

th
5th *Annual Report*
Annual Report



south african
human
rights
commission

January 2000 ~ March 2001

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

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November 2001

The Honourable Dr Frene Ginwala, MP
Speaker of the National Assembly
Houses of Parliament
P. O. Box 15
Cape Town 8000

Dear Madam Speaker:

Pursuant to the provisions of Section 181(5) of the Constitution of the Republic of South Africa (Act No. 108 of 1996), I am pleased to submit the 5th Annual Report of the South African Human Rights Commission for the period 1 January 2000 - 31 March 2001.

Yours faithfully,

A handwritten signature in black ink, appearing to read "N Barney Pityana", is positioned below the text "Yours faithfully,".

N Barney Pityana
Chairperson

South African Human Rights Commission

5th Annual Report

January 2000 - March 2001

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Profiles of Commissioners

Chairperson N Barney Pitso
Parliament and Government Liaison



Deputy Chairperson Shirley Mabusele
Child Rights



Commissioner Charles Dlamini (Part-time)



Commissioner Tom Manthata
Rights for Older Persons



Commissioner Karthy Govender (Part-time)



Commissioner Charlotte V. McClain
Socio-Economic Rights



Commissioner Jody Kollapen
Civil and Political Rights



Commissioner Jerry Nkell
Disability Rights



Commissioner Zonke Majodina (part-time)
Rights of Refugees, Asylum Seekers and Migration Policy



Commissioner Pansy Tlakula
Equality



Commissioner Leon Wessels
Access to Information



Preface

The publication of the 5th Annual Report has been much delayed. The regular cyclic rhythm of the South African Human Rights Commission was put out of joint by a series of events. The Public Finance Management Act that came into effect in 2000 requires that any future annual reports should include the duly audited financial statements of the entities. The effect of this for us was that our regular pattern of publication of the annual report had to be altered. Traditionally we publish our report in March in order to coincide with Human Rights Week. During that week, we regularly appear before the Parliamentary Portfolio Committee on Justice and Constitutional Development to present our report on programmes and for a review of our budget. This year, however, our participation was limited. The annual report could not be published without the audited statements and that meant that the parliamentary debate on the Budget Vote of the Justice Ministry was not fully informed about our activities in the previous year.

The annual accounts were duly finalised in August. By that time, however, we were all well into preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, 30 August – 8 September. The Commission was a key component of South Africa's preparations for the WCAR. The Commission also undertook additional responsibilities like coordinating the participation of national institutions for the promotion and protection of human rights worldwide and the African Commission on Human and Peoples' Rights. Therefore, with each passing day, the annual report was getting delayed. We sincerely apologise for this. The only saving grace is to say that we are on a learning curve.

The introductory chapter to this report is taken from my address to the Portfolio Committee earlier this year. A few months later, our statement seems to have been fairly representative of the sentiments of my colleagues and I. It gives expression to the shifting foci of the Commission in five years of operations. It also gives voice to the frustrations of the Commission about the failure to address several matters critical for the effective and efficient operation of an independent state institution. It also looks to the future and notes new and promising developments such as the work on *Human Rights and Business*, the performance evaluation of the South African Human Rights Commission in preparation for the election of new members in 2002 and the Annual Human Rights Awards scheduled for 10 December this year, International Human Rights Day. On the international front, we are greatly honoured that the 3rd Conference of African National Institutions meeting in Lome, Togo in March 2001, charged the South African Human Rights Commission with the responsibility of hosting the permanent secretariat of African national institutions. This development will place the Commission at the centre of developing and strengthening the capacity of national institutions in Africa to ensure their independence and an effective promotion and protection of human rights at national level.

As we approach the penultimate year in the life of the present Commission, we wish to thank all those who have given us support and encouragement in our work. The Minister of Justice, the Hon Dr Penuell Maduna, MP has taken a keen and personal interest in the work of the Commission. We value his support and that of the Ministry and the Director-General: Justice and Constitutional Development. During the year we have cooperated with many other government departments and overall relations have improved considerably compared to that of previous years. We continue to rely on the support and encouragement of Parliament, especially the Speaker of the National Assembly and the portfolio committees.

