
SOUTH AFRICAN HUMAN RIGHTS COMMISSION ANNUAL REPORT 2011

RP128/2011
ISBN: 978-0-621-40191-2

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*the people of South Africa
recognise the injustices of our
It honours those who*

Vision

Champion of the realisation of human rights

Mission

To support constitutional democracy and attainment of the progressive realisation of human rights by:

- Monitoring and assessing the observance of human rights.
- Education and training on human rights.
- Addressing human rights violations and seeking effective redress.

Values

The Commission adheres to the following values of Ubuntu:

- Dignity;
- Equality;
- Respect; and
- Accountability.

We, the people of South Africa,
Recognise the injustices of our past; Honour
those who suffered for justice and freedom in our land;
Respect those who have worked to build and develop
our country; and Believe that South Africa belongs
to all who live in it, united in our diversity. We
therefore, through our freely elected representatives, adopt
this Constitution as the supreme law of the Republic
so as to Heal the divisions of the past and establish
a society based on democratic values, social justice and
fundamental human rights; Lay the foundations for
a democratic and open society in which government
is based on the will of the people and every citizen
is equally protected by law; Improve the quality of life
of all citizens and free the potential of each person;
and Build a united and democratic South Africa able
to take its rightful place as a sovereign state in the
family of nations. May God protect our people. Nkosi
Sikelel' iAfrika. Morena boloka sethaba sa heso. God
sein Suid-Afrika. God bless South Africa. Mudzimu
shatutshedza Afrika. Hosi katekisa Afrika.

LETTER TO THE SPEAKER OF THE NATIONAL ASSEMBLY

The Honourable Max Sisulu
Speaker of the National Assembly



It gives me great pleasure to submit the 15th Annual Report of the South African Human Rights Commission for the period 1 April 2010 to 31 March 2011. The report has been prepared based on the provisions of Section 181(5) of the Constitution Act 108 of 1996 and Section 40 (1)(e) of the Public Finance Management Act 1 of 1999.



Kayum Ahmed
Chief Executive Officer (Accounting Officer)

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STATEMENT BY THE CHAIRPERSON

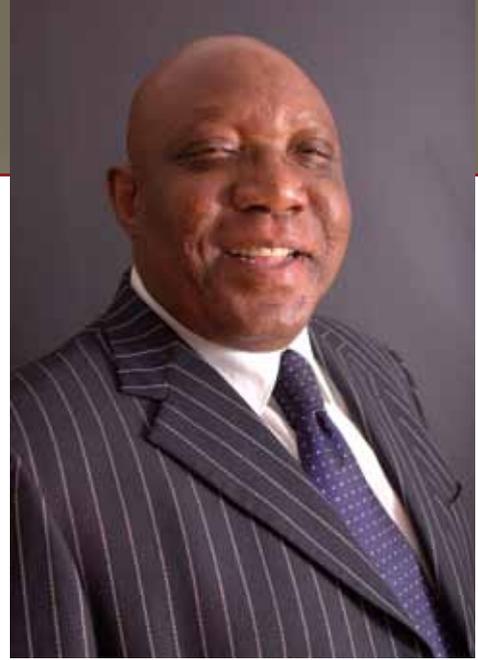


This is the second Annual Report of the Commission, presented by the current group of Commissioners in terms of Section 181(5) of the Constitution (Act 108 of 1996). Our annual report is one mechanism of accountability to Parliament and to the people of our country. The sections of the report have been organised according to the mandate of the Commission as set out in the Constitution and in the Human Rights Commission Act 54 of 1994.

During their second year of term of office, Commissioners have grown into the job. It is important to note that with the appointment of Commissioner Sandi Baai late last year, the Commission is now lawfully constituted, which has enabled a more equitable distribution of responsibilities among Commissioners so as to address the wide mandate of the Commission. Generally, we have become a great deal more assertive and have been able to identify areas for strategic interventions. We continue to build our team of professionals so that we may achieve the respect of the people we serve, and deliver services effectively and efficiently.

