is found in household and family institutions;
- Formal institutions, including universities lack gender transformation;
- South Africa is influenced by its colonial history, and apartheid in particular;
- Universities' mirrors what is happening in society i.e. violence, inequalities;
- Universities spaces and other spaces do not negate but still mirror the apartheid society that we want to get rid of and
- If institutions of our society can change, the society would also change

Transformation in universities

Professor Mosoetsa decried the lack of transformation in the institutions of higher learning. She made the following points:

- Employment equity is not properly implemented;
- Tertiary institutions have good policies with poor implementation;
- Universities are employing international counterparts. This is a good move in terms of development and exposing South Africa to international experience. However, the

challenge is that universities have the divide and rule syndrome amongst black and white, South Africans and International Academics. International Academics are placed at senior levels;

- African women academics are the most underrepresented at universities;
- Universities are contested spaces of inclusion, exclusion and marginalization;
- People are alienated in their own spaces;
- Universities are supposed to give light in communities, addressing their social problems and they cannot afford to be the problem. These institutions are supposed to be the role model of a transformed society free from all social-ills, including gender-based violence, inequality and poverty;
- African females are the most under-represented among the tertiary academic staff;
- Black South African Academics are slowly outnumbered by foreign nationals

6. National Youth Development Agency

The presentation was made by Mr. Wassim Carrim, the CEO of the National Youth Development Agency, who made the following points:

- South Africa has a broken immigration system. This is demonstrated by a number of problems including high volumes of undocumented migrants;
- Undocumented migrants are paid salaries under minimum wage as part of cheap labour by some, if not most companies based in South Africa;
- The South Africa Business sector must be held accountable for hiring undocumented cheap labour because this is not only exploitation, but contributes to social conflict that we are experiencing in South Africa;
- A program of mass deportation would tear the South African economy apart;
- People who come here illegally must face the law;
- People who come to South Africa as Migrants must be responsible and be held accountable to uphold the laws of this country.

South African Police Services

The presentation was made by Major General ZM Mkwana, from SAPS Public Order Policing. Major General Mkwana attested to the fact that the incidents which had been referred to in the media as xenophobic were just criminal acts and not at all xenophobic. He explained that:

- a) In Tshwane, a taxi driver, Mr. Jabulani Baloyi, was killed by a Nigerian suspected of selling drugs on Tuesday, 27 August 2019. He was buried on the 1st of September 2019 in Soshanguve.
- b) An abandoned building in Jeppestown caught fire and the following people died due to the fire : Miss Zama Xulu, Mr. Mduduzi Zungu and Mr. Siphesihle Ximba.
- c) The hostel residents retaliated by looting local and foreign shops.
 - 714 people from different nationalities were arrested
 - 13 people were killed;
 - 13 murder dockets were opened;

- 144 public Violence cases registered and
- 286 Shops looted

He said that all in all, the deceased as a result of the violence were: **9** South Africans; **1** Malawian; **1** Zimbabwean; **2** Unknown people.

He further said that during and immediately after the violence some foreign nationals from different countries offered to be repatriated voluntarily. At the time of the dialogue, **971** people had been repatriated to various countries including as follows: Nigerians (**634**), Malawians (**73**), Zimbabweans (**74**) and Mozambicans (**136**)

The following was the observations made by SAPS during and after the violence:

- The reaction of the community members after the death of three people in the abandoned building was sporadic;
- Attacks on foreign nationals and looting of businesses started immediately after the death of a taxi driver in Pretoria;
- The attacks on foreign nationals is a daily fight for scarce resources experienced by communities, especially those who are poor and vulnerable;
- Until poverty and unemployment are addressed, the threat of attacks on foreign nationals and looting remain a possibility.

Group Discussions and Break Away Commissions

The second part of the dialogue saw people divided into four break-away commissions. The purpose of the commissions was to give participants an opportunity to have in-depth discussions on the presentations that were made during the morning plenary, and present suggested solutions to the violence that has erupted in South Africa in September 2019. All Commissions were given the following two generic (same) questions to answer:

- *Why are our communities in conflict?*
- *What can be done to address the source of conflict?*

Recommendations

Dialogue recommendations have been clustered into specific themes and are as follows:

a) **On Service Delivery**

- The Republic of South Africa should address structural deficiencies which lead to inequality, inadequate service delivery, high unemployment, economic imbalances, crime and poor education;
- Local government should be strengthened to improve service delivery to communities;
- Access to services and government resourced must be improved
- Red tape that seems to apply to SA citizens and entrepreneurs who want to open or operate businesses must be relaxed and tangible support must be given for such initiatives;
- Government must improve communication and provide feedback to the communities on their challenges;

- Government must not respond to community need after these communities have embarked on protests action and
- Health care and other services must be improved

b) On Migration

- South Africa should develop policies on integration of migrants and social cohesion;
- All government departments, civil society and other relevant stakeholders should understand their role in the management of International migration and the promotion of peace, stability and social cohesion;
- Causes of forced migration which includes economic imbalances, political instability and conflicts should be addressed at regional, continental and global level;
- The Department of Home Affairs must be repositioned as a Security Department, to prevent and manage illegal immigrants;
- Deport illegal immigrants with immediate effect; Government must fix the immigration system as a matter of urgency to ensure that there are no undocumented foreign nationals in South Africa
- Government departments must work in collaboration to ensure that all immigration policies and laws are implemented properly;
- Improve registration and documentation of legal immigrants in the country;
- Since South Africa is a gateway to African and overseas (International) countries, government must increase boarder control and migration posts to ensure legal entry and exist of the people including foreign nationals;
- Revitalize positive norms and values to rekindle the spirit and practice of Ubuntu amongst South Africans towards themselves, foreign nationals and tourists
- People must desist from inflammatory statements and derogatory words on foreign nationals because they incite violence. Government must add these as part of hate speech crime;
- South Africa attracts high numbers of Asylum seekers throughout the world and therefore the government must have a well-resourced integrated migration system with enough capacity to handle this situation;
- The recent conflicts were not xenophobic attacks but the communities protesting against poor service delivery, poverty, unemployment and other forms of social ills including but not limited to drug and substance abuse. Government must therefore fight drugs and substance abuse and illegal and counterfeit goods that are illegally manufactured outside and inside South Africa
- A thorough background check on all asylum seekers should be conducted before they are allowed to stay in South Africa;
- Government must improve migration data because as this will lead to evidence-based interventions on the migration discourse;
- Adequate resourcing of relevant government departments and agencies that are mandated to deal with issues of migration management;
- Government must strengthen legal and regulatory framework on issues of migration and law and order;

c) *On Drugs and Illicit Substances*

- Enhance the fight against trafficking of humans and drugs, and deal effectively with substance and drug abuse
- Strengthen efforts to manage the proliferation of drugs into the country.
- Fight drugs and substance abuse through community-based prevention and treatment, as well as other interventions and law enforcement
- Civil society must be capacitated and supported by government to fight against all forms of drug and substance abuse in communities;
- Government to enhance programmes that promote building of families as part of preventing young people from being victims of drug and substance abuse.

d) *On Economic Development and Job Creation*

- Government and private sector must facilitate job creation as a matter of urgency, particularly for the youth, as this is a time bomb waiting to explode;
- Government must provide social services to communities in need;
- Government must embark on programmes that create long term economic and entrepreneurial opportunities;
- Government must improve its international co-operation mechanisms;
- Foreign direct investment to create jobs and jobs opportunities must be promoted and enhanced;
- Focus on skills development for the unemployed particularly the youth;
- Enhance education and awareness to Africans to start businesses and access to business opportunities rather than expecting and depending to be employed;
- Government must prioritize South African citizens over the those who are from other countries in South Africa, regarding its services and job opportunities and the Department of Labour must be empowered to enforce its own policies and legislation regarding work (permits) opportunities and employment
- Government should prioritize investment into the education system as one of the tools to fight poverty and unemployment amongst the young people;
- Government must facilitate and prioritize skills development and training. Skills development must be linked with the needs of the market and of the country;

e) *On Safety and Security*

- Government must improve and prioritize safety and security;
- South Africa is a country of destination and therefore our government must ensure an improved legal compliance and, safety and security for both citizens, tourists and legal foreign nationals;
- Develop mechanisms and systems to detect and prevent possible breakouts or/and attacks on foreign nationals;

- Support and build capacity of civil society to assist in social cohesion programs to deepen peace and security in the country;
- Government must strength involvement and participation of communities in their safety and security to ensure collective and community-based response to crime and violence;
- Government must facilitate community dialogues to allow communities to vent out their challenges and provide solutions to those challenges rather than turning into crime and violence;
- Government must ensure that municipal by-laws that will not allow opening of churches anywhere are developed and enforced
- Government must enforce supply reduction strategies to prevent and decisively deal with drugs dealers and substance abuse;
- Strengthen access management on the borders of the country to enhance security of the South African citizens
- Amend policies and legislations to be user-friendly to the majority of the people particularly historically disadvantaged communities;

f) *On Batho Pele*

- Government needs to be supportive of its people and respond to their needs;
- Government must serve the people on the ground with dignity and respect;
- Government must improve communication and collaboration with the opposition parties to address socio-economic challenges facing South Africa;
- Government must reduce fragmentation of core services and stop working in silos in delivering services to the people;
- Close institutional gaps and voids by promoting integration and collaboration between relevant government departments like Department of Health, Department of Home Affairs, South African Police Services, Department of Employment and Labour in dealing with the issue of illegal immigrants;
- Government and civil society must fight corruption as it hinders service delivery and development and
- Deliver value-based services to communities rather than poor services that usually leads to violent protests

g) *On Land*

- Government must speed up the process of land redress and reforms in order to unlock job and business opportunities and development for historically marginalized and landless communities;
- As part of fighting poverty and food insecurity government should apply one hector one family principle as part of its land redistribution strategy;
- Government must expedite land access to people in townships and urban areas so as to alleviate congestions, as the infrastructure is no longer coping because of influx of people and increase development in these areas.

h) Transformation at Universities

The institutions of higher learning should ensure that:

- *The implementation of employment equity in Universities is speedily and properly carried out;*
- *While it is good for universities to employ international academics, however, care must be taken to ensure that local academics are not overlooked and outnumbered at higher level positions by foreign nationals;*
- *Measures must be taken to ensure that African women academics are not alienated and underrepresented at universities;*
- *The institutions of higher learning are supposed to be the role model of a transformed society free from all social-ills, including gender-based violence, inequality and poverty.*

Conclusion

At the end of the summit, the delegates present agreed on one thing that South Africans are not Xenophobic. They agreed that what the country saw happening was just mere thuggery, stealing and violent opportunistic behavior by some members of our society. Again, they agreed that maybe the media was wrong to refer to these incidents as Xenophobic.

It is imperative however, that the recommendations are effected as soon as possible and that the Commission avails this report as feedback to stakeholders, with a plan of action that outlines further follow up action to be taken. It is further proposed that an engagement be held with the relevant government departments to communicate the recommendations and their feasibility within specific time frames.