It may be a trite point but one which is nonetheless necessary to make. An institution like ours can only achieve what it has through the commitment, indeed singular devotion and professionalism of commissioners and staff at all levels in the organisation at our head office and in the provincial offices. Many have given beyond the call of duty. Their only reward is the satisfaction that they are

building a nation we can all be proud of. In this I wish to associate many who collaborate with us selflessly among NGOs, academics, professional people and other experts as well as donors whose generosity has made it possible for us to reach beyond what our budget allocation would make possible. We thank them for their confidence in us. We look forward to another year of partnership.

A handwritten signature in black ink, appearing to read 'N Barney Pityana', with a large, stylized flourish at the end.

N Barney Pityana
CHAIRPERSON

Banjul, The Gambia
Africa Human Rights Day, 2001

Executive Summary

This Fifth Annual Report reflects the priorities and activities of the SAHRC for the period January 2000 to March 2001. This annual report is most significant as it coincides with the five-year anniversary of the SAHRC. Since its establishment in 1995 the SAHRC has grown into a reputable human rights monitoring organisation in the South African Constitutional order. In order to fulfil its Constitutional mandate to promote, protect and monitor the observance, development and attainment of human rights in our country, the SAHRC has embarked on a wide range of interventions and projects that have reached a large section of the South African population.

The period under review in this report has been a particularly fruitful one with several major endeavours being established. The National Centre for Human Rights Education and Training (Nachret) was established in April 2000. Nachret is dedicated to the development and deliverance of human rights education and training and has already trained a significant number of organisations, as detailed in Chapter 3. A new provincial office was opened in the Free State on 21 March 2001, Human Rights Day. This is the fifth provincial office that has been established, and as evidenced in Chapter 7 it is more than up and running.

Although this report is comprehensive, the detailed Table of Contents will enable the reader to find a particular item of interest fairly easily. The Introduction gives a useful overview of the period under review, detailing key priorities and major activities undertaken by the SAHRC. Subsequent chapters elaborate on the core functions of the SAHRC as outlined in its Constitutional mandate.

The concise Chapter 8 gives an indication of the various “Section 5” Committees established by the SAHRC. The following two chapters focus on the projects undertaken by the provincial offices and the SAHRC’s interaction with international human rights organisations and treaty bodies.

The final chapters include the Auditor-General’s report and the Financial Statements of the SAHRC. The Appendices offer factual information on all aspects of the SAHRC’s work.

This annual report aims to provide you with a comprehensive overview of the projects, interventions, plans and procedures of the SAHRC. Should you require further information, please contact the SAHRC at the addresses provided on the back cover.

Introduction

The South African Human Rights Commission is accountable to the National Assembly and must report on its activities and the performance of its functions to the Assembly at least once a year. (Section 181 (5) of the Constitution)

The Fifth Annual Report of the South African Human Rights Commission (SAHRC) is significant in two ways: Firstly the SAHRC, having been established in 1995, completed its fifth anniversary in 2000. At the time of the publication of this report, the SAHRC has completed six years of existence and has grown to be a reputable national human rights institution in the country. Secondly, this is the first Annual Report that had to comply with the requirements of the Public Finance Management Act (PFMA) that came into operation in April 2000. The PFMA has brought along new management principles and a new ethos in the governance of public institutions. The challenges of transplanting these principles into the culture of the organisation are immense. However the Chairperson of the Commission and its Chief Executive Officer (CEO) who are the Executive Authority and Accounting Officer respectively, are putting into place processes and systems to equal those challenges. The Commission is grateful for the unqualified report by the Auditor-General which reflects efficient and sound financial management systems.

It is important at this stage to reflect on the key priorities and the major projects undertaken by the SAHRC during the reporting period. It is an undeniable fact that racism has been the greatest threat to the post 1994 democratic order. It was therefore imperative for the SAHRC to set its priorities along strategies that are designed to address the scourge of racism. The SAHRC undertook two major interventions to tackle racism: The National Inquiry into Racism in the Media and The National Conference on Racism.

