

CRL *Rights* COMMISSION

FOR THE PROMOTION AND PROTECTION
OF THE RIGHTS OF CULTURAL, RELIGIOUS
& LINGUISTIC COMMUNITIES



**Annual
Report**

2011/12

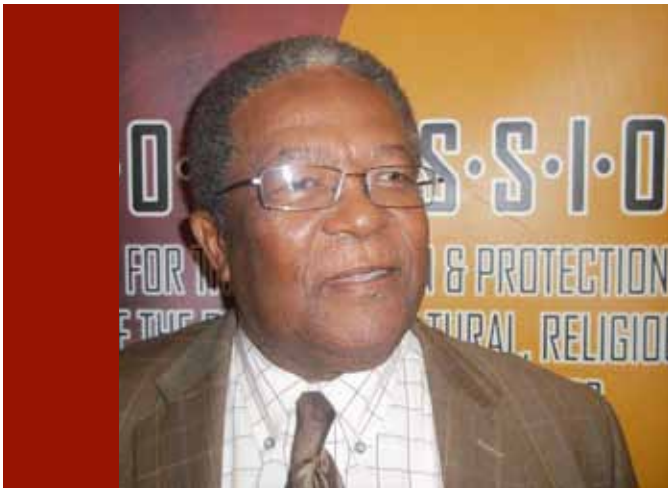


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FOREWORD: CHAIRPERSON



Rev Dr Wesley M. Mabuza

The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (hereafter the Commission) assumed its first term of office during 2004 and its second term followed in 2009. Established in terms of Chapter 9 of the Constitution (Act 108 of 1996), it is the last of the State institutions supporting constitutional democracy to come into being - after the office of the Public Protector, the South African Human Rights Commission, and the Commission for Gender Equality, the Auditor General and the Independent Electoral Commission.

One of the objectives of the Commission, according to Article 4 (b) of the CRL Commission Act no 19 of 2002, is “to promote and develop peace, friendship, humanity, tolerance, and national unity among and within cultural, religious and linguistic communities, on the basis of equality, on discrimination and free association”. The Commission is further tasked to “foster mutual respect among cultural, religious and linguistic communities” and “to promote the rights of communities and to develop their historically diminished heritage”.

This immense legislative mandate informs our present vision and mission statement as espoused by the Commission towards a “united South African Nation that protects and promotes “the rights of cultural, religious and linguistic communities”.

It is unfortunate that even though those who had been oppressed have been free for the last 18 years, the struggle for the rights for cultural, religious and linguistic identity – a struggle for a true emancipation - still continues. Yet South Africans will continue to engage in fostering, with pride, a national consciousness of cultural, religious and linguistic search and move towards celebrating unity in diversity, so as to radically reverse the previous apartheid policy of deliberately suppressing the people’s identities and the destruction of their heritage to the extent that the growth and evolution of these cultures, indigenous religions and highly expressive African languages were critically stunted.

There is so much still to learn from each other and about one another that, judging by radio talk-shows and readers’ contributions to the media in general, South Africans, in the main, have not yet begun to appreciate the richness that is afforded by this diversity. Thus, one of the functions and role of the Commission is to educate, recognise, research, investigate, promote and protect the cultural, religious and language rights of all South Africans irrespective of race, gender, age, and affiliation. In this regard, a special tribute must go to our national broadcaster, SAfm, and community radio and TV stations, for their unstinting efforts to assist the Commission to communicate with the South African public.

The Commission is under no illusions that the task of reinstating what has been lost through social, and often violent, engineering will be a formidable task. This should not be surprising, considering that just as human beings are unique, so are their communities. The journey, however, has begun, and it could also be said that it is a journey without immediate destination

because outcomes can never be guaranteed simply because a nation that had been divided for over 300 years cannot just suddenly find itself being in harmony.

The Commission finds itself always having to guard against selfish interests and residues of the past. Dangers of creating new apartheid structures, or reviving the old ones, cannot be overlooked because there are still people and groups who yearn for the past, unaware that the past is, thankfully, dead and buried. It is therefore always going to be a challenge to try and create social cohesion from a past that was extremely fractured. In a similar vein, it is very challenging to craft a united nation while there are people who want to sideline themselves by refusing to enter into nation-building.

As the Commission examines its performance over the financial year under review, it is imperative and possible to realise that the vision of a united South Africa lies within our respective and committed CRL rights communities and its dedicated CRL Rights Commissioners.

Many cultures in South Africa have, nevertheless, shown a commendable resilience that has seen them enduring subtle and, at times, violent suppression. This Commission, however, cannot overlook new challenges that confront all cultures, religions and languages. In promoting and protecting cultural, religious and linguistic rights of communities, non-negotiable rights enshrined within the Constitution, have at times had to contend with some aspects found in the cultural, religious, and linguistic communities that have to be seriously reviewed so as to make them compatible with the Bill of Rights as enshrined within Constitution.

The Commission's role in promoting and protecting the cultural, religious and linguistic rights during the year under review was carried out by several of the Commission's programmes. These include:

- Dialogues on the Children's Rights Act of 2005

and its impact on CRL rights;

- Debates on Ukuthwala practice;
- The re-use of burial spaces and their implications for cultural and religious practices;
- Public discussions and investigations on the protection of the sacred sites such as graves;
- Launch of the report on public hearings on male initiation schools 2011;
- Launch of the following: Guidelines Report on Animal Slaughtering 2011, and the Report on Rights to Languages and Rights of a Language "the status of linguistic rights among the Basotho speaking communities in the Nqutu area of Kwazulu-Natal Province 2011"; and
- Capacity building workshops for various community councils from Limpopo, Northern Cape and Eastern Cape.

The Commission issued several media statements in response to issues related to CRL rights matters such as the Dalai Lama debacle, the destruction of Chris Hani's grave, and celebrated major international, continental and national days of importance such as Africa day, World Braille's day, youth and women's month, to name a few.

The staff of the Commission, led by the Deputy Chairperson and the Chief Executive Officer, had an opportunity to join the South African communities during the International Mandela Day in 2011 and spent some time with a visit to the Nelson Mandela Foundation as part of a historical connecting and bonding with the esteemed founding president of South Africa's life history and legacy. There must definitely be thousands of amazing stories throughout South Africa regarding President Jacob Zuma's call in 2009 that each person spends 67 minutes in honour of Madiba's liberation service to the country. For example, my 67 minutes started on July 18 2009 and continued right up to the beginning of 2012, when the person I had visited in the Charlotte Maxeke Hospital eventually found a gardening job with his mother's employer in Ladysmith. He had been shot more than 5

times by security guards in Jeppestown for collecting scrap metal in a disused factory. Strangely, he ended up being sentenced to 3 years suspended to 5 years for “attempting to steal scrap metal”. The young man had been so bitter that accompanying him was of absolute importance if we were not going to find ourselves saddled with another hardened criminal. He had been shocked that his life was cheaper than scrap metal. There must be thousands of such stories. There is a serious need for a review of our justice system.

The heritage month celebrations in 2011 afforded the CRL Rights Commission and its communities the opportunity to jointly host the event with Freedom Park and further honour the cultural, religious and linguistic icons of our lifetime. The event gave opportunity to interact with a number of people, among them was the following:

- Chief whip of the ruling party, the African National Congress (ANC);
- A representative from the office of the Mayor, City of Tshwane;
- The Chairperson of the National Youth Development Agency;
- A National House of Traditional Leaders representative;
- The Acting Chairperson of the Gender Commission; and
- The “mother of Soweto”, Reverend Motlalepula Chabaku (See NB below).

The Commission welcomes the support and the working relationship existing between the Department of Co-operative Governance and Traditional Affairs and the supportive oversight exercised by the Parliamentary Portfolio Committee, together with the Office of the Institutions Supporting Democracy. The Commission sent a message of condolence to the family of the late Hon Minister Mr S Shiceka whose life was cut short before he could use all the gifts endowed to him by the Creator.

The CRL Rights Commission relies on the support and active participation of the various communities and its respected commissioners in the promotion and protection of their cultural, religious and linguistic communities.

NB: By the time this foreword was written the following had happened:

1. The Reverend Motlalepula Chabaku (mentioned above) passed away on 11 May 2012
2. One of the esteemed Commissioners of the CRL Commission, Sheik Omar Gabier, passed away peacefully on 09 June 2012

May their souls rest in peace.



Rev. Dr Wesley Mabuza
Chairperson
CRL Rights Commission



LEADERSHIP OF THE COMMISSION



Chairperson
Dr Rev Wesley Mabuza
Deputy Chairperson



Deputy Chairperson
Mrs Julia Mabale



Commissioner: M Bethlehem



Commissioner: Omar Gabier



Commissioner: M Jobson



Commissioner: AW Knoetze



Commissioner: CN Kok



Commissioner: M Le Roux



Commissioner: G Martin



Commissioner: MD Mathebula



Commissioner: BP Mkhize



Commissioner: MJ Mokgatlhe



Commissioner: D Moodley



Commissioner: MC Neluvhalani



Commissioner: P Ngove



Commissioner: M Tyatyeka



Commissioner: NS Zulu

INTRODUCTION BY THE CEO



Adv PS Moreroa
Chief Executive Officer

I am delighted to present the 2011/2012 Annual Report of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (hereinafter the Commission) to Parliament and the Nation of South Africa.

The Commission is one of the Chapter 9 institutions with a wide a mandate. The Commission is mandated to promote and protect peace, humanity, respect, nation building and social cohesion. The Commission has a wide mandate of ensuring that there is sustainable stability in the country through culture, religion and language. As the realisation of the importance of the Commission increases among cultural, religious and linguistic communities, so we also find the need for more resources increasing. Fortunately, relevant stakeholders are steadfastly rallying together in assisting the Commission to fulfil its mandate.

I am delighted to announce that with approval of Plenary, the office of the Chief Executive Officer has now

developed a five year turnaround strategy. Among other things, the CRL Rights Commission has undertaken to do the following in the coming five years:

- Increasing the pace of service delivery to the Nation;
- Focus on social cohesion and nation building;
- Establish effective and efficient Community Councils;
- Develop strategies on visibility and accessibility of the Commission's services to the Nation;
- Internal alignment of the CRL Commission Programmes and skills;
- Handle and address more cultural, religious and linguistic complaints;
- Alignment with 12 Government priorities;
- Implement the National Consultative Conference; and
- Amendment to the CRL Rights Commission Act.

The CRL Rights Commission's functions include resolution of complaints, and public education and advocacy on cultural, religious and linguistic rights. It is also tasked to conduct research, collate information and develop programmes. The CRL Rights Commission's mandate includes the establishment of Community Councils that are set up to assist it with its mandate. It can also make recommendations to the appropriate organs of state regarding legislation that impacts or may impact on cultural, religious and linguistic rights. The CRL Rights Commission has powers to investigate and monitor matters related to cultural, religious and linguistic rights. Furthermore, it may subpoena any person to appear before it and may institute a legal action on its own or be assisted to do that.

The CRL Rights Commission has been operating with minimal budget allocation and that has led to failure to implement certain mandatory tasks. Notwithstanding all these challenges, the Commission, through its experienced and dedicated staff, worked around the clock during the year under review, and we can thus regard the work done by the Commission, under the circumstances, as having been impressive. The 2011/2012 financial year ended on a high note and with a hype of activities.

A handwritten signature in black ink, appearing to read 'Adv PS Moreroa', is written over a circular stamp. The stamp contains several vertical lines of varying heights, resembling a barcode or a stylized logo.

Adv PS Moreroa
Chief Executive Officer
CRL Rights Commission

OUR STRATEGIC DIRECTION

1. Our Strategic Direction

1.1 Vision and Mission Statement

Vision

A united South African Nation that protects and promotes the CRL Rights of all its diverse communities.

Mission

Promote and protect the rights of cultural, religious and linguistic communities

The CRL Rights Commission established a structure of programmes to achieve its strategic objectives.

The programme diagram on this page depicts the structure. The following strategic objectives are set out in the CRL Act, Act 19 of 2002:

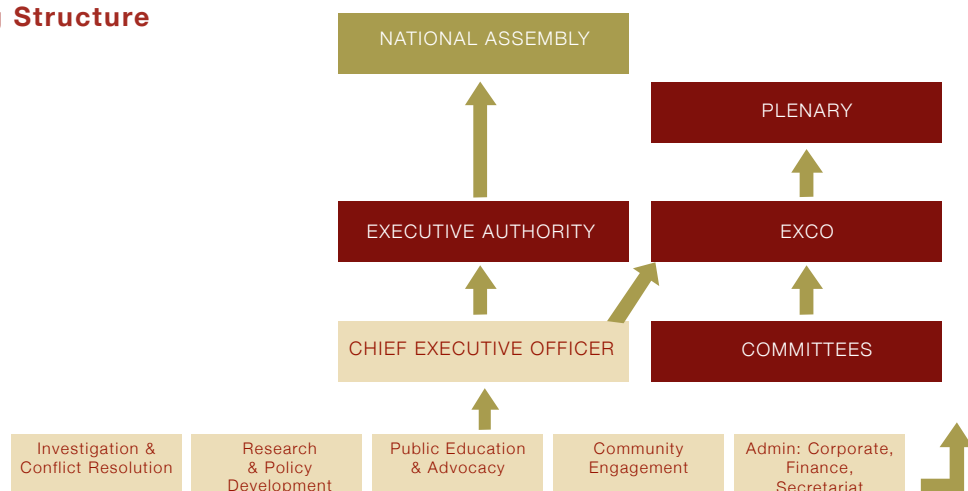
- To promote and develop peace, friendship, humanity, tolerance and national unity among and within cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association;
- To foster mutual respect among cultural, religious and linguistic communities;
- To promote the rights of communities in order to develop their historically diminished heritage; and
- To recommend the establishment or recognition of community councils.

The CRL Rights Commission envisions national unity among diverse cultural, religious and linguistic communities.

Operational Structure



Reporting Structure



1.2 Human Resource Capacity

It is worth noting that the Commission is in a process of recruiting more staff since our baseline was increased. However not all vacant positions were filled. The new structure of the Commission has a staff complement of 40 (forty) of which 7 (seven) are new positions. There are currently

3 (three) temporary staff members and 6 (six) internship positions.

