



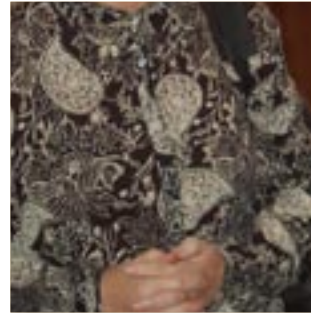
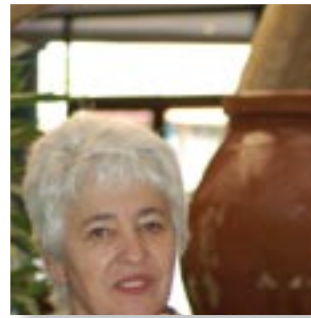
Annual Report *2007/08*

CRL
Rights
COMMISSION

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

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Foreword: Dr Mongezi Guma

We, the CRL Rights Commission, believe it is essential to execute our mandate within the institutional framework, the socio-cultural context and political environment in which we were established while at the same time we seek ways to impact them. This annual report represents the activities of the CRL Rights Commission in this past year as we sought to give effect to the principle of CRL Rights and make an impact on national policy environment. The complexity of the operational environment invariably had an impact on service delivery.

The report articulates the progress made in meeting our Constitutional mandate of nation building and of working for an environment that promotes and protects the rights of cultural, religious and linguistic communities. This was against challenges of a socio-political environment that does not sufficiently appreciate Cultural Rights and still struggles with coming to terms with its demands. This informed the work to take forward the task of nation building.

The biggest challenge is to transform the tendency to treat South Africa as an European outpost in Africa. The undertaking was to work on how we transform the socio-cultural landscape in a way that it becomes infused by a predominantly African Culture – with contributions by people of diverse backgrounds.

During the reported period we faced a plethora of challenges:

- The ongoing violence against women and children

- The perennial poverty and its effect on human dignity
- The narrow space accorded indigenous languages
- The ongoing debate regarding the status of various languages
- The continued erosion of African cultural practices, especially among the young
- The adequacy or lack thereof, of the Education language policy
- Cultural and religious practices that tend to denigrate women
- The growing intolerance and attacks towards foreigners
- How the media tends to undermine cultural diversity
- The undermining of religious-cultural spaces by development
- The general lead-footedness towards multiculturalism and multilingualism.

Against this backdrop was the Report of the Parliamentary Kader Asmal Committee that did an evaluation of Chapter 9 and related Institutions. Its report pointed towards the need to



have greater cooperation among these Institutions, coordinating our activities in a way that we increase efficiency and improve service delivery.

I would like to thank my colleagues, the Commissioners, the CEO and the staff in contributing to the advancement of our mandate. One appreciates the enthusiasm in which the Commissioners actively participated in the various programmes at different corners of the country. More importantly, we are grateful to the people who participated in the various programmes, helping us to create the conversation space. We are also grateful of the continued support of the Department of Provincial and Local Government and its Portfolio and Select Committees. This coming year we look forward to holding our

second National Consultative Conference – Let us engage in a national conversation.

Dr. Mongezi Guma
Chairperson, CRL Rights Commission

Chairperson of the Commission: Providing Leadership to the Commission



The Chairperson: Dr. MD Guma



The Deputy Chairperson: Ms. M Bethlehem

CRL Rights Commissioners: Providing Strategic Oversight to the Commission



Dr. WRJ Langeveldt



Pastor MKS Ntlha



Mr. H Gouvelis



Prof. S Dangor



Mr BB Mgcina



Ms DKK Mboweni-Marais



Dr. MAE Dockrat



Dr. TSC Magwaza



Ms M Soni Amin



Ms M le Roux



Prof. S Ngubane



Dr. JCH Landman



Dr. ON Mndende



Dr. LP Boshago



Dr. MD Jobson



Dr. WA Boezak

Introduction: Mrs Pumla Madiba

During the year under review, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities continued to consolidate its drive to advance the objectives it built up over the preceding years to serve the cultural, religious and linguistic rights of communities. It is certainly through its unique mandate of promoting and protecting the rights of cultural, religious and linguistic communities in support of constitutional democracy that the CRL Rights Commission seeks to recover and maintain the dignity of all the cultural, religious and linguistic communities and unite them in their varied identities into a single nation.

This year has been characterised by focused outreach campaigns and seminars around topical issues on culture, religion and language rights. In some instances, the CRL Rights Commission collaborated with sister organisations sharing similar interests in the promotion and protection of cultural, religious and linguistic human rights. The accelerated awareness campaigns had a phenomenal influence on the visibility of the organisation in the sense that more people came to know what the CRL Rights Commission does and how it does it. The media participated actively in these campaigns, thus extending the campaigns in support of promotion and protection of community rights. There was also an emergence of a steady flow of proposals that were submitted voluntarily by individuals on issues of community and public concern rather than complaints against one another. Thus peace, tolerance and friendship are developing and individuals and communities are beginning to participate in the promotion and protection of their community rights. Closer relationships with individual chiefs (maKhosi, maGoshi) begin to strengthen as they also claim their responsibility in the recovery and promotion of community cultural rights.

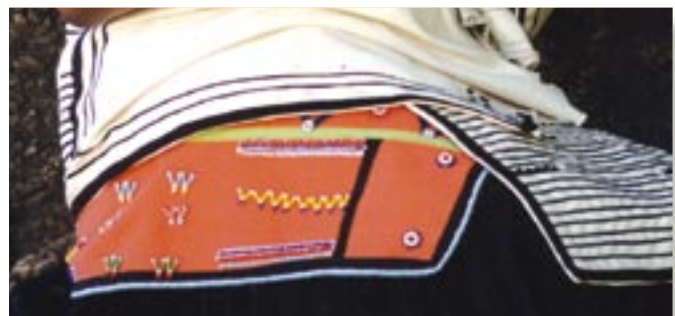
Language and religious rights challenges continue to take a centre stage in many communities. The pace at which the previously disadvantaged languages, including the Khoer and the San languages, are promoted and protected remains a cause of concern for the communities.

While continuing to address the plight of African languages in education and the limited impact of the Language in Education Policy, the CRL Rights Commission realised that there is a myriad of constraints at play. On the one hand, some learners and parents may not be conscious enough of their linguistic identity and the place of identity in their lives. The right to choose a language to learn at school tends to influence a choice of a language other than a mother tongue. On the other hand, the effectiveness of this policy is dependent on the availability of adequate infrastructure and resources both of which are limited. Further, more African language departments have closed down in a number of tertiary institutions. As a result of that, the supply of teachers of African languages is not sustainable and the future of these languages is bleak.

Our aim is to accelerate awareness levels of the various aspects of cultural, religious and linguistic identity in all communities



Mrs Pumla Madiba
CEO,
CRL Rights Commission



through interaction with the various communities and the mainstream public media. Through our Conflict Resolution, Research and Policy Development and Public Education and Advocacy Programmes, we continue to face complex challenges in the promotion of diminishing heritage. In the year under review and a few years before, we tackled the plight of communities that are caught up with the rights of farmers to private ownership of farmlands and the right of access to such spaces for cultural and religious purposes. We have made inroads in resolving the conflict over the different forms of rights. We have forged a relationship with the South African Heritage Resources Agency (SAHRA) whose responsibility is to promote and protect heritage sites to ensure that protection leaves room for promotion of the right of access to these sites. Ultimately these developments will have policy implications and they may possibly influence legislative amendments.

A handwritten signature in black ink that reads "P Madiba".

Mrs Pumla Madiba
CEO, CRL Rights Commission

1. Our Strategic Direction

1.1 Vision and Mission Statement

Vision

The vision of the CRL Rights Commission is an extract of the preamble to the enabling legislation – Act 19 of 2002 – “to contribute meaningfully and constructively to social transformation and nation-building for the attainment of a truly united South African nation”.

Mission

The mission too is an extract from the enabling legislation – “to promote and develop peace, friendship, humanity, tolerance and national unity among cultural, religious and linguistic communities”.

To achieve this mission, the CRL Commission shall:

- Be the channel of communication between the State and communities
- Monitor compliance by the State and Civil Society with its mandate
- Mediate in inter-community conflict situations and facilitate harmonious co-existence



- Facilitate the development of programmes that foster sensitivity, respect and understanding for cultural, religious and linguistic diversity
- Lobby Government Departments and legislative authorities in order to identify and recommend, amending, repealing or enacting laws undermining or supporting those rights respectively.

We are mandated to promote and protect the cultural, religious and linguistic rights of communities in support of Constitutional democracy. We envision national unity among the diverse cultural, religious and linguistic communities. Specifically we seek to develop peace friendship, tolerance and mutual respect through an integrated system of programmes as follows:



Operational Structure



1.2 Human Resource Capacity

The human resource capacity has been growing at a slow pace due to the limitation of the budget as well as the fact that there has been a high and fast rate of employee turnover. To date, only 31 of the 66 approved posts are funded and 23 are filled. The rest will be filled early next year.

1.3 Management Structure



Chief Executive Officer:
Ms. Madiba



Senior Manager:
RPD:
Dr Masoga



Senior Manager:
ICR: Advocate
GH.Philander



Chief Financial
Officer:
Mr. Smuts



Senior Manager:
Secretarial Services:
Mr. Maruma



Senior Manager:
PEA:
Ms. Mkwanzzi-Xaluva

2. Programmes

2.1 Investigations and Conflict Resolution (ICR)

Section 185 of the Constitution which provides for the primary objectives of the CRL Rights Commission, also provides for the enforcement of those objectives. With regard to investigations, it provides for:

- a) Monitoring, investigation and research on any issue or topic concerning the rights of cultural, religious and linguistic communities. When conducting an investigation, the CRL Rights Commission has the power to summon witnesses where necessary, who have a legal duty to produce all relevant documentation, and
- b) Facilitating and resolving friction between and within cultural, religious and linguistic communities or between any such community or organs of State where the cultural, religious or linguistic rights of a community are proportionately affected. Each case is registered and acknowledgement of receipt of a complaint is made within thirty days.

As far as possible, contact is made with the complainant in order to gather more information on the legitimacy of the complaint. The information is analysed in order to construct a relevant framework for conflict resolution. Part of the framework takes into cognisance of the following: investigate as to i) whether there was any violation of cultural, religious or linguistic right, ii) whether the case relates to the right of an individual or a community, iii) whether further research on the content of the right is necessary, iv) whether there is a need for a community dialogue to establish the views of the community, v) ultimately, whether the parties in conflict may have to conclude a formal agreement or settlement to maintain peace between themselves.

In total, twenty-seven (27) new complaints were received in the 2007/2008 financial year, which is a significant decrease

over thirty two (32) complaints received in the previous year. This 16 % difference is quite revealing in terms of the inroads that the CRL Rights Commission has made in sensitising the communities around areas of concern. The highest number of complaints was in the area of culture (11) followed by religion (9) and then language (7). All of the cases lodged with the CRL Rights Commission were investigated, and a significant number of cases were closed.

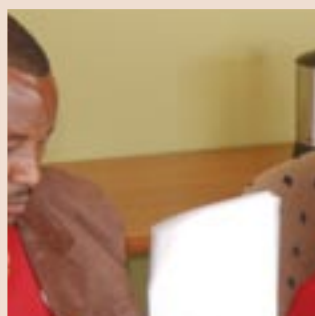
In this year of reporting, the Investigations and Conflict Resolution Unit has in line with the 2007/08 Business Plan of the CRL Rights Commission:

- Investigated and reported on issues concerning the rights of cultural, religious and linguistic communities;
- Mediated and facilitated resolution of friction between and within cultural, religious and linguistic communities, as well as between any such communities and an organ of State where cultural, religious and linguistic rights of a community are affected;
- Received and dealt with requests related to the rights these communities.

Although no recommendations have been submitted to State departments as yet relevant matters were brought to the attention of appropriate authorities or organs of State dealing with such matters.

2.1.1 Religious Rights

Section 15(1) of the Bill of Rights suggests that everyone has a right to freedom of religion, and Section 9(3) goes further to say that the State may not discriminate directly or indirectly against anyone on the grounds of one's religion and belief. Although the Constitution gives everyone this right, there is a perception that Christianity is favoured over all other religions in the country.



