



C · O · M · M · I · S · S · I · O · N
FOR THE PROMOTION & PROTECTION
OF THE RIGHTS OF CULTURAL, RELIGIOUS
& LINGUISTIC COMMUNITIES

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**50 QUESTIONS FROM THE PARLIAMENTARY MEETING WHICH
TOOK PLACE ON THE 6TH MARCH 2012**

1. Is it not the same report we received last time?

Answer: Honourable Chair, the Commission is presenting on the Strategic Plan not the Annual Report. Annual Report will only be available in the middle of the new financial year. This is not a report but the Strategic Plan.

2. Resource consideration is this not copy and paste?

Answer: Honourable Chair the Commission is using the template furnished by National Treasury and as such it would not change. What will change is content only.

3. Why finances are poorly outlined

Answer: Our finances are not poorly aligned. Instead Plenary is the body that approves the way funds are allocated and this is to conform with Treasury regulations including the balancing of ratio.

4. Kingship matters: what language should they speak?

Answer: Matters related to Kingship are handled by Department of Traditional Affairs. The Commission does not dictate what language should a certain Community speak but its mandate is to protect that language that is spoken by that Community

5. What is the difference between Traditional Councils and Community Councils

Answer: Honourable Chair, this question was raised in one of Cogta meetings and the answer was that Community Councils and Traditional Councils are two different things. Community Councils are inclusive of both cultural, religious and linguistic communities. Traditional Councils are like "lekgotla"

where issues of Traditional Leaders are discussed. For example, a Traditional Council could listen to issues pertaining to the area where a Traditional Leader has jurisdiction. A Traditional Council can become a Community Council but a Community Council cannot become a Traditional Council.

6. How extra budget was allocated

Answer: Honourable Chair a thorough work was done on the allocation of budget and this is in line with Treasury regulations. Plenary also had to approve those proposed allocations. Focus was given to Operational Programmes.

7. Why the Strategic plan is not signed

Answer: Honourable Chair I have already indicated that our Strategic Plan was approved few days ago and as we were about to finalize it, we were called to present it before the Portfolio Committee. Another delay was caused by the fact that our baseline was increased and that impacted on our Strategic Plan that was approved in November 2011 and we had to review it.

8. Opening of Provincial offices- why 3 only Provinces

Answer: Honourable Chair when we received news that our baseline was going to be increased we were excited that we will be able to open Regional Offices and based on our calculations it was not going to be easy to open 9 Regional Offices but we thought it would be prudent to open few of them and rollout as the years progress. However even those few Provincial offices were watered down because of funds would not be enough.

9. Where is the evidence of payment on weekly basis

Answer: Honourable Chair I need to reiterate that this presentation is about the Strategic Plan/ Road Map as the Chairperson has said. Reports will be made available during the tabling of the Annual Report. The Commission cannot mislead this Committee and we need to be trusted on what we present to you. This matter will be noted and captured in our Annual Report.

10. Chairperson consulting with the CEO

Answer: Honourable Chair the Chairperson has already commented on this concern, however it must be noted that the reason why both myself and the

Chairperson attend this meeting, is to assist one another. As a CEO I cannot recall everything we have discussed, hence the consultation. Seeing that such consultation is disturbing to the Committee we shall try to avoid it in future. The concern, though, did take us completely by surprise.

11.44 Community Councils- Where are they

Answer: Honourable Chair our Community Councils are registered in all 9 Provinces. They serve as advisors on cultural, religious and language matters

12. How do you come up with the numbers in the Strategic plan

Answer: Honourable Chair this is based on the experience we have so far in relation to numbers and figures on the Strategic Plan. This is based on trends of how many cases or matters we have dealt with, for the under review. We are also required by National Treasury, Auditor General and Monitoring and Evaluation Department to follow the SMART method and thus make reasonable projections on our Strategic Plan.

13. How does the Commission deal with Language matters

Answer: In the opening remarks of the Chairperson he has already alluded to the fact that the Commission is involved in many cases where language has been an issue especially in Schools like the schools in Phalaborwa and Fochville. We have in fact written to both Minister of Higher Education and Basic Education regarding our vision about an introduction of indigenous languages in South African Schools. There is a lot to talk about on the issue of language and we appeal to Government Schools not to disallow learners as a result of language barriers.