The Commission is not in a position to fund additional positions due to prevailing budgetary constraints.

Management Structure



Adv. P.S. Moreroa
Chief Executive
Officer

Senior Managers:



Mr C Smuts
Chief Financial Officer



Mr. Risenga Maruma
Head: Corporate Gov.
& Secretariat



Mr Edward Mafadza
Head: Community
Engagement



Ms Thoko
Mkhwanazi-Xaluva
Head: Public
Education &
Advocacy



Ms Tirhani Mabasa
Acting Head:
Corporate Services



Dr Monwabisi
Ralarala
Head: Research &
Policy
Development



Adv Kgositsoi
Sedupane
Acting Head:
Investigation &
Conflict Resolution

2. Detailed Account of Programmes Responsible for Service Delivery

PROGRAMME 1 INVESTIGATION & CONFLICT RESOLUTION

Objectives

- To investigate complaints
- To facilitate conflict resolution (mediation)
- To develop strategy for joint investigation
- To formulate recommendations to organs of state and
- Legal services

The Investigation and Conflict Resolution Unit ('the ICR Unit' or 'the Unit') had the following strategic objectives to meet as per the strategic plan:

- Cases investigated
- Cases handled through subpoena hearings
- Litigation in equality courts
- Cases resolved through mediation
- Joint investigations with other relevant organs of state
- To formulate recommendations based on complaints
- Legal Services

1. Targets per Objective

The Strategic Plan of the ICR Unit for the year under review had 7 objectives. They are, with annual targets:

1. Cases investigated (40¹);
2. Cases handled through subpoena (5);
3. Litigation in Equality Courts (100% handling of all direct & indirect cases referred to equality courts);

¹ Based on trend of annual cases.

4. Cases resolved through mediation (15);
5. Joint investigation with other organs of state (6);
6. Formulation of recommendations based on complaints (7); and
7. Legal Services (legal opinion on all legal requests received).

2. Cases Received

During the year under review, the CRL Rights Commission received 84 new cases. Four cases concerned language rights; 75 cases concerned the cultural rights; and five concerned religious rights of communities.

After analyses of these cases, the Unit ascertained that 56 under culture concerned the right of access to graves and the land on which such graves are located. All these cases were from the same area: Piet Retief. The ICR Unit received these cases when it had a joint summit on burial grounds and the right of access to graves in Piet Retief, Mpumalanga.

On 13 September 2012, the Unit had a meeting with the Department of Rural Development and Land Reform (DRDLR) with a view to establish a relationship and develop a strategy for joint investigation of matters or cases with an overlap element between the Commission and the DRDLR. At that meeting, the DRDLR informed the Commission that they had recently appointed legal representatives in the DRDLR to deal specifically with matters that concern access to graves and land claims. The issue of access to graves is provided for in the Extension of Security of Tenure Act which is

administered by the DRDLR. Owing to this, the two institutions agreed that matters concerning or incidental to access to graves and land claim (direct or indirect) will be referred to the DRDLR.

Owing to this resolution, the Unit clustered all the 56 cases and prepared them for referral to the DRDLR.

The Commission was then left with 19 cases to investigate under culture. After classifying the 56 cases for referral to the DRDLR, the

Commission was then left with 28 new cases. Out of the remaining 28, two cases under language were referred to Pan South African Language Board. However, the Commission continues to work and cooperate with PANSALB on these matters. Twenty-six cases were therefore left for investigation.

3. Statistics of Cases for 2011/2012

Culture	Religion	Language	Referrals	Total
75	5	4	56 Culture 1 Language	84

No	Description	Culture	Religion	Language
1	Cases investigated	17	5	4
2	Cases mediated, including mediation during investigation phase	6	2	1
3	Cases resolved from those investigated	10	2	0
4	Cases closed from those investigated	12	2	2
5	Outstanding cases from those received	5	3	2
6	Self-initiated cases	0	0	0
7	Cases identified through media	1	0	0

4. Cases Carried over from 2010/2011

	Culture	Religion	Language	Total
5		4	3	12

No	Description	Culture	Religion	Language
1	Cases investigated	5	4	3
2	Cases mediated, including mediation during investigation phase	4	1	1
3	Cases resolved from those investigated	0	1	0
4	Cases closed from those investigated	2	1	1
5	Outstanding cases received	2	3	2
6	Cases identified through media	0	0	0

The following examples give a brief narration of some matters dealt with.

5. Cases Investigated and Mediated

The ICR Unit managed to investigate 26 cases as evinced under actual achievements column in the performance information table. Fourteen of these are new cases and the other 12 are the old cases carried over from the previous financial year. The Unit also managed to mediate nine cases.

The cases investigated and mediated upon were mainly from: Limpopo, Eastern Cape, Mpumalanga, KwaZulu-Natal and Western Cape.

Complaints/Requests on Cultural Rights

- **Dress code in schools (Nkwanyana v Pionier Primary school, Mpumalanga)**

This matter concerned the discrimination against pupils who wore cultural artefacts (beads and wrist cloth or siphandla) at school. The said artefacts were of cultural significance to them. The CRL Rights Commission engaged the school and referred them to the Constitutional Court Judgement of Pillay v Department of Education, KZN as precedence. No response as yet has been received from the school.

- **Destruction of graves (communities v municipalities, Eastern Cape)**

The Commission investigated and mediated on the matters around the destruction of graves in Aliwal North and in Veeplaas. These matters

are still outstanding in that the concerned organs of state at both the places are yet to present their reports on the matters. Cases to be finalised in the 2012/13 financial year.

- **Exhumation of remains for developmental purposes (Mveso Komkhulu, Eastern Cape;)**

The ICR Unit investigated a matter on the exhumation of graves in Lephalale, Limpopo. The complainants alleged that they were not adequately consulted and that some of them were bought with money to agree to the exhumation. The Unit discovered that the South African Heritage Resources Authority in Pretoria had granted the exhumers a permit to go ahead with the exhumation. The Unit is only concerned with the consultative criteria of the Regulations of the National Heritage Resources Act. The Unit will propose amendments to the Regulations in the 2012/13 financial year.

The Unit also advised the Mveso Company in the Eastern Cape on how to go about consultation in order to comply with the law when they need to exhume the remains of people and move them to other places to have the original place for development purposes.

- **The destruction of sacred sites (Ramunangi Clan v Chief Tshivhase; and Tshitotsheni Community v Chief Tshivhase, Limpopo)**

The ICR Unit investigated the matters of alleged destruction of graves and sacred sites in Phiphidi and Tshitotsheni in Venda, Limpopo. The Unit convened a mediation meeting but the respondent failed to be present at the meeting. The parties were then advised to

refer their matters to the Department of Rural Development and Land Reform since their matters were discovered to fall squarely under the scope of the Department in that they were concerned more so with the land aspects.

- **City Press publication of initiates (Soga v City Press, Eastern Cape)**

This concerned the publication of initiates by City Press newspaper themed 'Dying to be Men'. The complainants were concerned with the pictures of the initiates in the newspaper. The parties reconciled.

- **Rights of minority groups (Khoisan Community, Northern Cape)**

The Unit engaged the South African Human Rights Commission and the Public Protector on the matters concerning the Khoisan community.

- **Traditional healers and the right to take leave from work (Joyce Mohoang, Free State)**

The traditional healing initiates sought advice from the Commission on their right to take leave to undergo the initiation process. The Unit advised the parties accordingly; with due cognisance to the Basic Conditions of Employment Act.

community on their religious rights in line with the Bill of Rights.

- **The Public Holidays Act (Du Plessis, Gandhi, Govind and Malefane v Department of Home Affairs) (North West, Free State, Gauteng, KZN)**

This matter involves complaints received wherein the complaints allege unfair discrimination on Schedule 1 of the Public Holidays Act. The Schedule prescribes public holidays among which are religious holydays. The complainants find the schedule discriminatory in that it only prescribes Christian Holydays as holidays to the exclusion of other religious groups. The ICR Unit engaged the Department of Home Affairs on this matter and exchanged a number of correspondences. This matter is carried over in to the 2012/13 financial year. Public consultative hearing will be used to engage the communities on this matter.

- **Marriage Act (Peter Just and Rawhani Department of Home Affairs)**

The fact in issue here is that the Act excludes marriage officers of other religious denominations. This matter is carried over to the 2012/13 financial year. Public invitations will be made to the public to send through their denominations and the people, by designation, whom they wish to be registered as marriage officers and the reasons thereof.

Complaints/Requests on Religious Rights

- **Rastafarians (Order of Nyahbingi) (Northern Cape)**

This matter concerned the Rastafarians who were to appear in Court for possession of marijuana. The Unit advised the Rastafarian

- **Discrimination against African Religion in the workplace (Mosikili v SAPS) (Free State)**

This matter concerned the alleged discrimination of African religious practitioners in the workplace. The concern was around the fact that the

African religious practitioners do not have formal qualifications, unlike Christians and others who studied theology at tertiary level. The matter was referred to an African religion expert to explain to us her understanding of the African religion and to advise us on what can be done to train the African religious practitioners for them to be accommodated in the workplace.

- **Reasonable accommodation of the Muslim prayer sessions by UNISA (Muslim Community v UNISA) (Gauteng)**

This matter was resolved through mediation. The UNISA agreed to accommodate the Muslim students' religious observations when they schedule examinations; to ensure that such a schedule does not clash with the religious prayer sessions of the Muslim community.

Complaints/Requests on Language Rights

- **The need for recognition of Northern Ndebele (Mandebale National Organisation) (Limpopo)**

This matter concerns the Northern Ndebele in Mokopane, Limpopo. Their wish is to see their language recognised as an official language in the Constitution. The community evinced that they are not the same as and that their language is divergent from the Amandebele nation in Mpumalanga. The ICR Unit engaged the provincial government of Limpopo which indicated that they are investigating the provincial language in Limpopo so as to ascertain the probability of declaring the language an official language in Limpopo. The Commission referred the matter to the Constitutional Review Committee in Parliament.

- **The linguistic and cultural advancement of the Coloured Community (a matter against the SABC) (SAME v SABC) (Gauteng)**

The Coloured Community complained of the unfair discrimination in the South African Broadcasting Corporation in that they are failing to give them a platform to have their own coloured radio station. The ICR Unit convened a mediation meeting wherein the Unit endeavoured to resolve the issue. The response of the SABC was that the radio stations are identified by languages; and therefore that the coloured community is clustered with the Afrikaners in that they all speak Afrikaans. The ICR Unit does not share the same idea with the SABC. The Unit has thus helped the Coloured Community to complete the Equality Court forms to lodge the matter with the Court.

- **Monitoring of the recommendations to Department of Education in KZN on the promotion and protection of mother tongue (Molefe Traditional Council v Department of Education, KZN)**

The ICR Unit followed up on the recommendations that the Commission had made to the Department of Education in KZN after investigation and research conducted by the ICR and Research Unit. The matter concerned the imbalances between the IsiZulu and Sesotho speaking pupils in Nquthu, KwaZulu-Natal in that the Basotho pupils are discriminated against at schools by being forced to learn IsiZulu as their first language notwithstanding their dominating/majority number in the area. The matter is still pending. Should it not be resolved within a reasonable timeframe in the new financial year of 2012/13, the Commission will opt to take the matter to the Equality Court.

- **Protection of Isindebele and Nama language (Mtsweni) (Damara Gerhardus) (Mpumalanga and Northern Cape)**

This matter concerned an outcry that the Isindebele language, as entrenched in the Constitution of the Republic of South Africa, 1996, is not well developed and therefore not used, promoted and protected. The Commission referred this matter to the Pan South African Language Board. The Unit also engaged the Pan South African Language Board on the Nama language.

6. Litigation in Equality Courts

No matter was lodged at the Equality Court(s). The ICR Unit had opted to first try and resolve the matters through mediation.

7. Joint Investigations with other Relevant Organs of State

The ICRU Unit engaged individual organs of state such as the Department of Rural Development and Land Reform, National Prosecuting Authority, South African Police Service, Freedom Park, and others to develop strategies for cooperation.



8. Formulation of Recommendations based on Complaints

The ICR Unit did not manage to craft and send recommendations to organs of state.

9. Legal Services

- Request: submission on the preferred regulatory method for the Press Freedom Commission (advised after conducting comparative study);
- Advice: the right of an initiate to take leave to train as a traditional healer (advised on legislative provision, and on how the initiate could attempt to deal with the matter);
- Advice: Rastafarian to face criminal charged for carrying marijuana (advised the concerned party on his cultural/religious rights);
- Compliance with the Promotion of Access to Information Act (advice to the CEO, and requested the compliance form from SAHRC);
- Response to Parliament on its questions concerning the Forcheville matter: how the Commission handled the matter and its media statement.

PROGRAMME 2

RESEARCH & PUBLICATIONS

Objectives

- To develop an information base of traditional and diminished heritage for furthering the promotion and protection of

cultural, religious and linguistic rights of all communities;

- To liaise with communities and relevant government departments on interventions with a view to influence policies and legislation; and
- To build partnership with relevant institutions with similar activities and research interests.

1. Introduction

In respect of its objectives, the Research and Policy Development Unit has produced key research outputs and significant research activities that are crucial in contributing towards the mandate of the Commission. Some of these outputs and activities are noted and described below.

2. The Research Reports

Prior to the official launch of the reports the Unit felt it is its duty and responsibility to consult with communities and stake holders that have a direct interest in the research projects of the Commission. Accordingly, as part of verification, critiquing and reporting back, it became necessary that recommendations be tested through seminars/workshops/dialogues with broader audiences, primarily those who were directly affected. As evidence of this exercise, interactions were held in various parts of the country in relation to the issues pertaining to cultural, religious and linguistic rights of communities. Meetings were held between the CRL Rights Commission and: Rastafarian communities in the Western Cape, Free State, Limpopo, Northern Cape, Gauteng and KZN; National Government Departments; Linguistic Artistic Groups; and relevant stakeholders .