Human Rights Environment

The Commission has been noting with concern that the social and political debate in our country is rarely informed by human rights imperatives. That observation is no less pronounced when one notes recent debates in parliament and in the media. Of concern to us is the fact that politicians, columnists and leader writers rarely recognise that their propositions should be predicated on human rights and on our constitutional values. The result is that public debate is hardly, if ever, conducted within a human rights paradigm in South Africa. That is surprising to many visitors to our shores who are attracted by the reputation our country enjoys as a result of our rights-based constitution, a human rights jurisprudence and reputable human rights institutions. When they read our newspapers they find it hard to understand why this human rights culture is not readily reflected in our media. We have been saying that human rights are not an optional extra but a social and political tool that should unlock our praxis in all aspects of public life.

The Commission has sought to raise and extend public awareness of racism and affirm that racism is a threat to our constitutional values. We continue to seek to change public perceptions about racism and to develop a culture that is resistant to all forms of racism. The National Conference on Racism held on 31 August to 2 September last year will go down in history as the most determined mechanism for reshaping public consciousness on a national matter. The process for developing the National Action Plan to Combat Racism is now underway.

We hope to present to Cabinet a draft for consideration by August 2002. Likewise, we have been addressing the social inequalities inherent in our society. We have drawn attention to the shame of our absolute genie coefficient that is not narrowing sufficiently fast to avert looming disillusionment with our democracy.

The work we do, therefore, on monitoring economic and social rights is critical for the integrity of our constitutional system.

We often wish that there was more debate and dialogue about the reports we have been publishing, more questions asked in parliament, and more analysis and interpretation in terms of column inches in our newspapers.

At the same time, we have been taking our protective mandate seriously. The caseload of the Commission has been growing exponentially over the years. The more provincial offices we open and the more staff we employ, so also do the demands and the nature of the complaints we receive and investigate, increase. It is therefore not without significance that we have had to address some of the practices within the law enforcement agencies and in the immigration service. These are practices characterised by xenophobia and racism where scientific investigation of crime gets substituted by racial profiling.

We have been engaging the South African Police Services (SAPS), the National Directorate for Public Prosecutions, and the Ministries of Safety & Security and Justice and Constitutional Development about these issues. We have organised a seminar on "Crime and Human Rights" and are publishing a significant policy statement on the subject. Examples of human rights violations are not only manifested in crime and racism, but also in the abuse of children either through corporal punishment at home or at school. Sexual violence against children has reached alarming proportions.

At the promotional level, the opening of our National Centre for Human Rights Education and Training last year has been a boon. You will notice that through human rights education, training and awareness, the Commission has been reaching a large and growing number of sectors of public life. Through the Centre, we have been making valuable contacts with various state organs like the immigration service officials, police, educators and others. The Commission's advocacy programme has also developed substantially over the year. All our activities have been geared holistically to express the advocacy model we have developed. Human Rights Week, national inquiries, our newsletter *Kopanong*, the Schools Art Competition and the reports of the Commission, are among the vehicles which demonstrate our advocacy model. It occurs to us that the challenge we face is to engineer a greater appreciation of the values enshrined in our Constitution.

The year 2000 continued to provide challenges to the various law enforcement agencies in, amongst other matters, fighting crime and ensuring that the administration of justice generally was capable of serving the needs and expectations of all. The various interventions and initiatives the SAHRC has made have accordingly sought to examine not only law and policy by reference to human rights norms, but also the levels of efficacy and service delivery of the justice system.

In March 2000 the Commission visited courts throughout the country and found serious deficiencies in delivery occasioned by a host of factors including a shortage of personnel, accessibility of courts, poor management of case rolls, lack of professional and technical resources (law reports, internet, email etc) and poor or inadequate training in key areas.

In the main, however, we were encouraged by the positive approach of those responsible for the functioning of our courts, but clearly the issues raised in our reports require addressing if the justice system is to meet the expectations a new legal order has created.