Our country has many diverse religions like Hinduism, Judaism, Islam, African Traditional Religion, Bahai, Rastafarianism etc., and one of the missions of the CRL Rights Commission is to ensure that all religions in the country are treated fairly, equally and the diminished heritages of religions are protected and promoted.

Progress made on cases in general:

All the complaints lodged with the CRL Rights Commission were investigated, some were resolved and others are still being addressed and followed up on by the ICR Unit. Some of the cases that the ICR Unit has intervened on include those dealing with:

- **Religious intolerance**

Access to graves and destruction of sacred spaces are among the leading cases or complaints lodged with the CRL Rights Commission. The CRL Rights Commission has, during the 2007/08 financial year, received four complaints on denial of access to graves and destruction of sacred spaces. The CRL Rights Commission intervened on all the cases by conducting investigations and by facilitating conflict resolution through mediation between the parties involved.

The CRL Rights Commission has, in line with Section 6 of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Act no. 19 of 2002, engaged the South African Heritage Resources Agency (SAHRA) and provincial heritage authorities to assist the CRL Rights Commission by employing their powers to inspect farms to ascertain whether the graves existed on farms as alleged by the complainants, as well as to protect sacred sites. The complaints around sacred sites emanate from the frictions between communities and landowners over land which they consider to be sacred. These also arise from friction between an organ of State and a community in instances where a community alleges that an organ of State has earmarked their sacred space for development.

The CRL Rights Commission is concerned with the recurrence of incidents of denial of access to graves and burial grounds to families of the deceased as well as the destruction and flattening of graves by farm owners. The CRL Rights Commission is of the opinion that farm owners do not always respect or have due regard to the cultural rights of others and they do not always respect legislation such as the Extension of Security of Tenure Act.

This Act provides that 'Any person shall have the right to visit and maintain his or her family graves on land which belongs to another person, subject to any reasonable condition imposed by the landowner or person in charge of such land in order to safeguard life or property or to prevent the undue disruption of

work on the land'. The CRL Rights Commission has experienced hostility from some farm owners who have refused to enter into reasonable agreements to allow people the right to visit and maintain their family graves.

2.1.2 Cultural Rights:

In redressing the disparities of the past, the Bill of Rights guarantees individuals the right to enjoy and practise their cultures with the members of their communities. The CRL Act 19/2002 that established the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission) further gives the CRL Rights Commission the power to promote and protect cultural rights of communities. In promoting and protecting cultural rights of communities, the CRL Rights Commission is charged with ensuring that the cultural diversity of South African society is translated into a reality. This entails ensuring that diverse cultures are practised on equal footing and within a non-discriminatory basis. However, an important part of ensuring equal and equitable practice of cultures is to redress and facilitate the cultural practices of communities who were previously marginalised and destroyed, albeit, not to the disadvantage of other cultures and heritages.

- **Cultural intolerance and disrespect**

A sense of intolerance and lack of mutual respect among cultural, religious and linguistic communities can be discerned from the complaints lodged with the CRL Rights Commission. During the current financial year, the CRL Rights Commission received three cases which evidence lack of tolerance and respect between and among cultural, religious and linguistic communities. The Unit has investigated complaints around denigration and disrespect of cultural and religious practices of various communities. Some religions or their practices are sometimes labelled as "uncivilised", "sinful" or "profane".

The complaints revolve around lack of knowledge, understanding and embracing of diverse cultures within the South African populace. This clearly indicates the need for the CRL Rights Commission to intensify its information dissemination and education programmes; and to promote awareness especially amongst the youth of the diversity of cultural, religious and linguistic communities.

2.1.3 Linguistic Rights:

The country's Constitution guarantees equal status to all 11 official languages to cater for the country's linguistically diverse peoples. Section 6 of the Constitution provides for the principal legal framework for multilingualism, the development of official languages and the promotion of respect and tolerance for South Africa's linguistic diversity.



Over and above these, Section 31(1) of the Bill of Rights categorically states that the persons belonging to cultural, religious or linguistic communities may not be denied the right – with other members of that community – to enjoy their culture, practice their religion and use their language.

In respect of language rights, the CRL Rights Commission sees its role as being that of promoting and protecting the rights of communities to their own language or languages – a right to language. The right to language is a collective one, referring to the rights of communities.

• **Linguistic inequality**

The CRL Rights Commission received four submissions from the public regarding the use of language for instruction in schools as well as on the offering of languages as subjects in school and at tertiary institutions.

The concern is that children are not taught their home / mother tongue languages in schools. An example can be made regarding an individual of the Babirwa, who complained of being taught Sepedi instead of their language, Sebirwa.

There is also a complaint from the Northern Ndebele community who wants their children to be taught in Northern IsiNdebele and not be clustered under IsiNdebele, which is recognised by the Constitution. This also involves the recognition of various languages as official languages in the Constitution as well as the classification of some languages as dialects of other languages as opposed to their recognition in their own right.

There have also been complaints regarding the use of Afrikaans as a medium of instruction at certain tertiary institutions – an issue that is seen as an extension of the Apartheid system and elevation of one language over others.

The CRL Rights Commission has engaged PANSALB and the Department of Education on all the issues dealing with language in education. There may be policy and legislative changes required to deal with some of the complaints, as well as resource implication regarding the issues of language in education. However, in some instances existing policy and legislation is not properly implemented or enforced and the CRL Rights Commission will be making a submission on effective implementation of current rights.

A Synopsis of cases received during the year under review:

Culture	Religion	Language	Total
11	9	7	27

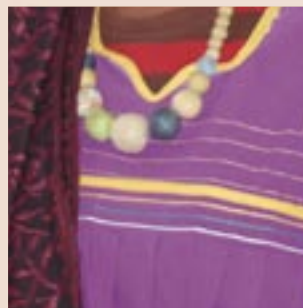
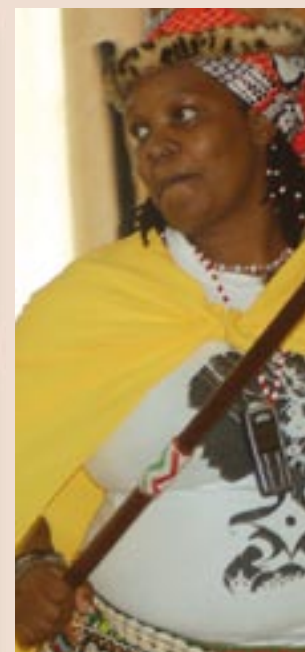
2.1.4 Investigations

The ICR Program investigated the complaints lodged with the CRL Rights Commission concerning the rights of cultural religious and linguistic communities, as well as cases carried over from the 2006/07 financial year. The cases were dealt with as follows:

• **Mediation**

Where appropriate mediation sessions were convened between the parties to the complaints or disputes.

Culture	Religion	Total
3	2	5



• **Referrals**

Those matters which were found to be outside the mandate of the CRL Rights Commission were referred to the relevant institutions. The complainants were advised about their rights according to various applicable legislation as well as advised on the nature of remedies they may access.

• **Matters investigated and finalised during the year under review**

Culture	Religion	Language	Total
4	7	6	17

• **Pending cases to be dealt with during the 2008/09 year**

Culture	Religion	Language	Total
5	6	6	17

2.1.5 Brochure

• **Complaints procedure brochure**

The ICR unit has produced a brochure that outlines the complaint procedure. The brochure provides information on how to lodge complaints and requests. It sets out timeframes within which matters will be dealt with; as well as grievance procedure to follow in cases where the complainants are aggrieved by the manner in which their matters were addressed.



2.1.6 Partnerships / Collaborations

The CRL Rights Commission has engaged with various other government institutions and government departments in the process of investigating complaints and mediating disputes. The Unit has, amongst others, regularly engaged the following: South African Heritage Resource Agency; Gauteng Provincial Heritage Authority; Pan South African Language Board; Department of Home Affairs; South African Law Reform Commission; South African Police Service; and Municipalities when investigating or mediating disputes.

On occasion, the Unit has also had to investigate complaints against government departments or institutions about whom violations of cultural, religious and language rights are alleged.

2.2 Research and Policy Development (RPD)

Special hearings were held throughout the year to address key themes. These themes included Religious Exclusion; Impact of Teenage Pregnancy on Cultural, Religious and Moral Values of Communities in South Africa; Traditional Healing Practices: Challenges and Recommendations; Spaces of Spiritual Significance: Framework for Access and Practices; Ritual Slaughtering; Inclusive National Calendar; Religious Exclusion in Public Institutions.

2.2.1 Religious Exclusion

Accommodation of all the respective religious practices and faith-based communities in various contexts, such as the media, education, public institutions etc., remains a dilemma for decision-making bodies and the policy implementation process. Thus, a Special Hearing was called to proactively engage the public in an attempt to address the issue. Submissions were presented by various public institutions, among others, the SABC, Kara Heritage Institute, the Departments of Home Affairs and Correctional Services. For the SABC, concerns ranged from how to distinguish between equity and equality as a guiding parameter, to moving from being faith-specific to being multi-faith, and the role of language and faith for radio broadcasting purposes. Discussions from the floor encouraged the media representative to consider the role of advertising in the process, and the lack of airtime for communities such as the KhoeKhoe. Kara Heritage Institute's presentation challenged the group to return to the source and to reconceptualise the entire calendar. While the Department of Home Affairs representative promised to ensure further investigation on the matter of inclusive holy days, the representative of the Department of Correctional Services assured the hearing that they are in full conformity with the law on matters of freedom of religion. This latter statement was challenged with regard to the practice of African Tradition

religion, and the representative had to concede that more work needed to be done in this area.

In conclusion, the Special Hearing on Religious Exclusion has underscored the responsibilities of the public sector in ensuring that they not only follow the law but enhance it. Recommendations and key points of discussion were to be added to the research agenda for the next financial year, especially when considering how religion is presented to the public, minority versus majority religions, values and nationhood.

2.2.2 Impact of Teenage Pregnancy on Cultural, Religious and Moral Values of Communities in South Africa.

This dialogue sponsored by the CRL Rights Commission was significant in both its content and public participation. Gender equity is stated as one of the key values in the Constitution of South Africa, and special initiatives are promoted throughout society to encourage young women to aspire for moral acceptable standards and greater heights. Yet a common trend such as increasing drop-out rate among school girls carries potential to negate all concerted efforts in the long run. Teenage pregnancy imposes a serious challenge to the cultural and moral values of most communities, and thus threatens their sexuality and sexual activities. While other institutions addressed the socio-economic or health aspects of this situation, the CRL Rights Commission focused on the acceptable cultural and religious moral foundations of the respective communities upon which CRL Youth Dialogue would be a relevant platform to address these issues.

The overall purpose of the CRL Youth Dialogue is to "allow young people from various cultural backgrounds to actively participate in debates and be in a position to deal with issues of, among others, culture, religion, nation-building and tolerance. This is to raise awareness of different cultures, and encourage them to better handle various cultural, religious and linguistic issues and challenges, especially those affecting them." Therefore the topic of whether "Youth sexual behaviour impacts on the cultural, religious and moral values of communities in South Africa," was an extremely appropriate one.

Stakeholders for this particular session included representatives from political structures such as the United Democratic Movement, African Christian Democratic Party, African National Congress Youth League; cultural institutions such as Kara Heritage Institute; and, non-governmental organisation such as Love Life and individual students representing a breath of schools.

Reasons highlighted for the phenomenon of teenage pregnancy suggested that this is one major societal problem that propor-

tionately affects the girl, families and the community at large. Its challenge ranges from the emotional immaturity of the teenage girl, lack of both physical and emotional development of the girl, the role of the entire family in caring and supporting for the child, the interruption of the educational process, the constraint on her future prospects, the notion of gender bias in which the girl often suffers serious consequences more than the boy, and, of course, the involvement of unprotected sex and the risk of sexually transmitted diseases.

Rather than putting blame on the youth involved, the process attempted to understand the reasons for the youth to engage in such risky behaviour. Suggestions in this respect, reflected on the role of society in for example, not recognising and embracing the role that the youth can play in today's society. The process also focuses attention on the negative influences and pressures that significantly affect young people. Suggestions with regard to the former problem area included the lack of proper communication with parents, the existence of poor family structures, the lack of adequate socialisation, either within the home environment or in other social institutions, diminished moral and cultural values on sexuality and sexual behaviour, and the lack of knowledge on the part of parents on how to deal with these related matters. These pressures are further exacerbated by the portrayal of nudity and pornographic images through the media. The media's negative reporting of African values, the diminishing sense of community and collective responsibility for the upbringing of an African child, and finally the emphasis on the rights of individuals which does not take into cognisance the responsibilities that should go with those rights, all present serious challenges for society.