2.1 Report on Public Hearings on Male Initiation Schools in South Africa

In September 2011, the Commission's Research and Policy Development Unit officially launched and handed over the above report to the relevant organs of state. This hand over was to say to the relevant organs of state that they should look at the recommendations of the report that affect them and act on them.

This report is both an initiative and a response to the crisis threatening a cultural practice that has been conducted in African societies from time immemorial. The recent problems occurring in male initiation schools have resulted in negative perceptions of the practice, perceptions that find expression in criticism directed at the initiation schools, particularly that they are deemed to be representing an outdated cultural practice. Furthermore, the schools are seen as having become death-traps for young people.

Therefore, the primary purpose of the report is threefold:

- To enable the affected communities to share their experiences, especially about the best practices that could be employed in order to prevent such initiation school challenges, for the future.
- Similarly, this concerted effort was aimed at protecting and promoting initiation rites as a cultural practice as mandated by the CRL Rights Act, Act no 19 of 2002.
- The ultimate goal of the consultative process was to create a 'national resource multilingual document' that will enhance

and contribute towards the formulation of a National Policy Framework for Initiation rites in South Africa.

Critical stakeholders (such as the community councils, youth organisations, elder's councils, traditional leaders, relevant government structures etc.), represented by not less than 60 resource persons, were in the forefront of this process.

2.2 The Burial Rights and Right of Access to Ancestral Graves Report

In order to increase recognition of the values and impact of cultural diversity and thus assist the CRL communities in the promotion and protection of their cultural rights, the CRL Rights Commission organised four seminars in Gauteng, Mpumalanga, Limpopo and North West to look at the challenges faced by the communities and to come up with recommendations. The aim of these seminars was to look at how we can best arrive at the respect of burial of communities in the country. A report of the four seminars was compiled.

2.3 The Role of Performing Arts in Preserving Socio-Linguistic Heritage Report

In order to assess how socio-linguist heritage is preserved in the performing arts, the CRL Rights Commission, conducted a seminar in Gauteng with performing artists to hear from them their challenges and success in this area. This seminar was also conducted with a view to increase awareness of socio-linguistic heritage in the performing arts. The plan is to research further on this topic in the new financial year.

2.4 A Multi Lingual Resource Booklet with Resourceful Information Report

To intensify assistance to linguistic communities in the promotion and protection of their linguistic rights, the CRL Rights Commission undertook research to come up with A Multi Lingual Resource Booklet with Resourceful Information. The aim of this report is to provide an information base of diminishing languages and traditions. This helps to educate our South Africans and thus contribute in making our society tolerant of each other's languages. This report was unfortunately put on hold half way through due to the transfer of the project manager to another unit.

2.5 Challenges faced by the Rastafarian Community in South Africa Today Report

In order to intensify the assistance to the Rastafarian community for the promotion and protection of their religious and cultural rights, the CRL Rights Commission undertook research under the heading Challenges faced by the Rastafarian Community in South Africa Today. A number of seminars were conducted in the Western Cape, Limpopo, North West, Northern Cape, Free State and Gauteng to collate and source data. The collated data was then analysed and a draft report was compiled. An authentication meeting was then held to test the data. The report is ready for publication.

PROGRAMME 3 COMMUNITY ENGAGEMENT

Objectives

- To establish Cultural Community Councils;
- To establish Religious Community Councils;
- To establish Linguistic Community Councils; and
- To spearhead capacity building seminars for the benefit of Community Councils.

1. Introduction and Background

During the year under review the Community Engagement Unit has recognised and launched cultural, religious and linguistic community councils in different provinces. These include Mpumalanga, North West, Eastern Cape and Gauteng Provinces. As part of the process towards fulfilling the mandate of the Commission, the Unit further conducted capacity building seminars for the already recognised cultural, religious and linguistic community councils in Free State, Western Cape, Gauteng, Limpopo and Northern Cape Provinces.

According to the founding Act of the Commission (19 of 2002), community councils' are meant to preserve, promote and develop the culture, religion or language of the community for which it is recognised, as well as to assist the Commission to achieve its objectives in line with the founding Act. It is worth noting that the recognition and launching of community councils were a continuation of the work that the Unit had started during the past two financial years. The programme concentrated

on areas where the Commission was less visible (un-entered areas) as part of the Unit's broader vision to make the Commission's services more accessible, particularly in deep rural areas.

2. Recognition and Launch of Community Councils.

The launches in Mpumalanga (Kwaggafontein and Mbombela), North West (Rustenburg), Eastern Cape (Lusikisiki, Qamata, and Nqadu (known as Xhosa Community Council) and Gauteng (Ekurhuleni) were preceded by meetings and engagements with the relevant communities.

- Mpumalanga Cultural, Religious and Linguistic Community Councils' launch and recognition

The events were held at Kwaggafontein (Nkangala Region) and Mbombela Civic Centre. In Kwaggafontein the Commission was represented by the Deputy-chairperson and Mr Mafadza. Commissioner Knoetze had to join Mr Mafadza at Mbombela to represent the Commission. In encouraging the communities, the representative of the Executive Mayor (Thembisile Hani municipality), Ms Shabangu, emphasised that the Municipality supports the CRL Rights Commission because it fosters unity in diversity. She made notable remarks stating that the CRL Rights Commission's recognition and launch of community councils in Nkangala brings up the values of Ubuntu and the origins of mankind. In her presentation, she stressed that the churches should be involved in showing respect to culture and tradition. She encouraged the usage of African languages

at home to promote culture and religion. In her concluding remarks, she appealed to the Traditional leader present, Ndabezitha Chillies Mahlangu, that he should call an imbizo to talk about the impact of culture, religion and language in their community and look at ways to promote these among the youth. While addressing communities at Mbombela, Commissioner Knoetze highlighted that community councils are meant to develop and promote peace, friendship, humanity, tolerance and national unity among and within the different communities in South Africa. He charged communities with the responsibility of ensuring that cultural and religious practices of diverse communities are promoted and protected. Directed by Mr Mona, the event was a great success.



- North West Cultural, Religious, and Linguistic Community Councils' launch and recognition

The event took place at Rustenburg, Paarde Kraal Extension 23 Community Hall. The launch was directed and facilitated by Mr T.E. Mafadza. Rev. M. Tshukudu represented Christianity and other religions were not represented when the function started. Certificates of recognition by the CRL Rights Commission would also be awarded. The Commission was represented by Commissioner Mokgathle who also gave the key note address. In her presentation, Commissioner Mokgathle addressed the community councils on the importance of cultural, religious and linguistic community councils in building unity and one South African nation. In his presentation, Mr T.E. Mafadza appealed to the councils not to wait for the Commission to go to their vicinity for them to report cultural, religious and linguistic matters, but to immediately report matters of concern to the Commission so that they can be assisted promptly. The process of registering a cultural, religious or linguistic complaint was outlined. The recognition certificates were handed over by Commissioner Mokgathle to the representatives of community councils.

- Griqua Cultural, Religious and Linguistic Community Council's launch and recognition (Gauteng)

The event took place at Reiger Park-Boksburg in Ekurhuleni. The recognition and launch of this community council was done in collaboration with Ekurhuleni Department of Sports, Arts and Culture together with the Griqua Community. In his brief presentation on the recognition and

launch of the Griqua Cultural, Religious and Linguistic Community Council, Mr T.E. Mafadza indicated that the Commission recommended to different Griqua community councils in Ekurhuleni to be part of one Griqua community in order to be registered and recognised as one. He acknowledged the Griqua Community in Ekurhuleni for not being hesitant towards this collaboration. Commissioner Le Roux then charged the Community with the responsibility to promote and protect the culture, religion and language of the Griquas in their endeavours to preserve their origins and history. In her concluding remarks, Commissioner Le Roux encouraged community members to bring cultural, religious and linguistic related complaints to the Commission for them to be assisted in resolving them. Mr Maumela from Ekurhuleni Department of Sports, Arts and Culture also highlighted that the community can be assisted on heritage related matters. This community was then handed the recognition certificate by the CRL Rights Commission.

- Eastern Pondoland Cultural, Religious and Linguistic Community Council's launch and recognition (Eastern Cape)

The event was held at Lusikisiki in the Eastern Cape. The Commission was represented by Mr T.E. Mafadza and Commissioner Jobson. The event was directed by Prince Mfolozi who also gave a welcoming address. In his address, the Prince emphasised that the Pondo nation should not neglect its norms and values for the western style of living. Commissioner Jobson emphasised the need for the community to participate on their own issues and be part of

the decisions that are made, particularly those related to culture, religion and language. She also indicated that in the forthcoming National Consultative Conference, this community should also be represented. She then handed over the recognition certificate to the executive members of the Council. In his response, Chief Cinani (House of Traditional Leaders Eastern Cape, Bisho) acknowledged the presence of the CRL Rights Commission and indicated that it is a Commission that is critical for protecting the cultures and the way of living of communities, including the Eastern Pondoland. He encouraged the community to stick to their culture as it embraces their identity.

- Qamata Cultural, Religious and Linguistic Community Council's launch and recognition (Eastern Cape)

The event took place at Qamata Great Place. The Commission was represented by Mr. Mafadza and Commissioner Tyatyeka. Mr Mafadza highlighted that the duty of Community Councils, amongst others, is to advise the Commission on matters pertaining to the development of peace, friendship, humanity, tolerance and national unity among cultural, religious and linguistic communities. This was summed up in his presentation of the mandate of the Commission as well as the expectations and role of community councils by the Commission. The progress report of the Commission since its second national consultative conference was also highlighted to this newly established community council. Chief Matanzima deliberated on many aspects of culture, religion and language, which are

good for the community but apparently not emphasised by the elders of the community to the youth in order to embrace them as a way of life in their community. He appreciated the step taken by the community to be part of the CRL Rights Commission as the Qamata Cultural and Linguistic Community Council. It was after the Chief's presentation that Mr Mafadza handed over the recognition certificate to the community.

- Xhosa Cultural, Religious and Linguistic Community Council's launch and recognition (Eastern Cape)

The event was held at Nqadu Great Place, Willowvale. The Commission was still represented by Mr Mafadza and Commissioner Tyatyeka. The recognition and launch of Xhosa land Cultural, Religious and Linguistic Council was mainly attended by chiefs of different areas in Xhosa land. The chief announced Xhosa land as the name of the Council as he wanted it to be inclusive of all other communities within his jurisdiction. Commissioner Tyatyeka presented the mandate of the Commission and its relevance to the Xhosa nation. In his deliberation, Commissioner Tyatyeka made a proposal for the Community Council to have their own local researchers who could work together with the CRL Rights Commission on issues of culture, religion and language that are pertinent to the Xhosa nation. Commissioner Tyatyeka gave an intensive presentation of some of the cultural, religious and language issues that the Commission can assist the Xhosa Community Council to promote and protect. He concluded his presentation by then handing over the

recognition certificate to the Chairperson of the community council (on behalf of the royal council) who will liaise with the Commission on all matters related to culture, religion and language of the Xhosa people.

3. Capacity Building Seminars for Cultural, Religious and Linguistic Community Councils

- Capacity building seminar for Free State Cultural, Religious and Linguistic Community Councils.

The event took place at Mangaung Metropolitan Municipality, Bloemfontein. Representatives from faith-based formations, traditional leaders, Khoi and San community councils, language councils and cultural community councils graced the occasion. The provincial seminar was intended to create a platform for the Commission to report back on progress it made and challenges it faces regarding the promotion and protection of cultural, religious and linguistic community rights in South Africa. This seminar provided space for cultural, religious and linguistic community councils, stakeholders and representatives to discuss pertinent cultural, religious and linguistic challenges and concerns. They also proposed different ways in which the Commission can best listen to and advance community rights. The Basotho of Free State Province requested the Commission to assist in mobilising other relevant stakeholders to recognise and celebrate Moshoeshoe's Day (12 March), Moshoeshoe being the founder of the whole Basotho Nation. Amongst other concerns raised by community councils, the need for different religions to

be taught in schools was emphasised while the Rastafarian community in the Free State need a piece of land to be used for worship purposes. Community Councils recommended that municipal by-laws should protect and promote different indigenous cultures in the society. They also suggested that indigenous languages should be taught by experts and the training of professionals in these languages should be a continuous process.

- Capacity building seminar for Western Cape Cultural, Religious and Linguistic Community Councils

The event was held at the City of Cape Town in the Council chamber. Representatives from various cultural, religious and linguistic community councils were present. The Commission was represented by Commissioner Le Roux, Mr Mafadza and Ms Lemeke. Representatives from faith-based councils were afforded an opportunity to open the event in prayers. These were from the Jewish, Islam, African, and Christian religions. Commissioner Le Roux articulated the mandate of the Commission and explained the role of community councils in the context of the CRL Rights Commission. Community councils were also given the opportunity to share their experiences on promoting and protecting cultural, religious and linguistic rights in the communities that they represent. One of the issues that emerged from the councils was their concern about the commercialisation of Table Mountain, which was argued to be a heritage site that belongs to the ancestors. They felt it was not appropriate to commercialise the site of the ancestors.

- Capacity building seminar for Gauteng Cultural, Religious and Linguistic Community Councils

The event was held at the City of Johannesburg, Museum Africa in Newtown. The Commission was represented by Commissioner Martin, Mr Mafadza, and Ms Lemeke. The purpose of the seminar was to inform communities of the progress made by the Commission since the National Consultative Conference in 2008. Commissioner Martin gave the welcome address and emphasised the role that communities can play in making sure that the CRL Rights Commission achieves its goal. Councils were encouraged to collaborate with the Commission in order to roll out cultural, religious and linguistic programmes in their local communities. Amongst other issues raised by communities, it was emphasised that cultural rights should never be politicised as it may lose its meaning. This was said in the context of affording each and every community to practice its culture freely, particularly where it does not threaten other communities' rights of cultures. The report given by the Research component of the Commission was acknowledged and appreciated by the community councils, particularly those that talk to the rights of animal slaughtering and access to sacred sites.