Migrant and refugee matters remain high on the public agenda and the 2nd Report on the Arrest and Detention of Migrants (released in December 2000) highlighted not only the continuing

vulnerability of migrants in South Africa, but also in our view the wholly unsatisfactory manner in which the Department of Home Affairs has dealt with the recommendations of the Commission made as far back as 1998. Operation Crackdown, purportedly launched as an anti-crime operation, sought to disproportionately target migrants prompting the intervention of the Commission. Visits to Lindela and the Hillbrow Police Station assisted in informing the public of the many injustices and inequities (perhaps unintended) occasioned by Operation Crackdown. In this context, the much publicised and horrific attack by members of the Dog Unit on three migrants reinforced our concerns about the continued vulnerability of the many who enter our country, either legally or illegally.

The balancing of necessary crime prevention imperatives and the values and norms of a human rights culture was in our view difficult but certainly possible. Serving on structures such as the Sentencing Committee of the Law Commission and the National Council on Corrections has provided the opportunity for the SAHRC to remain involved in key issues such as the development of a new Sentencing Framework, which seeks to provide for greater parity in sentencing, a Compensation Fund for Victims of Crime and the Victims' Charter. In the area of corrections, some modest but successful initiatives aimed at dealing with overcrowding were achieved during 2000. We have also assisted the Independent Complaints Directorate in formulating a strategy to reduce the number of custodial deaths.

In general, government has, notwithstanding considerable improvements made in some key areas (organised crime, hijacking etc), still grappled with some difficulty in striking the appropriate balance between being effective in law enforcement while remaining loyal to the letter and spirit of the Constitution.

Mindful of the complexities of the matter, the Commission remains ready to continue the role of monitoring both policy and practice, and also assisting in the many initiatives necessary to transform and improve our justice system.

Independence of the Commission

After six years of operation, it is very discouraging to have to report that questions about the independence of the Commission have not been resolved. Let us recap: It will be recalled that the Commission has been concerned about the mechanism for the determination and allocation of the budget. To that extent the Commission made proposals for the amendment of the Human Rights Commission Act. It must be admitted that there has been some progress in that the Commission is now invited to make presentations to the MTEF on its annual budget. The problem is that National Treasury continues to relate to the Commission through the Justice Department. This means that we have no direct means of having queries and problems resolved.

This matter is best dramatised by reference to our budget. Since inception, the Commission has constantly raised concerns about the manner in which its budget was set. We pointed out *ad nauseum* that at no stage was there a proper assessment of the mandate of the Commission and the appropriate level of resources necessary to execute the mandate. Initiatives by the Minister of Finance like the call for a business plan in 1996, the organisation and methods evaluation undertaken by the Department of the Public Service and Administration in 1998 with a view to determining the staff establishment for the Commission, as well as the investigation of the budget needs of the Commission by the Deputy Director-General of the National Treasury in 2000, have all come to nought. None of the proposals have been implemented and neither has National Treasury consulted the Commission about the reasons for the lack of a response. This is a matter of concern not just in terms of the inadequacy of the budget but that in effect, National Treasury purports to

prescribe the Commission's priorities by simply withdrawing the relevant funding. Government has shown no willingness to discuss these matters in any effective manner with a view to finding solutions.

Another example of this insensitivity to the independence of national institutions is where, without consultation or reference to the affected institutions, the *Public Finance Management Act, 1999* prescribes in Section 66(4) that constitutional institutions "may not borrow money, nor issue guarantee, indemnity or security, nor enter into any transaction that binds the institution or entity to any future commitment." The effect of this, of course, is that the Commission cannot rent property in its own name, acquire property for its sole use and in its own name. This is unacceptable especially as the Human Rights Commission Act states clearly that the Commission "shall be a juristic person". It can sue and be sued in its own name. At a stroke the rights and privileges of an independent institution have been removed without the participation of the Commission. The provisions of the PFMA as it stands raises serious difficulties as it contradicts the Human Rights Commission Act.

Of similar concern has been the manner in which members of the Commission continue to operate some five years since establishment without proper terms and conditions of employment. The prevailing arrangement is unsatisfactory in that it hardly differentiates commissioners from civil servants and there is no applicable code of employment for members of the Commission.