The Kara Institute's presentation firmly addressed the cultural aspects of the phenomenon by focusing attention on the family as a critical social institution in shaping the cultural and moral grounding of young men and women. As such, the problem of teenage pregnancy is not viewed as a problem of the youth but one of the broader society. All institutions that interact with children and youth have a responsibility for the transmission of acceptable moral and cultural values. Language was also found to play a key role in respect of the issues raised about the role of the media. While the general lack of programming on African values raised concern. The elevation of western culture was heavily criticized. It was also emphasized that the little programming that existed promoted the hegemony of English which, more often than not, inhibited the correct usage of certain terminologies that are often not culturally equivalent to English.

Three commissions focused on developing recommendations with regard to the following:

What can be done to accommodate Western practices while reserving African cultural values?

- Providing more education on African culture can promote values of respect, as a virtue, and self respect.
- Elevate acceptable African moral and sexual values by the media.
- Design and implement programmes that promote moral values and self respect.
- Find ways or mechanisms to promote collective responsibilities rather than the entrenched individualistic values.
- Use culture to promote human value and diversity.

- Inculcate the culture of "Ubuntu" among young people.

What could be the role of parents and educators in promoting moral values?

- Provide vigorous and continuous engagement of youth on issues of sexuality by all the relevant stakeholders, i.e. parents, religious communities, families and communities.
- Empower parents, teachers and community structures to carry out this responsibility.
- Assist youth in holding regular workshops and seminars on sexuality and sexual behavior.
- Intensify sensible dialogue on teenage pregnancy.

What programme designs can be used to roll out the programmes on teenage pregnancy?

- Provide inter-departmental programmes on youth development.
- Empower youth development centres to educate youth on sexual behaviour and sexuality, and the promotion of community cultural values.
- Conduct youth-driven programmes on learning and education on African cultural and moral values.
- Create youth cultural festivals on moral and cultural values.
- Encourage religions to develop and implement youth friendly programmes that promote moral values and self respect.
- Establish and sustain partnerships with all relevant stakeholders in engaging and influencing youth sexual behaviour.
- Target various sectors of the population – youth in general and teenagers in particular, adults, parents, teachers, institutions such as schools, religious institutions and government in order to address this problem.

In closing the Youth Dialogue on teenage pregnancy, it was concluded that the phenomenon is a serious challenge that many different communities are facing, and that the CRL Rights Commission should establish a clear perspective concerning the intensive issues that affect the youth. Given the many pertinent recommendations, the CRL Rights Commission now has the mandate to further explore how to stimulate dialogue in general, yet focus more on the youth, with specific reference to cultural, religious and moral issues, that will inevitably lead to positive actions and thus contribute to the reversal of the destructive trend.



2.2.3 Traditional Healing Practices: Challenges and Recommendations

Traditional healing is an accepted practice among many African communities today. However, there is a lack of clarity in the various communities on acceptable / non-acceptable standards for such a profession, delineation of certain terms and how to educate people in general with regard to certain practices. From the discussion, a proposal that strongly echoed the establishment of a Council of Traditional Healers under the auspices of the CRL Rights Commission transpired. Such a council would reflect on the problems affecting the industry which inhibit the use of traditional cures and practices.

It was strongly recommended that the support for the profession requires regulation to prevent abuse. Regarding the abuse by the media, it was recommended that the media must be alerted to its inappropriate characterisation of the profession. Further, a review of the Nature Conservation Act which is seen as inhibiting the collection of essential herbs; to emphasise the need for the recognition of the contributions of traditional healers in academic research; to stress the extension of SETA training to include traditional healing practices; and the transference of practices upon the passing of a healer. Overall, there was a clear call for the CRL Rights Commission to conduct research in all nine provinces by hosting similar hearings to determine what is unique and specific to each area. This, then, would in some way assist government to review pending legislation as well as to support implementation of adopted legislation.

Other recommendations were specific to the role of the Community Councils, specifically one for Traditional Healers, under the CRL Rights Commission. A comprehensive process should be engaged in to ensure the broadest representation, an advisory body to be established to assist the councils, the national budget to be expanded to include capacity building of traditional healers and the recognition of the 31st of August as Traditional Healers' Day in the programme of the CRL Rights Commission.

2.2.4 Spaces of Spiritual Significance: Framework for Access and Practices

As a result of analysis concerning the need for all spiritual and religious communities to be accorded space to freely practise and affirm their spiritual and religious identities since the inception of the CRL Rights Commission, two key points which were a motivation for further investigation came forth:

- 1) The heritage protection systems do not sufficiently protect some of the areas that many communities consider as spaces of heritage and spiritual significance; and
- 2) There is still a challenge on how to promote and protect the communities' living heritage with reference to access and practice in these areas.

Thus, a consultation was convened in Bloemfontein on the theme, "Spaces of Spirituality: A Framework for Access and Practice." Stakeholders included representatives from government units such as the Department of Sports, Arts and Culture; Department of Environmental Affairs and Tourism; Department of Agriculture; the Department of Education; Mantsupa and Manguang municipalities. Civil society representation included delegates from the Free State Farmers Union; Free State House of Traditional Leaders; Lekgotla la Basotho and Mokgahl'a Thesele. In addition to introducing the CRL Rights Commission to relevant stakeholders in the province with a view to establishing long term relationships, the primary objective of the process was to chart a way for the development of a framework for access and practice in spaces of spirituality.

All stakeholders understood that a major challenge with regard to recovering and reaffirming heritage rights was the role of municipalities in service delivery, which often took precedence over other significant matters. Therefore, the consultation urged all municipalities to focus on the cultural, spiritual and heritage challenges of its communities, their promotion and protection, their development and strengthening of partnerships to address these challenges. Attention to be paid to burial grounds and graves, their protection and access, especially those in per-urban areas within the municipality's jurisdiction. Engagements such as these are a significant part of the overall initiatives to revisit aspects of the heritage protection system in South Africa. They also highlighted the need for the CRL Rights Commission to define its relationship with municipalities in order to deepen the protection of the cultural, religious and linguistic rights of communities.

One of the key partners in addressing these challenges is the Free State House of Traditional Leaders, an entity that strongly believes in the promotion and protection of African traditional beliefs and practices. It believes in the creation and sustenance of African societal virtues such as peace, respect, harmony and wisdom. Its mandate emphasizes the need to preserve ancestral graves as part of the overall community's knowledge, history and spiritual heritages, a source of knowledge for the future generations. This mandate also comprises the role of engaging government at all levels to ensure that the necessary steps are taken to preserve African culture, and thus assisting in reversing the moral decal which is prevalent in South Africa communities today. A primary concern in this respect is the lack of land for new burial grounds as it leads to the violation of traditional burial practices including burial within one's community and in single graves.

Specific sites of cultural, spiritual and heritage significance in the Free State include Mohono, the mountain from which the Baralong / Batung clan jumped off in an effort to escape from adversaries; Lekhalong la 'Mantsopa, the site of the great battle between King Moshoeshe and the Cuffgathes, prophesied by





Nkhono 'Mantsopa; Lehaheng la Baroa, the home of the forebears of the Batung clan; Kalla, where King Mohlomi, a famous advisor of King Moshoeshe, is buried; Makeleketla, the battle burial site for warriors of King Moshoeshe; Verkeerdevlei, where foreign settlers were defeated by the Basotho; Thabakhoele, a contemporary site of pilgrimage for traditional healers and pilgrims; Motouleng, another contemporary site for healing purposes; Sediba sa Walter Matite, the site of water used for ritual purposes; and Bersiba, the site of a mass grave of congregants who were slaughtered by foreign settlers.

Amongst the recommendation proposed, stakeholders recommended the establishment of a stronger relationship between the CRL Rights Commission and the relevant stakeholders such as the municipalities and cultural organisation or associations. Such a relationship would then be in a position to reinforce developmental initiatives essential to support a well-coordinated response to problems that may be associated with the prevention of access to spiritual spaces; preservation and protection of burial grounds; clarity on how municipalities could respond to cultural and spiritual needs; improved sensitivity on the part of municipal councillors in addressing the spiritual needs of the communities they represent; and stronger partnerships between municipalities and civil society in implementing access to burial grounds that are located in private land.

Overall, there is a gap in the heritage protection legislation in South Africa with regard to community spaces of spirituality that the CRL Rights Commission should address immediately.

2.2.5 Ritual Slaughtering

As different societies and cultures overcome the traditional spatial and physical barriers that existed in South Africa, there is increasing conflict over the manner in which spiritual and religious practices are conducted. This conflict represents a conflict between the rights of communities to practise their own cultures as enshrined in the Constitution versus the obligations specified in the National Legislative Framework. One of the most visible areas of contention is the religious or spiritual practice of the ceremonial slaughtering of animals which is regarded, by some, as being in conflict with the rights of animals that may be designated for sacrifice.

A specific focus for a series of roundtables on this topic in KwaZulu-Natal was the First-Fruits Festival. These discussions developed a common understanding of the cultural significance and practice of the First-Fruit Festival, informed the various communities of the legislative stipulations with regard to the treatment of animals during First-Fruits Festival in particular, and cultural and religious ceremonies in general. This interaction further informed and assisted the CRL Rights Commission on various and related areas of concern, and thus paved way for prospective intervention strategies in ensuring the promotion and protection of cultural practices; and more importantly advised the CRL Rights Commission on the legislative impediments on the practice while evaluating the impact of the practice on the national legislative framework.

While there were clear areas of consensus among the participants, there were also areas for further debate and resolution. Areas of agreement included the following:

All concerned parties must be informed of the significance and purpose of any ceremony that involves the slaughtering of animals; animals must be respected and treated with integrity; appropriate training should exist on the handling of animals used in ceremonial processes; appropriate training should exist for animal protection authorities on the significance and symbolism of ceremonial slaughtering; all should recognise their collective responsibility in ensuring respect of culture by respecting both animals and humans during traditional ceremonies.

Areas for further debate took cognisance of the extent to which the practice of cultural and / or spiritual slaughtering be aligned to the relevant legislation; and the degree to which the legal provisions (and / or its application) undermine the cultural integrity and the symbolism of a cultural or spiritual practice.

Applying the latter two questions to the First-Fruits Festival, it is clear that contemporary practice deviates from the traditional norm in ways that could lead to inappropriate methods of slaughtering, that is, methods that are neither in line with the national legislation nor in line with traditional practices. However, the fundamental premise is the cultural, symbolic or spiritual aspect of the animal and its role as a form of communication with the ancestral spirits. Therefore, what is regarded as legally appropriate would nullify the religious aspects. For instance, pre-stunning the animal is regarded as inappropriate.



Subsequent to the discussion, three issues were suggested for further deliberation by the CRL Rights Commission to determine whether the laws governing animal protection and welfare are contravening the cultural rights of communities in South Africa with reference to the cultural treatment of the animals during cultural, religious and spiritual ceremonies; determine whether it is the application of the law rather than the provisions which are the point of contention between animal protection authorities and cultural groups; and assess whether the cultural treatment of animals justifies cruelty and abuse during cultural, religious and spiritual ceremonies in the eyes of others.

It was further determined that a key stakeholder – the media – had a unique role in promoting nation-building through education on cultural diversity, tolerance, peaceful coexistence and the respect of various faiths. Further engagements with the media will be a crucial part of the process in the future so that the growth and development of any culture is not discriminated against.

Overall, recommendations focused on the need for animal protection authorities to engage more stakeholders in order to develop a fuller understanding of the ceremonial use of animals by various communities. This consultation would then occur prior to such an event, that is, the First-Fruits Festival; thus ensuring that all communities become knowledgeable and empowered to execute their respective responsibilities in the process of promoting the spirit of the Constitution and the law.

2.2.6 Inclusive National Calendar

Since the inception of the CRL Rights Commission, concern has been raised regarding the preference and inclusion of some religions in the national calendar at the exclusion and disfavour of others. Of the twelve days identified by the South African calendar as holidays, only two have a religious basis, and both of them reflect Christian sentiments. Identification of an African calendar, with appropriate names, seasons and festivals specific to each month or period and identification of holy or sacred activities would contribute to the stated objective of recovering diminishing heritage and developing rights of all religions.