- Capacity building seminar for Limpopo Cultural, Religious and Linguistic Community Councils

The event was held at the Polokwane Municipality - Jack Botes hall. It was facilitated by the Commission's representative, Commissioner Vele Matshikiri Neluvhalani and

Mr T.E. Mafadza. Commissioner Neluvhalani briefly outlined the historical background of the genesis of the Africans to motivate participants and to indicate that they have a strong place of existence in the country as supported by their strong commonality found in culture, tradition and languages. Every community council was allowed to report on the activities in their own areas. It became apparent that a lot of progress is taking place in all aspects of life. Their exchange of views and reports benefited everyone, especially the methods used to fight against teenage pregnancy and how to control excessive energy amongst the youth through various activities including traditional dancing like the Mabunda-Ngove, Balobedu, and what Vhembe cultural, religious and linguistic communities are doing to recover moral regeneration. The participants used the language they preferred and their inputs were further translated only where necessary for clarification.

The work of the Commission was acknowledged by the participating cultural, religious and linguistic communities. Concerns raised were answered, particularly those of the Rastafarians. The seminar was a success.

- Capacity building seminar for Northern Cape Cultural, Religious and Linguistic Community Councils

The seminar was held in Upington. It was opened by different religious community councils and they were granted equal opportunity to render multi faith prayers.

Commissioner Kok welcomed everyone present and requested them to observe a moment of silence in loving memory of 'Ouma' Katrina (Xunas) Rooi who was one of the oldest members of the Khomani San in the Kalahari. Barend van Wyk (South African First Human Rights Organisation- SAFIHRO) emphasised the need for the revival of Khoi and San culture. In his presentation, he also appealed to the Commission to establish a provincial office in order to address the challenges faced by these communities at a local level. Mr Vaalbooi (Khomani San-Kalahari) expressed the wish for government to assist the Khoisan in establishing language schools. Mr Christians (Department of Arts and Culture (DAC) – Kimberley) also gave a brief summary of the process initiated by DAC to repatriate the remains of Klaas and Trooi Pienaar from Austria.

PROGRAMME 4

PUBLIC EDUCATION & ADVOCACY

Objectives

- To inform communities about the CRL Rights Commission and its work;
- To educate and advocate for cultural, religious and linguistic rights; and
- To raise awareness amongst the youth in relation to cultural, religious and linguistic rights.

The PEA programme's focus for the year has been mainly to educate and advocate for the rights of cultural, religious and linguistic communities and also to ensure and engender tolerance across and among

different communities. This has involved various activities and engagements that have all been strategically planned and executed to build strategic partnerships and maximise community awareness.

Highlights

1. The Re-use of Graves and Determination of Headstone Sizes in eThekweni Municipality

The CRL Rights Commission continued to engage eThekweni Municipality with the intention of advocating for the rights of people in the area to not have the graves of their relatives recycled, except with the consent of the family. The CRL Rights Commission has always stressed that it appreciates the fact that land for burials is quite limited and we have always supported the view that government should find land for the proper burial of people. At the same time, we have also emphasised that cultural and religious communities should be willing to find other burial methods that will take into consideration the issue of land shortages, while respecting the cultural and religious needs of communities. Many African Religion communities have stressed that relatives can share the same grave, if this is done with respect for the dead and their cultural and religious rights.

We have raised the issue of what size the tombstone should be with the eThekweni Municipality. Although this is not a pure cultural matter, it is also a matter pertaining to the rights of the dead. It also touches on the pride people place on the departed, which affects

how we remember them and what value we place on those memories. The restrictions that the tombstones should not be more than fifty centimeters in height has caused many people to complain to the CRL Rights Commission.

2. Challenges on Ukuthwala

One of the major challenges in terms of the protection and promotion of cultural rights has been what the media has dubbed, “ukuthwala”. This practice where older men have been abducting young girls and young women and claiming that they are practicing the culture of “ukuthwala” has created a situation where culture has been given a bad name. This situation has caused many people to start questioning whether there is a need to promote and protect cultural rights. The CRL Rights Commission’s role has been to ensure that we explain to the media and the broad populace what ukuthwala is and that at no stage has it ever involved children and that it always involved two willing adults. This particular work is continuing as a lot of advocacy is still needed to ensure that people do not abuse the cultural practice called “ukuthwala” to abuse children and women.

3. Witchcraft

The CRL Rights Commission had a partnership with SAPRA, Organisations of Traditional Healers and the South African Older Persons Forum, where we jointly addressed the issue of people who are accused of witchcraft who are then murdered or sent into exile away from their homes as a result of these accusations.

This has affected many older persons in the country who are usually the victims of these accusations. The CRL Rights Commission has been to several targeted provinces where this is happening and there has been a very positive response from the traditional healers, who are usually responsible for the identification of people as witches, in that many traditional healers’ organisations have agreed to advocate amongst their members that they should refrain from identifying people as witches. What the CRL Rights Commission dialogues have not tried to do is to debate the existence of witchcraft. It has been our premise that whether witchcraft exists or not is not the issue. The main challenge is when a particular person or family is identified as being responsible for whatever tragedy has befallen the person who has gone to seek help from the traditional healer.

There are many other debates around the identification of people as “witches” due to adherents of Paganism having the right to identify themselves as witches. This has caused quite a bit of confusion. However, it has been the CRL Rights Commission’s stance that any person has the right to identify themselves as a witch, but no one has the right to identify someone else as a witch. The rights of Pagans to believe in witchcraft and to practice their particular religion is their constitutional right, however, that should not then extend to people identifying others who are not Pagans as witches unless those people choose to be identified as such.

The CRL Rights Commission launched the 30 Days against the Attacks of People Accused of Witchcraft in Helena in Limpopo on the 29th of March. This particular village was identified as it has a community of people who have been exiled from their original homes as they were accused of witchcraft. This is a small community of about 40 households who live by themselves. The main aim was to launch this advocacy campaign in an area that shows clearly what the consequences are when traditional healers or communities accuse people of witchcraft. The CRL Rights Commission will be continuing with this campaign as these attacks and accusations depict the whole traditional healing sector in a very negative light. The traditional healing system is at the core of African traditional practices and this depiction brings the whole culture into disrepute.

4. Children's Act Amendments

The CRL Rights Commission has been facilitating the inputs of community councils in ensuring that the Department of Social Development takes their inputs into consideration. This has mainly been on Section 12 which deals with "Social, Cultural and Religious Practices". This is the section that deals with circumcision and virginity testing. The challenges have mainly come from the religious sectors, both Jewish and African religion and the cultural sector. The main challenge was the lack of consultation and the fact that for circumcision and virginity testing the age of 16 years did not make sense and was just an arbitrary decision as children younger than 16 years participate in both virginity testing and circumcision. The Jewish community has raised issues with the Regulations that specify the use of gloves in circumcision as this goes against their religious precepts.

The CRL Rights Commission has also highlighted Section 24 which deals with "Assignment of Guardianship by order of court". This becomes very difficult for traditional communities as guardianship of an orphaned child is decided on by the extended family who then assigns the child or children to particular members of the family. This has been the traditional/cultural practice in adopting and/or guardianship within communities. This is still the practice within many families in both rural and urban areas. This then leaves hundreds of thousands, if not millions, of children outside the legal framework as they have not been legally assigned a guardian since there will be court orders to that effect. This has also affected many children who live in urban and rural areas with guardians who could not access services and rights for them - e.g. medical aid or even inheritance - as they do not have the relevant court papers. This section then marginalises children from the majority of families who do not want to use the court process to assign guardianship as it goes against their belief system and cultural norms.

The CRL Rights Commission has also raised Sections 143, 144 and 147 that refer to "Prevention and Early Intervention Programmes". The challenge with these is that any organisation or structure that deals with prevention programmes will need to apply to the MEC for Social Development and their programmes will have to be approved for them to be registered if they are going to run prevention programmes. This may prove to be very difficult for rural traditional communities who may have individuals, faith-based organisations, traditional leaders and traditional healers helping communities by bringing awareness of the rights of children to their communities. They may not need to raise funds from government as

they are doing this as part of their assistance to communities. This requirement is likely to create a void in those communities as they are not being serviced by mainstream NGO's and the children in those communities will then suffer.

5. Tolerance for Cultural, Religious and Linguistic Differences

This has been a running theme in all CRL Rights Commission' activities with young people. It has entailed emphasising the fact that people who speak a different language than yours, who believe in a different faith than yours and who have cultural practices that are not the same as yours are not necessarily your enemies. We have been debating and discussing these issues with communities especially after the Xenophobia that spread throughout the country. These discussions are very important as they foster social cohesion and respect for other peoples' cultures, religions and languages.

6. 365 Days of Activism on No Violence against Women and Children

The CRL Rights Commission has been running this campaign for several years now. The campaign focuses on how we can use our different cultures and religions to ensure that we drastically reduce violence against women and children. This has meant that we discuss what it is in our religions and cultures that seem to condone violence against women and children. We have asked various experts in culture and religion to verify if these cultural and religious practices were there from the onset, if they are a result of how these cultural and religious practices have evolved over time, or if they are just being abused by people who want to violate the rights of women and children.



CRL STAFF EMPLOYEES



Dr. Rev. Wesley Mabuza, Ms Julia “Mamzo” Mabale, Ms Bernadette Kotelo, Adv Solly Moreroa, Ms Natasha Whittaker, Mr. Cornelius Smuts, Mr. Israel Hlatshwayo, Ms Tandile Tshuma, Adv Aubrey Sedupane, Ms Baxolile Mtetwa, Mr. Edwin Ngakane, Mr. Brian Makeketa, Mr. Mathew Gopane, Ms .Nobandile Nkosi, Ms Botle Letsebe-Nchupetsang, Mr. Edward Mafadza, Ms Reitumetse Lemeke, Ms Thoko Mkhwanazi - Xaluva, Adv. Madimetja Tisana, Ms Valerie Naidoo, Ms Tirhani Mabasa, Ms Mamsy Seloane, Mr. Matsobane Motjoppe, Ms Bongsi Msiza, Ms Lerato Letlole and Ms Tumi Sekhaolela.

3 PERFORMANCE INFORMATION

1. INVESTIGATION AND CONFLICT RESOLUTION

Measurable Objectives	Outcome	Performance Indicators	Target for 2011/12	Actual Results Achieved	Variance	Reasons for variance
Cases investigated for handing over	Establish the nature of complaints and consider the legislative policy and pillars	80% investigation of cases received per the complaints handling manual	40 new cases	26 Cases	14	Insufficient human capacity
			20 Site visits for cases that required visits	8 site visits	12	Other cases did not require site visits
Cases handled through subpoena hearings	Subpoenaed institutions	Subpoenaed institutions Based on new and carried over cases	5 based on the current trend of non-cooperation	0	5	Insufficient human capacity
Litigation in Equality Courts	Litigated cases	100% handling of all direct & indirect cases referred to equality courts	100% handling of all direct & indirect cases referred to equality courts	0	2	2 cases were identified for equality courts but were not resolved through mediation
Cases resolved through mediation	Develop peace and mutual respect between C-R-L-Communities	Settlement Agreement on mediated cases	20 cases	8	12	Insufficient human capacity
Joint investigations with other relevant organs of state	Coordinated Strategy	Memorandum of understanding on joint investigations. Formal reports and other relevant documents on joint investigations.	Joint investigation with 6 organs of state	9	3	
To formulate recommendations based on complaints	Policy and legislation influenced	Formulate recommendations to influence policy and legislation.	7 recommendations based on trend of cases	0		Insufficient human capacity
Legal Services	Constitutional, legislative and contractual compliance	100% analysis of legal requests received	Legal opinion on all legal requests received	4	None	

2. RESEARCH AND POLICY DEVELOPMENT

Measurable Objectives	Outcome	Performance Indicators	Target for 2011/12	Actual Results Achieved	Variance	Reasons for variance/ Deviation
Provide information base in terms of diverse traditions, diminishing and diminished heritage.	Recommendation / Review policies based on recommendations in the researched report.	Publication, launch / dissemination of researched reports.	3 research reports	4 The following reports were printed and disseminated: -Male initiation report, -Report on burial rights - Report on rights of access to ancestral graves and - Report on challenges faced by the Rastafarian Community in SA	1	One additional report was produced due to financial injection to the Unit in the last quarter of the financial year

Policy and legislative recommendations.	Aligned policies and legislation with C-R-L rights.	Engagements of affected communities and relevant government departments.	3 Cultural, Religious and Linguistic	3 Engagements with SAPS, Department of Social development, PanSALB, NHS, SAHRA, DAC, SAHRC, Public Protector	None	
Strengthening research capacity.	Well resourced database on research	Memorandum of understanding /Formal reports and other relevant documents	3 Reports	3 reports	0 MOU's	

3. PUBLIC EDUCATION AND ADVOCACY

Measurable Objectives	Outcome	Performance Indicators	Target for 2011/12	Actual Results Achieved	Variance	Reasons for variance/ Deviation
Inform communities about the Commission and its work	Community awareness on the work of the Commission and cultural, religious and linguistic rights	Information disseminated and awareness raised in communities	5 000 pamphlets to be distributed	20 000	15 000	More pamphlets were distributed due to the partnerships with other organisations
Educate and advocate on cultural, religious and linguistic rights	Capacitated communities	Communities more aware of their rights	6 engagements with communities and organs of state	7	1	More work was done during the fourth quarter due to extra allocations of funds
Raise awareness amongst the youth in relation to cultural, religious and linguistic rights	Capacitated youth on C.R.L rights	Targeted Youth aware of their rights	10 engagements with youth	10	None	
To develop and capacitate youth CRL facilitators to become ambassadors of CRL issues	A small group of CRL dialogue facilitators leads interventions in local municipalities	Completed capacity building developed	10 youth dialogues for 35 young people	10	None	

4. COMMUNITY ENGAGEMENT

Measurable Objectives	Outcome	Performance Indicators	Target for 2011/12	Actual Results Achieved	Variance	Reasons for variance/ Deviation
Establishment of Cultural Community Councils	Increased recognition of the values and impact of cultural diversity	Registered, shortlisted, Recognised and launched cultural community councils	4 Cultural Community Councils per each province i.e. in Mpumalanga and North West province	27 cultural community councils were registered, recognised and launched	19	Additional funds were received in the last quarter and other provinces were looked at i.e. Limpopo, Gauteng and Eastern Cape