So bizarre is this situation that commissioners salaries lag far behind those of comparable civil service post designations and regularly, salary increments due to members of the Commission are rarely if ever paid on time. The net effect is that salaries of members of the Commission are not attractive and certainly lag far behind comparative positions in the civil service and the private sector. Section 13(1) of the Human Rights Commission Act, 1994 provides that the President in consultation with cabinet and the Minister of Finance shall determine the salaries of members of the Commission.

In spite of that provision, there is in fact no such mechanism in place. In an attempt to regularise this, we have drawn attention to the provisions of Section 219(5) of the Constitution whereby such a framework could be established. To the best of our knowledge such legislation is not in place and, as far as the Commission is concerned, there is no framework for the determination of the salaries and conditions of service for members of the Commission. The result is that salaries for members of the Commission are considerably less than what other Chapter 9 institutions receive. This is intolerable. With such a situation, members of the Commission cannot be expected to enjoy the same authority, dignity and esteem that their office bestows upon them. We can only express the hope that this matter will be resolved in time for the recruitment process for our successor members of the Commission. Otherwise, it will be nearly impossible to recruit members of the Commission with sufficient seniority and experience next time round.

The second concern has been about the treatment of the reports of the Commission by parliament. Some progress appeared to be developing when the Speaker commissioned Prof Hugh Corder to advise on the effective functioning of the oversight responsibility of parliament towards Chapter 9 institutions. The report, *Parliamentary Oversight and Accountability* was published in July 1999. We are not aware that any action has been taken by parliament on the report. The rules of parliament still do not allow meaningful participation by national institutions, our reports still do not have a portal that fits in parliamentary procedures and there is no committee dedicated to receiving and reviewing the reports of the Commission.

National Conference on Racism 2000

The National Conference on Racism which was held at the Sandton Convention Centre in Johannesburg from 31 August to 2 September 2000 had brought together over 1000 people from diverse groups of our society who engaged in a national dialogue on racism under the theme “Combating Racism: A Nation in Dialogue”. As the Report of the Conference shows, the dialogue provided us, South Africans, with the opportunities for valuing our differences, our different histories and backgrounds and to open vistas for participation by every South African in building a new society founded on human dignity, equality, social justice and non-racism. The conference adopted a South African Millennium Statement on Racism and Programme of Action which, amongst others, called on government to declare the period 2001 – 2010 the Decade of Mobilisation Against Racism.

The National Conference recommended that the SAHRC should develop a National Action Plan and Strategy to Combat Racism (NAPSCR). To take this process forward the SAHRC engaged a Project Co-ordinator to develop the envisaged National Action Plan and currently consultative workshops with the different sectors of civil society are taking place to get their full participation in the process. The SAHRC plan to launch the National Action Plan on the Day of Reconciliation (16 December 2001).

We are hopeful that our process of developing the NAPSCR will benefit from the rich deliberations awaited from the World Conference delegates. Opportunity to learn from the wealth of experiences of countries around the world could not have come at a better time.

Preparations for the UN World Conference Against Racism

The countdown to the 3rd World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) is gaining momentum and is one of many major projects that the SAHRC is involved in. The conference will take place in South Africa from 31st August to 7th September 2001. Although the conference is a United Nations initiative, the SAHRC has a crucial role to play in the organisation of the conference, as well as in participation at the conference itself.

As the host country for the conference South Africa has set up its own National Preparatory Committee (NPC) that meets periodically to assess and review progress with regard to the preparatory process. The NPC is managed by an inter-ministerial committee consisting of the Ministries of Justice and Foreign Affairs who are overseeing the preparatory process. The SAHRC is represented by Chairperson, Dr N.Barney Pityana and Commissioner Pansy Tlakula.

The South African Human Rights Commission (SAHRC) has undertaken to organise, on behalf of National Institutions (NIs), a pre-conference workshop to prepare for and strategise in order to ensure effective participation of NIs at the WCAR. The main focus of the pre-conference strategic planning workshop will be to consolidate the position of the NIs and to agree on the participative methodology at the conference.