Table 5: Research and Policy Development: Strategic objectives, performance indicators, planned targets and actual achievements

Measurable objectives	Sub- Strategies	Performance Indicators	Baseline 2018/19	Actual Performance 2019/20		Variance	Reason for Variance/ Corrective Measure
				Annual Targets	Actual Target Achieved		
4. To Redress, Refocus, Reconstruct, and Rediscover the Diminished Heritages of Communities	4.1. Conducting an informed CRL Communities focused research by gathering, documenting and publishing information on diminished heritages of CRL Communities	Number of Research Reports produced in line with approved research strategy per annum	4 Research Reports	A Research report on a topic approved by the research committee per annum	1 Research report on a topic approved by the research committee has been produced	Target met	No variance
	4.2. Develop a Research Strategy	Develop a Research Strategy per annum	New Measure	Develop and implement Research Strategy per annum	Research Strategy has been developed and implemented	Target met	No variance

11.5 Programme 5: Communication, Marketing, IT and Linkages

The Communication, Marketing, IT and Linkages Unit managed to successfully utilise its various strategic tools and platforms to share information about the Commission. As a consequence, these interventions enabled the Commission to reach its various stakeholders and thereby positively raise the profile of its work. A number of critical projects executed by the Unit included the following:

- **Z-Card/Information Card**

The Commission reprinted the informative card (z-card) which continues to be in demand at various events organised by the Commission as well as at those events to which the organisation gets invited. Though it is in a summary form, however, this card gives important information about what the commission is and its programmes.

- **Initiation Report**

The initiation report had to be re-printed due to many non-governmental as well as government departments requesting more copies for distribution and discussion at their various platforms and meetings. But also, at most meetings where the issue of initiation is raised reference is always made to this report as a framework, hence the need to ensure that more copies are always available.

- **Exhibitions/Roadshows**

The Commission participated at the following exhibitions and roadshows:

- ✓ Rand Show from 19 – 28 March 2019. The 2019 Rand Show was packaged by the organisers in a somewhat more revised format compared to the past 2 years. Notably, the participation of the Government Departments and the Public at large had improved and better. It was significant to note that a lot more people visited our stall. However, our challenge was that the Commission did not have sufficient promotional gifts which visitors appreciate whenever visiting stalls.
- ✓ Alex 18 June 2019 – 1st Annual event by the Department of Arts & Culture was held at Alexandra Stadium. This Expo was more to commemorate the killings which took place in Alexandra on 18th June 1976.
- ✓ The Commission received an invitation to exhibit at an expo organised by the department of Correctional Services. The Spiritual Care Expo was a good platform for the Commission to exhibit its work, and provided an opportunity to engage with the various Spiritual Leaders who attended as well as the various other participants. Notably, many Pastors who attended the exhibition requested many copies of the report produced by the Commission on the Hearings related to the Commercialisation of Religion and Abuse of people's belief Systems.
- ✓ On 27-29 September 2019 the Unit successfully participated at the Durban Business Fair. This event provided an opportunity to exhibit and showcase the work of the Commission. Furthermore, this event afforded the Commission an opportunity to connect with new or potential stakeholders, increased public awareness about the Commission and more importantly it assisted those who needed information on how to lodge complaints about their rights, particularly the ones related to religious, cultural and linguistic matters.
- ✓ On the 6-8 November 2019, the Commission participated and exhibited at the Spiritual Care Expo which was organized and hosted by the Department of Correctional Services. This platform was organised to show the work done by the spiritual component within the

Correctional Centres and it was attended and supported by various stakeholders, service providers, churches, institutions of higher learning, etc. The CRL Rights Commission also addressed the expo on the recent findings related to some churches that were being used for commercial gains, that is, the commercialization of religion. The presentation was done by Chief Executive Officer, Mr Edward Mafadza under the topic “State of religion in the country and its impact in the correctional environment”.

- ✓ Furthermore, the Commission participated at the Interfaith Seminar and Exhibition which was jointly hosted by the Department of Correctional Services, the CRL Rights Commission and other stakeholders and it took place at the Johannesburg Correctional facilities on the 5 – 6 March 2020. This seminar was aimed at creating a platform as well as facilitating a dialogue amongst different faiths, cultural and traditional groups in order to promote justice, peace and reconciliation in the rehabilitation of offenders. But also, the dialogue sought to foster open interactions amongst people of different faiths, spiritual beliefs and cultures within the Correctional facilities in order to bridge animosities, reduce fear and instill mutual respect. Furthermore, this dialogue was called to help promote moral regeneration, intercultural and inter-religious dialogues to help build social cohesion among communities as well as to ensure the delivery of services to inmates.
- ✓ The Unit participated in various outreach programmes which were hosted in partnership with the Public Education and Engagement Unit. The purpose of the outreach programmes was to share information about the CRL Right Commission, its vision, mission and programmes as well as to listen to the Cultural, Religious and Linguistic communities about the challenges they might have been experiencing in relationship to their rights. The venues and dates were; Mpumalanga on 26 – 27 February 2020, Gauteng on 2 March 2020 and KwaZulu Natal on 11 – 12 March 2020.

Promotional Items

A number of promotional materials was printed and these included among other things bags, t-shirts, pens, journals, lunch cooler bags, table cloths and folders.

The Social Media platforms

The Commission's Face book and Twitter accounts have been extensively used to share with the public the work undertaken by the organisation and this included among other things the media statements, announcements and responses given to various enquiries which the public raised. These platforms which are regularly updated continue to be utilised by many members of the public who have moved from traditional media tools to the digital platforms. The social media report indicates that both Facebook and Twitter received high volumes of positivity in terms of the engagements and responses.

Media Statements

Several media statements issued by the Commission as well its various media briefings received very high coverage on various media platforms. As a consequence, the Commission participated in numerous interviews inclusive of broadcast, print and online platforms.

Some of the media statements issued:

- ✓ Media statement issued by the CRL Rights Commission after its two day meeting following the appointment of the new commissioners.

- ✓ Media statement issued by the CRL Rights commission following its strategic planning session.
- ✓ Media statement by CRL Rights Commission addressing the matter of a south African defence force staffer who faced a disciplinary hearing for allegedly refusing to remove her headscarf.
- ✓ Media statement issued by the CRL Rights Commission welcoming the sentencing of Themba Thubane by the Middleburg high court judge Mphahlele.
- ✓ Media statement issued by the CRL Rights Commission response to the attacks on lives, destruction of property and violence currently experienced in the country.
- ✓ Media statement on the CRL Rights Commission's dialogue on communities in conflict: a threat to the values of democracy, social cohesion and our common humanity.
- ✓ Media statement issued by the CRL Rights Commission after its urgent special plenary meeting that was called to deliberate and address the matter of the death of initiates at initiation schools.
- ✓ Media statement issued by the CRL Rights Commission in response to the closure of the Churches in Hilbrow and Yeovile by Johannesburg Metropolitan Police Department
- ✓ Media statement issued by the CRL Rights Commission in response to the attacks on lives, destruction of property and violence experienced around the country.
- ✓ Media statement issued by the CRL Rights Commission in support of the Festival of Diwali
- ✓ Media statement issued by the CRL Rights Commission with respect to the challenges and impact of the COVID-19 pandemic on cultural, religious and linguistic communities.
- ✓ Media statement issued by the CRL Rights Commission after its two days meeting since the appointment of new Commissioners
- ✓ Media statement issued by the CRL Rights Commission following its strategic planning session.
- ✓ Media statement issued by the CRL Rights Commission addressing the matter of a South African Defence Force Staff who faced a disciplinary hearing for allegedly refusing to remove her headscarf
- ✓ Media statement issued by the CRL Rights Commission welcoming the sentencing of Themba Thubane by the Middleburg High Court Judge Mphahlele

Information Technology

The IT section executed a number of projects which among other things included the following:

- WIFI Connectivity and router reactivation undertaken to ensure that the various IT platforms are optimised to enable all users to execute their work
- Printer challenges were dealt with for the different users in the Commission
- Provided support to sage evolution to ensure optimal utilisation of the system by the users including database management
- Ensured optimal server support, its maintenance, creation of mailboxes for new users, managing and adjusting of rights on active directory
- Installed exchange server RAM to enable smooth flow of emails and performance of the server itself
- Installed antivirus on all desktop and laptop users in the Commission
- Migrated the man3000 system to a new server

- Updated the website with tender documents, general information about the Commission, events or project pictures, media statements, reports, complaint forms, information about the new Commissioners. This uploading also included the archiving of the information that was previously on the old website. Also uploaded info on to the new website.
- Procured services for backup tapes as well as executed backup operations including offsite storage
- Generated and provided telephone reports to the Human Resources Unit
- Provided general IT support inclusive of replacement of RJ11 cable for the reception telephone,
- Procured 2 new laptops and 5 desk printers
- Procured new server to host VM machines
- Executed migration from Microsoft exchange 2010 to 2016
- Facilitated the setting up of all new mailbox for users and reconnected them to the new exchange server
- Windows server update services (WSUS) application was configured for deployment of windows updates to machines
- Facilitated the development and approval of the following policy documents, namely the IT Policy, ICT Strategy, revision and approval of the IT Governance framework
- Procured services for development of a new website for the commission.
- Procured multifunction volume printers



Dialogue on Communities in Conflict: A threat to the values of of democracy, social cohesion and common humanity held in St George Hotel in Gauteng

Table 6: Communication, Marketing, IT and Linkages: Strategic objectives, performance indicators, planned targets and actual achievements

Measurable objectives	Sub- Strategies	Performance Indicators	Baseline 2018/19	Actual Performance 2019/20		Variance	Reason for Variance/ Corrective Measure
				Annual Targets	Actual Target Achieved		
5. Strengthened capacity for communication, marketing, linkages and ICTs	5.1. Run effective communication, marketing and linkages function for better knowledge management	Approved External and Internal Communication strategy per annum	Approved Communication and Marketing Strategy	Checklist of approved and implemented internal and external communication strategy per annum	External and Internal Communication Strategy has been approved	Target met	No variance
		Approved media engagement strategy per annum	New target	Develop media engagement strategy per annum	Media engagement strategy has been approved	Target met	No variance
		Number of organized and hosted roadshows for the Commission in all provinces to create learning and sharing platforms annually	New target	4 roadshows organised and hosted per annum	4 roadshows have been organised and hosted	Target met	No variance
	5.2. Increased visibility and improved CRL Rights Commission as a brand	Annual review of IT Governance Framework	Approved IT Governance Framework	Reviewed IT Governance Framework per annum	IT Governance Framework has been reviewed	Target met	No variance
		Report on active social media platforms and number of Social Media posts per annum	Existing Twitter handle and Facebook page	Report on active social media platforms and social media posts per annum	Report on active social media platforms and posts have been produced per annum	Target met	No variance



PART C:

GOVERNANCE

PART C:

GOVERNANCE

Introduction

The Commission is given powers by the CRL Act 19 of 2002, and governance of the Commission is further applied through the Public Finance Management Act (PFMA) and other applicable legislation.

12. Executive Authority

The Chairperson of the Commission is the Executive Authority in the Commission. The Chairperson together with the body of Commissioners provide oversight which rest by and large on the prescripts of the Public Finance Management Act (PFMA). Executive Authority is given powers by the PFMA to perform oversight. In order to attend to all matters effectively the Chairperson appoints section 22 Committees as shown in Table 10.

12.1. The Commission

The CRL Rights Commission is established in terms of CRL Act 19 of 2002. Members of the Commission are appointed for a five-year term. The Commissioners are appointed by the president and two of those, i.e. Chairperson and Deputy Chairperson are appointed on a full- time basis and the other 10 are appointed on a part time basis. The present members of the Commission for the period under review are shown in Table 9.

Table 7: Members of the Commission

Name	Date of Appointment
Prof Luka David Mosoma (Chairperson)	01 March 2014
Dr Mamohapi Pheto (Deputy Chairperson)	01 June 2019
Mr Sicelo Dlamini	01 March 2014
Ms Nomalanga Tyamzashe	01 March 2014
Mr Reiner Schoeman	01 March 2014
Ms Sheila Khama	01 March 2014
Mr Richard Botha	01 March 2014
Ms Ramokone Kgatla	01 June 2019
Prof Pitika Ntuli	01 June 2019
Dr Nokuzola Mndende	01 June 2019
Adv Muneer Abduroaif	01 June 2019
Mr Mandla Langa	01 June 2019
Ms Tsholofelo Mosala	01 June 2019

12.2 Risk Management

In order to fulfil the requirements of the above-mentioned legislation the Commission for the Protection and Promotion of the Rights of Cultural, Religious and Linguistic Communities (CRL Right Commission), management has embarked on a risk assessment process, consisting of risk workshops to identify, evaluate and prioritise risks within the internal and external environment of the CRL Rights Commission.