Establishment of Religious Community Councils	Increased recognition of the values and impact of Religious diversity	Registered, shortlisted, Recognised and launched religious community councils	4 Religious Community Councils per each province i.e. in Mpumalanga and North West province	10 religious community councils were registered, recognised and launched	2	Additional 3 community councils for Mpumalanga and negative 1 for North West Province
Establishment of Linguistic Community Councils	Increased recognition of the values and impact of Linguistic diversity	Registered, shortlisted, Recognised and launched linguistic community councils	4 Linguistic Community Councils inclusive of both Mpumalanga and North West province	4 linguistic community councils were registered, recognised and launched	None	
Capacity building for cultural, religious & linguistic community councils	Increased recognition of the values and impact of Cultural, Religious and Linguistic diversity	Organised and conducted mini conferences/seminars/ workshops	5 community councils seminars/ workshops/ mini conferences	5 Seminars and workshops in Gauteng, Limpopo, Western Cape, Northern Cape and Eastern Cape	None	

5. STRATEGIC MANAGEMENT

Measurable Objectives	Outcome	Performance Indicators	Target for 2011/12	Actual Results Achieved	Variance	Reasons for variance/ Deviation
Office of the Chairperson						
Provide strategic Leadership	Ensure effective and efficient Strategic Leadership	Improved Strategic Compliance to the CRL Act	4 Quarterly Compliance Report/ minutes	5 Plenary minutes	1	Special meeting.
Commissioners						
Oversight function and Governance	Effective and efficient Oversight	Quarterly oversight function	4 Plenaries and 4 sittings- 22 Committees	Plenary-5 Sec 22 Committees-15	12	Special meetings
Office of the CEO: Corporate Governance & Secretariat and Communication & Marketing						
Development and formation of effective administration and finance management	Efficient and Effective administration	Compliance with the King 111, PFMA, SCM, BCEA, LRA, internal policies etc	4 Quarterly Compliance Register	1	3	The compliance checklists were developed in the 4th quarter.
	Effective decision making	Convene MANCO meetings	12 MANCO meetings	7 MANCO meetings	5	Time constraints
Provide corporate secretariat services to the Commission	Approved policies and decisions taken	Quarterly Reports on Implementation by Management of decisions taken	4 Plenary meeting and 4 Section 22 Committees and 12 MANCO	MANCO-7 Audit- 4 Plenary-5 Sec 22 Committees-15	11	Special meetings

Provide corporate governance	Improved compliance with regulatory and legislative framework	Register on Improved compliance	20 Advisory notes and circulars 12 Correct on Secretariat	12 5	8 7	Communication of governance queries still to be improved
		Conduct institutional workshops on corporate governance	2	0	2	Financial constraints
Ensure compliance on policies and applicable legislation	Increased compliance and reduced audit findings	Compliance with the King 111, PFMA, SCM, BCEA, LRA, internal policies etc	4 Quarterly Compliance reports	0	4	The compliance checklists were developed in the 4th quarter.
Communications and Marketing	Effective communication and marketing strategy.	Developing and printing promotional material	2000 promotional materials	Developed and printed 25- banners 500 Golf shirts 30 000- new address stickers 1800- Round T-shirts 1500- Journals 1500-CRL pens 1500- Lanyards 2000- Caps	38 525	Savings in other programmes in the 4 th quarter was used to develop and print promotional materials. Marketing and communications tap into the surplus as it was not allocated funds from the beginning of the new.
	Effective media interventions	Interaction with media interactions	Continuous issuing of media statements and articles	112 media statements and 26 media interviews / interventions	05	The media responded on c-r-l matters that the commission did not issue media statements on

4. CORPORATE SERVICES

Measurable Objectives	Outcome	Performance Indicators	Target for 2011/12	Actual Results Achieved	Variance	Reasons for variance/ Deviation
Provision of Human Resource Management to the Commission	Functional human resource management systems	Percentage of approved structure filled.	35% filled positions	60% of the positions were filled.	25%	10 permanent and 2 temporary staff members were appointed
		Register of approved policies and compliance checklist	Register of policies and 4 implementation reports	2 Human Resources policies were approved 2 new policies drafted 12 still to be reviewed.	12	The policy development committee was established in the 3 rd quarter.
Provision of effective and efficient records management system	Safely kept CRL information and preserved institutional memory	Approved file plan implemented	4 Quarterly reports	4 quarterly reports	None	

An effective and efficient IT support system	Effective and efficient IT support and system administration.	100% uptime of IT system 100% of user queries resolved	100% up-time and queries resolved	98% Uptime 100% user queries resolved	2%	Experienced downtime and UPS could not kick off
		Compliance with Data recovery plan and SLA by service provider.	4 quarterly reports on compliance	4 quarterly reports in place but there was no full compliance	None	There was no external back up for the half of the year.
Effective and efficient facilities management	Improved service delivery	100% Compliance to occupational Health and Safety policy and Act	Zero adverse incidents of occupational health and safety	No incidents but there were no drills	None	No drills were performed the landlord has outsourced the service and will advise when to implement in the 2012/13.
		Maintenance of facilities & equipment	4 Quarterly reports	4	0	
		Register of CRL equipment issued to staff members	4 Quarterly reports	4	0	

1. FINANCE AND ADMINISTRATION

Measurable Objectives	Outcome	Performance Indicators	Target for 2011/12	Actual Results Achieved	Variance	Reasons for variance/ Deviation
To provide reliable, accurate, effective financial information to relevant stakeholders	Timely Financial Reports	Compile monthly expenditure reports.	12 monthly expenditure reports	12 monthly expenditure reports	None	
		Salary interface done monthly.	12 months salary runs transaction journalized from the payroll system to the accounting system.	12 months salary runs	None	
		Accurate financial statements	4 quarterly reports and financial statements to be produced	4 quarterly reports and financial statements to be produced	None	
		All audit queries answered and rectified annually.	Implementation of audit recommendations	83% of the recommendations on audit findings register were implemented	17%	Capacity constraints
		Control measures implemented to prevent repetition of queries	Unqualified audit report in respect of financial administration.	2010/11 Unqualified audit report	None	
		Annual financial statements.	1 set of annual financial statements to be produced	2011/12 annual financial statements produced.	None	

To ensure that all financial policies are reviewed and complied with	Reviewed financial policies	Reviewed financial policies have been submitted and approved by plenary or other body such as delegated authority.	All financial policies to be reviewed and submitted to plenary or other body for approval	10% of policies reviewed.	90% of policies still to be reviewed	A policy development committee was established in the third quarter.
Effective and efficient procurement and asset management	Purchase orders issued according to procurement policy.	Compliance with the approved procurement procedures	All orders issued comply with procurement policies and procedures.	All orders were issued	None	
	Maintenance of supplier database	Updated supplier database.	All new suppliers are added to the database following the procurement procedures	All new suppliers were added to the database.	None	
	Maintenance of asset register	Existence of fixed asset registers with bar code numbers.	All fixed assets are allocated a unique asset number and verification of existence of such assets is verified at the end of each quarter and at year end.	Three asset verifications were executed	1 asset verification for 4 th quarter not executed	The vacant asset clerk position created a backlog in the function.
Management of accounts payable	Accurate payments	Monthly supplier reconciliations	Monthly reconciliation to be performed	Creditors reconciliations are done before payments are processed	None	
		Payment within 30 days.	All invoices to be paid within 30 days from receipt of the invoice	All payments were paid within 30 days	None	

1. Conclusion and Strategic Direction

The CRL Rights Commission is in the middle of its second five year term since its conception, and the 2011/2012 financial year has been marked as a facilitative path towards the realisation of a turnaround strategy. The major accomplishments and achievements that were highly acknowledged by our stakeholders and the responsible Ministry have depended on the sustained commitment of the Executive Authority, which comprises the following:

- The Chair and the Deputy Chair of the Commission;
 - 15 part-time Commissioners;
 - The Chief Executive Officer;
 - Management; and
 - Staff under the leadership of the Executive.
- The Commission is gearing itself, through its mandatory work and responsibility, to create space and an enabling environment by means of, among others, creative and proactive interactions with communities.

The newly approved Strategic Plan of the CRL Rights Commission will be duly implemented in accordance with the resources available. The Strategic Plan has been aligned and adjusted accordingly, and this exercise was meant to spearhead and enable the Commission to direct the available resources more effectively and efficiently in order to achieve the set objectives. Informed by the underlying framework, the Commission is destined to continue to steadily progress towards a shared long-term goal and vision of providing a united South African nation

that protects and promotes all the cultural, religious and linguistic rights of communities.

This Annual Report, therefore, presents a detailed account of the work accomplished for the period 2011/2012. I am quite confident that the Commission will build on it in the 2011/2012 financial year through improving and enhancing our programmatic activities, and thus responding and contributing to the needs of South African communities.

Due to financial improvements, the CRL Rights Commission was able to meet some of its mandatory obligations. This includes, amongst others, Section 22 Committee meetings. To a certain extent the Committees executed their constitutional mandate and performed their oversight and governance tasks.

2. Statement of Responsibility

The Accounting Officer of the CRL Rights Commission is responsible for the execution of strategic decisions of the Commission, including accounting for all income and expenditure of the Commission. The Accounting Officer must also ensure that all the assets of the Commission are used optimally with proper and diligent compliance with the Public Finance Management Act (PFMA), 1999 (Act No. 1 of 1999). The Accounting Officer must ensure that all possible and existing risks are effectively and efficiently addressed. The Accounting Officer's responsibility includes presentation of proper financial statements generated by the Chief

Financial Officer throughout the financial year. In terms of Chapter 5 of the Public Finance Management Act, the Accounting Officer is responsible for the development of Strategic Plans and ensuring that those plans are effectively implemented. Drafting of policies and guidelines on finances are an integral part of the Accounting Officer's key performance.

The Accounting Officer ensures that internal controls include a risk-based system of internal accounting and administrative controls designed to provide reasonable assurance that assets are safeguarded and transactions executed and recorded in accordance with generally accepted business practices, as well as the entities policies and procedures. Monitoring of these controls includes a regular review of their operations by the Accounting Officer, and independent oversight by the Audit Committee.

The Auditor General, as an external auditor, is responsible for reporting on the financial statements.

The financial statements are prepared in accordance with generally recognised accounting practices and incorporate disclosure in line with the accounting philosophy of the entity and the requirements of the PFMA, as amended. The financial statements are based on appropriate accounting policies consistently applied and supported by reasonable and prudent judgments and estimates.

The Accounting Officer is of the opinion that this will remain a going concern for the CRL Rights Commission as long as more funds are not made available. The Accounting Officer would further like to appeal to National Treasury to increase the CRL Rights Commission's baseline in order to allow a swift execution of its duties. For this reason, the Accounting Officer has adopted the going concern principle in preparing the annual financial statements.

It is worth noting that the CRL Rights Commission has very minimal irregular expenditure for the year under review, hence the unqualified report. This was prompted by the fact that the Accounting Officer introduced a number of strategies and guidelines in complying with procurement processes. New guidelines and regulations are being introduced on a daily basis to curb any unforeseen illegal and unlawful activities. The Accounting Officer approved and signed the annual financial statements for the year 1 April 2011 to 31 March 2012 as set out on pages 44 to 70 on 31 May 2011.

Adv PS Moreroa
Chief Executive Officer
CRL Rights Commission

3. Corporate Governance Statement

The CRL Rights Commission is committed to effective corporate governance in order to ensure that the interests of the Commission and its stakeholders are always paramount. The Commission subscribes to the principles of transparency, accountability and integrity in all its practices.

The Commission endorses and supports the Code of Corporate Governance practices and conduct contained in the King Committee Report on Corporate Governance (King II), and other relevant frameworks such as Treasury Regulations (TR) and the PFMA. As the Commission continually strives to improve corporate governance standards, areas requiring further improvements are closely monitored. This process is monitored by the oversight committees of the Commission such as the Finance, Human Resources and Audit Committees. In line with the recommendations of King II, Plenary implements annual reviews of all Terms of References (ToRs) of committees that outline their duties, responsibilities as well as the accountability of committees and that of individual members.

- **Chairperson and Deputy Chairperson**

The Chairperson is the Executive Authority of the institution and accountable to the National Assembly. He serves in a full-time capacity. The Deputy Chairperson deputises the Chairperson, and acts as chairperson each time when the latter is not in the office,

as required by the Commission's founding Act, Act No. 19 of 2002.

- **Plenary**

Plenary, consisting of Commissioners, retains overall accountability for the Commission, its strategy and the annual business plan and general matters of materiality. It is also responsible for the oversight of legislative and regulatory compliance, risk management, performance management, transparency and communication with stakeholders. In terms of Section 31 of the Commission Act, Act No. 19 of 2002 and Chapter 5 of the Public Finance Management Act No. 1 of 1999, authority has been delegated to the Chief Executive Officer for the day-to-day management of the Commission, and Commissioners are kept abreast of developments through legislated quarterly meetings of Plenary.

- **Plenary Committees**

Plenary has delegated specific responsibilities to committees, which are chaired by part-time Commissioners, independent of the executive functions. The Audit Committee, which is constituted in terms of the requirements of sections 76(4) (d), 77 of the PFMA, is a requirement of sound corporate governance practices, and has functioned effectively during the year under review. Due to financial constraints, the Audit Committee could not sit from time to time to execute all its objectives. However, the Committee was able to deliver on its mandate regardless of those

challenges. All the other sub-committees of the Commission also functioned effectively during the year under review. All committees monitored the planning, management and reporting of matters to the Commission, and made recommendations and submitted reports to the Plenary.

The oversight committees established and confirmed by Plenary, are as follows:

- Audit Committee;

- Finance Committee
- Human Resource Committee;
- Investigation & Complaints Resolution Committee;
- Research & Publications Committee;
- Public Education & Advocacy Committee; and
- Community Engagement Committee.