Facing the Future

The members of the South African Human Rights Commission are very conscious of the fact that their current mandates expire on 30 September 2002. We believe that during its lifespan, the Commission has developed a wealth of expertise, has collected volumes of authoritative resources on human rights. We believe that this resource should be amassed in order to benefit future

members of the Commission. For that reason, the Commission is embarking on its own evaluation, and assessment of impact. The evaluation process will involve a review of the history, programmes, structures and the developing and evolving human rights principles that have informed the Commission since its establishment. We will also be publishing a multi-volume book on the papers and reviews undertaken by members of the Commission during the period under review. We shall also be engaging members of the Commission with their own personal assessment of their work. The intention is that we can assist parliament when it prepares for the election of new members of the Commission.

Our plea is that the requisite parliamentary officials should begin the process early enough. We would also recommend an in-depth assessment of members of the Commission in order to ensure that we do not unnecessarily dispense with the services of members of the Commission who continue to have a vital contribution to make to the development of a human rights culture in our country. To assist with this process, the Commission wishes to encourage parliament to appoint the ad hoc committee at the earliest opportunity and for the Commission to brief that Committee fully on our findings and perspectives ahead of the processes for the appointment of members of the Commission being put in place. Further, we would like to see this process completed by May so as to allow the prospective new members to benefit from the expertise of the outgoing members. The target for the publication of our evaluation study is February/March 2002.

A second matter for the future is a plea that parliament should attend to the Corder report with some speed. Such deliberations, we believe, will assist greatly in constructing an environment for a more credible and independent operations of the Commission. Among the issues we believe will be critical in that process, are not only the handling of the reports of the Commission, but also the establishment of credible arrangements for the budget of the Commission. Related to this, we believe that a system should be found to speedily address the question of the terms and conditions of employment of members of the Commission. There is no doubt in our mind that the Commission on Gender Equality and the South African Human Rights Commission continue to receive *Cinderella* treatment from government. We have tried, unsuccessfully, to nudge the Treasury to enact the legislation envisaged in Section 219(5) under which a framework for determining the salaries, allowances and benefits of members of our Commission can be established. So far, unlike all the other institutions mentioned in that section, the Human Rights Commission does not have such a framework.

Third, failure to provide for an adequate budget for the Commission has meant that the Commission had to advise the Minister of Finance, with copies to the President, the Speaker of the National Assembly, and the Minister of Justice and Constitutional Development that the Commission will not be able to execute its functions in relations to the following statutory responsibilities:

- The Promotion of Access to Information Act, 2000;
- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000;
- The Public Finance Management Act, 1999; and
- Section 184(3) of the Constitution.

All these laws have given additional responsibilities to the Human Rights Commission but no adequate financial provision has been made in the budget allocated. Our efforts at conducting dialogue with the National Treasury on these matters have not elicited any understanding of our concerns. What we shall be able to do at the minimal level are only those matters which can reasonably be undertaken on the budget provided.

We would just like to draw attention to the dilemma posed by Judge Bertelsman of the Pretoria High Court during the hearing on Friday 26 May. In a matter where the Commission was directed by the court to enter as an *amicus curiae*, the Judge raised the question of the liability of the

Commission for consequences occasioned by the failure of the Commission to provide the manuals in terms of the provisions of the *Promotion of Access to Information Act*, 2000 for a mental institution which the Act requires the Commission to prepare and make available for usage by the public.

This may be the most far reaching and regrettable decision we have had to take as a result of the financial constraints placed upon us. It is not necessarily the one that concerns us most. We have also had to cut our core activities simultaneously. For example, we still do not have provincial offices in all the provinces and those that we have are hopelessly understaffed, we have reduced our plenary meeting from monthly to quarterly and we have restricted commissioners travel to the provinces to one visit per quarter. This does negatively affect the effectiveness of an institution like ours. Access and visibility of an institution designed to be a mechanism to address the pain of ordinary people, has to be available to the people in need. In large parts of our country we are not.

Given the enormity of the challenges explained above, it is crucial that the SAHRC be provided with adequate resources to carry out its constitutional obligations.

Corporate Governance

During the year under review the SAHRC has experienced further growth and consolidation in terms of its operations. The total human resource complement has increased by 36%, an additional provincial office has been opened in the Free State and a number of administrative policies and systems were developed to improve operational efficiency and effectiveness. This was in spite of a meagre increase of only 2,7% on the budget baseline allocation received from National Treasury for the 2000/01 financial year.