Essential to the development of this research project is a thorough understanding of the term “sacredness” and its manifestation within African culture. In African philosophy sacredness is manifested in a community’s culture, rituals and ancestral activities. Ancestors occupy the position of a mediator, because they relate information between people and their creator. While a sacred thing is something that must be respected by each and every person in society, each individual person has a specific role in the performance of relevant rituals. Familial hierarchy is respected both within the family and within the broader community. Sacred spaces, likewise, are governed by strict codes of conduct with appropriate rituals.

Applying these concepts to the review of the calendar, the proposal is not just about an additive process in which a date is simply identified and then passes an act of incorporation, but rather it is a fundamental change of perspective in the manner in which the concept of time should be perceived. Traditional African belief systems name the seasons – beginning with September as the start of the New Year. This is consistent with the traditional beliefs associated with the activity within the broader environment of the Southern Hemisphere. The beginning of the year is marked by the start / changes of many aspects of nature. Traditionally, many communities celebrate and conduct thanks giving rituals for the opportunities presented by a new season of life. Thus, the project seeks to engage South Africa in re-orientating society from the Western mode of operation to adoption of an African worldview.

The four African seasons and activities were proposed:

1. **Spring:** September - November (Umhlanga-Isizulu reed dance; rituals/prayers for rain)
2. **Summer:** December - February (Ukweshwama/go loma, tasting of first fruits)
3. **Autumn:** March - May (Lehlabula/Kwindla, eating of the crops/fruits and sharing with other members of the community)
4. **Winter:** May - July (Vuna/Buna, harvest; unveiling of tombstones; no medicine digging; circumcision schools; hunting; rebuilding of houses; and ending of the mourning period for widows)

2.2.7 Religious Exclusion in Public Institutions

This Special Hearing was designed to create interaction and open dialogue amongst religious practices and their respective communities, while in anticipation of proposed legislation on the contested religious matters. Selected stakeholders gave presentations on behalf of their institutions or communities which provided an overall framework for the dialogue.

The South African Broadcasting Corporation (SABC) operates under a government mandate with a clearly articulated policy, guidelines and implementation strategy. However, the underlying principles for the SABC are equity, not equality; multi-faith clustering rather than faith-specific; and the distinction of major and minor religions. Thus, a minor religion is equitably represented when it receives less airtime, either through radio or broadcasting, as part of a program inclusive of several faiths than a major religion with its own programme. Challenges proposed for the SABC comprised of the need to address the concerns emanating from communities that have historically been excluded, such as the Khoekhoe and San communities; a review of the major and minor distinctions with

respect to religions; a review of the terms such as equity and equality with reference to apportioning airtime for religious broadcasting; a review of those shows purporting to represent African religion to ensure the inclusion of appropriate concepts and symbols; more sensitivity to the advertising that accompanies religious broadcasting; more sensitivity to non-literate and semi-literate populations; and more equitable sales of airtime for religious broadcasting.

The Kara Heritage Institute's representative proposed two fora: the National African Religion Forum and the Kara Development Ministries, both of which aim to promote African religious practice from the perspective of Africans. African religion in this context has both a personal and a national perspective or imperative which could be understood from both historical and contemporary texts. In support of recognition of traditional African beliefs within the national framework, the call was made for the calendar to be revised so that there would be public holidays from 21-26 December for all religions to utilize them as it may be appropriate to their religious needs.

Other areas of concern fell within the jurisdiction of the Department of Home Affairs. For instance:

- The Marriage Act has a preferential religious motif;
- A legal immigrant entering the country for religious duties often faced restrictions;
- Employees were insufficiently capacitated to assist members of the public with differing religious beliefs;
- Requested categories for many forms showed a preferential religious bias.

Overall, the Department of Home Affairs must be instrumental in revisiting these aspects to ensure representivity and inclusivity.

Contributions by the Department of Correctional Services echoed that the Department does respect the legislative framework on religious freedom. However there have been limitations on implementing appropriate practices for all. As a government institution that also provides for safety and security they are bound by the restrictions imposed by safety concerns, feasibility, availability and the prescribed order required by a specific faith. And while there are clear provisions for visitation rights by a religious worker, there are no established guidelines on traditional African religious practices.

It was recommended that each department must review the concerns raised and report back to the CRL Rights Commission as soon as possible. In addition, the CRL Rights Commission will focus specifically on public education and advocacy to address use of the terms major and minor with respect to religion, representivity among State institutions and general respect, and understanding of different values by all.

2.3 Public Education and Advocacy (PEA)

In fulfilling the functions of the Public Education and Advocacy, the CRL Rights Commission developed a programme called "The CRL Dialogue". This was designed to give space to young people to discuss debate and contribute to cultural, religious and linguistic rights issues, by adding a "youth angle" and focusing on youth dynamism to CRL debates. This youth dialogue programme is characterised by a short dialogue forum for the youth and debates on particular CRL issues affecting youth. The

snap debates help the CRL Rights Commission to understand and interpret young people's views and challenges inherent in their CRL rights. The youth dialogue process aimed to:

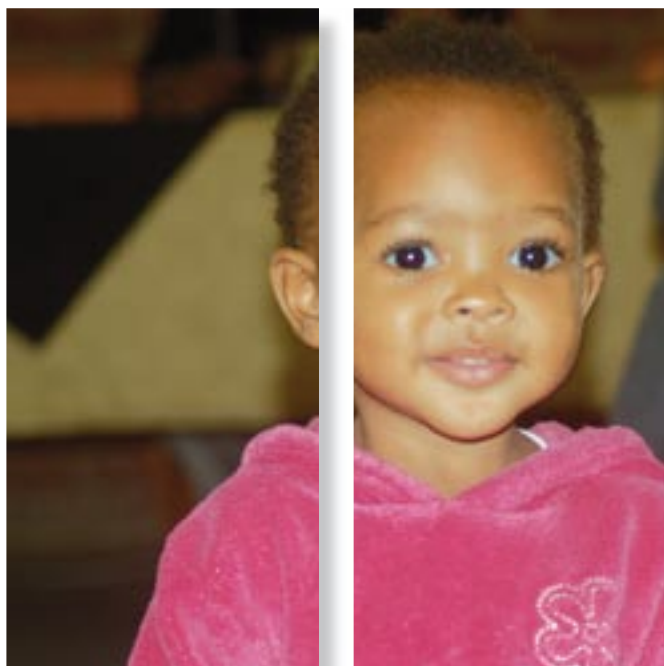
- enhance youth participation by creating space where young people can freely express their views on culture, religion and language rights without intimidation;
- promote a culture of dialogue, tolerance and acceptance of differences;
- enable young people to reflect on their situations; and
- analyse their views and prejudices and be accommodative of diversity.

2.3.1 365 Days of No Violence Against Women and Children

A Community Dialogue was held in partnership with Isidiba Saba Sadi on the theme "365 Days of No Violence Against Women and Children" to create awareness about the CRL Rights Commission. Culture, religion and language have been used in the past to justify violence against women and children. To challenge this notion, the CRL Rights Commission held various discussions and debates with both young people and older persons in provinces. This was to address the escalation in gender-based violence against women and children e.g., rape, child abuse, attacks on women wearing mini skirts and /or pants.

Dialogues were also held in Thembisa, Gauteng, with young people to create awareness of CRL rights and how this can contribute towards the eradication of violence against women and children. The discussions revolved around how we can use our cultures, religions and languages to reduce teenage pregnancy and violence against women and children. This involved young people themselves interrogating their own belief systems. The young people then concluded that there needs to be a re-look at issues of diminished heritage and how they can be recovered with an aim to reduce violence against women and children, and teenage pregnancy.





Another dialogue was held in Metweding, Gauteng, in partnership with Metsweding District Municipality. This aimed at bringing together young people and older persons to discuss how CRL rights can contribute positively towards the reduction of violence against women and children and teenage pregnancy. It involved intense debates on, especially, diminished heritage and how we can recover our cultural practices so that we can drastically reduce violence against women and children, and teenage pregnancy. The meeting came up with strategies that the community will be using to begin to address issues of diminished heritage and how communities can begin to socialise and re-socialise their members into their cultures and religions.

More dialogues were held in KwaZulu-Natal and this time targeting young maidens to discuss and debate the issue of violence against women and children within the context of current legislation and how this impacts on their cultural rights and practices. This was discussed within the context of a constitutional framework that aims to promote and protect all cultural rights so long as they are in line with the Bill of Rights and other pieces of legislation.

2.3.2 The Children's Act of 2005

A complaint was received from the Nomkhubulwane Cultural Group by the CRL Rights Commission around the impact of some sections of the Children's Act, 2005 on the "virginity testing" as a cultural practice. In addition several protest marches against the KwaZulu-Natal Legislature and the Premier's office where

young maidens and children who participate in virginity testing as a cultural rite complained that their cultural rights are being violated by this Act.

A dialogue was then held in partnership with the Premier's office and the KwaZulu-Natal Provincial Advisory Council for Children (KPACC) to discuss and debate how the Children's Act impacts on virginity testing. This dialogue addressed the young maidens and girls affected by this Children's Act which aims to regulate the practise of virginity testing as a cultural rite in various provinces. This process involved testimonies of children who are affected by the Children's Act in terms of virginity testing and corporal punishment in the homes in terms of the Children's Bill. It involved intense debates and discussions on how they feel the Children's Act impacts negatively on their religion and culture. The debates were very intense as there were also children who support the Children's Act as it stands. The CRL Rights Commission is still continuing with these discussions and have had several meetings with the KwaZulu-Natal Premier's office and the KPACC who will be taking the debates and discussions to all District Municipalities in the KwaZulu-Natal Province in order to further these debates and discussions.

2.3.3 CRL Rights and Responsibilities

A dialogue was held in Bredarsdorp in the Western Cape, in partnership with Artscape. It aimed at giving young people the space to share one another's cultures and to discuss issues of violence against women and children through drama. This was also an opportunity for the young people in the community to experience other cultures through arts, like music and dance. This memorable occasion allowed people of Bredarsdorp to be given an opportunity to celebrate different music and dances from other communities and cultures. This was a cultural breakthrough as this community got a chance to experience and enjoy one another's cultures and also those beyond their immediate community.

2.4 Community Consultation (CC)

In preparation of the National Consultative Conference 2008, the CRL Rights Commission hosted nine provincial mini-conferences (one in each province) to engage with different stakeholders, organisations, and community representatives on cultural, religious and linguistic diversity in South Africa. The mini-conferences were part of the build-up consultative process for the National Consultative Conference (NCC) to be hosted by the CRL Rights Commission from the 12th to the 14th of July 2008.

These provincial mini-conferences were intended to create a platform for the CRL Rights Commission to report back on progress made since the first NCC as well as exploring and discussing challenges faced regarding the promotion and protection of cultural, religious and linguistic community rights in South Africa. These mini-conferences further provided space for cultural and religious community organisations, stakeholders and representatives to discuss pertinent challenges and concerns about unequal treatment of the various cultures, religions and languages. Proposals were made about ways in which the CRL Rights Commission can best listen to and advance community rights. Lastly, the conferences sought to generate recommendations to be tabled, debated and adopted by the NCC.

The provincial conveners served as both anchors and facilitators for the programme and provided general direction and

guidance in terms of scope and content of the mini-conferences. Most of the conferences started with a general input by the provincial convener on the object and mandate as well as current programmes in the CRL Rights Commission. The process of registration and recognition of community councils was also clarified and discussed with participants. The structure of the programme in each of the conferences was modeled along the following lines:

- Introduction of the mandate, role and members of the CRL Rights Commission
- Reporting back on the work of the CRL Rights Commission, including achievements, programmatic and administrative challenges faced so far as well as outstanding and unresolved issues raised from the first NCC in 2004
- Discussing challenges and issues affecting cultural, religious and linguistic communities within the context of social transformation in South Africa
- Developing clear recommendations to be tabled at the next NCC

It was evident from the mini-conferences that, although there is a significant development in policy formulation and legislation on cultural, religious and linguistic rights issues, the populace is not conversant with the content of the policies.

The recommendations of the mini-conferences formed part of the report to the NCC.