GOVERNANCE MATTERS

N0	DESCRIPTION	RESPONSIBLE UNIT/ PERSON	QUANTITY	PERIOD
CORPORATE GOVERNANCE				
1	Plenary Meetings	Secretariat & Governance Services	5	Mar 2011- Apr 2012
2	Executive Meetings	Secretariat & Governance Services	0	Mar 2011- Apr 2012
3	Audit Committee Meeting	Secretariat & Governance Services	4	Mar 2011- Apr 2012
4	Governance Notes	Secretariat & Governance Services	5	Mar 2011- Apr 2012
COMMUNICATION AND MARKETING				
5	Media Interventions	Chairperson, Commissioners, CEO and Management	112 media statements and 26 media interviews	Jan-Mar 2011
6	Exhibitions	Secretariat & Governance Services	2	Jan-Mar 2011



REPORT OF THE AUDIT COMMITTEE

The Chairperson of the Commission, the NYDA Chairperson, the ANC Chief Whip in National Parliament and the National House of Traditional Leaders Representative attended a Heritage Day event at Freedom Park.

Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2012.

Audit Committee Members and Attendance

The audit committee consists of the members listed here under and as per its approved terms of reference should meet at least 4 times per annum. During the current year 6 meetings were held.

Name of Member	Meetings attended
D Coovadia (Chairperson)	6
M Mohohlo	6
BP Mkhize	5
MJ Mokgatlhe	5
M Mothipe (Appointed: 31/01/2012)	1

Audit Committee Responsibility

The Committee reports that it has operated and performed its oversight responsibilities independently and objectively in compliance with section 38 (1)(a) of the PFMA and Treasury Regulations 3.1.13. The committee has adopted appropriate formal terms of reference in its Audit Committee Charter, which have been approved by the Accounting Officer.

The Effectiveness of Internal Control

The system of internal control was not entirely effective for the year under review. Several deficiencies in the system of internal control, including deviations from it, were reported by the Internal Auditors and the AGSA.

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

Internal audit

Internal Audit is outsourced to an independent firm. Based on their reports, we are of the opinion that the internal audit function is satisfactory.

Risk Management

The CRL is in the process of implementing a risk management programme.

The quality of in year management and monthly / quarterly reports submitted in terms of the PFMA and the Division of Revenue Act

The content and quality of management reports as reviewed by us, require further attention as regards performance information matters and financial disclosures.

Evaluation of Financial Statements

The Audit Committee has:

- Reviewed and discussed the audited annual financial statements to be included in the annual report.
- Reviewed the Auditor-General South Africa's management letter and managements responses thereto;

- Discussed with management the performance information for the entity;
- Reviewed changes in accounting policies and practices and
- Reviewed significant adjustments resulting from the audit.

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

31 July 2012

DATE

DAWOOD COOVADIA (CA) SA

CHAIRPERSON OF AUDIT COMMITTEE

8. Auditor General Report

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF THE COMMISSION FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES

Introduction

1. I have audited the financial statements of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission) set out on pages 47 to 49, which comprise the statement of financial position as at 31 March 2012, the statement of financial performance, statement of changes in net assets and the statement of cash flows for the year then ended, and the notes, comprising a summary of significant accounting policies and other explanatory information.

Accounting officer's responsibility for the financial statements

2. The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with South African Standards of Generally Recognised Accounting Practice (SA Standards of GRAP) and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No.1 of 1999) (PFMA), and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor-General's responsibility

3. My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2001) (PAA), the General Notice issued in terms thereof and International Standards on Auditing. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.
4. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

6. In my opinion, the financial statements present fairly, in all material respects, the financial position of the CRL Rights Commission as at 31 March 2012, and its financial performance and cash flows for the year then ended in accordance with SA Standards of GRAP and the requirements of the PFMA.

Emphasis of matters

7. I draw attention to the matters below. My opinion is not modified in respect of these matters.

Restatement of corresponding figures

8. As disclosed in note 32 to the financial statements, the corresponding figures for 31 March 2011 have been restated as a result of errors discovered during the 2011-12 financial year in the financial statements of the CRL Rights Commission at, and for the year ended, 31 March 2011 and 31 March 2010.

Financial sustainability

9. Note 31 to the annual financial statements indicates that the commission encountered continued financial resource challenges as reported in the 2010/11 financial year. The efforts of management to scale down on the strategic plan assisted in the CRL Rights Commission remaining within the limitation of its approved funding. Management foresees an improvement in the 2012/13 financial year, as a result of a cash injection of R11 000 000. These financial statements have been prepared on a going concern basis because existence of the CRL Rights Commission is protected in the Constitution of Republic of South Africa.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

10. In accordance with the PAA and the General Notice issued in terms thereof, I report the following findings relevant to performance against predetermined objectives, compliance with laws and regulations and internal control, but not for the purpose of expressing an opinion.

Predetermined objectives

11. I performed procedures to obtain evidence about the usefulness and reliability of the information in the Report on performance against predetermined objectives as set out on pages xx to xx of the annual report.

12. The reported performance against predetermined objectives was evaluated against the overall criteria of usefulness and reliability. The usefulness of information in the annual performance report relates to whether it is presented in accordance with the National Treasury annual reporting principles and whether the reported performance is consistent with the planned objectives. The usefulness of information further relates to whether indicators and targets are measurable (i.e. well defined, verifiable, specific, measurable and time bound) and relevant as required by the National Treasury Framework for managing programme performance information (FMPPI).

13. The reliability of the information in respect of the selected programmes is assessed to determine whether it adequately reflects the facts (i.e. whether it is valid, accurate and complete).

14. The material findings are as follows:

Reliability of information

Validity

15. The FMPPI requires that processes and systems which produce the indicator should be verifiable. A total of 41% of the actual reported performance relevant to the selected programmes was not valid or differed materially when compared to the source information provided. This was due to a lack of monitoring procedures for the recording of actual achievements.

Accuracy

16. The FMPPI requires that the indicator be accurate enough for its intended use and respond to changes in the level of performance. A total of 41% of the actual reported indicators relevant to the selected programmes were not accurate when compared to source information. This was due to a lack of monitoring procedures for the recording of actual achievements.

Additional matters

17. I draw attention to the following matter below. This matter does not have an impact on the predetermined objectives audit findings reported above

Achievement of planned targets

18. Of the total number of 121 planned targets, only 35 were not achieved during the year under review. This represents 29% of total planned targets that were not achieved during the year under review.

Compliance with laws and regulations

19. I performed procedures to obtain evidence that the entity has complied with applicable laws and regulations regarding financial matters, financial management and other related matters. My findings on material non-compliance with specific matters in key applicable laws and regulations as set out in the General Notice issued in terms of the PAA are as follows:

Annual financial statements

20. 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 Public Finance Management Act. Material misstatements of assets, other income, accruals and disclosure items identified by the auditors in the submitted financial statement were subsequently corrected, resulting in the financial statements receiving an unqualified audit opinion.

Procurement and contract management

21. Contracts and quotations were awarded to bidders who did not submit a declaration on whether they are employed by the state or connected to any person employed by the state, which is prescribed in order to comply with Treasury regulation 16A8.3.

22. Persons in service of the institution's supply chain management failed to disclose whether or not they had a private or business interest in contracts awarded by the institution as required by Treasury Regulation 16A8.4 and Public Service Regulation 3C.

23. The accounting officer did not implement measures for combating the abuse of the supply chain management (SCM) system, by compelling supply chain management officials to adhere to the Code of Conduct requirements, as required by Treasury Regulations 16A9.1.

Expenditure management

24. The accounting officer did not take effective steps to prevent irregular, as required by section 38(1)(c)(ii) of the Public Finance Management Act and Treasury Regulation 9.1.1.

Assets and liabilities management

25. Bank reconciliations were not performed on a daily basis, as required by Treasury Regulation 15.10.1.2(j).

26. Proper control systems to safeguard and maintain assets were not implemented, as required by section 38(1)(d) of the Public Finance Management Act and Treasury Regulation 10.1.1(a).

Internal control

27. I considered internal control relevant to my audit of the financial statements, report on performance against predetermined objectives and compliance with laws and regulations. The matters reported below under the fundamentals of internal control are limited to the significant deficiencies that resulted in the unmodified opinion, the findings on the report on

performance against predetermined objectives and the findings on compliance with laws and regulations included in this report.

Leadership

28. The accounting officer did not adequately exercise oversight responsibility regarding financial and performance reporting and compliance with laws and regulations and related internal controls.

Financial and performance management

29. Management did not prepare regular, accurate and complete financial and performance reports that are supported and evidenced by reliable information.

30. Management did not review and monitor compliance with laws and regulations.

Pretoria



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence

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GENERAL INFORMATION

Domicile

No. 158 Jan Smuts Avenue
Rosebank
Johannesburg

Legal Form

The CRL Rights Commission is a Constitutional Institution, legislated by the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, Act No. 19 of 2002.

Operations

The CRL Rights Commission deals mainly with the social sciences of culture, religion and language. It has the main objective of facilitating nation building through the protection and promotion of the rights of cultural, religious and linguistic communities.

Governing Legislation

The operations of the CRL Rights Commission are mainly governed by the following legislation:

The Constitution of South Africa
The Public Finance Management Act No. 1 of 1999
The CRL Commission Act No. 19 of 2002

Statement of Financial Performance for the Year Ended 31 March 2012

Statement of Financial Performance for the Year Ended 31 March 2012

Notes	2012	2011
	R' 000	R' 000 Restated

Revenue

Non-Exchange Revenue

Transfers from government entities

2	22 378	24 401
---	--------	--------

Exchange Revenue

Other income

3	101	902
---	-----	-----

Finance income

4	101	80
---	-----	----

Total revenue

22 581	25 384
--------	--------

Expenses

Administrative expenditure

5	2 919	2 785
---	-------	-------

Audit fees

6	968	850
---	-----	-----

Employee costs

7	13 318	13 477
---	--------	--------

Other operating expenditure

8	5 653	6 004
---	-------	-------

Depreciation and amortisation

9	395	429
---	-----	-----

Finance cost

10	1	36
----	---	----

Total expenses

23 254	23 581
--------	--------

(Deficit)/Surplus for the period

(673)	1 802
-------	-------

Statement of Financial Position as at 31 March 2012

Statement of Financial Position as at 31 March 2012

		Notes	2012	2011
			R' 000	R' 000 Restated
Assets				
Current assets				
Cash and cash equivalents	11		595	688
Trade and other receivables	12		219	270
			814	958
Non - current assets				
Property, plant and equipment	13		1 169	1 406
Intangible assets	14		36	55
Trade and other receivables	12		468	468
			1 424	1 929
Total assets			2 488	2 887
Liabilities				
Current liabilities				
Trade and other payables	15		1 172	829
Provisions	16		728	839
Straight lining operating lease	28		699	657
			2 599	2 325
Total net assets			(111)	562
Net assets				
Reserves				
Accumulated surplus	17		(111)	562
Net assets			(111)	562

Statement of Changes in Net Assets for the Year Ended 31 March 2012

Statement of Changes in Net Assets for the Year Ended 31 March 2012

	Notes	Accumulated Surplus/(deficit) R' 000	Total R' 000
Balance at 01 April 2010 as previously stated		(1 090)	(1 090)
Correction of error	32	(150)	(150)
Restated Balance at 31 March 2010		(1 240)	(1 240)
Surplus for the year as previously stated		1 872	1 872
Correction of error	32	(70)	(70)
Restated balance as at 31 March 2011		562	562
Deficit for year ended 31 March 2012		(673)	(676)
Balance as at 31 March 2012		(111)	(111)

Cash Flow Statement for the Year Ended 31 March 2012

Cash Flow Statement for the Year Ended 31 March 2012

Notes	2012	2011
	R' 000	R' 000
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash receipt from transfer payments	22 378	24 401
Interest income	101	80
Cash paid to suppliers	(9 010)	(10 752)
Cash paid to employees	(13 421)	(12 735)
Interest paid	(1)	(36)
Net cash generated from operating activities	47	958
CASH FLOWS FROM INVESTING ACTIVITIES		
Purchase of property, plant and equipment	(139)	(281)
Net cash used in investing activities	(139)	(281)
Net (decrease)/increase in cash and cash equivalents	(93)	677
Cash and cash equivalents at beginning of year	688	11
Cash and cash equivalents at end of year	595	688

Accounting Policies for the Financial Statements for the Year Ended 31 March 2012

Accounting policies:

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 38 of the Public Finance Management Act (Act No. 29 of 1999). 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 annual financial statements have been prepared on an accrual basis of accounting and are in accordance with 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 year's 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 entity makes estimates and assumptions that affect the reported amounts of assets and liabilities within the current and subsequent financial years. Estimates and judgments 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. There does, however, not appear to be a significant risk that these assumptions will cause significant adjustments to the carrying amounts of assets and liabilities within the subsequent financial years. Significant judgments include:

- Leave, Bonus and Penalties and Interest Provisions

Accumulated leave entitlement, a bonus entitlement and a penalties and interest provision have been provided for at reporting date. Provisions were raised and management determined an estimate based on the information available. Additional disclosure of these estimates of provisions is included in note 16.

Provisions are measured at management's best estimate of the expenditure required to settle the obligation at the reporting date.

Accounting Policies for the Financial Statements
for the Year Ended 31 March 2012

- **Useful lives and residual values**

The Commission re-assesses the useful lives and residual values of property, plant and equipment on an annual basis. In reassessing the useful lives and residual values of property, plant and equipment management considers the condition and use of the individual assets, to determine the remaining period over which the asset can and will be used.

1.3 Currency

These financial statements are presented in South African rands since it is the currency in which the majority of the Commission transactions are denominated. The amounts disclosed in the financial statements had been rounded off to the nearest thousand rand.

1.4 Revenue

- **Budget Allocation**

Revenue comprises of budget allocations for the activities of the Commission budgeted for by the Department for Cooperative Government and Traditional Affairs as transfer payments. Revenue from non-exchange transactions is generally recognised to the extent that the related receipt or receivable qualifies for recognition as an asset and there is no liability to repay the amount.

