



SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Annual Report 2004/2005

Ms Baleka Mbete, MP
Speaker of the National Assembly

Pursuant to the provisions of section 40(1) (e) of the Public Finance Management Act (Act No. 1 of 1999), I am pleased to submit the Ninth Annual Report of the South African Human Rights Commission for the period 1 April 2004 – 31 March 2005.

Please find, annexed to the report, the Commission's Annual Report as per section 83(1) (b) and 84 of the Promotion of Access to Information Act (PAIA), No 2 of 2000.

A handwritten signature in black ink, appearing to read "L. Mokate".

Lindiwe Mokate
CHIEF EXECUTIVE OFFICER





South African Human Rights Commission

Ninth Annual Report

April 2004 – March 2005

List of Abbreviations

AIDS	Acquired Immuno-deficiency Syndrome
ANHRIs	African National Human Rights Institutions
<i>AmaKhosi</i>	Traditional leaders
ARNESCR	African Research Network on Economic, Social and Cultural Rights
AU	African Union
CBO	Community Based Organisation
CCMA	Commission for Conciliation, Mediation and Arbitration
CGE	Commission on Gender Equality
CRL Commission	Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
DHRE	Democracy and Human Rights Education
FDHRE	Forum for Democracy and Human Rights Education
HIV	Human Immuno-deficiency Virus
ICC	International Coordinating Committee
ICD	Independent Complaints Directorate
IEC	Independent Electoral Commission
IT	Information Technology
LHR	Lawyers for Human Rights
MTEF	Medium Term Expenditure Framework
NACHRET	National Centre for Human Rights Education and Training
NGO	Non-governmental Organisation
NEHAWU	National Education, Health and Allied Workers Union
NQF	National Qualifications Framework
NSB	National Standards Body
PAIA	Promotion of Access to Information Act
PANSALB	Pan South African Language Board
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PFMA	Public Finance Management Act
OPP	Office of the Public Protector
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SAQA	South African Qualifications Authority
SGB	Standards Generating Body
TAU	Transvaal Agriculture Union
DLA	Department of Land Affairs
UN	United Nations
UNDP	United Nations Development Programme
UNCHR	United Nations Commission on Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCHR	United Nations High Commission for Human Rights
UNICEF	United Nations Children's Fund

ISBN: 0-621-36303-0
RP: 208/2005



Contents

Overview by the Chairperson	4
Introduction by the Chief Executive Officer	4
Section 1: Legislative Framework	7
Governing Principles	7
The Mandate of the Commission	7
Mission Statement	7
Section 2: Programme Performance	8
Introduction	8
Organisational Structure	11
Programme 1: Strategic Management	12
Programme 2: Finance and Administration	12
Programme 3: Commissioners	18
Programme 4: Media and Communications	21
Programme 5: Legal Services	25
Programme 6: Research and Documentation	30
Programme 7: Education and Training	36
Programme 8: Provincial Offices	40
Section 3: Human Resources Management	45
TABLE 1.1 - Personnel costs by programme	45
TABLE 1.2 - Personnel costs by salary band	45
TABLE 1.3 - Salaries, Overtime, Home Owners Allowance and Medical Assistance	45
TABLE 1.4 - Salaries, Overtime, Home Owners Allowance and Medical Assistance by salary band	46
TABLE 1.5 - Employment and vacancies by programme	46
TABLE 1.6 - Employment and vacancies by salary band	47
TABLE 1.7 - Annual turnover rates by salary band for the period	47
TABLE 1.8 - Reasons why staff are leaving the Commission	48
TABLE 1.9 - Recruitment	48
TABLE 1.10 - Promotions	49
TABLE 1.11 - Terminations for the period	49
TABLE 1.12 - Performance Rewards by salary band for personnel below Senior Management Service	50
TABLE 1.13 - Sick leave	50
TABLE 1.14 - Annual leave	51
Section 4: Audited Financial Statements	52
Report of the Audit Committee	53
Management Approval of Financial Statements	55
Report of the Auditor-General	56
Management Report	60
Statement of Responsibility	65
Balance Sheet	67
Abridged Income Statement	68
Statement of Changes in Equity	68
Cash Flow Statement	69
Notes to the Annual Financial Statements	70
Detailed Income Statement	82
Schedule of Donor Funded/Own Funded Rollover	83
Section 5: Annexures	85
Annexure A - PAIA Annual Report	



Foreword by the Chairperson



At the close of the tenth anniversary of our young democracy, there can be little argument that the human rights values underpinning our democratic dispensation become increasingly entrenched with the passage of time. The language and message of human rights define critical processes, such as law and policy-making, the relationship between citizens and the state, and the relationships among and between citizens and, in many instances, non-citizens. Notwithstanding the fact that they are most often contested, and that differing interpretations of human rights widely exist, more and more of our people have come to rely on and assert their rights. This can only be healthy for our democracy. However, it is also important that as people assert and claim their rights, they accept the responsibilities that come with having rights.