The outcomes of the risk assessment process will be used to highlight the high, medium and low risk areas within the environment in which the CRL Rights Commission operates. The identified risks will be used as a basis for preparing the Internal Audit Coverage Plan. The identified risks will also provide the content of the relevant risk registers.

12.3 Fraud and Corruption

The CRL Rights Commission remains committed to fighting fraud and corruption to deliver quality service continually and at all costs. Efforts are intensified to combat fraud and corruption in its operations and to ensure that perpetrators of such deeds are brought to book. The Commission has embarked on making staff aware of the Corruption Hotline, which is placed on notice boards at its offices and the Intranet website.

12.4 Minimising Conflict of Interest

The Commission ensures that all employees; Senior Management, procurement personnel, bid committee members and Commissioners declare their business interests to ensure that they all do not do business with the state.

12.5 Code of Conduct

The Commission subscribes to the good Code of Conduct, and all employees are workshopped on new policies to familiarise them with the contents thereof to ensure that all employees are clued up with what is expected of them.

12.6 Internal Audit and Audit Committees

The Audit Committee, which is made up of external members and one member of the Commission, operates within an approved Audit Committee Charter in line with The Audit Committee, which is made up of external members and one member of the Commission, operates within an approved Audit Committee Charter in line with The Audit Committee, which is made up of external members and one member of the Commission, operates within an approved Audit Committee Charter in line with The Audit Committee reviews and considers reports from internal audit and external auditors. The Audit Committee further ensures that management takes remedial action in respect of audit findings. The Auditor-General does an external audit. The Auditor-General of South Africa (AGSA) appoints an external service provider without input from the CRL Rights Commission. The external service provider operates under the guidance and control of the AGSA. The AGSA maintains a high standard of quality control.

The Internal Audit functions within an approved Internal Audit Charter in line with the prescripts of the PFMA, Treasury Regulations and the Standards for the Professional Practice of Internal Auditors issued by the Institute of Internal Auditors. Internal Audit provides objective assurance to the Commission regarding effective management, control and governance processes to assist the organisation in achieving its objectives. Internal Audit reports directly to the Audit Committee.

Table 8: Section 22 Committee: Oversight Committee

Communication, Marketing, IT and Linkages Committee (CMIL Sec 22 Committee)
Research and Policy Development Committee (RPD Sec 22 Committee)
Public Engagement and Education Committee (PEE Sec 22 Committee)
Legal Services and Conflict Resolution Committee (LS&CR Sec 22 Committee)
Finance and Corporate Services Committee

Table 9: Audit Committee

Ms Margaret Phiri	Chairperson
Mr Luyanda Mangquku	Member
Mr Thabo Poee	Member
Prof LD Mosoma	Representative of the Executive Office (Invitee)
Mr TE Mafadza	Chief Executive Officer (Invitee)
Mr CM Smuts	Chief Financial Officer (Invitee)

Table 10: Risk Management Committee

Kgositso Sedupane	Senior Manager – LSCR
Brian Makeketa	Senior Manager – RPD
Cornelius Smuts	Chief Financial Officer
Khulisiwe Sithole	Senior Manager - PEE

Table 11: Management Committee (Manco)

Edward Mafadza	Chief Executive Officer (Chairperson)
Cornelius Smuts	Chief Financial Officer
Brian Makeketa	Senior Manager: Research and Policy Development
Kgositso Sedupane	Senior Manager: Legal Services & Conflict Resolution
Mpiyakhe Mkholo	Senior Manager: CMIL
Israel Hlatshwayo	Manager: Finance
Khulisiwe Sithole	Senior Manager: Public Engagement and Education
Obed Semono	Manager: Office of the CEO

13. Audit Committee Report

The Audit Committee is pleased to present this report for the financial year that ended on 31 March 2020

Audit Committee Members and Attendance:

The members of the Audit Committee are listed below and in terms of the Audit Committee Charter they should meet at least four times per annum as per the approved terms of reference. During the 2019/2020 financial year, four (six) meetings were held, 4 scheduled and two special meetings.

Table 12: Audit Committee Membership, date appointed, number of meeting and qualifications

#	Name and Surname	Date Appointed	No of meeting	Qualifications
1	Mr Bryant Madiwa	1 Jan 2014 – 31 Dec 2019	4 of 6	CA(SA) (SA) M.Inst.Dir.
2	Mr Norman Baloyi	1 Jan 2014 – 31 Dec 2019	3 of 6	MBA, M Phil, BSc, B Com
3	Ms Margaret Phiri	Nov 2019 – to date	4 of 6	CA(SA)CTA/B Compt Hons,
4	Mr Luyanda Mangquku	1 Jan 2020 – to date	2 of 6	CA(SA), B Compt, B Com Acc Sc, MBL, B Com
5	Mr Thabo Poee	1 Jan 2020 – to date	2 of 6	B Com Accounting Hons, CFE
6	Prof. L.D. Mosoma	1 March 2014 – to date	6 of 6	PhD cum laude

Audit Committee Responsibility:

The Audit Committee reports that it has operated and performed its oversight responsibilities independently and objectively and adopted appropriate formal terms of reference in its charter in line with the requirements of Section 38(1) (a) of the PFMA, No. 1 of 1999 and Treasury regulation 3.1. The Audit Committee further reports that it conducted its affairs in compliance with the charter.

The Effectiveness of Internal Controls:

In line with the PFMA and the King IV Report on Corporate Governance requirements, Internal Audit provides the Audit Committee and management with the assurance that the internal controls are appropriate and effective. This is achieved using the risk management process as well as the identification of corrective actions and suggested enhancements to the controls and processes.

The Audit Committee would like to report that the systems of internal controls implemented by management were assessed to be adequate to mitigate the risks identified. However, in some reviews conducted, the controls were found to be ineffective in mitigating the risks identified by management. Management has accepted recommendations from Internal Audit and undertaken to implement all the necessary improvements.

Worth mentioning are control weaknesses around SCM processes which require urgent management responses to ensure that proper processes are followed.

Despite some of these controls being ineffective, the Audit Committee is of the view that the system of internal controls will be effectively addressed by concerted effort and hard work from management and officials.

Internal Audit:

The internal audit activity is outsourced. This is helpful because the service provider provides all skills needed to conduct an internal audit function. Based on the reports presented by the internal audit and their ability to execute audits in accordance with the approved annual audit plans, the Audit Committee believe the internal audit function is satisfactory, except for their review of the annual financial statements.

Risk Management Committee:

The CRL's risk management committee has been appointed and has conducted meetings to look at the factors that might pose a risk to the operations of the Commission. The Audit Committee believes that management is committed to ensuring that the process is adequate and that it is prioritised in management meetings and Plenary Meetings of the Commission. The Chief Financial Officer chairs the Risk Management Committee.

The quality of in-year management quarterly reports submitted in terms of the PFMA:

The Audit Committee is satisfied with the content and quality of the quarterly reports prepared and issued by the Accounting Officer of the Commission during the year under review. The content and quality of performance information matters and financial disclosures require further attention, as certain discrepancies were noted and corrected by management.

Evaluation of Financial Statements:

The Audit Committee has reviewed:

- the audited annual financial statements to be included in the annual report;
- the AGSA's management report and its responses;
- and discussed with management the performance information of the entity;
- the Commission's compliance with legal and regulatory provisions;
- changes in accounting policies and practices; and
- significant adjustments resulting from the audit.

Auditor-General's report

The Audit Committee concurs and accepts the AGSA's conclusions on the annual financial statements and is of the opinion that the audited annual financial statements be accepted and read together with the report of the AGSA.

Meeting with Auditor-General South Africa:

The Audit Committee met separately with the Auditor-General



Margaret Phiri

Chairperson of the Audit Committee

Date: 30 September 2020



PART D: **HUMAN RESOURCES** **MANAGEMENT**

PART D:

HUMAN RESOURCES MANAGEMENT

14. Human Resources Oversight Statistics

Staff Complement

14.1 Human Capital Development

To improve the capacity of the CRL Rights Commission, 1 new employee was appointed on contract.

Table 13: Training provided for the period 1 April 2019 and 31 March 2020

Occupational category	Gender	Number of employees as at 1 April 2019	Training provided within the reporting period		
			Internships/ Learnership	Skills Programmes & other short courses provided	Total
Lower-skilled (Levels 1-2)	Female	5	0	0	0
	Male	1	0	0	0
Skilled (Levels 3-5)	Female	1	0	0	0
	Male	1	0	0	0
Highly-skilled production (Levels 6-8)	Female	2	0	1	1
	Male	2	0	1	1
Highly-skilled supervision (Levels 9-12)	Female	13	0	3	3
	Male	4	0	4	3
Senior management (Levels 13-16)	Female	1	0	1	1
	Male	4	0	4	4
Total		34	0	13	13

14.2 Performance indicators

Table 14: Performance indicators

Programme / Sub-programme: Administration					
Performance Indicator	Actual Achievement 2017/2018	Planned Target 2018/2019	Actual Achievement 2018/2019	Deviation from planned target to Actual Achievement for 2018/2019	Comment on deviations
Corporate Support					
Indicators					
Number of in-terns/ learners	0	0	0	0	None

14.3 Employment and Vacancies

Table 15: Employment and vacancies by salary band as on 31 March 2020

Salary band	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of employees additional to the establishment
Lower skilled (Levels 1-2), Permanent	5	2	3	4
Skilled (Levels 3-5), Permanent	2	2	0	0
Highly skilled production (Levels 6-8), Permanent	4	4	0	0
Highly skilled supervision (Levels 9-12), Permanent	17	16	1	0
Senior management (Levels 13-16), Permanent	3	3	1	0
Contract (Levels 13-16), Permanent	3	2	0	0
Total	34	29	2	4

14.4 Filling of SMS Posts

Table 16: SMS post information as on 31 March 2020

SMS Level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
CEO/Head of Commission	1	1	100%	0	0
Salary Level 13	5	4	80%	1	20%
Total	6	5	83%	1	17%

14.5 Employment Changes

Table 17: Annual turnover rates by salary band for the period 1 April 2019 and 31 March 2020

Salary band	Number of employees at beginning of period-1 April 2019	Appointments into the Commission	Terminations	Number of employees at the end of March 2020
Lower skilled (Levels 1-2), Permanent	6	0	1	5
Skilled (Levels 3-5), Permanent	2	0	0	2
Highly skilled production (Levels 6-8), Permanent	4	0	0	4
Highly skilled supervision (Levels 9-12), Permanent	17	0	1	16
Senior Management Service, Permanent	3	0	0	3
Contract (SMS), Permanent	3	0	1	2
Total	33	0	3	32

Table 18: Reasons why staff left the Commission for the period 1 April 2019 and 31 March 2020

Termination Type	Number	% of Total Resignations
Death, Permanent	0	0
Resignation, Permanent	2	4.69%
Expiry of contract, Permanent	1	4.69%
Discharged because of ill health, Permanent	0	0
Dismissal-misconduct, Permanent	0	0
Retirement, Permanent	0	0
Total	3	9.38%
<i>The official left the CRL Rights Commission to start own business</i>		