The commencement of a new term gave the Commission the opportunity to reflect on the role and place of the Commission within a democracy, revisit and set new priorities, and examine issues such as independence and our relationship with other stakeholders including government, Parliament and civil society. While we regard our independence as important, we recognise the need to work and interact with others, and to this extent we want to ensure that our work is in synergy with the national reality and the issues that face us as a nation. Similarly, we will seek to construct meaningful relationships with government and Parliament.

Along these lines, the strategic planning of the Commission commenced in December 2010 and incorporated a revision of the structure of the institution. This process entailed a critical self-reflection of the institution and the individuals who work for it. The Commission has also questioned how it could best align its resources with its mandate. A new vision has been developed of “transforming society, securing rights and restoring dignity”. The Commission aims to secure



individual rights for the poor and marginalised, as well as to transform society. This transformation would entail restoring the collective dignity of the nation.

At an international level, the Commission continues to play an important role with regards to its participation in the work of the African Commission on Human and People's Rights and the International Coordinating Committee on National Human Rights Institutions. We have, during the 2010/11 period, been requested to host the 8th Biennial Conference of African National Human Rights Institutions in late 2011 and have already commenced the preparatory work accordingly. This is an indication of the credibility and trust that the Commission has developed at both national and international levels, and is in many respects a tribute to the growing maturity of our young democracy.

The members of staff of the Commission have also acquitted themselves admirably in very trying circumstances, notably as a result of the realignment process which commenced during the period under review. While we appreciate the frustrations that many of our colleagues have experienced, we also acknowledge the crucial role this process shall play in making the Commission a more efficient and effective institution.

M L Mushwana

Mbedle L Mushwana
Chairperson

OVERVIEW OF THE ACCOUNTING OFFICER



Tracking the Commission's performance over the past financial years, the institution has consistently managed to improve performance by increasing its ability to fulfil key strategic objectives. In 2009/10, the Commission was able to achieve only 52% of its strategic objectives. By the end of 2010/11, we had improved our overall performance to 67% and achieved a clean audit with no matters of emphasis.

Despite these improvements in performance, the Commission has a long way to go to achieve 100% of its strategic objectives. Part of the challenge relates to limited resources, but can also be attributed to a complex set of circumstances including a lack of skills and training amongst members of the Secretariat, as well as a culture that does not always place the most marginalised and vulnerable members of society at the forefront of our work.

Having joined the Commission five months into the 2010/11 financial year, I embarked on a comprehensive assessment and analysis of the institution's performance drivers and barriers. With the strategic guidance of Commissioners, we developed a new vision and mission for the institution and created a new Strategic Plan. The implementation of our new plan commenced towards the end of the 2010/11 financial year and will take at least three years to become fully operational. The plan includes a comprehensive restructuring exercise that will realign our organisational structure with the new Strategic Plan.

While these institutional changes have not been easy, they have created new opportunities to rethink the role of the Commission and to position the institution as a focal point for human rights in South Africa. One of the significant debates that have arisen as a result of the rethinking process, is how to shift the human rights discourse in South Africa from one of compliance to a more substantive engagement on the critical issues. The Commission's 7th Economic and Social Rights Report released during the financial year under review, states emphatically that there is a conceptual misunderstanding by the government of its constitutional obligation to progressively realise economic and social rights.



One of the most significant challenges for the Commission is getting government to move away from its compliance-driven approach to rights, to a substantive understanding of its human rights obligations. This point can be emphasised by referring to a report released jointly with the United Nations Children’s Fund (UNICEF) during the financial year under review relating to equity in child rights. The report notes that while South Africa has achieved near universal access to primary school education, the quality of education received by children is deteriorating. So while government has on the one hand complied with its obligation to ensure access to education, the quality of education remains poor.

Compliance with human rights obligations can, therefore, never be the only measure of ascertaining the fulfilment of a human right. We have to move beyond compliance to create a sustainable culture of human rights that allows us to “heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights,” as stated in our Constitution.

As part of our mandate, we will continue to work with government but will also continue to ask difficult questions and agitate for change. When toilets are built without enclosures, or access to education becomes nothing more than compliance driven, when a disabled learner cannot access the school library or university students violate the dignity of workers, the Commission will stand alongside the poorest and marginalised and continue to ensure that their rights are protected.

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a cursive 'A'.

A Kayum Ahmed
Chief Executive Officer