2.4.1 National Dialogue on the Diminished Heritage of Khoe and San Communities in South Africa.

The Khoe-San dialogue was also part of the broader consultative process towards a national consultative conference (NCC). The national dialogue intended to:

- Engage with the leadership and ordinary community members of Khoe and San communities in South Africa regarding cultural, religious and linguistic challenges facing them;
- Review progress made on different advocacy initiatives intended to advance collective rights of the Khoe and San communities;
- Explore the legislative and broad policy framework within which challenges facing Khoe and San communities can be advanced.

The national dialogue was well attended and participants came from the different parts of South Africa where people of Khoe and San origin are mainly found. This included parts of the Northern, Eastern and Western Cape as well as Gauteng,

KwaZulu Natal and Free State provinces. In the main, issues that were raised and discussed in this forum evolved around three main pillars, i.e.:

- Interpretation and application of international instruments on the subject (including the legislative framework in South Africa);
- Representation and leadership of Khoe and San peoples in South Africa;
- Community participation and popular mass mobilization on these matters.

Some of the issues raised at the national dialogue calls for:

Funding of documentation and history of Khoe and San peoples and noted that this process will be important in the support and facilitation of all national and international programmes intended to promote the interest of Khoe and San peoples. The national dialogue further asserted that the principle underpinning this process of documenting and recording the history of Khoe and San peoples should be "Nothing About Us Without Us".

Education of the Khoe and San peoples, and in particular Khoe and San women remains a significant outstanding feature in the pursuit of all objectives discussed by the conference. The national dialogue strongly encourages the training of Khoe and San teachers in culture, language and religion. Additionally the structure and process of such education and training should incorporate agreements with all relevant institutions of learning and the development of appropriate programmes and curriculum.

Revival and renaissance of all relevant Khoe and San traditions and cultural practices. In extension of the latter this would include awareness and protection, access to and maintenance of all sacred and heritage sites belonging to the Khoe and San peoples including Khoe and San art ('rock art'), as well as all intellectual property in relation to Khoe and San symbols and artefacts.

Funding for projects that promotes the heritage of Khoe and San peoples.



3. Performance Information

OBJECTIVES	PROGRAM	SUB-PROGRAM	ACTIVITIES	OUTPUTS/OUTCOMES
Efficiency, Compliance, Effectiveness and accountability	1. Administration Policy Formulation; Monitoring and Evaluation	1.1 Chairperson's Office Deputy Chairperson of the Commission; Chairpersons of Committees and Provincial Convenors	Review Public Education and Advocacy Strategy	The strategic planning session of 2007 for 2008 – 2011 refocused the programme to: Target youth and women who are the most vulnerable groups in terms of cultural, religious and linguistic rights.
			Review Research and Development strategy	The system of research has been reviewed to limit outsourcing and involving Commissioners. The three research topics have been assigned to the three members of the Research and Policy Development Committee to finalize. Staff will be responsible for the logistical arrangements of dialogues and seminars including packaging information for such activities. Commissioners and members of the RPD Committee will preside over such activities and staff will provide recording services and prepare reports.
			Review Investigation and Conflict Resolution strategy	The investigation and Conflict Resolution approach has been reviewed to ensure active and effective participation of both Staff and Commissioners. Staff will take immediate steps to address a complaint and follow the ICR procedure. Commissioners will be invited to attend community visits for further investigation, hearings and/or mediation. Provincial Convenors (Commissioners) will always be invited along with any member of the Committee.
			Develop a system of Protection and Promotion	Produced comprehensive documents and listed several approaches to be applied to facilitate promotion and protection of crl rights of communities. Recommended establishment of a register of rights to be promoted and protected. The document is being discussed and it will form part of the discussion at the NCC in July 2008. Regulations were drafted and submitted to the Ministry for finalization. We await the response of the Ministry.
			Review Community Council strategy and Develop Regulations.	A policy document has been developed and it is being discussed in preparation for adoption by the decision-making body of the Commission. The Regulations have been drafted and awaits its endorsement by the Minister of Provincial and Local Government.
			Develop Policy on Section 22 Committees	A policy document was developed and it awaits final consideration alongside the policy document on roles and responsibilities of Commissioners which is being developed by a special committee that includes a representative of the Ministry and the Public Service Commission.
			Develop Policy for Councils of Elders	The concept of Council of Elders was adopted by the Commission and knowledgeable people are being identified in the various communities.
			Review Partnership Policy	A policy document has been developed for discussion and adoption by the decision-making body of the Commission.
			Develop Communication, Media and Marketing Policy	The Public Education and Advocacy programme has been tasked with the responsibility to develop marketing materials and distribution thereof.
			Review Strategic Planning	A Strategic Plan has been developed for 2008 - 2011.

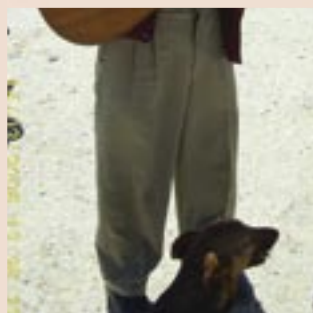
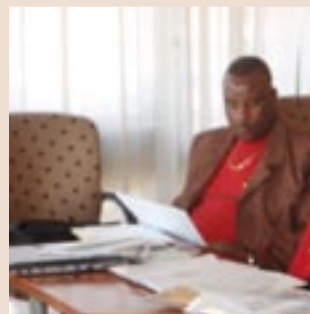
OBJECTIVES	PROGRAM	SUB-PROGRAM	ACTIVITIES	OUTPUTS/OUTCOMES
			Review Monitoring and Evaluation System; Coordinate activities of the CRL Rights Commission	The activities of the various committees of the Commission have been re-organised to facilitate integrated planning, monitoring and evaluation through the Programmes Committee, the Executive Committee and Plenary.
			Provide secretarial services to Plenary and Committees	A Secretarial department has been established to coordinate the activities of the various committees and plenary. The Committees have become more efficient and effective.
	Human Resource and Financial Management	CEO		Have increased the capacity of the administrative component of the Commission especially the Financial Administrative component to meet the requirement for separation of responsibilities and improved accountability.
		1.2 Corporate Services <ul style="list-style-type: none"> • Performance Management • Code of Conduct • Leave Administration 	Human Resource Management – <ul style="list-style-type: none"> • Outstanding HR Policies • Equity Plan • Implementation of Performance Assessment • Tool – Recruitment and Retention Strategy Plan Information Management Filing system and set up of registry Set up resource centre	List and copies of the policies that were developed and adopted including the filing system.
		1.3 Financial Management	Budget Planning, expenditure and Control <ul style="list-style-type: none"> • Review financial management policies • Draw up budget per Strategic Plan • Monitor expenditure and compliance with policies and legislation 	List and copies of the policies developed and adopted. Internal Audit Function report Audit Committee Report Audited Financial Statements
2. Protection & Promotion of CRL	2.1 Research & Policy Development			
Rights of Communities <ul style="list-style-type: none"> • Recover Diminished Heritage • Promote respect for CRL 	<ul style="list-style-type: none"> • Review existing policies impacting on the rights of c-r-l communities • Monitor through research and advise on any issue concerning the rights of cultural, religious and linguistic communities. • Make recommendations to the appropriate organ of state regarding legislation that impacts, or may impact, on the rights of cultural, religious and linguistic communities. 	Cultural, Religious and Linguistic Heritage	<ul style="list-style-type: none"> • Indigenous Rites of Passage as Diminishing Heritage 	Established that all indigenous communities perform rites of passage for common purposes, viz, to mark the various stages of the growth of an individual from birth to death; to mark and introduce one to the family and community structures, symbols, belief systems, practices and languages. Thus, rites of passage contribute to a holistic development of an individual, a family and community – cultural, religious, linguistic, ethical development. Since there has been an historical decay of the practice of rites of passage, the agenda of the CRL Rights Commission will include promotion of their recovery for family, community and nation building.
<ul style="list-style-type: none"> • Develop peace • Promote community involvement & empowerment 	<ul style="list-style-type: none"> • Assist in the development of strategies that facilitate the full and active participation of cultural, religious and linguistic communities in nation building. <p>*Establish and maintain database of cultural, religious and linguistic community organizations and institutions and experts on these communities</p>		<ul style="list-style-type: none"> • Approaches and challenges in the promotion and protection of the linguistic rights of communities 	The study acknowledges the importance of languages and the challenges of: (i) Varied forms of the same language which necessitates standardisation of languages for the purposes of teaching and learning (ii) Educational planning and provision of resources – both financial and human resources – and the promotion of choice to language to learn in schools – the case of South African Language in Education Policy. The CRL Rights Commission has submitted a recommendation to the Parliamentary Review Committee to establish whether iSepedi is a language or a dialect of SeSotho sa Leboa.

OBJECTIVES	PROGRAM	SUB-PROGRAM	ACTIVITIES	OUTPUTS/OUTCOMES
				<p>The Commission recommends that the Department of Education experiments with roving teachers to meet the choices of learners for specific languages thus improving the effectiveness of South African Language in Education Policy.</p> <p>The Commission will create awareness of the importance as well as equality and respect that all languages have in identity formation.</p> <p>The Commission will develop a strong partnership with PanSALB in the recovery of diminishing languages.</p>
			<ul style="list-style-type: none"> • Protection and Promotion of Access to Spaces of Cultural and Spiritual Significance 	<p>The study acknowledges the existence of a legislative framework for the protection of sacred sites including graves and burial grounds through the National Heritage Resources Act (No. 25 of 1999). Findings suggest that there is no framework that guides the promotion of access and usage of protected sites by crl communities. As a result of that the rights of communities and the rights of culture and religion are violated.</p>
				<p>The Commission engages a multi-pronged approach to this challenge:</p> <p>(i) Engage responsible spheres of government and institutions and facilitate the formulation of guidelines for the promotion and protection of sacred sites.</p> <p>(ii) Partner with relevant institutions and accelerate identification of sacred sites nationally.</p> <p>(iii) Engage communities and create awareness of their rights to access such sites as well as their responsibilities to protect the sites.</p> <p>(iv) Participate in development, impact assessment and the application of the National Environmental Management Act (NEMA).</p> <p>(v) Assess the steps if any taken to protect and promote sacred sites in the land restitution process.</p>
			<ul style="list-style-type: none"> • The Year of Languages: Promotion of Mother Tongue 	<p>Through dialogues and in partnership with PanSALB and community organizations, the Commission hosted two events in Gauteng and Limpopo to (i) celebrate the Year of language and specifically (ii) drew a special focus of the value of mother tongues and assessed and continues to do the progress in promotion and protection of languages nationally.</p> <p>A report will be presented at the National Consultative Conference on the progress of the Commission and the nation in this regard.</p>
			<ul style="list-style-type: none"> • Impact of Teenage Pregnancy on promotion and protection of crl rights of communities 	<p>The Commission hosted a dialogue with a sample of school going youth – boys and girls – on the high rate of teenage pregnancy in South Africa to establish their views and how it affects them educationally, emotionally and socially.</p>
			<ul style="list-style-type: none"> • Promotion of Religious Equality 	<p>The Commission hosted a hearing among four institutions to establish whether they treat the rights of the various religious communities equally. The department of Correctional Services, SABC, Home Affairs as well as representatives of the Rastafarian and African Religions made presentations on how they address members of the various religious communities.</p>
			<ul style="list-style-type: none"> • Promotion and protection of the right to slaughter and promotion of animal welfare 	<p>Two cases influenced the design of the programme namely, the public debate that arose from the event held by the Yengeni family in Gugulethu in the Western Cape:</p> <ul style="list-style-type: none"> - The Yengeni family right to practice their religion and - The animal welfare organizations calling for animals to be killed humanely.