14.6 Employment Equity

Table 19: Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2020

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Contract (Top Management), Permanent	1	0	0	0	0	0	0	0	1
Senior Management, Permanent	4	0	0	1	1	0	0	0	6
Professionally qualified and experienced specialists and mid-management, Permanent	2	0	0	0	0	0	0	0	2
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	4	0	0	0	11	0	1	1	17
Semi-skilled and discretionary decision making, Permanent	2	0	0	0	2	0	0	0	4
Unskilled and defined decision making, Permanent	1	0	0	0	5	0	0	0	6
Total	13	0	0	1	19	0	1	1	35

14.7 Recruitment

Table 20: Recruitment for the period 1 April 2019 and 31 March 2020

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Professionally qualified and experienced specialists and mid-management, Permanent	0	0	0	0	0	0	0	0	0
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	0	0	0	0	0	0	0	0	0
Semi-skilled and discretionary decision making, Permanent	0	0	0	0	0	0	0	0	0
Unskilled and defined decision making, Permanent	0	0	0	0	0	0	0	0	0
Contract (Semi-skilled), Permanent	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0
Employees with disabilities	0	0	0	0	0	0	0	0	0

14.8 Performance Rewards

Table 21: Performance rewards by race, gender and disability for the period 1 April 2019 and 31 March 2020

Race and Gender	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Average cost per employee
African, Female	12	20	1.67	154	7.7
African, Male	7	12	1.72	135	11.25
Asian, Female	1	1	100	18	18
Asian, Male	0	0	0	0	0
Coloured, Female	0	0	0	0	0
Coloured, Male	0	0	0	0	0
White, Female	1	1	100	18	18
White, Male	1	1	100	36	36
Total	22	35	303	361	10.31

Table 22: Performance rewards by salary band for personnel below Senior Management Service for the period 1 April 2019 and 31 March 2020

Salary band	Beneficiary Profile		Cost	
	Number of beneficiaries	Number of employees	Total Cost (R'000)	Average cost per employee
Lower skilled (Levels 1-2)	2	6	9	4
Skilled (Levels 3-5)	1	2	7	7
Highly skilled production (Levels 6-8)	4	4	42	10
Highly skilled supervision (Levels 9-12)	12	17	194	17
SMS (13-14)	3	6	108	36
Total	22	35	362	74

14.9 Leave utilisation

The following tables provide an indication of the use of sick leave and disability leave. In both cases, the estimated cost of the leave is also provided.

Table 23: Sick leave for the period 1 April 2019 and 31 March 2020

Salary band	Total number of employees	Total days	Number of Employees using sick leave	% of total employees using sick leave	Average days per employee
Lower skilled (Levels 1-2)	5	14	2	100	7
Skilled (Levels 3-5)	2	2	1	50	1
Highly skilled production (Levels 6-8)	4	14	4	100	3.50
Highly skilled supervision (Levels 9-12)	16	116	15	88.23	6.83
Senior management (Levels 13-16)	5	18	3	40	3.60
Total	32	164	24	80	5.47

Table 24: Annual leave for the period 1 April 2019 and 31 March 2020

Salary band	Total days taken	Number of Employees using annual leave	Average per employee	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	101	5	20.2	27292.21
Skilled (Levels 3-5)	38	2	19	12823.53
Highly skilled production (Levels 6-8)	76	4	19	86136.26
Highly skilled supervision (Levels 9-12)	428	16	26.75	405776.67
Senior management (Levels 13-16)	141	5	28.2	422134.85
Total	722	32	23.29	954163.52

The following Table summarises payments made to employees because of leave that was not taken.

Table 25: Leave pay-outs for the period 1 April 2019 and 31 March 2020

Reason	Total amount (R'000)	Number of employees	Average per employee (R'000)
Leave pay-out for 2018/19 because of non-utilisation of leave for the previous cycle	0	0	0
Current leave pay-out on termination of service for 2019/20		3	21
Total		3	21

14.10 Labour Relations

Table 26: Grievances logged for the period 1 April 2018 and 31 March 2019

Grievances	Number	% of Total
Number of grievances resolved	0	0
Number of grievances not resolved	0	0
Total number of grievances logged	0	0

Table 27: Precautionary suspensions for the period 1 April 2019 and 31 March 2020

Number of people suspended	0
Number of people whose suspension exceeded 30 days	0
Average number of days suspended	0



RPD Dialogue on Community in Conflict at the St George Hotel in Gauteng Province



PART E:

FINANCIAL INFORMATION

PART F:**FINANCIAL INFORMATION****Report of the auditor-general to Parliament on the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities****Report on the audit of the financial statements****Opinion**

1. I have audited the financial statements of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities set out on pages 112 - 144, which comprise the statement of financial position as at 31 March 2020, statement of financial performance, statement of changes in net assets, the cash flow statement and the statement of comparison of budget information with actual information for the year then ended, as well as the notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities as at 31 March 2020, and its financial performance and cash flows for the year then ended in accordance with Standards of Generally Recognised Accounting Practice (Standards of GRAP) and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).

Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's responsibilities for the audit of the financial statements section of this auditor's report.
4. I am independent of the constitutional institution in accordance with sections 290 and 291 of the *Code of ethics for professional accountants* and parts 1 and 3 of the *International Code of Ethics for Professional Accountants (including International Independence Standards)* of the International Ethics Standards Board for Accountants (IESBA codes) as well as the ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA codes.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Emphasis of Matter

Restatement of corresponding figures

6. I draw attention to the matter below. My opinion is not modified in respect of this matter. As disclosed in note 7 to the financial statements, the corresponding figures for 31 March 2019 have been restated as a result of an error in reassessment of useful lives for Property, Plant and Equipment on the financial statements of the entity for the year ended 31 March 2020.

Responsibilities of accounting officer for the financial statements

7. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the Standards of GRAP and the requirements of the PFMA and for such internal control as the accounting officer determines is necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.
8. In preparing the financial statements, the accounting officer is responsible for assessing the constitutional institution's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the constitutional institution or to cease operations, or has no realistic alternative but to do so.

Auditor-general's responsibilities for the audit of the financial statements

9. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
10. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

Report on the audit of the annual performance report

Introduction and scope

11. In accordance with the Public Audit Act of South Africa 2004 (Act No. 25 of 2004) (PAA) and the general notice issued in terms thereof, I have a responsibility to report on the usefulness and reliability of the reported performance information against predetermined objectives for the selected programme presented in the annual performance report. I performed procedures to identify material findings but not to gather evidence to express assurance.
12. My procedures address the usefulness and reliability of the reported performance information, which must be based on the approved performance planning documents of the constitutional institution. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures do not examine whether the actions taken by the constitutional institution enabled service delivery. My procedures also do not extend to any disclosures or assertions relating to planned performance strategies

and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.

13. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected programme presented in the annual performance report of the constitutional institution for the year ended 31 March 2020:

Programme	Pages in annual performance report
Programme 2 – Legal Services & Conflict Resolution	53 – 56

14. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.
15. I did not identify any material findings on the usefulness and reliability of the reported performance information for
16. Programme 2 – Legal Services & Conflict Resolution

Other matters

17. I draw attention to the matters below.

Achievement of planned targets

18. Refer to the annual performance report on pages 45 - 87 for information on the achievement of planned targets for the year and explanations provided for the under-/overachievement of the targets.

Adjustment of material misstatements

19. I identified material misstatements in the annual performance report submitted for auditing. This material misstatement was on the reported performance information of Programme 2 Legal Services & Conflict Resolution. As management subsequently corrected the misstatement, I did not raise any material findings on the usefulness and reliability of the reported performance information.

Report on the audit of compliance with legislation

Introduction and scope

20. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the constitutional institution's compliance with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.

21. The material findings on compliance with specific matters in key legislation are as follows:

Annual financial statements, performance report and annual report

22. The financial statements submitted for auditing were not prepared in accordance with the prescribed financial reporting framework, as required by section 40(1) (b) of the PFMA. Material misstatements of property, plant and equipment, intangible assets, statement of budget versus actual and related parties' items identified by the auditors in the submitted financial statements were corrected, resulting in the financial statements receiving an unqualified opinion.

Procurement and contract management

23. One contract was awarded to a bidder based on preference points that were not calculated according to the requirements of the PPPFA and its regulations.

Other information

24. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report. The other information does not include the financial statements, the auditor's report and the selected programme presented in the annual performance report that have been specifically reported in this auditor's report.

25. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion thereon.

26. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected programme presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

27. I did not receive the other information prior to the date of this auditor's report. When I do receive and read this information, if I conclude that there is a material misstatement therein, I am required to communicate the matter to those charged with governance and request that the other information be corrected. If the other information is not corrected, I may have to retract this auditor's report and re-issue an amended report as appropriate. However, if it is corrected this will not be necessary.

Internal control deficiencies

28. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it. The matters reported below are limited to the significant internal control deficiencies that resulted in the basis for the opinion, the findings on the annual performance report and the findings on compliance with legislation included in this report.

29. The Accounting Officer did not exercise oversight responsibility regarding financial and performance reporting and compliance as well as related internal controls.
30. Management did not always prepare regular, accurate and complete financial and performance reports that were supported and evidenced by reliable information.
31. Management did not adequately review and monitor compliance with applicable laws and regulations

Auditor General

Pretoria

30 September 2020



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence



**Annual Financial
Statements for the year
ended March 31, 2020**

Accounting Officer's Responsibilities and Approval

The Accounting Officer is required by the Public Finance Management Act (Act 1 of 1999), to maintain adequate accounting records and is responsible for the content and integrity of the annual financial statements and related financial information included in this report. It is the responsibility of the Accounting Officer to ensure that the financial statements fairly present the state of affairs of the entity and the results of its operations and cash flows for the period. The Auditor General is engaged to perform an independent review on the annual financial statements and will be given unrestricted access to all financial records and related data.

The annual financial statements have been prepared in accordance with Standards of Generally Recognised Accounting Practice (GRAP) including any interpretations, guidelines and directives issued by the Accounting Standards Board.

The annual financial statements are based upon appropriate accounting policies consistently applied and supported by reasonable and prudent judgements and estimates.

The Accounting Officer acknowledges that he is ultimately responsible for the system of internal financial controls established by the CRL Rights Commission and place considerable importance on maintaining a strong control environment. To enable the Accounting Officer to meet these responsibilities, the Audit Committee sets standards for internal control aimed at reducing the risk of error or loss in a cost effective manner. The standards include the proper delegation of responsibilities within a clearly defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These controls are monitored throughout the CRL Rights Commission and all employees are required to maintain the highest ethical standards in ensuring the CRL Rights Commission's business is conducted in a manner that in all reasonable circumstances is above reproach. The focus of risk management in the CRL Rights Commission is on identifying, assessing, managing and monitoring all known forms of risk across the CRL Rights Commission. While operating risk cannot be fully eliminated, the CRL Rights Commission endeavours to minimise the possible impact of risks by ensuring that appropriate infrastructure, controls, systems and ethical behaviour are applied and managed within predetermined procedures and constraints.

The Accounting Officer is of the opinion, based on the information and explanations given by management, that the system of internal control provides reasonable assurance that the annual financial records may be relied on for the preparation of the annual financial statements. However, any system of internal financial control can provide only reasonable, and not absolute, assurance against material misstatement or loss.

The CRL Rights Commission is wholly dependent on government funding for continued operations. The annual financial statements are prepared on the basis that the CRL Rights Commission is a going concern and that the CRL Rights Commission has no intention to curtail materially the scale of its operations. Although the Accounting Officer is primarily responsible for the financial affairs of the CRL Rights Commission he is supported by the CRL Rights Commission's internal auditors and management. The impact of lockdown on future cashflows and going concern for CRL Rights Commission is immaterial.

Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

Annual Financial Statements for the year ended March 31, 2020

Accounting Officer's Responsibilities and Approval

The Auditor General is responsible for independently reviewing and reporting on the CRL Rights Commission's annual financial statements. The annual financial statements will be examined by the Auditor General. The annual financial statements is set out on pages 112 -144 and were approved for auditing by the Accounting Officer on the 30 September 2020.



Mr Tshimangadzo Edward Mafadza

Accounting Officer

CRL Rights Commission

Date: 30 September 2020

Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

Annual Financial Statements for the year ended March 31, 2020

Statement of Financial Position as at 31 March 2020

	Note	2020 ‘000	2019 Restated ‘000
Assets			
Current Assets			
Trade and other receivables from exchange transactions	8	28	298
Prepayments	6	539	547
Cash and cash equivalents	9	6,973	25
		7,540	870
Non-Current Assets			
Property, plant and equipment	3	2,638	2,774
Intangible assets	4	308	361
Trade and other receivables from exchange transactions	8	332	332
		3,278	3,467
Total Assets		10,818	4,337
Liabilities			
Current Liabilities			
Operating lease liability	5	-	73
Trade and other payables from exchange transactions	12	3,060	1,696
Provisions	11	900	937
		3,960	2,706
Non current liabilities			
Operating lease liability	5	386	-
		386	-
Total Liabilities		4,346	2,706
Net Assets		6,472	1,631
Accumulated surplus	10	6,472	1,631
Total Net Assets and Liabilities		10,818	4,337

Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

Annual Financial Statements for the year ended March 31, 2020

Statement of Financial Performance

	Note	2020 ‘000	2019 Restated ‘000
Revenue			
Revenue from exchange transactions			
Finance income	13	385	214
Revenue from non-exchange transactions			
Proceeds from insurance	14	25	18
Transfer revenue			
Transfer from the Department of Cooperative Governance and Traditional Affairs	14	45,189	48,793
Total revenue from non-exchange transactions		45,214	48,811
Total revenue		45,599	49,025
Expenditure			
Employee costs	15	(24,246)	(23,469)
Depreciation and amortisation	16	(697)	(1,144)
Administrative expenditure	18	(6,208)	(8,910)
Other operating expenditure	17	(7,724)	(14,566)
Audit Fees	19	(1,883)	(1,814)
Total expenses		(40,758)	(49,903)
Surplus/(Deficit) for the year		4,841	(878)

Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

Annual Financial Statements for the year ended March 31, 2020

Statement of Changes in Net Assets

	Note	2020 ‘000	2019 Restated ‘000
Balance at 01 April		2,328	2,328
2018 Changes in net assets Prior period error		181	181
Net income (losses) recognised directly in net assets		181	181
Deficit for the year		(878)	(878)
Total changes		(697)	(697)
Balance at 01 April		1,631	1,631
2019 Changes in net assets Surplus for the year		4,841	4,841
Total changes		4,841	4,841
Balance at 31 March 2020		6,472	6,472

Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

Annual Financial Statements for the year ended March 31, 2020

Cash Flow Statement

	Note	2020 ‘000	2019 Restated ‘000
Cash flows from operating activities			
Receipts			
Insurance proceeds	13	-	18
Cash receipt from transfer payments	14	45,189	48,793
Interest received	13	363	202
		45,552	49,013
Payments			
Employee costs		(22,110)	(21,720)
Suppliers		(15,952)	(26,543)
		(38,062)	(48,263)
Net cash flows from operating activities	20	7,490	750
Cash flows from investing activities			
Purchase of property, plant and equipment	3	(542)	(1,269)
Purchase of other intangible assets	4	-	(14)
Net cash flows from investing activities		(542)	(1,283)
Net increase/(decrease) in cash and cash equivalents		6,948	(533)
Cash and cash equivalents at the beginning of the year		25	558
Cash and cash equivalents at the end of the year	9	6,973	25

Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

Annual Financial Statements for the year ended March 31, 2020

Statement of Comparison of Budget and Actual Amounts

Budget on Cash Basis

	Approved budget	Adjustments	Final Budget	Actual amounts on comparable basis	Difference between final budget and actual	Reference
	'000	'000	'000	'000	'000	
Statement of Financial Performance						
Revenue						
Revenue from exchange transactions						
Other income 1	-	-	-	-	-	
Interest received - investment	278	-	278	385	107	
Total revenue from exchange transactions	278	-	278	385	107	
Revenue from non-exchange transactions						
Taxation revenue						
Proceeds from insurance	-	-	-	25	25	
Transfer revenue	45,189	-	45,189	45,189	-	
Government grants & subsidies						
Total revenue from non- exchange transactions	45,189	-	45,189	45,214	25	
Total revenue	45,467	-	45,467	45,599	132	
Expenditure						
Personnel	26,131	-	26,131	24,246	(1,885)	
Administration	4,573	-	4,573	6,208	1,635	
Depreciation and amortisation	879	-	879	697	(182)	
Operating Expenditure	12,154	-	12,154	7,724	(4,430)	
External Audit fees	1,730	-	1,730	1,883	153	
Total expenditure	(45,467)	-	(45,361)	(40,758)	4,925	
Actual Amount on Comparable Basis as Presented in the Budget and Actual Comparative Statement	-	-	-	4,841	4,841	

Analysis of material variances.

1. Savings on employee amounting to R1 885 000 was as a results of appointment of Commissioners in July 2019.
2. The over expenditure in administration costs amounting to R1 635 000 was as a result of unexpected and unforeseen increase in internal audit fees.
3. The savings in the operating expenditure amounting to R4 430 000 was as a result of late approval of the strategic plan due to appointment of of Commissioners only at the beginning of the second quarter.

Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

Annual Financial Statements for the year ended March 31, 2020

Accounting Policies

1. Presentation of Financial Statements

1.1 Basis of preparation

The annual financial statements have been prepared in accordance with Generally Recognised Accounting Practice (GRAP), issued by the Accounting Standards Board in accordance with Section 89 of the Public Finance Management Act (Act No. 1 of 1999, as recommended).

Accounting policies for material transactions, events or conditions not covered by the GRAP reporting framework have been developed in accordance with paragraphs 8, 10 and 11 of GRAP 3 and the hierarchy approved in Directive 5 issued by the Accounting Standards Board.

The financial statements have been prepared on an accrual basis of accounting and are in accordance with the historical cost convention, except for the cash flow information, which is prepared on a cash basis, unless specifically stated otherwise.

The principal accounting policies adopted in the preparation of these financial statements are set out below.

Assets, liabilities, revenues and expenses have not been offset except where offsetting is required or permitted by a Standard of GRAP.

The accounting policies are applied consistently with those used to present the previous annual financial statements, unless explicitly stated. The details of any changes in accounting policies are explained in the relevant policy.

1.2 Critical Judgements and Key Sources of Estimation Uncertainty

The CRL Rights Commission makes estimates and assumptions that affect the reported amounts of assets and liabilities within the current and subsequent financial years. Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

Significant judgements made includes provisions for base and estimations in respect of the useful lives and residual values of property, plant and equipment and the going concern. The method of calculation applied in respect of provisions is disclosed in accounting policy 1.11.

COVID 19 has no material impact on judgement, risk and going concern on estimations, the annual financial statements of CRL Rights Commission.

1.3 Presentation currency

These financial statements are presented in South African Rand since it is the currency in which the majority of the CRL Rights Commission's transactions are denominated. The amounts disclosed in the financial statements have been rounded off to the nearest thousand Rand.

1.4 Exchange revenue

Revenue is the gross inflow of economic benefits or service potential during the reporting period when those inflows result in an increase in net assets.

Accounting Policies

Interest income

Exchange revenue constitute interest earned on bank accounts as a result of positive bank balances.

Interest income is recognised on an accrual basis throughout the year, taking into account the cash on hand in approved bank accounts of the CRL Rights Commission using the effective interest rate.

1.5 Revenue from non-exchange revenue

Unconditional grant

The CRL Rights Commission recognises transfers at the date when funds are deposited in the bank account of the CRL Rights Commission. The CRL Commission receives its budget allocation in the form of transfer payments through the budget vote of the Department of Co-operative Governance and Traditional Affairs. Revenue from non exchange transactions are generally recognised to the extent that the related receipt or receivable qualifies for recognition as an asset and there is no liability to pay back the amount.

1.6 Leases

Leases are classified as a finance leases where substantially all the risks and rewards associated with ownership of an asset are transferred to the CRL Rights Commission.

Leases in which significant portion of the rights and rewards of ownership are retained by the lessor are classified as operating leases.

As Lessee

Property, plant and equipment subject to finance lease agreements are capitalised at their cash cost equivalent. Corresponding liabilities are included in the statement of financial position as finance lease obligations. The cost of the item of property, plant and equipment is depreciated at appropriate rates on the straight - line basis over its estimated useful life. Lease payments are allocated between the lease finance cost and the capital repayment using the effective interest rate method. Lease finance costs are expensed when incurred.

Operating leases are those leases that do not fall within the scope of the above definition. Operating lease rentals are recognised on the straight - line basis over the term of the relevant lease.

In the event that the lease incentives are received to enter into operating leases, such incentives are recognised as a liability. The aggregate benefit of incentives is recognised as a reduction of rental expense on a straight - line basis, except where another systematic basis is more representative of the time pattern in which economic benefits from the leased asset are consumed.

Operating lease payments are recognised as an expense on a straight-line basis over the lease term. The difference between the amounts recognised as an expense and the contractual payments are recognised as an operating lease asset or liability.

Accounting Policies

1.7 Property, plant and equipment

Property, plant and equipment are tangible non-current assets (including infrastructure assets) that are held for use in the production or supply of goods or services, rental to others, or for administrative purposes, and are expected to be used during more than one year.

The cost of the item of property, plant and equipment is recognised as an asset if and only if it probable that the future economic benefits or service potential associated with the item will flow to the entity, and the cost or fair value of the item can be measured reliably.

Property, plant and equipment are initially recognised at cost on its acquisition date. The cost of an item of property, plant and equipment is the purchase price and other costs attributable to bring the asset to the location and condition necessary for it to be capable of operating in the manner intended by the CRL Rights Commission. Trade discounts and rebates are deducted in arriving at the cost. The cost also includes the necessary costs of dismantling and removing the asset and restoring the site on which it is located.

Where an asset is acquired by CRL Rights Commission through for no amount or nominal consideration a non-exchange transaction, its cost is deemed to be equal to the fair value of that asset on the date acquired.

The cost of an item of property, plant and equipment acquired in exchange for non-monetary assets or monetary asset, or a combination of monetary asset and non-monetary assets is measured at fair value of an asset given up, unless the fair value of the asset received is more clearly evident. If the acquired item could not be measured at its fair value, its cost is measured at the carrying amount of the assets given up.

Subsequent expenditure relating to property, plant and equipment is capitalised if it is probable that the future economic benefits or potential service delivery associated with subsequent expenditure will flow to the entity and the cost or fair value of subsequent expenditure can be reliably measured. Subsequent expenditure incurred on an asset is only capitalised when it increases the capacity or future economic benefits associated with the asset. Where the entity replaces parts of an asset, it derecognises the part being replaced and capitalises the new component.

Subsequent measurement

Subsequently property, plant and equipment are measured at cost, less accumulated depreciation and accumulated impairment.

The useful lives of items of property, plant and equipment have been assessed as follows:

Depreciation

Land is not depreciated as it is regarded as having unlimited life. Depreciation on assets other than land is calculated using the straight line - method, to allocate their cost or revalued amounts less their residual values over the estimated useful lives of the assets. The depreciation method used reflects the pattern in which the assets' future economic benefits or service potential are expected to be consumed by the entity.