14. How does the Commission interact with provinces with no Regional offices

Answer: Honourable Chair, this question has been asked on several occasions and until such time that the Commission is allowed to operate like any normal Chapter 9 Institutions, we will always have this challenge. The Commission does not have enough resources in order to be accessible and visible to the Nation. In the interim, measures have been put in place to ensure that the services of the Commission are accessible to the Country as a whole. We have begun making inroads to Provinces through our Commissioners because CRL can now be able to afford their stipends when they are involved.

15. If the 17 Commissioners are not aligned to Provinces- why not employ 1 or more Commissioner in Provinces to make them 18.

Answer: Honourable Chair: The work of Commissioners is not operational but an oversight function. The moment we confuse the two, that is when problems are created between Commissioners and Secretariat. The number of Commissioners does not assist the Commission in discharging its operational duties. Plenary has, however, assigned Commissioners to particular Provinces to be a presence of the Commission.

16. How do you promote Indigenous languages

Answer: Honourable Chair as already mentioned the Commission is extensively engaged in this matter and we have made several interventions, some of them we knew them through media. No language is above others and we need to promote those indigenous languages that did not enjoy any privilege during Apartheid era (See #13 above)

17. The Animal Slaughtering – What is the Commission doing?

Answer: Honourable Chair the Commission has crafted a detailed report about animal slaughtering especially for ritual purposes. I can now mention that there is a guideline document and the Commission is monitoring its implementation. You would also recall that we were invited to Free State during ANC Centenary to advise and monitor animal slaughtering processes.

18. Internal Auditor vs External Auditor

Answer: Honourable Chair the Commission is in a process of filling in the position of an Internal Auditor. This individual will be able to monitor our work on daily basis. In other words we want him/her to be pro-active. In most cases an external service usually comes after the damage has been done. On the other hand we are trying to reduce costs by having a person doing this work for the Commission. Please note that this does not do away with the normal audit from the office of the Auditor General.

19. The future of ukuthwala and the Understanding by the Commission

Answer: Honourable Chair, ukuthwala as already mentioned is a cultural practice of certain tribes in South Africa. In fact most of black communities practice this tradition. Some call it Tshobediso, some call it Gotshabisa, others call it with different names. The originality of ukuthwala has diminished. In the past you will only “thwala” a girl above 18 years and there were agreements but what is

happening today is abduction of small girls under pretext of ukuthwala. This is a serious crime because it is a gross violation of the rights of the person. The position of CRL Commission on this matter is that, this is a cultural practice and must be respected as such. This can only be done if the rights of women and children are not abused. This custom is viewed by some in the same way as they view polygamy: there are some organizations that believe that polygamy violates the rights of women. Cultural practices are not stagnant and they can be developed.

20. How do you intervene in initiation schools because of their sacredness?

Answer: Honourable Chair, we are a constitutional body and as such we must be seen protecting people's rights. Between 2009 and 2010 Eastern Cape alone lost around 100 boys in the so called circumcision schools. As a Commission protecting and promoting rights we cannot fold up our arms when the country is burning. We had to intervene and investigate what was the cause of this pandemic. A detailed report with recommendations was compiled by the Commission and handed over to CoGTA for implementation. Initiation is our custom and as such, it must be protected as long as it does not violate the rights of our people, especially if it tempers with the right to Life.

21. You do not seem to be owning this presentation you are making.

Answer: Honourable Chair you have already alluded to the fact that the fault does not lie with us, as we were summoned to appear before this Committee before we could finalize our Strategic Plan. I have already indicated that our Strategic Plan was approved late last year but because of the additional budget we had to review it and it must be approved by Plenary and Plenary sits once in a quarter. Our Strategic Plan was finally adopted and approved few days ago and as we were finalizing it, we were called to present it. I need to indicate that we own this document. The fact that there are few errors in it, is a confirmation of what I have just said. It is not the first time we present the strategic plan before this Committee.

22. The proper use of the extra budget

Answer: The Chairperson has already answered this question; however I need to add that internal control measures are in place to guard against misuse of finances. One of them as I have already mentioned is that we have recently approved a policy on Fraud Prevention.