OBJECTIVES	PROGRAM	SUB-PROGRAM	ACTIVITIES	OUTPUTS/OUTCOMES
				<p>The Commission focused on the latter and established that the SPCA understands that the various communities have rights to slaughter for different purposes. However, they insist that animals have the right to humane treatment and in accordance with the legislative framework that governs the powers, roles and responsibilities of the SPCA. The Commission has discussed the challenges with the SPCA management that people often acquire beasts from farmers for ritual slaughtering and such beasts suffer from fatigue as they are transported for a long distance. In addition, they are often transferred in big numbers and packed in cramped vans. They also starve either due to lack of food and water or due to the fact that they are not used to the fodder that they are fed on. It has been established that in some cases the method of slaughtering takes longer and subjects the animal to suffering before it dies.</p> <p>A comparative assessment of the manner in which the various communities slaughter has been discussed at length, and the Commission and the SPCA have agreed that communities should be made aware of the right of animals to humane treatment including slaughtering humanely. Thus,</p>
			<ul style="list-style-type: none"> • Policy Review: Religious Education • Values in Education System • Theoretical Research- Naming • Marriage Systems • Religious Calendars • Burial Practices 	<p>(i) The rights of communities and individuals to slaughter are protected. (ii) The rights of animals to humane treatment are protected. Therefore the Commission will (iii) Contribute to the promotion of the rights of animals (iv) Engage Municipalities in reviewing by laws and promote the rights and welfare of animals. (v) Create awareness of the responsibilities of everyone to achieve the above.</p> <p>Incorporated into 'rites of passage research project)</p> <p>The programme on holy days and holidays was extended to focus on African religious days, seasons and events to facilitate an establishment of an African Religious Calendar.</p>
	<p>2.2 Public Education & Advocacy</p> <ul style="list-style-type: none"> • Conduct information and education programs to promote public understanding of the objects, role and activities of the Commission. • Conduct programs to promote respect for and further the protection of the rights of cultural, religious and linguistic communities. • Promote awareness among the youth of South Africa of the diversity of cultural, religious and linguistic communities and their rights. 		<ul style="list-style-type: none"> • Cultural religious and linguistic values • Role of culture, religion and language in self and community identity 	<p>Designed user friendly – in all official languages -information pamphlets and distributed in all Commission activities</p> <p>Hosted 6 dialogues (3 in Gauteng, 2 in KwaZulu-Natal and 1 in Western Cape) under the theme '365 days of no violence to women & children'. Specifically the activities focused the role of culture, religion and language in curbing violence.</p> <p>The Children's Act of 2005 was analysed to establish whether it is in line with the cultural norms, beliefs and practices of the various communities and it was established that there's disharmony/conflict between the two. A case in point is that the Act provides for access of condoms to youth of twelve years of age yet 'no community would support this provision as none expects twelve-year olds to be sexually active.</p> <p>Linked to the programme was a dialogue on Virginity Testing to establish whether it violates or promotes children's rights. The fact that more communities including communities outside KwaZulu-Natal where virginity testing is believed to be practiced support and practice virginity testing challenges the legislative framework.</p>

OBJECTIVES	PROGRAM	SUB-PROGRAM	ACTIVITIES	OUTPUTS/OUTCOMES
	<ul style="list-style-type: none"> Educate and lobby on any issue concerning the rights of cultural, religious and linguistic communities 			The five communities that participated in the programme called for a repeal of the Children's Act and promotion of virginity testing as it is a proven indigenous practice that contributes effectively to social, cultural and moral development.
	<p>2.3 ICR</p> <ul style="list-style-type: none"> Investigate and report on any issue concerning the rights of cultural, religious and linguistic communities. Mediate the resolution of friction between and within cultural, religious and linguistic communities or between any such community and an organ of state where cultural, religious and linguistic rights of a community are affected. Receive and deal with requests related to the rights of cultural, religious and linguistic communities. Bring any relevant matter to the attention of the appropriate authority or organ of state in dealing with such a matter. 		<ul style="list-style-type: none"> Investigation of complaints Mediation 	See pages 9 to 12.
	<p>2.4 Community Consultation CC</p> <ul style="list-style-type: none"> Prepare for convening the second National Consultative Conference (NCC) of the first term of the Commission. Adhere to the prescribed process of inviting delegates to the conference. Determine the agenda and procedures to be followed at the conference, in line with the stated purpose. Promote appreciation for cultural, religious and linguistic diversity at the conference. 	2.5.1 Mini Conferences	<ul style="list-style-type: none"> Nine Mini conferences Dialogue with special communities i.e. Khoe-San Communities 	In preparation for the hosting of the National Consultative Conference, nine mini conferences were hosted in the various provinces to present the programmes of the Commission and also provide an opportunity for communities to express their crl rights needs.
			Advertise the NCC in National and Provincial News-papers	Designed an advertisement in different languages

OBJECTIVES	PROGRAM	SUB-PROGRAM	ACTIVITIES	OUTPUTS/OUTCOMES
		2.5.2 Community Councils	<ul style="list-style-type: none"> • Policy guidelines and Regulations 	Policy guidelines have been developed and they are ready for further public discussion at the National Consultative Conference in July 2008.
		2.5.3 Provincial Services	<p>Spiritual Values and Practices: Identification and management of spaces of spirituality</p> <ul style="list-style-type: none"> • Celebration of local events – cultural & religious Diversity Day, etc. • Commemoration of Local Events – cultural and religious days 	Mini Conferences in nine provinces in preparation for NCC in July 2008.



4. Conclusion and Strategic Direction

The CRL Rights Commission has progressed steadily over the past three years of its existence from a totally unheard of institution to a source of information, that gets consulted on cultural, religious and linguistic community issues regularly. It boasts of its ability to mediate conflicts and establish friendships within families, among groups and within communities. It has built a sound platform for a rigorous reinforcement of its achievements and contribution to development of our young democracy. There is no doubt that communities aspire for peace, democracy and unity in diversity.

We however continue to experience challenges. The impact of our efforts to elevate the status of African cultures, religions and languages remains invisible. This in return suggests the

mammoth task ahead of the CRL Rights Commission. Arising out of the year under review are clear and practical suggestions for the future. The importance of active advocacy and campaigns cannot be over emphasized. We have to forge relationships with organizations and associations that are concerned with intangible heritage development and conservation.

The intensification and success of these efforts is highly dependent on the realistic financial support which will serve as leverage for human resource capacity and input for programme implementation. It is hoped that with the continued patronage of the government, other organs of state and communities, the CRL Rights Commission shall be able to achieve its goals.

5. Statement of Responsibility

Accounting Officer's Responsibility for the Annual Financial Statements

The Accounting Officer is responsible for the preparation and integrity of the financial statements and related information included in the annual report. In order for the accounting officer to discharge these responsibilities, as well as those bestowed on her in terms of the Public Finance Management Act, Act 1 of 1999 (PFMA), as amended and other applicable legislation, she has developed and maintained a system of internal control including the appointment of a Chief Financial Officer (CFO).

The internal controls include a risk based system of internal accounting and administrative controls designed to provide reasonable assurance that assets are safe guarded an transactions executed and recorded in accordance with generally accepted business practices, as well as the entity's 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 recognized accounting practice 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 believes that the entity will be a going concern in the year ahead due to its Constitutional mandate and the fact that National Treasury appropriates its budget annually. For this reason the Accounting Officer has adopted the going concern basis in preparing the annual financial statements.

No material events occurred after the balance sheet date that has an influence on the financial statements and financial position of the Commission.

The Accounting Officer approved and signed the annual financial statements for the year 1 April 2007 to 31 March 2008, as set out on pages 32 to 43 on 31 May 2008.



P.P. Madiba
Accounting Officer

6. Corporate Governance Report

Statement of Corporate Governance

The members of the Commission for the Protection and Promotion of Cultural, Religious and Linguistic Communities (The CRL Rights Commission) and management recognize the need to conduct the business of the institution with integrity in terms of sound corporate governance practices and are committed to the fundamental principle of fairness, openness, integrity and accountability.

The Chairperson and Deputy Chairperson

The Chairperson is the Executive Authority of the institution thus accountable to the National Assembly on the affairs of the Commission.

Plenary

The Plenary (decision making body) meets not less than four times a year. This is a provision of section 26 of Act 19 of 2002. During the year under review Plenary met four times. Plenary determines matters relating to formulation or modification and approval of policies, strategic plans, monitoring and evaluation of operational plans and financial expenditure.

Executive Committee (EXCO)

The Executive Committee comprises of the chairpersons of committees and the CEO is in attendance. The chairperson of the Commission chairs the meetings of the committee.

Committees

The Commission has established core function committees which recommend the agenda of the Commission for plenary approval. These are the Investigation and Conflict Resolution (ICR), Research and Policy Development, Public Education and Advocacy and Community Consultation committees.

Audit Committee

The Audit Committee is constituted in terms of the requirements of sections 76(4) (d), 77 of the PFMA and a requirement of sound corporate governance practices.

The committee comprises of three independent members and the two non-executive Commissioners and meets not less than twice a year. The Chairperson of the Committee is an independent member.

The Auditor General (external auditors) and the Internal Auditors are an integral part of the Audit Committee and have unrestricted access to the Committee and attend all meetings. The terms of

reference for the Committee, which details responsibilities of the Audit Committee, are listed in the Audit Committee Charter.

Treasury Regulation 3, Internal Controls, requires the Audit Committee to report on:

- The effectiveness of internal controls in the annual report
- Its evaluation of the CRL Rights Commission's financial statements
- The CRL Rights Commission's compliance to all legal and regulatory provisions in discharging its mandate.

Internal Audit

The internal audit function has been outsourced to a private company which has the required experience and expertise to perform this function.

The Audit Committee reviews the effective functioning of the internal audit and to ensure sufficient distinction between the roles of both external auditors and internal auditors and also to co-ordinate these functions with the intension of providing an objective overview of effective operations of the CRL Rights Commission's system of internal control and reporting. Both functions must be coordinated in order to ensure non-duplication of work by both sides.

Management

The CEO, CFO, Manager of Secretarial Services, and the four managers of the core functionaries constitute a management committee. The management committee facilitates planning, implementation and reporting on programs of the institution.

Objects of the CRL Rights Commission

In terms of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 19 of 2002, the functions and objects of the CRL Rights Commission is:

- To promote respect for and further the protection of the rights of cultural, religious and linguistic communities.
- To promote and develop peace, friendship, humanity tolerance and national unity among and within cultural, religious and linguistic communities on basis of equality, non – discrimination and free association.
- To foster mutual respect among cultural, religious and linguistic communities
- To promote the right of communities to develop their historically diminished heritage
- To recommend the establishment or recognition of community councils in accordance with part 7 of the CRL act (19:2002)

6. Corporate Governance Report (continued)

Roles of the CRL Rights Commission

A. An 'Educative' role

To explore with population at large

- What do rights on culture, language and religion entail?
- Who can be said to be bearers of these rights?
- How do these rights fit within our constitutional order?

The aim of the CRL Rights Commission's educative role is to inculcate the principle of equality of status and value for all cultures, religion and languages.

B. A 'Community focused' Role

The CRL Rights Commission's role in this regard is to engage with these communities with a view to promoting dialogue amongst themselves and with other communities.

C. A 'Redress' Role

The CRL Rights Commission's role in this regard is to work to provide redress for the past inequalities through

- Promoting the right of communities to reclaim their own historically – diminished heritages
- To play a facilitative role in relation to the establishment of Community Councils

D. An 'Investigative' Role

The CRL Rights Commission is required to investigate and report on any issue concerning the rights of CRL Communities and to mediate in disputes.

E. Community Councils

The CRL Rights Commission is expected to recognize and encourage the establishment of Community Councils where they do not exist. The establishment of and recognition of community councils will strengthen community participation in the affairs of the CRL Rights Commission as well as contribute to community development.



7. Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2008.

Audit Committee Members and Attendance

The audit committee consists of the members listed hereunder.:

Name of Member

D Coovadia (Chairperson)
M Mohohlo
B Mbewu
H Gouvelis
DKK Mboweni-Marais

The audit committee reviewed reports of internal audit, the audited annual financial statements, Auditor-General management letters and draft audit report. The committee met on the following dates during the financial year:

Name of Member	Meetings attended
D Coovadia (Chairperson)	8
M Mohohlo	7
B Mbewu	6
H Gouvelis	5
DKK Mboweni-Marais	1

Audit Committee Responsibility

The new audit committee reports it has adopted appropriate formal terms of reference.

The Effectiveness of Internal Control

The system of controls is designed to provide cost effective assurance that assets are safeguarded and that liabilities and working capital are efficiently managed. In line with the PFMA and the King II Report on Corporate Governance requirements, Internal Audit provides the Audit Committee and management with assurance that the internal controls are appropriate and effective. This is achieved by means of the risk management process, as well as the identification of corrective actions and suggested enhancements to the controls and processes.

Although the Committee is unable to express an opinion at this stage, however the Committee placed reliance on the Auditor-General's audit report. The Auditor-General's audit report

highlights a number of control weaknesses that still need to be addressed by management.