The CRL Rights Commission re-assesses the useful lives and residual value of property, plant and equipment annually. Management considers the expected useful lives of the individual asset, to determine the remaining period over which the asset is expected to be used. Residual value is determined only in respect of motor vehicles at 20% of cost.

Accounting Policies

The depreciation rates are based on the following estimated useful live..

Item	Useful Lives(Years)
Furniture and fixtures	10 years
Motor vehicles	15 years
Office equipment	8 years
Computer equipment	6 years
Leasehold improvements	Period of the lease
Mobile communication devices	2 years

The residual value, useful life and depreciation method of each asset are reviewed at the end of each reporting date. The CRL Rights Commission re-assesses the useful life and residual values of the property, plant and equipment annually for any indication that the CRL Rights Commission's expectations have changed. If the expectation differs from previous estimates, the change is accounted for as a change in accounting estimate.

1.7 Property, plant and equipment (continued)

De-recognition of assets.

An asset is de-recognised and withdrawn from service due to impairment or when the asset is replaced due to it reaching the end of its useful life. The CRL Rights Commission is not a profit making institution and does not therefore use any of its assets with the objective to generate commercial gain.

The gain or loss arising from de-recognition of an item of property, plant and equipment is included in the surplus or deficit when the item is de-recognised. The gain or loss arising from the de-recognition of an item of property, plant and equipment is determined as the difference between the net disposable proceeds, if any, and the carrying amount of the item.

1.8 Impairment of non-cash generating assets

The CRL Rights Commission assess assets to be cash generating, when the asset is used with the objective to generate commercial return. The CRL Rights Commission assess assets to be a non-cash generating asset when the asset is not used with the objective to generate commercial return. Commercial return means that positive cash flows are expected to be significantly higher than the cost of the asset.

Recognition and measurement

At the end of each reporting date, the condition of non-cash generating assets is reviewed to determine whether there is an indication of impairment or reversal of impairment. If such indication exist, the recoverable service amount of the asset is estimated in order to determine the extent of impairment loss, if any.

Where the recoverable service amount is less than the carrying amount, the carrying amount of the asset is reduced to the recoverable service amount. The reduction is recognised as an impairment loss. An impairment loss is recognised immediately in the statement of financial performance. Recoverable service amount of a non - cash generating asset is the higher of the fair value less cost to sell, and its value in use as estimated.

Assets held by the CRL Rights Commission are classified as non cash-generating assets, as they are not utilised with the objective of generating commercial return.

Accounting Policies

The CRL Rights Commission assesses all its tangible and intangible assets at reporting date to determine whether there is any indication that an asset may be impaired. If there is any indication that the asset may be impaired the recoverable service amount is estimated for the individual asset. The recoverable service amount is calculated as depreciated replacement cost. Depreciated replacement cost is calculated as the replacement cost of the asset less depreciation in line with the useful life expired for the asset.

Reversal of impairment loss

The CRL Rights Commission assess at each reporting date whether there is any indication that an impairment loss recognised in prior periods for an asset may no longer exist or may have decreased. If any such indication exists, the CRL Rights Commission estimates the recoverable service amount of that asset.

An impairment loss recognised in prior periods on an asset is reversed if there has been a change in the estimates used to determine the asset's recoverable service amount since the last impairment loss was recognised. The carrying amount of the asset is increased to its recoverable service amount. The increase is a reversal of an impairment loss.

A reversal of an impairment loss for an asset is recognised immediately in the statement of financial performance.

In allocating a reversal of an impairment loss for a non-cash generating unit, the carrying amount of an asset is not increased above the lower of:

- its recoverable service amount; and
- the carrying amount that would have been determined (net of amortisation or depreciation) had no impairment loss been recognised for the asset in prior periods.

1.9 Intangible assets Recognition

An intangible asset is recognised when:

- it is probable that the economic benefit associated with the asset will flow to the CRL Rights Commission; and
- the cost of an asset or its value can be measured reliably.

The cost of an intangible asset is calculated at the value at which the asset was purchased.

Initial measurement

Intangible assets are initially measured at cost. The cost of an intangible asset is the purchase price and other costs attributable to bring the intangible asset to the location and condition necessary for it to be capable of operating in the manner intended by CRL Rights Commission, or where an intangible asset is acquired at no cost, or nominal cost, the cost shall be its fair value as at the date of acquisition. Trade discounts and rebates are deducted in arriving at the cost.

Intangible assets acquired separately or internally generated are reported at cost less accumulated amortisation and accumulated impairment losses.

Accounting Policies

Subsequent measurement

Armortisation is calculated on cost, using straight line method, over the useful lives of assets, which is 3 to 10 years upon initial recognition. Where intangible assets are deemed to have an indefinite useful life, such intangible assets are not armortised.

The estimated useful life, residual values and armortisation method are assessed at each reporting date on an indicator basis. Armortisation of an asset commences when the asset is ready for its intended use.

The useful lives of intangible assets have been assessed as follows:

Item	Useful life (Years)
Computer software, other	3-10 years

De-recognition of intangible assets

An intangible asset is derecognised when the separate item of intangible asset is disposed off or withdrawn from service or replaced. The gain or loss from de-recognition of intangible assets are determined as the difference between the proceeds, if any, and carrying amount of the item.

The gain or loss arising from de-recognition of an intangible asset is included in surplus or deficit when the asset is derecognised.

The useful lives and amortisation method of intangible assets are assessed on an annual basis. The residual value of intangible assets is assumed to be zero.

1.10 Financial instruments

The CRL Rights Commission shall recognise a financial asset or a financial liability in its statement of financial position when, the CRL Rights Commission becomes a party to the contractual provisions of the instrument. Financial assets carried on the statement of financial position include cash and cash equivalents, and trade and other receivables.

The CRL Rights Commission's principle financial liabilities are trade and other payables.

Initial measurement

When a financial asset or financial liability is recognised initially, the CRL Rights Commission shall measure it at its fair value, plus in the case of a financial asset or a financial liability not subsequently measured at fair value cost, transaction costs that are directly attributable to the acquisition or issue of the financial asset or financial liability.

Subsequent measurement

The CRL Rights Commission measures all financial assets and financial liabilities after initial recognition using the following categories:

- financial instruments at fair value;
- financial instruments at amortised cost; and
- financial instruments at cost.

Accounting Policies

1.10 Financial instruments (continued) Impairment

The CRL Rights Commission shall assess at the end of each reporting period whether there is any objective evidence that an impairment loss on the financial asset measured at amortised cost has been incurred. If any evidence exists, the CRL Rights Commission shall determine the amount of any impairment loss. The amount of impairment loss is measured as the difference between the carrying amount of a financial asset and present value of estimated future cash flows (excluding future credit losses that have been incurred) discounted at the financial asset's original effective interest rate. The carrying amount of the asset shall be reduced through the use of an allowance account. The amount of the loss shall be recognised in the surplus or deficit.

De-recognition

The CRL Rights Commission derecognises financial asset when:

- the contractual rights to the cash flows from financial asset expire, are settled or waived;
- the CRL Rights Commission transfers to another party substantially all of the risks and rewards of ownership of the financial asset; or
- the CRL Rights Commission, despite having retained some significant risks and rewards of ownership of a financial asset, has transferred control of the asset to another party and the other party has the practical ability to sell the asset in its entirety to an unrelated third party, and is able to exercise that ability unilaterally and without needing to impose additional restriction on the transfer.

Measurement

Financial instruments are initially measured at fair value, which includes transaction costs. Subsequent to initial recognition these instruments are measured as set out below.

Financial assets

The CRL Rights Commission's principal financial assets are cash and equivalents and trade and other receivables.

Cash on hand and cash equivalents are short term, highly liquid investments that are held with registered banking institutions with maturities of three months or less and are subject to insignificant interest rates risk.

Cash and cash equivalents and trade and other receivables are measured at amortised cost.

Financial liabilities

The CRL Rights Commission's principle financial liabilities are trade and other payables. The trade and other payables do not bear interest and are stated at amortised cost.

1.11 Provisions Recognition

The CRL Rights Commission recognises a provision when a present legal or constructive obligation exists as a result of past events, and it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.

Accounting Policies

Measurement

The amount recognised as a provision shall be the best estimate of expenditure required to settle the obligation at reporting date.

Leave Provision

Leave provision is calculated on the liability for leave credits due to each member as at the reporting date. Leave provision for employees who are on structured salary is calculated by dividing the monthly salary at cost to company by average monthly working days multiplied by the leave days that has actually accrued to that employee. Leave provision for employees that are not on structured salary is calculated by dividing monthly basic salary by average working monthly days multiplied by actual leave credits that has been accrued to the employee. An additional 37% is added in lieu of benefits. The leave provision is utilised by the leave being taken or the actual leave value paid out to the employee.

Change of provision

Provisions are reviewed at each reporting date and adjusted to reflect the current best estimate. If it is no longer probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation, the provision shall be reversed.

1.12 Employee benefits

Contributions to the defined contribution retirement plan and defined benefit retirement plan are charged to the statement of financial performance in the year in which they relate. The CRL Rights Commission has no legal or constructive obligation to pay further contributions in respect of the provident fund once the contributions have been paid because the provident fund is a defined contribution plan. The pension fund is a state plan and is accounted for as a defined contribution plan. Additional contribution to the plan is the responsibility of the state and not of the CRL Rights Commission.

The actual cost of short-term employee benefits, such as vacation leave and sick leave, bonuses and non-monetary benefits are recognised in the period in which the service is rendered. The expected cost of compensated absence is recognised as an expense in the statement of financial performance as the employee renders service that increase their entitlement.

State Plan

The CRL Rights Commission classifies the state plan as a defined benefit plan under the terms of the plan (including any constructive obligation that goes beyond the formal terms). When sufficient information is not available to use defined benefit accounting for the plan the CRL Rights Commission account for the plan as if it was a defined contribution plan.

Staff members of the CRL Rights Commission by means of election belong to a defined benefit plan which is managed by Government Employee Pension Fund (GEPF). Sufficient information in the form of actuarial calculations relating to the CRL Rights Commission's employees is not available as the employees are part of a larger pension fund plan managed by GEPF. Therefore, the defined benefit plan is disclosed as a defined contribution plan.

Accounting Policies

1.13 Going concern

The CRL Rights Commission is considered a going concern due to its status as a Constitutional Institution. Detail in respect of the going concern status of the CRL Rights Commission is disclosed in note 23.

1.14 Related parties

Only transactions with related parties that do not arise in the ordinary course of business are disclosed.

Transactions with key management personnel are recognised as related party transactions. Key management personnel is defined as being individuals with the authority and responsibility for planning, directing and controlling activities of the CRL Rights Commission. All individuals from level of Senior Manager and Commissioners are regarded as key management in terms of the definition of the financial reporting standards. Senior Manager's and Commissioner's remuneration is disclosed in note 21.

Close family members of key management are considered to be those family members who may be expected to influence, or be influenced by the key management individuals, in their dealings with the entity.

Transactions outside the normal cause of business with related parties are disclosed, recognised and accounted for at actual cost.

Cogta and CRL Rights Commission in the context of national sphere of government in terms of GRAP 20 "Related party transactions" and has been disclosed as such in note 30.

1.15 Fruitless and wasteful expenditure

Fruitless and wasteful expenditure is expenditure that was made in vain and would have been avoided had reasonable care been exercised. Fruitless and wasteful expenditure is accounted for as expenditure in the Statement of Financial Performance and where recovered, it is subsequently accounted for as other income in the Statement of Financial Performance.

1.16 Budget information

General purpose financial reporting by CRL Rights Commission shall provide information on whether resources were obtained and used in accordance with the legally adopted budget.