- **Interest income**

Interest received is recognised on an accrual basis, taking into account the principal outstanding using the effective interest rate method.

- **Other income**

Amounts written off as bad debts, but which had subsequently been recovered are recognised as other income. Provisions that were raised during the previous reporting period, but which did not materialise are recognised as other income.

1.5 Operating Leases

Leases of assets where substantially the entire risks and rewards incident to ownership are effectively retained by the lessor are classified as operating leases. Payments made under operating leases are charged to the statement of financial performance on a straight line basis over the period of the lease.

Accounting Policies for the Financial
Statements for the Year Ended 31 March 2012

1.6 Property, plant and equipment

Recognition

Property, plant and equipment are recognised in the financial statements if:

- It is probable that the economic benefit associated with the asset will flow to the Commission.

- The cost of an asset or its value can be measured reliably.

Measurement

Initial measurement

Property, plant and equipment are initially measured at cost.

Subsequent measurement

Property, plant and equipment is stated at historical cost less any subsequent accumulated depreciation and adjusted for any impairment.

The estimated useful lives of assets are:

Computer equipment

3 to 10 years

Furniture and fittings

10 years

Office equipment

5 to 10 years

Motor vehicles

10 years

Useful lives and residual value are assessed on an annual basis.

1.7 Impairment of assets

The Commission assesses all its assets to determine whether there is any indication that an asset may be impaired. If there is any indication that an asset may be impaired, the recoverable amount is estimated for

the individual asset. If it is not possible to estimate the recoverable amount of the individual asset, the recoverable amount of the cash-generating unit to which the asset belongs is determined.

If the recoverable amount of an asset is less than its carrying amount, the carrying amount of the asset is reduced to its recoverable amount. That reduction is an impairment loss.

An impairment loss of assets, carried at cost less any accumulated depreciation or amortisation, is recognised immediately in the statement of financial performance.

Accounting Policies for the Financial Statements for the Year Ended 31 March 2012

1.8 Intangible assets

Recognition

Intangible assets are recognised in the financial statements if:

- It is probable that the economic benefit associated with the asset will flow to the Commission.
- The cost of an asset or its value can be measured reliably.

Measurement

Initial measurement

Intangible assets are initially measured at cost.

Subsequent measurement

Intangible assets are stated at historical cost less any subsequent accumulated amortisation and adjusted for any impairment.

The estimated useful lives are as follows:

- Computer software - 3 to 10 years

The useful lives of intangible assets are assessed on an annual basis.

1.9 Financial instruments

Financial instruments carried on the statement of financial position include cash and cash equivalents, trade and other receivables and trade and other payables.

- **Recognition**

Financial assets and financial liabilities are recognised on the Commission statement of financial position when the Commission becomes a party to the contractual provisions of the instrument.

- **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:

Accounting Policies for the Financial Statements for the Year Ended 31 March 2012

- **Financial assets**

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

Cash 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 not subject to insignificant interest rate risk.

Cash and cash equivalents are carried at amortised cost and the carrying amount of these assets approximates to their fair value.

Trade and other receivables mainly arise due to deposits paid for the rental of office space. Trade and other receivables are measured at amortised cost and the carrying amount of these assets approximates to their fair value.

- **Financial liabilities**

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

1.10 Offsetting

Financial assets and liabilities are offset if there is any intention to realise the asset and settle the liability simultaneously and if a legally enforceable right to set off, exists.

1.11 Provisions

- **Recognition**

The 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.

- **Measurement**

The amount recognised is the best estimate at the financial position date of expenditure required to settle the obligation.

Accounting Policies for the Financial Statements for the Year Ended 31 March 2012

bonuses and non monetary benefits are recognised in the period in which the service is rendered.

The expected cost of compensated absences is recognised as an expense as the employee renders services that increase their entitlement.

1.13 Comparative figures

Comparative figures have been adjusted where necessary, to conform to changes in presentation for the current year.

1.14 Going concern

The financial statements of the Commission are prepared on the going concern basis.

1.15 Effect of new standards of GRAP issued

The following standard of GRAP has been adopted by the Commission.

GRAP 24 - Presentation of Budget Information in Financial Statements

The following standards of GRAP that have been issued are not yet effective.

GRAP 20 - Financial Instruments

ASB Issue date: June 2011

Effective date: To be determined by the Minister

New standard of GRAP: Prescribes that a reporting entity's financial statements contain the disclosures necessary to draw attention

1.12 Employee benefits

Contributions to the defined contribution pension plan and defined benefit pension plan are charged to the statement of financial performance in the year in which they relate. The Commission has no legal or constructive obligation to pay further contributions once the contributions have been paid because the defined benefit plan is regulated by the state while the defined contribution plan is a provident fund.

The cost of short – term employee benefits, such as vacation leave and sick leave,

to the possibility that its financial position and surplus or deficit may have been affected by the existence of related parties and by transactions and outstanding balances with such parties.

Accounting Policies for the Financial Statements for the Year Ended 31 March 2012

GRAP 21 - Impairment of Non-cash-generating Assets

ASB Issue date: March 2009

Effective date: To be determined by the Minister

New standard of GRAP: Prescribes the procedures that an entity applies to determine whether a non-cash-generating asset is impaired and to ensure that impairment losses are recognised. The standard also specifies when an entity would reverse an impairment loss and prescribes disclosures. The impact of implementing this standard is expected to be immaterial in the context of this entity's operations.

GRAP 23 - Revenue from Non-exchange Transactions (Taxes and Transfers)

ASB Issue date: February 2008

Effective date: To be determined by the Minister

New standard of GRAP: Prescribes requirements for the financial reporting of revenue arising from non-exchange transactions, other than non-exchange transactions that give rise to an entity combination. The standard deals with issues that need to be considered in recognising

and measuring revenue from non-exchange transactions, including the identification of contributions from owners. The impact of implementing this standard is expected to be immaterial in the context of this entity's operations.

GRAP 25 – Employee benefits

ASB Issue date: November 2009

Effective date: To be determined by the Minister

New standard of GRAP: Prescribes the accounting and disclosure for employee benefits. The Standard requires an entity to recognise: (a) a liability when an employee has provided service in exchange for employee benefits to be paid in the future; and (b) an expense when the entity consumes the economic benefits or service potential arising from service provided by an employee in exchange for employee benefits.

GRAP 26 - Impairment of Cash-generating Assets

ASB Issue date: March 2009

Effective date: To be determined by the Minister

New standard of GRAP: Prescribes the procedures that an entity applies to determine whether a cash-generating asset is impaired and to ensure that impairment losses are recognised. The standard also specifies when an entity would reverse an impairment loss and prescribes disclosures. The impact of implementing this standard is expected to be immaterial in the context of this entity's operations.

GRAP 103 - Heritage Assets

ASB Issue date: July 2008

Effective date: To be determined by the Minister

New standard of GRAP: Prescribes the accounting treatment for heritage assets and related disclosure requirements. The impact of implementing this standard is expected to be immaterial in the context of this entity's operations.

Accounting Policies for the Financial Statements for the Year Ended 31 March 2012

GRAP 104 - Financial Instruments

ASB Issue date: October 2009

Effective date: To be determined by the Minister

New standard of GRAP: Dealing with the recognition, measurement, presentation and disclosure of financial instruments. The impact of implementing this standard is expected to be immaterial in the context of this entity's operations.

GRAP 105 – Transfer of functions between entities under common control

ASB Issue date: November 2010

Effective date: To be determined by the Minister

New standard of GRAP: To establish accounting principles for the acquirer and transferor in a transfer of functions between entities under common control.

GRAP 106 – Transfer of functions between entities not under common control

ASB Issue date: November 2010

Effective date: To be determined by the Minister

New standard of GRAP: To establish accounting principles for the acquirer in a transfer of functions between entities not under common control.

GRAP 107 - Mergers

ASB Issue date: November 2010

Effective date: To be determined by the Minister

New standard of GRAP: To establish accounting principles for the combined entity and combining entities in a merger.

1.16 Related Parties

Transactions with key management are recognised as related party transactions. Key management is defined as being individuals with the authority and responsibility for planning, directing and controlling the activities of the Commission. All individuals from the level of Executive Director, Commissioners and members of the Audit Committee are regarded as key management in terms of the definition of the financial reporting standard.

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

Related party transactions are disclosed in note 24 to these financial statements.

Accounting Policies for the Financial Statements for the Year Ended 31 March 2012

1.17 Unauthorised, fruitless and wasteful and irregular expenditure

Unauthorised expenditure is expenditure that has not been budgeted for, expenditure that is not in terms of the conditions of an allocation received from another sphere of government, entity or organ of state and expenditure in the form of a grant that is not permitted in terms of the Public Finance Management Act (Act No. 29 of 1999). Unauthorised expenditure is accounted for as an expense in the Statement of Financial Performance and where recovered, it is subsequently accounted for as revenue in the Statement of Financial Performance.

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 revenue in the Statement of Financial Performance.

Irregular expenditure is expenditure that is contrary to the Public Finance Management Act (Act No. 29 of 1999), the State Tender Board Act (Act No. 86 of 1968) or is in contravention of the Commission's supply chain management policy. Irregular expenditure

excludes unauthorised expenditure. Irregular expenditure is accounted for as expenditure in the Statement of Financial Performance and where recovered, it is subsequently accounted for as revenue in the Statement of Financial Performance.

1.18 Budget information

Comparison of budget and actual amounts are presented in a note in the financial statement: Statement of Comparison of Budget and Actual Amounts.

The Commission only presents the final budget amounts.

Differences (variances) between the actual and budgeted amounts are presented.

The financial statements and budget are not presented at the same basis as the financial statements which are prepared on an accrual basis and the budget on a cash basis of accounting. A reconciliation between the surplus/(deficit) for the period as per the statement of financial performance and budgeted surplus/(deficit) is included in the Statement of Comparison of Budget and Actual Amounts.

1.19 Borrowing cost

It is inappropriate to capitalise borrowing cost when, and only when, there is clear evidence that it is difficult to link the borrowing requirements of an entity directly to the nature of expenditure to be funded, i.e. Capital or current.

Borrowing costs are recognised and expensed in the period in which they are incurred.

Accounting Policies for the Financial Statements
for the Year Ended 31 March 2012

- 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.

1.20 Contingent Liabilities

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 Commission; alternatively, a contingent liability is a present obligation that arises from past events but is not recognised because of the following:

Contingent asset and contingent liabilities are not recognised. Contingencies are disclosed in note 21.



Notes to the Financial Statements for the Year Ended 31 March 2012

	2012	2011
	R' 000	R' 000
2 Revenue		
Transfers received from the Department of Co-operative Government and Traditional Affairs	22 378	24 401
3 Other Income		
Provisions and accruals not realised	95	856
Bad debts recovered	6	-
Settlement of creditors	-	46
	101	902
4 Finance Income		
Interest on call account	101	80
5 Administrative Expenditure		
General and Administrative Expenses		
- Advertisement recruitment	289	-
- Internal audit fees	388	325
- Insurance	142	98
- Catering for events	611	531
- Stationery and printing	515	977
- Venues and facilities	119	143
- Acquisition of non capital equipment	(6)	13
- Bank charges	9	8
- Municipal Improvement Levy	21	26
- Water and electricity	538	406
- Municipal charges	110	85
- Common area electricity	15	9
- Rates and taxes	167	164
	2 919	2 785
6 Audit fees		
Consists of:		
- Fees paid for an independent audit by the Auditor General SA	968	850

Notes to the Financial Statements for the Year Ended 31 March 2012

2012	2011
R' 000	R' 000

7 Employee Cost

Salaries

	12 279	12 496
- Basic salary	8 473	8 441
- Commissioners remuneration	379	416
- Other non-pensionable allowances	3 479	2 897
- Leave provision	(51)	472
- Bonus provision	-	270

Defined Pension Contribution Plan Expense and Social Contributions (Employer Contribution)

	1 039	981
Unemployment insurance fund	44	45
Pension fund	470	474
Provident fund	525	462
Total employee cost	13 318	13 477

Staff Compliment

	29	29
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8 Other Operating Expenditure

Sponsorships granted	-	10
Bad debts written off	-	31
Penalties	-	572
Consultants and contractors	632	988
- Pastel System support	52	79
- IT Outsourced functions	359	625
- Other consulting fees	221	284
Software licences	54	72
Marketing Cost	589	2
- Promotional items	589	2
National Skills Development Levy	128	110
Maintenance, Repairs and Running Cost	123	84
- Property and buildings	101	72
- Machinery and equipment	10	-
- Vehicles	11	12

Notes to the Financial Statements for the Year Ended 31 March 2012

Notes to the Financial Statements for the Year Ended 31 March 2012

2012	2011
R' 000	R' 000

Travel and Subsistence	1 079	1 077
- Air transport	158	331
- Accommodation	400	423
- Car rental	196	79
- Other	324	244
Courier and delivery services	76	67
Telecommunication cost	561	520
Leases	2 410	2 401
Buildings	2 222	2 292
Parking Head Office	189	179
Total Other Operating Expenditure	5 653	6 004
9 Depreciation and amortisation	395	429
10 Finance cost		
Interest paid	1	36
11 Cash and cash equivalents		
Cash in demand deposit account	65	29
Cash in call account	528	657
Cash on hand	2	2
Total cash and cash equivalents	595	688
All cash and cash equivalents are available for use. The cash and equivalents were not pledged as a security for any financial liabilities.		
12 Trade and other receivables		
Non-current assets	468	468
Deposits	468	468
Current assets	219	270
Prepayments lease agreements	200	182
Other receivables	19	88

Notes to the Financial Statements for the Year Ended 31 March 2012

13 Property, plant and equipment

Year ended March 2012	Computer Equipment	Office Furniture & Fittings	Office Equipment	Motor Vehicles	Total
Carrying amount at the beginning of the year	374	554	354	124	1 406
Gross carrying amount at the beginning of the year	1,266	922	799	204	3 191
Accumulated depreciation at the beginning of the year	(892)	(368)	(445)	(80)	(1 785)
Movement	(64)	(101)	(56)	(16)	(237)
Additions	69	-	70	-	139
Depreciation charge	(133)	(101)	(126)	(16)	(376)
Carrying amount at the end of the year	310	453	298	108	1 169
Gross carrying amount at the end of the year	774	922	777	204	2 677
Accumulated depreciation at the end of the year	(464)	(469)	(479)	(96)	(1 508)

Year ended March 2011	Computer Equipment	Office Furniture & Fittings	Office Equipment	Motor Vehicles	Total
Carrying amount at the beginning of the year	292	637	481	117	1 527
Gross carrying amount at the beginning of the year	1 010	922	794	204	2 930
Accumulated depreciation at beginning of the year	(718)	(285)	(313)	(87)	(1 403)
Movement	82	(83)	(127)	7	(121)
Additions	256	-	5	-	261
Depreciation charge	(174)	(83)	(132)	7	(382)
Carrying amount at the end of the year	374	554	354	124	1 406
Gross carrying amount at the end of the year	1,266	922	799	204	3 191
Accumulated depreciation at the end of the year	(892)	(368)	(445)	(80)	(1 785)

Notes to the Financial Statements for the Year Ended 31 March 2012

The Commission owns two motor vehicles which were purchased during 2005/6 financial year which have not been fully utilised resulting in low mileage. Management estimates that the residual of both vehicles is 20% of its gross carrying value.