The South African Human Rights Commission (Commission) is one of the institutions with the responsibility of ensuring that human rights remain at the centre of debate and dialogue in the nation; that the lofty provisions in the Bill of Rights are translated into reality for the many who need their protection, and that equality and human dignity are more than legal concepts, but values that are internalised and reflected in our relations with each other. To enable this, the mission and the vision of the Commission, as well as its programmes, must have a synergy with national imperatives. Thus overcoming poverty and promoting equality remain the core business of the Commission.

This report highlights how we have translated this vision into meaningful and effective programmes that have impacted positively on the lives of people. We have in the year under review made good on our commitment to take our work to the communities most in need, and there has been a substantial focus on rural communities. We continue to be a resource to Government by way of the provision of advice, training and the development of joint programmes and activities. Our relationship with Parliament continues to improve and the views and opinions of the Commission are increasingly sought on a variety of matters. We have also developed positive working relations with other Chapter Nine Institutions, in the belief that while we share different mandates, we advance the same objective, namely the growth of our constitutional democracy.

The reality is that even with all that we have achieved as a nation, the deficits remain challenging in overcoming the legacy of discrimination and the grinding effects of poverty. The evidence of this confronts us on a daily basis and thus, as we start a new year, we do so mindful that we must continue to strive to make a positive difference.

In conclusion, it would be appropriate to thank my colleagues in the Commission, the donor community and all the people of this country who continue to support the Commission.

A handwritten signature in black ink, appearing to read 'Jody Kollapen'. The signature is stylized and somewhat abstract, with several overlapping strokes.

Jody Kollapen
Chairperson



Introduction by the Chief Executive Officer



The South African Human Rights Commission is proud to present its Annual Report for the period April 2004 to March 2005 to Parliament and to all South Africans. The Commission's constitutional mandate - to promote, monitor and protect human rights in South Africa - is a daunting one, especially given the impoverishment and vast disparities that continue to affect our society. This report attests to the growing momentum achieved by the Commission in entrenching constitutional democracy and human rights. Reflected in the report are the successes and challenges of the SAHRC in relation to the priorities, objectives and targets defined by our Strategic Plan 2004/05.

The Commission has identified its priority areas as the alleviation of poverty and the achievement of equality. Essential in both these areas is the process of monitoring the observance of human rights and providing information to form the basis of interventions. In this regard, the Commission has focused on improving its monitoring of economic and social rights through fieldwork at community level. The Commission produced a guide to assist the public to make use of the Promotion of Access to Information Act, as contemplated in section 10 of the act. The annual report reflecting on the progress relating to the implementation of the Promotion of Access to Information Act is attached to this report.

The number of complaints of human rights violations received by the Commission continues to increase year-on-year, testifying to the increasing awareness of human rights in the country and the increasing public profile of the Commission. The Inquiry into Human Rights Violations in the Khomani San Community brought the plight of this community to the fore. It also reflects the Commission's commitment to reach out to the most marginalised sectors of South African society.

The Omnibus programme, a multi-faceted education and training tool, allows the Commission to work in rural communities more frequently. Human Rights Week was celebrated with an intensive programme in the Northern Cape. The focus of this programme was the Community Voices Forum where youth spoke of their experiences around the right to education.

In the financial year, the Commission established offices in Mpumalanga, so the Commission now has physical presence in all provinces except the North West. Provincial offices ensure the services of the Commission are offered within local communities.

The Commission endeavours to be a resource for human rights practitioners and institutions internationally. The Commission has strengthened its engagement with United Nations agencies and organs of the Southern African Development Community and the African Union.

To mark the decade of freedom, research was commissioned to review ten years of human rights and democracy in South Africa. A two-day conference was convened to allow stakeholders to engage with this research. The study reviews the historical context of human rights in South Africa, explores the extent to which human rights have been realised in the period 1994 to 2004, provides



critical analysis of programmes, policies and approaches in addressing human rights, and recommends strategies for realising these rights in the next ten years. As we enter the tenth anniversary of the Commission's inauguration, we are carefully examining our functioning to ensure a continuing impact on the human rights landscape in South Africa over the next ten years.



Lindiwe Mokate
Chief Executive Officer