The approved budget is prepared on a cash basis and presented by programmes linked to performance outcome objectives.

The approved budget and final budget for the fiscal period from 2019/04/01 to 2020/03/31 is presented in the annual financial statements. The approved budget apply to the CRL rights Commission only.

Comparative information is not required.

A comparison between the surplus for the year as per the statement of financial performance and the budget is included in the Statement of Comparison of Budget and Actual Amounts.

Accounting Policies

1.17 Irregular expenditure

Irregular expenditure is recorded in the notes to the financial statements when confirmed. The amount recorded is equal to the value of the irregular expenditure incurred, unless it is impractical to determine, in which case reasons thereof must be provided in the notes. Irregular expenditure receivables are measured at the amount that is expected to be recovered and recognised when settled or written off as irrecoverable.

1.18 Contingent liabilities

A contingent liability is a possible obligation that arises from past events and the existence of which will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events that are beyond the control of the CRL Rights Commission. Alternatively, a contingent liability is a present obligation that arises from past events but is not recognised because of the following:

- it is not probable that an outflow of resources embodying economic benefits of service potential will be required to settle the obligation; or
- the amount of the obligation cannot be measured with sufficient reliability.

Contingent liabilities and assets are disclosed in note 29

1.19 Events after reporting date

Events after the reporting date that came to the attention of management are reported in note 24.

1.20 Prepayments

The CRL Rights Commission discloses material payments made in advance on goods or services to be acquired. Prepayments are accounted for as current assets if the goods or services are to be delivered within one year from reporting date and as long term assets if goods or services are to be delivered beyond one year as per note 6.

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Notes to the Annual Financial Statements

2. New standards and interpretations

2.1 Standards and interpretations issued, but not yet effective

The CRL Rights Commission has not applied the following standards and interpretations, which have been published and are mandatory for the CRL Rights Commission's accounting periods beginning on or after 01 April 2020 or later periods:

Standard / Interpretation:	Effective date: Years beginning on or after	Expected impact:
• IGRAP 20: Accounting for Adjustments to Revenue	01 April 2020	Unlikely there will be a material impact
• GRAP 1 (amended): Presentation of Financial Statements	01 April 2020	Unlikely there will be a material impact
• GRAP 34: Separate Financial Statements	01 April 2020	Unlikely there will be a material impact
• GRAP 35: Consolidated Financial Statements	01 April 2020	Unlikely there will be a material impact
• GRAP 36: Investments in Associates and Joint Ventures	01 April 2020	Unlikely there will be a material impact
• GRAP 37: Joint Arrangements	01 April 2020	Unlikely there will be a material impact
• GRAP 38: Disclosure of Interests in Other Entities	01 April 2020	Unlikely there will be a material impact
• GRAP 110 (as amended 2016): Living and Non-living Resources	01 April 2020	Unlikely there will be a material impact
• IGRAP 1 (revised): Applying the Probability Test on Initial Recognition of Revenue	01 April 2020	Unlikely there will be a material impact
• GRAP 18 (as amended 2016): Segment Reporting	01 April 2020	Unlikely there will be a material impact

The CRL Rights Commission has not adopted GRAP 20 but have used it to develop accounting policies.

The Minister of Finance has pronounced the effective date of GRAP 34 to GRAP 38 and are not applicable to the CRL Rights Commission.

Notes to the Annual Financial Statements

3. Property, plant and equipment

	2020		2019 Restated	
	Cost	Accumulated Carrying value depreciation	Cost	Accumulated Carrying value depreciation
Mobile Communication devices	172	(67)	105	19
Furniture and fixtures	2,300	(1,377)	923	(1,233)
Motor vehicles	204	(163)	41	(163)
Office equipment	2,066	(1,175)	891	(976)
Computer equipment	1,788	(1,177)	611	(986)
Leasehold improvements	1,001	(934)	67	(917)
Total	7,531	(4,893)	2,638	7,055
				(4,281)
				2,774

Reconciliation of property, plant and equipment - 2020

	Opening balance	Additions	Disposals	Depreciation	Total
Mobile communication devices	13	169	(16)	(61)	105
Furniture and fixtures	946	121	-	(144)	923
Motor vehicles	41	-	-	-	41
Office equipment	996	94	-	(199)	891
Computer equipment	694	158	(18)	(223)	611
Leasehold improvements	84	-	-	(17)	67
	2,774	542	(34)	(644)	2,638

Notes to the Annual Financial Statements

3. Property, plant and equipment (continued)

Reconciliation of property, plant and equipment - 2019 Restated

	Opening balance	Additions	Disposals	Correction of depreciation on motor vehicles	Depreciation	Total
Mobile Communication Devices	-	19	-	-	(6)	13
Furniture and fixtures	927	180	-	-	(161)	946
Motor vehicles	13	-	-	28	-	41
Office equipment	1,031	186	(7)	-	(214)	996
Computer equipment	488	464	(13)	-	(245)	694
Leasehold improvements	157	420	-	-	(493)	84
	2,616	1,269	(20)	28	(1,119)	2,774

There are no contractual commitments for property, plant and equipment at financial year end.

The asset register is available for inspection at the registered offices of CRL Rights Commission. There are no encumbrances or restrictions on property, plant and equipment.

Repairs and maintenance are disclosed in note 16 relates to property, plant and equipment.

There are no fully depreciated property, plant and equipment which are still in use except for motor vehicles whose useful lives could not be revised. The motor vehicles will be carried at their residual value until they are replaced.

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	2020	2019 Restated
	'000	'000

4. Intangible assets

	2020			2019 Restated		
	Cost	Accumulated Carrying value amortisation		Cost	Accumulated Carrying value amortisation	
Computer software	537	(229)	308	537	(176)	361

Reconciliation of intangible assets - 2020

	Opening balance	Additions	Total
Computer software	361	(53)	308

Reconciliation of intangible assets - 2019

	Opening balance	Additions	Amortisation	Total
Computer software	400	14	(53)	361

There are no contractual commitments on intangible assets at the end of the financial year.

The asset register is available for inspection at the registered offices of CRL Rights Commission. There are no encumbrances or restrictions on intangible assets.

5. Operating lease liability

Current portion	-	-
building	-	66
parking	-	7
Total	-	73
 Non - Current portion	 -	 -
building	348	-
building	38	-
Total	386	73

Refer to note 27 on operating lease commitment details.

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	2020	2019 Restated
	'000	'000

6. Prepayments

Software for accounting Caseware annual licence	103	93
Software for accounting and payroll annual licence	156	145
Building and parking operating lease payments	225	247
Exhibition at Rand Easter Show	55	62
	539	547

Prepayments are made in respect of contractual obligations that the CRL Rights Commission is committed to through normal procurement process.

7. Accounting error in depreciation of Property, Plant and Equipment

During the current financial years 2014 to 2019 the entity has applied the original minimum useful lives as per accounting policy

However since 2014 there has been evidence that in the entity's environment that confirms that the useful lives of both computer equipment and office equipment are longer than the minimum useful lives of the assets due to the entity's practice and no revision has been taken into account. The impact of this transaction should have been recorded in entity's AFS in the earlier periods, however, it was only 2020 financial statements. Due to materiality of the retrospective impact on the impact accumulated depreciation the financial statements for the previous period have been restated as follows:

2018	As previously stated	Adjustment	Restated as at 31 March 2018
Accumulated depreciation - Computer equipment (FP)	848	81	767
Accumulated depreciation - Office equipment (FP)	864	182	682
Accumulated surplus (FP)	2,422	263	2,159
	4,134	526	3,608
2019	As previously stated	Adjustment	Restated as at 31 March 2019
Depreciation (P&L)	640	181	459
Accumulated depreciation - Computer equipment (FP)	1,176	81	1,095
Accumulated depreciation - Office equipment (FP)	1,148	100	1,048
	2,964	362	2,602

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	2020	2019 Restated
	'000	'000

8. Trade and other receivables from exchange transactions

Deposits	332	332
Receivables from staff and third parties	286	298
Provision for doubtful debt	(258)	-
	360	630
Non-current assets	332	332
Current assets	28	298
	360	630

The provision for doubtful debt relates to monies owed by SARS to the Commission and traffic fine paid by the Commission for an employee the service of the Commission.

The non current receivable relate to the deposit paid to the landlord in respect of the lease agreement , which will be only receivable at the end of the lease term.

9. Cash and cash equivalents

Cash and cash equivalents consist of:

Cash on hand	3	2
Cash in call account	5,853	1
Current account	1,117	22
	6,973	25

All funds are available for use by CRL Rights Commission and there are no restricted funds.

10. Accumulated surplus

Accumulated surplus - 2020

	Accumulated surplus	Total
Opening balance	1,631	1,631
Net surplus	4,841	4,841
	6,472	6,472

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	2020	2019 Restated
	'000	'000

Accumulated surplus 2019 Restated

	Accumulated surplus	Total
Opening balance	2,328	2,328
Net deficit for the period	181	181
Prior year error	-	-
Net deficit for the period	(878)	(878)
	1,631	1,631

11. Provisions

Reconciliation of provisions - 2020

	Opening balance	Additions	Utilised during the year	Leave paid out during the year	Total
Provision for leave pay	937	900	(856)	(81)	900

Reconciliation of provisions - 2019 Restated

	Opening balance	Additions	Utilised during the year	Total
Provision for leave pay	1,114	937	(1,114)	937
	-	-	-	-
	1,114	937	(1,114)	937

Employees utilised accumulated leave credits, leading to an decrease in leave provision. The leave provision for the current period is therefore lower, resulting in a decrease in employee cost to the value of R37 000.00 in the current year.

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	2020 ‘000	2019 Restated ‘000
12. Payables from exchange transactions		
Trade creditors	2,572	1,249
Accrued bonuses	488	447
	3,060	1,696
13. Other income - exchange transactions		
The amount included in revenue arising from exchanges of goods or services are as follows:		
Finance income from bank accounts - Cash	363	202
Finance income from bank accounts - Accrued	22	12
	385	214
14. Revenue from non-exchange transactions		
Transfer from the Department of Co-operative Governance and Traditional Affairs	45,189	48,793
Proceeds from insurance	25	18
	45,214	48,811
15. Employee related costs		
Basic salary	14,751	13,626
Commissioners remuneration	1,883	2,769
Unemployment insurance fund	62	59
Skills development levy	189	170
Other non pensionable allowances	5,476	5,096
Total	22,311	21,720
Post retirement benefits plans		
Pension fund	914	874
Provident fund - Defined contribution plan	1,021	875
	1,935	1,749
	24,246	23,469
Staff compliment	33	34

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	2020	2019
	'000	Restated '000

Post retirement benefits plans

Remuneration of the Chairperson and the Deputy Chairperson is included in the normal employee cost, but has been disclosed with the Commissioners remuneration in the related party transactions in note 21.