14 Intangible Assets

Year ended March 2012	Computer Software	Total
Carrying amount at the beginning of the year	55	55
Gross carrying amount at the beginning of the year	198	198
Accumulated depreciation at the beginning of the year	(143)	(143)
Movements	(19)	(19)
Additions	-	-
Depreciation charge	(19)	(19)
Carrying amount at the end of the year	36	36
Gross carrying amount at the end of the year	100	100
Accumulated depreciation at the end of the year	(64)	(64)

Year ended March 2011	Computer Software	Total
Carrying amount at the beginning of the year	81	81
Gross carrying amount at the beginning of the year	178	178
Accumulated depreciation at the beginning of the year	(97)	(97)
Movements	(26)	(26)
Additions/Disposals	20	20
Depreciation charge	(46)	(46)
Carrying amount at the end of the year	55	55
Gross carrying amount at the end of the year	198	198
Accumulated depreciation at the end of the year	(143)	(143)

The Commission re-assesses the useful lives of computer software on an annual basis. Management considers the condition and use of each asset, to determine the remaining useful life of each asset.

Notes to the Financial Statements for the Year Ended 31 March 2012

Notes to the Financial Statements for the Year Ended 31 March 2012

	2012	2011
	R' 000	R' 000
15 Trade and other payables		
Trade creditors	1 082	549
Other payables	-	95
Payroll liabilities	90	185
Total	1 172	829
16 Provisions		
16.1 Backlog in pay progression		
Carrying amount at the beginning of the year	-	286
Amounts used	-	(286)
Unused amounts reversed during the year	-	-
Additional provisions made	-	-
Total	-	-
16.2 Leave pay		
Carrying amount at the beginning of the year	472	524
Amounts used	(52)	-
Unused amounts reversed during the year	(420)	(524)
Additional provisions made	370	472
Total	370	472
Leave credits due at 31 March 2012 may become payable in the event that an employee resigns. The amount and timing of these outflows are uncertain, as the CRL Rights Commission does not expect any resignations.		
16.3 Bonus Provision		
Carrying amount at the beginning of the year	270	258
Amounts used	(270)	(258)
Unused amounts reversed during the year	-	-
Additional provisions made	261	270
Total	261	270

Notes to the Financial Statements for the Year Ended 31 March 2012

The provision for service bonuses are based on the months of service during the current year which will be paid in the employees birthday month in the next period. These payments are almost certain and the timing of the outflow can be determined accurately, except where employees terminate their services where no bonuses are given to these employees. Therefore, the exact amount payable is still uncertain.

16.4 Penalties and Interest Provision

	2012	2011
	R' 000	R' 000
Carrying amount at the beginning of the year	97	-
Amounts used	-	-
Unused amounts reversed during the year	-	-
Additional provisions made	-	97
Total	97	97
Total Provisions	728	839

The provision in respect of possible penalties and interest is calculated according to the tariffs implemented by the South African Revenue Services. The outflow and timing of these payments are uncertain as the matter has been raised with SARS, and feedback is still awaited.

17 Accumulated Surplus

Net (Deficit)/Surplus for the current year	(673)	1 802
Net accumulated surplus/(deficit) brought forward	562	(1 240)
Total	(111)	562

18 Notes to the statement of cash flows

(Deficit) / Surplus from operations	(673)	1 802
Depreciation and amortisation expense	395	429
Lease pay accrual	42	252
Decrease in provisions	(111)	(229)
	(347)	2 254

Working capital changes

	394	(1 296)
Increase/ (decrease) in payables	343	(1 111)
Decrease / (Increase) in receivables	51	(185)

Net cash (used in) / generated from operating activities

	(47)	958
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Notes to the Financial Statements for the Year Ended 31 March 2012

19. Change in accounting estimate and prior year error

Prior year errors were detected in respect of the operating lease. The necessary restatement was done and reported in note 32.

20. Gifts and donations

No gifts or donations were received during the period under review. The CRL Rights Commission did not make any donations during the period under review.

21. Contingent Liabilities

The management of the Commission bears no knowledge of any contingent liabilities at the date of preparation of the financial statements.

22. Remission and ex gratia payments

No remissions or ex gratia payments were made during the year under review.

23. Irregular, fruitless and wasteful expenditure

Irregular expenditure

Opening Balance

Incurred during year

Closing Balance

2011/2012	2010/2011
R' 000	R' 000
5 843	3 871
304	1 972
6 147	5 843

Irregular expenditure to the value of R 303 844 (2010/11 - R 1 972 422) was incurred in the current year. Irregular expenditure emanates from non compliance with National Treasury Practice Notes 8 of 2007 and 7 of 2009, in respect of the submission of original tax clearance certificates, declarations of interest by an evaluating official, in respect of quotations less than R 500 000, but exceeding R 30 000, as well as additional items not approved in original request, resulting in post facto approval.

Current financial year matters will be reported to the National Treasury. Previous financial year matters have been reported to the National Treasury and are still awaiting response; therefore, none of the expenditure has been condoned by National Treasury. In the investigation of the reported irregular expenditure by the Commission no disciplinary proceedings had been taken.

Fruitless and wasteful expenditure

Opening Balance

Incurred during year

Closing Balance

2011/2012	2010/2011
R' 000	R' 000
740	426
1	314
741	740

Fruitless and wasteful expenditure to the value of R 539 (2010/11 – 314 463) was incurred in respect of late renewal of vehicle licences.

Current financial year matters will be investigated and the findings will be reported to the National Treasury. Previous financial year matters have been reported to the National Treasury and still awaiting response; therefore, none of this expenditure has been condoned by National Treasury.

Notes to the Financial Statements for the Year Ended 31 March 2012

24. Related parties

Non Executive Management (Commissioners)

	Appointment Date	Basic Salary	Structurable Salary	13 th Cheque	Provident / Pension funds contribution	Fees	Other Benefits	Total R' 000
WM Mabuza – Chairperson	01/02/2009	561	325	47	-	5	-	938
HJ Mabale- Deputy Chairperson	01/02/2009	477	215	40	62	20	-	813
M Le Roux	01/02/2009					25	-	25
MD Jobson	01/02/2009					27	5	32
M Bethlehem	01/02/2009					72	-	72
SO Gabier	01/02/2009					14	-	14
WA Knoetze	01/02/2009					66	35	101
CN Kok	01/02/2009					46	9	55
G Martin	01/02/2009					73	-	73
DM Mathebula	01/02/2009					-	7	7
MVC Neluvhalani	01/02/2009					49	33	82
BP Mkhize	01/02/2009					63	5	68
JM Mokgathle	01/02/2009					58	-	58
D Moodley	01/02/2009					57	-	57
P Ngove (01/02/2009					19	33	52
N Zulu	01/02/2009					35	3	38
M Tyatyeka	01/02/2009					-	18	18
Total		1 038	540	86	62	629	148	2 503

Audit Committee Members

D Coovadia
MM Mohohlo
MS Mothipe

Total

Fees	Other benefits	Total R' 000
43	4	47
22	3	25
4	-	4
69	7	76

Notes to the Financial Statements for the Year Ended 31 March 2012

Senior Management Emoluments

Executive management and directors	Appointment Date	Basic Salary	Structurable Salary	13 th Cheque	Provident / Pension funds contribution	Other benefits	Total R' 000
Chief Executive Officer – PS Moreroa	01/10/2010	505	259	-	75	18	858
Chief Financial Officer - CM Smuts	01/06/2006	465	188	36	67	-	755
Senior Manager - RW Maruma	19/03/2007	143	65	30	19	16	273
Senior Manager - TNJ Mkhwanazi-Xaluva	15/10/2007	458	193	35	57	3	747
Senior Manager – TE Mafadza	01/04/2008	454	193	35	57	12	752
Senior Manager - MK Ralarala	01/08/2008	313	142	38	41	33	566
Total		2 338	1 041	174	316	82	3 951

25 Operating lease

The CRL Rights Commission rents premises with lease rentals of R 151 626 per month according to a lease agreement that commenced on 1 May 2009, with a lease term of five years. The escalation of the operational lease is set at 10%.

	2013 1 year R' 000	2014 2-5 years R' 000	Total R' 000
Rental	2 403	2 866	5 269
Parking	217	258	475
Total	2 620	3 124	5 744

26 Straight-Lining of Operating Lease

	2011/12 R' 000	2010/11 R' 000
Straight-lining of operating lease	699	657
Total	699	657

27 Financial Instruments

Financial instruments consist of cash and cash equivalents trade and other receivables and trade and other payables. All financial assets:

	Notes	2012 R' 000	2011 R' 000
Loans and receivables at amortised cost		1 125	1 244
Trade and other receivables	12	487	556
Cash and cash equivalents	11	595	688
Financial liabilities at amortised cost		1 426	829

Notes to the Financial Statements for the Year Ended 31 March 2012

Trade and other payables

15

1 172

829

Credit risk

Trade and other receivables

Trade and other receivables are exposed to a low credit risk and no amounts are overdue.

Cash and cash equivalents

Cash and deposits are held with an AA-rated registered banking institution and are regarded as having insignificant credit risk.

Liquidity risk

Trade and other payables

The Commission is only exposed to liquidity risk with regard to the payment of its trade payables. These trade payables are all due within the short-term. The Commission manages its liquidity risk by holding sufficient cash in its bank account, supplemented by cash available in a call account.

Interest rate risk

Trade and other receivables

Trade and other receivables are exposed to an insignificant amount of interest rate risk.

Cash and cash equivalents

Cash in the call account is kept at a maximum in order to maximise interest earned on any cash.

Increase/ (decrease) in surplus/ (deficit) reported for the year Effect of a 100 basis point increase in interest rates

Effect of a 100 basis point decrease in interest rates

(Decrease) / Increase in surplus/ (deficit) reported for the year

2012	2011
R' 000	R' 000
7	19
(7)	(19)

28 Statement of Comparison of budget and Actual Amounts

	Actual R' 000	Budget R' 000	Variance R' 000
Revenue	22 581	22 150	430
Transfer	22 378	22 150	228
Other Income	101	-	101
Finance Income	101	-	101
Less Expenses	22 859	21 690	(1 169)
Administrative expenditure	2 919	1 845	(1 074)
Audit fees	968	1 500	532
Staff costs	13 318	13 400	82
Other operating expenditure	5 653	4 945	(708)
Finance cost	1	-	(1)
(Deficit) / surplus before depreciation and amortisation	(278)	460	(739)
Less depreciation and amortisation	395	460	65
Surplus/(deficit) for the period	(673)	-	(673)

Notes to the Financial Statements for the Year Ended 31 March 2012

Due to the financial constraints experienced by the CRL Rights Commission, additional funding, as well as the savings reported above, was re-allocated to sub-programmes to improve performance. Re-allocated funds assisted in reaching objectives on the approved business plan which would have had to be reported in the performance information as not achieved if the re-allocation was not done.

29 Going Concern

During the current financial reporting period the CRL Rights Commission faced continued financial resource challenges as reported in the 2010/11 financial year. The efforts of management to scale down on the strategic plan assisted in the CRL rights Commission remained within the limitation of its approved funding. Management foresee an improvement in the 2012/13 financial year, as a result of a cash injection of R 11 m. 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. Notes to the Financial Statements for the Year Ended 31 March 2012

30 Reclassification

During the prior year expenditure in respect of electricity for the premises used by the CRL Rights Commission were disclosed with electricity charges for the common area. This was reclassified by management to be disclosed with the water charges for the premises rented. The results of the reclassification are as follows:

Classification	As reclassified in 2012 for 2011	As disclosed in 2011
Water and Electricity	406	21
Common area electricity	9	395

Prior Period Error

Prepaid and straight lining of leases was incorrectly accounted for in previous years. The prior year figures have now been corrected.

Statement of Financial Performance

Leases office building	2010/2011 R' 000	2009/2010 R' 000
Increase in expenditure – straight lining of lease expenses	(252)	(150)
Decrease in expenditure – prepaid lease expenses	182	-
Decrease in surplus for the period	(70)	(150)

Statement of financial position

Leases office building	2010/2011 R' 000	2009/2010 R' 000
Lease expense accrual	252	150
Prepaid expenses	(182)	-
Increase in net assets for the period	70	150

31 Events after reporting date

The CRL Rights Commission is not aware of any matter or circumstance arising since the year ended 31 March 2012.

32 Authorisation of annual financial statements

The Accounting Officer of the CRL Rights Commission, Adv. PS Moreroa, authorised the financial statements for issue on the 31 July 2012.



CRL
Rights

COMMISSION

FOR THE PROMOTION AND PROTECTION
OF THE RIGHTS OF CULTURAL, RELIGIOUS
& LINGUISTIC COMMUNITIES

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