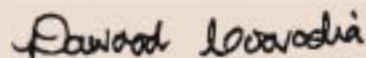
The audit committee further reports that it has commenced the process of overseeing the drafting and review of formal policies and procedures.

Evaluation of Financial Statements

The Committee has:

1. Reviewed and discussed the audited annual financial statements to be included in the annual report with the Auditor-General and the Accounting Officer;
2. Reviewed the Auditor-General's management letter and management response thereto;
3. Reviewed changes in accounting policies and practice;
4. Reviewed significant adjustments resulting from the audit;
5. Requested Management to submit strategies to correct matters mentioned in the audit report for oversight by the audit committee.

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



Dawood Coovadia
Chairperson Of Audit Committee

8. REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS AND PERFORMANCE INFORMATION OF THE COMMISSION FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES (CRL RIGHTS COMMISSION) FOR THE YEAR ENDED 31 MARCH 2008

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the accompanying financial statements of the CRL Rights Commission which comprise the statement of financial position as at 31 March 2008, statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes as set out on pages 32 to 43.

Responsibility of the accounting officer for the financial statements

2. The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with the basis of accounting determined by the National Treasury, as set out in accounting policy note 1, to the financial statements and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA). This responsibility includes:
 - designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error
 - selecting and applying appropriate accounting policies
 - making accounting estimates that are reasonable in the circumstances.

Responsibility of the Auditor-General

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 read with section 4 of the Public Audit Act, 2004 (Act No. 25 of 2004) (PAA) and section 35 of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2002 (Act No.19 of 2002) (CRL Commission Act), my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with the International Standards on Auditing and *General Notice 616 of 2008*, issued in *Government Gazette No. 31057 of 15 May 2008*. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance on whether the financial statements are free from material misstatement.
5. 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.

6. An audit also includes evaluating the:
 - appropriateness of accounting policies used
 - reasonableness of accounting estimates made by management
 - overall presentation of the financial statements.
7. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Basis of accounting

8. The CRL Rights Commission policy is to prepare financial statements on the basis of accounting determined by the National Treasury, as set out in accounting policy note 1 to the financial statements.

Opinion

9. In my opinion the financial statements present fairly, in all material respects, the financial position of the CRL Rights Commission as at 31 March 2008 and its financial performance and cash flows for the year then ended, in accordance with the basis of accounting determined by the National Treasury, as set out in accounting policy note 1 to the financial statements and in the manner required by the PFMA.

OTHER MATTERS

Without qualifying my audit opinion, I draw attention to the following matters that relate to my responsibilities in the audit of the financial statements:

Non-compliance with applicable legislation

10. The conditions of appointment for Commissioners were not finalised as required by section 14(1) of the CRL Commission Act.

Matters of governance

11. The PFMA tasks the accounting officer with a number of responsibilities concerning financial and risk management and internal control. Fundamental to achieving this is the implementation of certain key governance responsibilities, which I have assessed as follows:

Matter of governance	Yes	No
Audit committee		
• The CRL Rights Commission had an audit committee in operation throughout the financial year.	✓	
• The audit committee operates in accordance with approved, written terms of reference.	✓	
• The audit committee substantially fulfilled its responsibilities for the year, as set out in section 77 of the PFMA and Treasury Regulation 3.1.10	✓	
Internal audit		
• The CRL Rights Commission had an internal audit function in operation throughout the financial year.	✓	
• The internal audit function operates in terms of an approved internal audit plan.	✓	
• The internal audit function substantially fulfilled its responsibilities for the year, as set out in Treasury Regulation 3.2	✓	
Other matters of governance		
The annual financial statements were submitted for audit as per the legislated deadlines of section 40 of the PFMA.	✓	
The financial statements submitted for audit were not subject to any material amendments resulting from the audit.		✓
No significant difficulties were experienced during the audit concerning delays or the unavailability of expected information and/or the unavailability of senior management.		✓
The prior year's external audit recommendations have been substantially implemented.		✓
SCOPA resolutions have been substantially implemented	✓	

OTHER REPORTING RESPONSIBILITIES

Report on performance information

12. I have reviewed the performance information as set out on pages 20 to 25.

Responsibility of the accounting officer for the performance information

13. The accounting officer has additional responsibilities as required by section 40(3)(a) of the PFMA to ensure that the annual report and audited financial statements fairly present the performance against predetermined objectives of the CRL Rights Commission.

Responsibility of the Auditor-General

14. I conducted my engagement in accordance with section 13 of the PAA read with *General Notice 616 of 2008*, issued in *Government Gazette No. 31057 of 15 May 2008*.

15. In terms of the foregoing my engagement included performing procedures of an audit nature to obtain sufficient appropriate evidence about the performance information and related systems, processes and procedures. The procedures selected depend on the auditor's judgement.

16. I believe that the evidence obtained is sufficient and appropriate to provide a basis for the audit findings reported below.

Non-compliance with regulatory requirements

17.1 Lack of reporting on all predetermined objectives in the annual report.

I draw attention to the fact that the CRL Rights Commission

has not reported on all the predetermined objectives, as required by section 40(3)(a) of the PFMA.

The following has not been reported on:

- Legal services
- Formulation of recommendations to state and municipalities.

17.2 The CRL Rights Commission did not comply with Treasury Regulation 5.2.4 as the reported performance information does not include a complete and comprehensive coverage of planned outputs, measures/indicators and targets as per the strategic plan.

Objectives reported in the annual report, but not predetermined as per the strategic plan

18. I draw attention to the fact that the following objectives are reported in the annual report of the CRL Rights Commission, although they were not included as predetermined objectives in the strategic plan:

- Receive and deal with requests related to the rights of cultural, religious and linguistic communities.
- Review existing policies impacting on the rights of CRL communities.
- Assist in the development of strategies that facilitate the full and active participation of cultural, religious and linguistic communities in nation building.

APPRECIATION

19. The assistance rendered by the staff of the CRL Rights Commission during the audit is sincerely appreciated.

Auditor-General

Pretoria

31 July 2008



9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

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Cash Flow Statement	34
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General Information

Domicile

No. 1 Kotze Street
Braamfontein
Johannesburg

Legal form

The CRL Rights is a Constitutional Institution, legislated by the CRL Commission Act (Act 19 of 2002)

Operations

The CRL Rights Commission is mainly dealing with the social sciences of culture, religion and language. It has the main objective to facilitate 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
The CRL Commission Act

STATEMENT OF FINANCIAL PERFORMANCE

For the Year Ended 31 March 2008

	Notes	2007/08 R'000	2006/07 R'000
Revenue			
Transfers from Government Entities	2	15 447	13 403
Finance income	3	334	217
Total Revenue		15 781	13 620
Expenses			
Administrative	4	2 026	2 757
Audit fees	5	682	307
Staff costs	6	7 630	6 328
Other operating expenses	7	4 974	4 379
Depreciation	8	366	311
Finance Cost		94	69
Total expenses		15 772	14 151
Surplus/(Deficit) for the year		9	(531)

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

STATEMENT OF FINANCIAL POSITION

As At 31 March 2008

	Notes	2007/08 R'000	2006/07 R'000
ASSETS			
Current Assets		3 904	3 073
Cash and cash equivalents	9	3 540	3 073
Trade and other receivables	10	364	-
Non-Current Assets		1 154	1 002
Property, plant and equipment	11	1 154	1 002
Total Assets		5 058	4 075
LIABILITIES			
Current Liabilities			
Trade and other payables	12	1 044	250
Provisions	13	295	115
Total Liabilities		1 339	365
Accumulated surpluses		3 719	3 710
Total Net Assets		5 058	4 075

STATEMENT OF CHANGES IN NET ASSETS

For the Year Ended 31 March 2008

	Notes	Accumulated Surplus R'000	Total R'000
Balance at 1 April 2006 as originally stated		4 241	4 241
Surplus/(Deficit)		(488)	(488)
Balance as at 31 March 2007		3 753	3 753
Prior year error Leave Provision		(43)	(43)
Balance as at 31 March 2007 restated		3 710	3 710
Surplus for the year ended 31 March 2008		9	9
Balance as at 31 March 2008		3 719	3 719

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

CASH FLOW STATEMENT

For the Year Ended 31 March 2008

	Notes	2007/08 R'000	2006/07 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Cash receipts as transfer payments		15 447	13 403
Interest received		334	217
Cash paid to suppliers and employees		(14 686)	(14 010)
Interest paid		(94)	(69)
Cash generated from/(utilised in) operations	14	1 001	(459)
Net cash inflow from operating activities		1 001	(459)
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds/(loss) on disposal of property, plant and equipment		-	11
(Acquisition) of property, plant and equipment		(534)	(92)
NET CASH OUTFLOW FROM INVESTING ACTIVITIES		(534)	(81)
Net increase/(decrease) in cash and cash equivalents		467	(540)
Cash and cash equivalents at beginning of the year		3 073	3 613
Cash and cash equivalents at end of the year	9	3 540	3 073

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the Year Ended 31 March 2008

1. ACCOUNTING POLICIES

The financial statements have been prepared in accordance with the South African Statements of Generally Accepted Accounting Practice (GAAP) including any interpretations of such Statements issued by the Accounting Practices Board, with the effective Standards of Generally Recognised Accounting Practice (GRAP) issued by the Accounting Standards Board replacing the equivalent GAAP Statement as follows:

Standard of GRAP	Replaced Statement of GAAP
GRAP 1: Presentation of financial statements	AC101: Presentation of financial statements
GRAP 2: Cash flow statements	AC118: Cash flow statements
GRAP 3: Accounting policies, changes in estimates and errors	AC103: Accounting policies, changes in accounting estimates and errors

Currently the recognition and measurement principles in the above GRAP and GAAP Statements do not differ or result in material differences in items presented and disclosed in the financial statements. The implementation of GRAP 1, 2 & 3 has resulted in the following changes in the presentation of the financial statements:

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

NOTES TO THE ANNUAL FINANCIAL STATEMENTS (continued)

For the Year Ended 31 March 2008

1. Terminology differences:

Standard of GRAP	Replaced Statement of GAAP
Statement of financial performance	Income statement
Statement of financial position	Balance sheet
Statement of changes in net assets	Statement of changes in equity
Net assets	Equity
Surplus/deficit	Profit/loss
Accumulated surplus/deficit	Retained earnings
Contributions from owners	Share capital
Distributions to owners	Dividends

2. The cash flow statement can only be prepared in accordance with the direct method.

3. Specific information has been presented separately on the statement of financial position such as:

- (a) Receivables from non-exchange transactions, including taxes and transfers;
- (b) Taxes and transfers payable;
- (c) Trade and other payables from non-exchange transactions.

4. Amount and nature of any restrictions on cash balances is required.

Paragraph 11 – 15 of GRAP 1 has not been implemented due to the fact that the local and international budget reporting standard is not effective for this financial year. Although the inclusion of budget information would enhance the usefulness of the financial statements, non-disclosure will not affect the objective of the financial statements.

1.1 Basis of preparation

The annual financial statements have been prepared on the historical cost basis except for measurement of certain financial instruments at fair value. The financial statements include the following principal accounting policies which, in all material respects, are consistent with those applied in the previous year, except as otherwise indicated:

1.2 Currency

These financial statements are presented in South African rand since it is the currency in which the majority of CRL Rights Commission transactions are denominated.

1.3 Revenue Recognition

Revenue comprises budget allocations for the activities of the CRL Rights Commission budgeted for by the Department of Provincial and Local Government (DPLG) as transfer payments and is recognized on receipt.

Interest income is recognised on a time proportion basis, taking into account the principal outstanding and the effective interest rate over the period to maturity.

1.4 Operating Leases

Leases of assets under which all the risks and rewards of 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.

1.5 Property, plant and equipment

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

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

NOTES TO THE ANNUAL FINANCIAL STATEMENTS (continued)

For the Year Ended 31 March 2008

Depreciation is calculated so as to write off assets over their estimated useful lives, using the straight line method. The estimated useful lives of assets are:

Computer equipment	3 years
Furniture and fittings	10 years
Office equipment	5 years
Cell phone	3 years
Motor vehicles	5 years

1.5.1 Impairment of assets

CRL Rights Commission assesses the statement of financial position on whether there is any indication that an asset may be impaired. If there is any indication that an asset may be impaired, 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 amortization is recognized immediately in profit or loss. Any impairment loss of a revalued asset is treated as a revaluation decrease.