16. Depreciation and amortisation

Depreciation and amortisation costs	697	1,144
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17. Other operating expenditure

Computer expenses	46	-
Consulting and special services	641	5,256
Operating lease	3,070	2,493
Travel and subsistence allowance	2,405	5,206
Marketing	558	398
Repairs and maintenance on property, plant and equipment	254	296
Loss on disposal of assets	21	20
Photographic services	13	187
Communication and courier costs	308	338
Staff training and development	120	108
Software licences	285	264
Removal of office furniture	3	-
	7,724	14,566

18. Administrative Expenditure

Recruitment advertisement	75	51
Legal expenses	141	1,426
Insurance	197	201
Catering	651	605
Stationary and printing	1,588	2,187
Venues and facilities	382	2,637
Acquisition of non-capital assets	15	15
Bank Charges	19	19
Provision for doubtful debts	258	-
Water	44	50
Municipal Charges	42	56
Common area electricity	1,094	882
Rates and Taxes	242	145
Internal Audit	1,460	636
	6,208	8,910

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	2020	2019 Restated
	'000	'000

19. Auditors' Fees

Fees paid for an independent audit by Auditor General of South Africa	1,883	1,814
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20. Cash generated from operations

Surplus /(Deficit for the year	4,841	(878)
Adjustments for:		
Depreciation and amortisation	697	1,144
Loss on disposal of assets	21	20
Interest accrued	(22)	-
Increase/(Decrease) in operating lease liability accruals	313	(430)
Decrease/(Increase) in prepayments	8	533
Increase/(Decrease) in provisions	(37)	(177)
Proceeds from insurance	25	-
Decrease /(Increase) in income accrual	10	2
Changes in working capital:		
(Increase)/Decrease in receivables from exchange transactions	270	346
(Decrease)/Increase in payables from exchange transactions	1,364	190
Other non cash transaction	-	-
	7,490	750

21. Commissioners and prescribed officer's emoluments

Audit Committee

2020

	Appointment Date	Fees	Other Benefits	Total
MM Madiwa	2014/02/01	95	30	125
TN Baloyi	2014/02/01	31	47	78
M Phiri	2019/08/01	26	4	30
Mr T Poee	2019/12/01	10	1	11
Mr LM Mangquku	2019/12/01	10	1	11
		172	83	255

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2019

Restated

	Appointment Date	Fees	Other Benefits	Total
MM Madliwa	2014/02/01	52	15	67
TN Baloyi	2014/02/01	33	56	89
MG Hlomane	2014/02/01	10	3	13
		95	74	169

Non-executive Management (Commissioners)

2020

	Appointment Date	Basic Salary	Structured Salary	Provident fund	Other Benefits	Fees	Total
DL Mosoma (Chairperson)	2019/07/01	593	395	-	4	-	992
SM Pheto (Deputy Chairperson)	2019/07/01	504	218	76	4	-	802
M Abduroaf	2019/07/01	-	-	-	2	101	103
T Mosala	2019/07/01	-	-	-	10	155	165
NV Tyamzashe	2019/07/01	-	-	-	10	81	91
RS Schoeman	2019/07/01	-	-	-	16	149	165
ON Mndende	2019/07/01	-	-	-	7	183	190
S Dlamini	2019/07/01	-	-	-	93	163	256
FS Khama	2019/07/01	-	-	-	-	210	210
RT Kgatla	2019/07/01	-	-	-	4	171	175
RD Botha	2019/07/01	-	-	-	21	148	169
P Ntuli	2019/07/01	-	-	-	4	136	140
M Langa	2019/07/01	-	-	-	1	93	94
		1,097	613	76	176	1,590	3,552

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21. Commissioners and prescribed officer's emoluments (continued)

2019

Restated

	Appointment Date	Basic Salary	Structured Salary	Pension	Pension Fund	Other Benefits	Fees	Total
TNJ Mkhwanazi-Xaluva (Chairperson)	2014/03/01	704	515	-	96	6	-	1,321
DL Mosoma (Deputy Chairperson)	2014/03/01	599	462	-	-	28	-	1,089
A Knoetze	2014/03/01	-	-	194	-	33	194	227
NV Tyamzashe	2014/03/01	-	-	71	-	253	71	324
RS Schoeman	2014/03/01	-	-	319	-	25	319	344
J Mabale	2014/03/01	-	-	54	-	-	54	54
PP Madiba	2014/03/01	-	-	292	-	16	292	308
S Dlamini	2014/03/01	-	-	113	-	76	113	189
FS Khamā	2014/03/01	-	-	447	-	-	447	447
R Trollip	2014/03/01	-	-	276	-	-	276	276
B Muthien	2014/03/01	-	-	350	-	5	350	355
RD Botha	2014/03/01	-	-	377	-	28	377	405
		1,303	977	2,493	96	470	2,493	2,493

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Senior Management Emoluments

2020

	Appintment Date	Basic Salary	Structured Salary	Pension/Pro vident Fund	Other Benefits	Performance Bonuses	Total
Chief Executive Officer TE Mafadza	2008/04/01	744	429	98	31	38	1,340
Chief Financial Officer - CM Smuts	2006/06/01	852	268	129	-	37	1,286
Senior Manager - KA Sedupane	2007/08/01	678	388	89	15	-	1,170
Senior Manager - B Makeketa	2008/01/14	678	377	104	23	-	1,182
Senior Manager - RM Mkholo	2015/08/01	629	350	95	-	-	1,074
Senior Manager - K Sithole		521	328	69	22	-	940
		4,102	2,140	584	91	75	6,992

2019

Restated

	Appintment Date	Basic Salary	Structured Salary	Pension/Pro vident Fund	Other Benefits	Total
Chief Executive Officer - TE Mafadza	2008/04/01	701	518	93	2	1,314
Chief Financial Officer - CM Smuts	2006/06/01	754	304	119	1	1,178
Senior Manager - RM Mkholo	2015/10/01	592	325	90	-	1,007
Senior Manager - KA Sedupane	2007/08/01	630	368	85	-	1,083
Senior Manager - B Makeketa	2008/01/14	629	338	97	20	1,084
		3,306	1,853	484	23	5,666

* There were no transactions with related parties or individuals other than those disclosed above.

* The term of old Commissioners ended On the 28 February 2019 and the term of the new Commissioners came into effect on the 1 July 2019.

Notes to the Annual Financial Statements

	2020	2019 Restated
	'000	'000

22. Change in estimate Leave provision

The calculation of leave provision of was changed to include 37% additional benefits paid when employees who does structure their salary when their services with CRL Rights Commission is terminated. This change is necessary to accurately reflect leave provision at year end to achieve fair presentation to the users of CRL Rights Commission annual financial statements as per note 11.

23. Going concern

During the current financial operating period the CRL Rights Commission received a baseline allocation of R 45 189 000. These financial statements have been prepared on a going concern basis because the existence of the CRL Rights Commission is protected in the Constitution of the Republic of South Africa. The CRL Rights Commission has an accumulated surplus of R 6 440 000.

Lockdown will have not have impact on the future cashflows and going concern of CRL Rights Commission.

There was no reduction on the funding allocated to the CRL Rihgts Commission. Although the outbreak of Coronavirus will negatively impact the work of the CRL Rights Commission it will not affect the going concern status of the CRL Rights Commission.

24. Events after the reporting date

There are no events that occurred after reporting date at 31 March 2020.

The outbreak of the Coronavirus will impact negatively on the work of the CRL Rights Commission.

25. Irregular expenditure

Opening balance	10,525	8,075
Irregular expenditure incurred in the current period	1,173	2,483
Condoned during the previous year	-	(33)
Closing balance	11,697	10,525

The irregular expenditure incurred in the previous financial years relate to procurement processes in respect of tax clearance certificates, contract management and local content. A detailed register of irregular expenditure is kept at the CRL Rights Commission office.

National Treasury has been approached in respect of irregular expenditure in respect of the previous financial years. The response in respect of condonation is still pending.

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	2020	2019
	'000	Restated '000

Irregular expenditure identified in the current and previous financial years include those listed below:

	Disciplinary steps taken		
Opening balance	Investigation in finalised	10,525	8,075
Tender for outsourced internal function awarded to an incorrect bidder	Investigation in progress	934	1,740
Facilitation of strategic planning order awarded to an incorrect supplier	Investigation finalised	104	505
Payment made with insufficient supporting documentation	Investigation finalised	134	41
Non compliance in the previous year	Investigation finalised	-	197
Details of irregular expenditure condoned		-	-
Supplier not tax compliant	Condoned	-	(33)
Closing balance		11,697	10,525

Details of irregular expenditure under investigation

Procurement of printing services	499	-
Contract not approved in line with delegation of authority	179	-
	-	-
Closing balance	678	-

26. Fruitless and wasteful expenditure

Opening balance as previously reported	814	814
Wasteful expenditure incurred in the current year	3	-
Closing balance	817	814

Incidents/cases identified in the current year include those listed below:

Processes to finalise reported wasteful expenditure are in progress. The current wasteful expenditure relates to traffic fines that was paid by the Commission on behalf of the employee driver which was subsequently recovered from employee concerned.

27. Operating lease

The CRL Rights Commission rents premises with lease rental of R217 731.40 (R200 538.90 + R17 192.50) per month according to lease agreement that commenced on 1 June 2019, with a lease term of five years. The escalation of the operational lease is set at 8% per annum.

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Annual Financial Statements for the year ended March 31, 2020

Notes to the Annual Financial Statements

	2020		2019 Restated
	'000		'000
Minimum lease payment - 2020	Within 1 year	Within 2 - 5 years	Total
Building	2,567	9,545	12,112
Parking	286	1,065	1,351
	2,853	10,610	13,463
Minimum lease payments 2019 Restated	Within 1 year	Within 2 - 5 years	Total
Building	2,673	12,112	14,785
Parking	269	1,351	1,620
	2,942	13,463	16,405

28. Financial instruments

Financial risk management

Financial instruments consist of cash and cash equivalents, trade and other receivables and trade and other payables. There are no receivables that are past due and not impaired.

The cash deposits are held with First National Bank of South Africa.

Financial assets

Trade and other receivables	360	630
Cash and cash equivalents	6,973	25

Financial liabilities

Trade payables	2,572	1,249
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Monthly maturity analysis of financial liabilities 2020	1-3	4-6	7-9	10-12	Total
Trade payables	3,060	-	-	-	3,060
Monthly maturity analysis of financial liabilities 2019	1-3	4-6	7-9	10-12	Total
Trade payables	1,696	-	-	-	1,696

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	2020	2019
	'000	Restated '000

Liquidity risk

The CRL Rights Commission has no financial liabilities that extend beyond twelve months. Trade and other payables

The CRL Rights Commission is only exposed to liquidity risk in respect of maintaining sufficient cash to pay creditors as they become due. The CRL Rights Commission manages liquidity risk through ongoing review of future commitments.

Credit risk

Credit risk is managed by the use of accredited financial service providers as approved by National Treasury.

Credit risk consist mainly of cash deposits and cash equivalents. The CRL Rights Commission only deposit cash with a major bank with a credit rating of Baa3.

The CRL Rights Commission considered the credit rating of the financial service provider and is satisfied with the quality of credit.

The maximum exposure to credit risk for the CRL Rights Commission at the end of the period were as follows:

Financial instruments

Trade and other receivables	28	298
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Interest rate risk

The CRL Rights Commission has no significant interest-bearing assets. The CRL Rights Commission's income and operating cash flows are totally independent of changes in the market interest rate risk.

29. Contingencies

There are no contingent liabilities known to management at this point in time . The previously reported contingent liability did not result in outflow of financial resources as mentioned by management in the previous annual financial statements.

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	2020	2019
	'000	Restated '000

30. Related Party Transaction

Agregate amounts with related parties

Commissioners	3,552	2,493
Audit Committee Members	255	169
Senior management	6,992	5,666
Cogta	45,189	48,793
	55,988	57,121

Payments made Commissioners, Audit committee members and senior management of the Commission are treated as related and are disclosed.

Budget allocation for CRL Rights Commission is transferred through Cogta budget vote and therefore Cogta is treated as a related party and is disclosed.



Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

PHYSICAL ADDRESS: 33 Hoofd Street Forum IV Ground Floor Braampark
Office Park Braamfontein Johannesburg

POSTAL ADDRESS: Private Bag X90 000
Houghton, 2041

TELEPHONE NUMBERS: 011 358 9100

FAX NUMBER: 011 403 2098

EMAIL ADDRESS: info@crlcommission.org.za



www.crlcommission.org.za



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