23. Reports on the oversight by Commissioners

Answer: Honourable Chair, Commissioners have only one duty and that is an oversight function. They monitor the work of the Commission by Secretariat and also monitor implementation of Commission's recommendations by state organs. During each and every Plenary Commissioners report on what they have been doing in the quarter, however the Commission reports once in a year to Parliament.

24. What religion are you dealing with?

Answer: Honourable Chair, the CRL Commission is neither a cultural, religious nor language Commission. We are a Human Rights Body protecting cultural, religious and language rights as provided in section 30 and 31 of the Constitution. As such we do not put one religion above the other. We protect and promote all other religious beliefs as long as they conform with the provisions of the Bill of Rights.

25. What changes came after your intervention on Zapiro cartoon and Fochville matters?

Answer: The Chairperson has already answered these questions however I want to add that on President Zuma's case the news paper did not want to withdraw and remove the shower from the head of the President. The CRL Chairperson went to an extent of taking this matter with Media Ombudsman. On the issue of Fochvile learners were allowed to enroll for lessons though we were unjustly attacked by Afriforum. The Commission will still strive for justice without fear, favour or prejudice.

26. What reports do you have on Ukuthwala?

Answer: Honourable Chair, I have already indicated that ours was to present on the Strategic Plan not on Annual Report. Our Annual Report will only be available during the mid year. What we are doing now is to show the Committee what projects the Commission have but we are not reporting. The Ukuthwala report will be reflected on the Annual Report.

27. What celebrations are you talking about- why celebrating?

Answer: Honourable Chair we are not celebrating because we have received extra funds. These celebrations have been there even before we got extra funds, for an example this month is Human Rights Month. Most departments will be

celebrating the existence of human rights and this is national. The Commission has been doing this and will continue doing it because of the nature of those celebrations. September is Heritage month and we need to be seen doing something around that.

28. Page 9 68 + 12 cases (ICR)

Answer: Yes Honourable Chair, 68 are new cases for the coming financial year and 12 are old cases that were carried over. In other words 68 plus 12 makes 80 cases for 2012/2013.

29. How do you address risk of lack of cooperation during investigation?

Answer: Honourable Chair each and every Programme has got risk mitigating factors. With this I mean we identify risk on our work and try to come up with solutions to that. One of mitigating factor is to report those non-cooperative departments or institutions to this Committee so that action can be taken against them.

30. How do you distribute your pamphlets- Nationally or Provincially?

Answer: Honourable Chair we do not have Regional Offices and we have been requesting extra funds in order to open Regional Offices. To this day we have not received additional funds that allow us to implement that. We have however developed other measures of distributing our promotional and marketing material to each and every Province. This is done through each Programme.

31. Percentage of filing positions-why? Why so little?

Answer: Honourable Chair, our baseline fluctuates and as it does so we also need to adjust to it. Our focus is much on Operational Programmes and not Support Programmes.

32. Resource consideration R7 million- Is it inclusive?

Answer: Yes Honourable Chair, the amounts reflected on the Resource Considerations are inclusive. This means that it is both salaries and operations.

33. Is the issue on Rastafarian Communities better or worse?

Answer: Honourable Chair we have intervened in several occasions where the Rastafarian Communities were under attack. Most of these attacks take place in Western Cape. We are now compiling a report that will be presented to this Committee before the end of the coming financial year. Those persecutions have since subsided.

34. Do you use House of Traditional Leaders?

Answer: The CRL Chairperson has already answered this question, however I need to add that the Commission is an Independent Body and as such it must do its work without hindrance, fear, favour or prejudice. The work of the Commission is to monitor adherence, promotion and protection of cultural, religious and language rights. The CRL Commission must be able to operate like any other Chapter 9 Institution. The Commission does not deal only with Traditional matters but it goes beyond that and as such it should not be aligned to any organization.

35. Page 23: Resource consideration- what is the difference between procurement officer and Procurement?

Answer: Honourable Chair, Procurement Officer in the Procurement Office is a person who authorizes certain transactions of the Commission and Procurement Clerk develops and compiles those transactions. This is to create a fraud-free environment.

36. The meaning of Communities?

Answer: Honourable Chair the meaning of Communities here relates to the work of the Commission. These are people who are custodian of cultural, religious and language practices, in other words, people meeting with a common purpose regarding any of the three issues above.