1.6 Financial instruments

Financial instruments carried on the statement of financial position include cash and bank balances, and trade payables.

Recognition

Financial assets and financial liabilities are recognized on the CRL Rights Commission statement of financial position when the CRL Rights 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:

Financial assets

The CRL Rights Commission principal financial assets are cash and cash equivalents.

- Cash and Cash equivalents

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

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

Financial liabilities

The CRL Rights Commission principal financial liabilities are trade and other payables

Trade and other payables do not bear interest and are stated at their fair value.

1.7 Fair value consideration

Goods are purchased on extended payment terms. The purchases are initially recorded at the present value of the future cash flows and accrue an interest expense until date of payment.

1.8 Offsetting

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

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

NOTES TO THE ANNUAL FINANCIAL STATEMENTS (continued)

For the Year Ended 31 March 2008

1.9 Provisions

CRL Rights Commission recognizes 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. Long term provisions are discounted to net present value.

1.10 Employee benefits

Contributions to the defined contribution pension plan are charged to the income statement in the year in which they relate. The institution has no legal or constructive obligation to pay further contributions once the contributions have been paid.

1.11 Comparative figures

Where necessary, comparative figures have been adjusted to conform to changes in presentation in the current year.

1.12 Going Concern

The financial statements of the CRL Rights Commission are prepared on the going concern bases of accounting.

	2007/08 R'000	2006/07 R'000
2. Transfers from Government Entities		
Department of Provincial & Local Government	15 447	13 403
Total	15 447	13 403
3. Finance Income		
Interest on call account	334	217
Total	334	217
4. Administrative Expenses		
General and administrative expenses		
• Advert recruitment	194	230
• Internal Audit	245	-
• Insurance	65	65
• Decoration	-	1
• Legal fees	-	6
• Entertainment	239	479
• Stationery and printing	1 146	901
• Venues and facilities	130	1 066
• Bank charges	7	9
Total	2 026	2 757
5. Audit Fees		
Consist of:		
• External Audit	682	307
Total	682	307

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

NOTES TO THE ANNUAL FINANCIAL STATEMENTS (continued)

For the Year Ended 31 March 2008

	2007/08 R'000	2006/07 R'000
6. Staff Costs		
Wages and Salaries	6 915	5 697
• Basic salary	4 076	3 396
• Commissioner remuneration	1 015	1 038
• Other non-pensionable allowance	1 824	1 263
Defined Pension Contribution Plan Expense Social Contributions (Employer Contributions)	694	523
• Medical aid	7	6
• UIF	51	21
• Provident fund	636	496
Other salary related cost (resettlement)	21	108
Total	7 630	6 328
Staff Compliment	27	17
7. Other Operating Expenses		
Staff training and development	39	15
Loss on disposal of asset	16	3
Impairment loss	1	-
Penalties	38	-
Consultants, contractors and special services	1 288	1 483
• Pastel system support	117	141
• IT Outsourced function	166	352
• Other	1 005	990
Software licenses	134	-
Marketing Cost	13	60
• Promotional items	1	59
• Photographic services	12	1
National skills development levy	53	42
Maintenance, repairs and running costs	22	16
• Property and buildings	9	2
• Machinery and equipment	11	12
• Other maintenance, repairs and running costs (fuel)	2	2
Municipal Services	88	61
Travel and Subsistence	1 678	1 454
• Air transport	477	691
• Accommodation	775	395
• Car rental	193	201
• Other	233	167
Courier and Delivery Services	58	24
Telecommunication Cost	537	330
Reconciling Items	-	33
Removal Office Furniture	1	-
Rentals	1 008	857
• Buildings	996	857
• Equipment	12	0
Total	4 974	4 379

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

NOTES TO THE ANNUAL FINANCIAL STATEMENTS (continued)

For the Year Ended 31 March 2008

	2007/08 R'000	2006/07 R'000
8. Depreciation		
• Computer equipment and peripherals	221	169
• Officer furniture and fittings	52	49
• Office Equipment	52	52
• Motor Vehicles	41	41
Total	366	311
9. Cash and cash equivalents		
• Cash in Demand Deposit Account	11	11
• Cash in Call Account	3 527	3 060
• Cash on hand	2	2
Total	3 540	3 073
As required in section 7(2) and 7(3) of the Public Finance Management Act, the National Treasury has approved the banks where the bank accounts are held.		
10. Trade and Other Receivables		
Other Receivables	364	-
Total	364	-

11. Property, Plant and Equipment

Year ended 31 March 2007	Computer Equipment & Peripherals	Office furniture & fittings	Office Equipment	Motor Vehicles	Totals R'000
Opening net carrying amount	380	451	207	194	1232
Gross carrying amount	656	518	272	204	1 650
Accumulated depreciation	(276)	(67)	(65)	(10)	(418)
Additions	95	-	19	-	114
Depreciation charge	(169)	(49)	(52)	(41)	(311)
Disposals	(33)	-	-	-	(33)
Net carrying amount 31 March 2007	273	402	174	153	1 002
Year ended 31 March 2008					
Opening net carrying amount	273	402	174	153	1 002
Gross carrying amount	718	518	291	204	1 731
Accumulated depreciation	(445)	(116)	(117)	(51)	(729)
Additions	363	171	1	-	535
Depreciation charge	(221)	(52)	(52)	(41)	(366)
Disposal of assets	(5)	(9)	(3)	-	(17)
Net carrying amount 31 March 2008	410	512	120	112	1 154

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

NOTES TO THE ANNUAL FINANCIAL STATEMENTS (continued)

For the Year Ended 31 March 2008

	2007/08 R'000	2006/07 R'000
12. Trade and Other Payables		
• Trade creditors	733	117
• Third party payments	311	133
Total	1 044	250
13. Salary and related expense provision		
Carrying amount at the beginning of the year	115	49
Amounts used	46	0
Unused amounts reversed during the year	(108)	(49)
Additional provisions made	242	115
Carrying amount at the end of the year	295	115
The leave pay provision relates to the CRL Rights Commission's estimated liabilities arising as a result of services rendered by employees.		
14. Cash generated/(utilised) from operations		
Surplus/(deficit) from operations	9	(531)
Non-cash movements	992	72
Depreciation on property, plant and equipment	366	311
Increase in payables	793	(633)
Increase in provision: Employee cost	180	66
Gains and losses on PPE	16	(3)
Asset impairment	1	-
(Increase)/decrease in receivable	(364)	331
Net cash flows from operating activities	1 001	(459)

15. Income Tax Exemption

This entity is exempt from income tax in terms of section 10(1) (a) of the Income Tax Act, 1962

16. Defined Contribution Plans

All employees are members of a defined contribution scheme administered by NBC Fund Administration Services.

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

NOTES TO THE ANNUAL FINANCIAL STATEMENTS (continued)

For the Year Ended 31 March 2008

17. Senior Management Emoluments

Executive management and directors	Salary	Expense Allowance	Provident fund	Other benefits	Total R'000
Chairperson - M Guma	428	33	63	219	743
Chief Executive Officer - PP Madiba	409	2	65	231	707
Chief Financial Officer - CM Smuts	293	1	46	149	489
Senior Manager - GH Philander	186	2	29	104	321
Senior Manager - MA Masoga	80	-	12	44	136
Senior Manager - RW Maruma	280	1	44	147	472
Senior Manager - TNJ Mkhwanazi-Xaluva	136	-	23	69	228
Total	1 812	39	282	963	3 096

Non Executive Management (Commissioners)	Fees and services	Expense Allowance	Total R'000
WA Boezak	23	2	25
LP Boshego	105	11	116
M Bethlehem (Deputy Chairperson)	236	2	238
S Dangor	37	1	38
MAE Dockrat	39	6	45
H Gouvelis	26	8	34
MD Jobson	59	5	64
JCH Landman	63	6	69
WRJ Langeveldt	79	27	106
M Le Roux	24	2	26
TSC Magwaza	49	6	55
DKK Mboweni-Marais	13	-	13
BB Mgcina	93	-	93
N Mndende	71	-	71
SE Ngubane	31	-	31
MKS Ntlha	42	2	44
M Soni-Amin	59	-	59
Total	1 049	78	1 127

Audit Committee Members

D Coovadia	14	1	15
B Mbewu	14	1	15
MM Mohohlo	3	-	3
Total	31	2	33

No other transactions occurred during the year.

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

NOTES TO THE ANNUAL FINANCIAL STATEMENTS (continued)

For the Year Ended 31 March 2008

18. Irregular, fruitless and wasteful expenditure

Irregular expenditure to the value of R 217 000.00 was incurred. Procurement policies will be applied more strictly to prevent irregular expenditure.

Fruitless and wasteful expenditure to the value of R 50 000.00 is expected in respect of payments to South African Revenue Services. Control measures are implemented to ensure correct payments is made to South African Revenue Services.

Matters reported are currently under investigation. Due process will be followed as required by the PFMA and Treasury Regulations.

19. Related Parties

The CRL Rights Commission did not engage in transactions with related parties.

20. Prior Year Error

The leave provision was incorrectly calculated in the prior year. It was based on the basic rate and not on cost to company as required by IAS 19. The effect of the adjustment of this error on the results of 2006/07 was as follows:

	R'000
Increase in staff cost	43
Decrease in profit	(43)
Increase in leave provision	43
Decrease in accumulated profit	(43)

21. Unauthorized expenditure

No unauthorized expenditure was recorded during the year under review.

22. Debts Written off

No debts were written off during the year under review.

23. Gifts and donations

No gifts or donations were received or made during the year under review.

24. Remission and ex gratia payments

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

25. Statements in issue but not yet effective

At the date of authorization of these financial statements, the following accounting standards of Generally Recognized Accounting Principles (GRAP) were in issue, but not yet effective:

- GRAP 4 – The effects of changes in Foreign Exchange Rates (*not applicable*)
- GRAP 5 – Borrowing Cost (*not applicable*)
- GRAP 6 – Consolidated and Separate Financial Statements (*not applicable*)
- GRAP 7 – Investments in Associate (*not applicable*)
- GRAP 8 – Interest in Joint Venture (*not applicable*)
- GRAP 9 – Revenue from Exchange Transactions (*not applicable*)
- GRAP 10 – Financial Reporting in Hyperinflationary Economies (*not applicable*)
- GRAP 11 – Construction Contracts (*not applicable*)
- GRAP 12 – Inventories
- GRAP 13 – Leases
- GRAP 14 – Events after the reporting date

9. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

NOTES TO THE ANNUAL FINANCIAL STATEMENTS (continued)

For the Year Ended 31 March 2008

- GRAP 16 – Investment Property (*not applicable*)
- GRAP 17 – Property Plant and Equipment
- GRAP 18 – Segment Reporting (*not applicable*)
- GRAP 19 – Provisions, Contingent Liabilities and Contingent Assets
- GRAP 23 – Revenue from Non-exchange Transactions (Taxes and Transfers) (*not applicable*)
- GRAP 24 – Presentation of Budget Information in Financial Statements
- GRAP 100 – Non-current Assets held for Sale and Discontinued Operations (*not applicable*)
- GRAP 103 – Agriculture (*not applicable*)
- GRAP 104 – Intangible Assets

Management believes that the adoption of these standards in future periods will have no material impact on the financial statements of the Commission as most of them are irrelevant and those that are relevant are to a greater extent similar in application and disclosure as the GAAP standards applied currently.

The date for application of the above as determined by the Minister of Finance is for periods beginning on or after 1 April 2009.

26. Financial Management and associated risks

The CRL Rights Commission's activities do not expose the Commission to various types of risks that are associated with the financial instruments of the Commission. The Commission is not exposed to risk with regards to payables as payables are restricted to trade creditors. Risk in respect of cash and cash equivalents are limited as the call account is a short term investment with immediate liquidity at a accredited financial institution.

27. Operating lease

The Commission rents premises with an option to renew for a further 4 years under the same terms and conditions and a rental escalation of 10% per annum.

The lease rentals is at a fixed rate of R 77,237.93 (excluding VAT).

Future Commitments (excluding VAT) are summarised as follows.

	Within 1 year	2 - 5 years	More than 5 years	Total
Minimum future lease payments	R 386,189.65	-	-	R 386,189.65

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