37. The process of Strategic plan?

Answer: Honourable Chair, Chapter 5 of National Treasury clearly provides that the crafting of Strategic Plan is done by Accounting Officers and a template has been provided by National Treasury. The template that the Commission is using and the processes thereof are as per regulations.

38. What is Plenary?

Answer: Honourable Chair, Plenary is a decision-making body of the Commission. It is made up of Commissioners and Secretariat as a support

39. 17 Commissioners- Are they full time?

Answer: No Honourable Chair. Only two of them (Chairperson & Deputy Chairperson) are full time and the rest are on a part-time basis.

40. Page 9: 36 Cases for the year under review How do you come up with 68 cases now?

Answer: Honourable Chair, I have already responded to this question. Our numbers are based on the trends for the years under review. It is also a requirement to be SMART on your strategic plan.

41. Positions- Are they national or provincial?

Answer: Honourable Chair we do not have Regional Offices, as a result our positions are Head Office bound. We wish we had Regional Offices in order to be accessible and visible than what we are now.

42. Policies- How many policies do you have

Answer: Honourable Chair we have got many policies, some are approved, some are still to be approved, some of them are in the process of being developed, some of them will be prompted by day-to-day running of the Commission. Honourable Chair you can have policy on anything as a result it would be difficult to know how many policies you have as they pertain to the smooth running of any entity.

43. Positions- are they new or old? How many?

Answer: Honourable Chair, half of them are new and half are old.

44. Are there any recommendations by ICR?

Answer: Honourable Chair it is indeed unfortunate that we have to answer this when we are actually dealing with the Strategic Plan. In our previous annual report there were recommendations from ICR that were sent to various Government Departments for implementation. It now becomes the duty of this Committee to ensure that those recommendations are implemented.

45. The number of cases- how do you predict?

Answer: Honourable Chair I have already answered this question. Our numbers are based on the trends for the years under review. It is also a requirement to be SMART on your strategic plan.

46. Ermelo High School- what intervention have you made

Answer: Honourable Chair, I believe this matter was on media, and we did not have an opportunity to see it but as the Chairperson has already said in the opening remarks this Commission is involved in many cases where language has

been an issue especially in Schools like the schools in Phalaborwa and Fochville. We have in fact written to both Minister of Higher Education and Basic Education regarding our vision about an introduction of indigenous languages in South African Schools. There is a lot to talk about on the issue of language and we appeal to Government Schools not to disallow learners as a result of language.

47. Distribution of 15 000 pamphlets- which languages you are using?

Answer: Honourable Chair the Commission has been translating its work into languages that are best understood by the Communities.

48. Relationship with COGTA on the issue of Ukuthwala

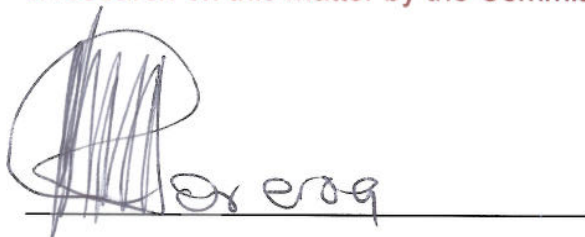
Answer: Honourable Chair the work of the Commission is to promote and protect cultural, religious and language rights of our Communities. Cogta is the implementing agency, like I gave an example of initiation report, we have compiled it and sent to Cogta to present to Parliament. Ours is to identify and monitor violation of those rights.

49. Brewing African Beer- what informed the Commission?

Answer: Honourable Chair, as we travel around the country doing our work we at times come across issues related to this one. We have identified this problem when we were in the Eastern Cape. African Communities in that part of the Country are not allowed to brew an African Beer the reason being that, it is a concoction. Those who are able to do that are given limit as how much they can brew. The Commission is still gathering information around this matter and it will be reported accordingly during the tabling of our Annual Report.

50. How many Rastafarian Communities?

Answer: Honourable Chair this is what the Commission is trying to find out, hence a research on this matter by the Commission.

A handwritten signature in blue ink, appearing to read 'Adv PS Moreroa', is written over a horizontal line. The signature is somewhat stylized and includes a large circular flourish on the left side.

Adv PS Moreroa

Chief Executive Officer

CRL Rights Commission