Resource Allocation

Human Resources

The total staff complement of the SAHRC as at 31 March 2001 stood at 117 representing an increase of approximately 36% compared to the previous financial year. This figure includes 11 Commissioners, 78 full-time permanent staff and 28 temporary short-term staff members. 91 staff members are based at Head Office and 26 in the various provincial offices. The complement is broken down as follows:

Head Office:

Commissioners	21
8 full-time and 3 part-time Commissioners	
1 Executive Secretary	
9 support staff	
CEO's Office	7
Chief Executive Officer	
Deputy Chief Executive Officer	
Chief Internal Auditor	
2 contract staff (NAP & Strategy to Combat Racism)	
2 support staff	
Advocacy	8
HOD 6 support staff	
1 contract staff (Constitutional Legislation)	
Finance and Administration	14
HOD and 13 support staff	
Legal Services	16
HOD and 15 support staff (including 5 interns/temp staff)	
National Centre for Human Rights Education & Training	6
Manager	
5 support staff (including 1 contract staff member)	

Research and Documentation 19
 HOD and 18 support staff
 (including 13 interns/contract/temp staff)

Total Head Office Staff and Commissioners 91

Provincial Offices:

Eastern Cape 5
 Co-ordinator and 4 support staff
 (including 1 intern)

Free State 4
 Co-ordinator and 3 support staff

KwaZulu Natal 6
 Co-ordinator and 5 support staff
 (including 2 interns)

Northern Province 5
 Co-ordinator and 4 support staff
 (including 1 intern)

Western Cape 6
 Co-ordinator and 5 support staff
 (including 2 interns)

Total Provincial Office Staff 26

Appointments and Resignations

Appointments

Job Kaira	Accountant	February 2000
Andrè Keet	Manager: Training Centre	April 2000
Funeka Thema	Provincial Co-ordinator	
	Northern Province	May 2000
Robyn Solomon	Senior Legal Officer	July 2000
Miriam Sebothoma	Legal Officer	August 2000
Job Mnguni	Chief Internal Auditor	September 2000
Mothusi Lepheana	Senior Researcher	October 2000
David Mmakola	Deputy Director: Research	November 2000
Shameme Chundra	Senior Education & Training Officer	November 2000
Jeffrey Nkuna	Provincial Co-ordinator	
	Free State	November 2000
Bronwynne Perreira	Campaigns Manager	January 2001
Victor Southwell	Provincial Coordinator	
	Western Cape	January 2001
Jacob Skosana	HOD: Advocacy	February 2001

Phumla Mthala	Media/PRO Officer	February 2001
Bongani Khumalo	Deputy CEO	March 2001
Resignations		
Faranaaz Veriava	Provincial Co-ordinator W. Cape	April 2000
Shanaaz Meer	Legal Officer	May 2000
Mickey Mfenyana	Legal Officer	August 2000
Siseko Njobeni	Media/PRO Officer	August 2000
Mbulelo Baba	Deputy CEO	August 2000
Greg Moran	HOD: Advocacy	December 2000
Ntshole Mabapa	Provincial Co-ordinator N. Province	December 2000
Jeannette Campbell	Deputy Director: Communications	March 2001
Marisia Davis-McIntyre	Personnel Officer	March 2001

A number of vacancies were filled by affording existing members of staff promotional opportunities through internal transfers. The appointment of contract staff, particularly social and economic rights researchers, was made possible due to the Commission receiving external funds from donor agencies.

Human Resource Development

The Commission is in the process of developing an integrated human resource management strategy of which training and development will form a crucial component. Due to continued budgetary constraints it was not possible to optimally explore sustained and effective training and development opportunities for all staff. The Commission has however managed to send certain members of staff on various short courses to enhance their job-related skills. It also organised two week-long training sessions for senior and middle management jointly with the Commission on Gender Equality and the Public Protector in April 2000. Finance and Internal Audit staff also attended a number of courses on the implementation of the Public Finance Management Act during the period under review.

Budget

Evaluation of 2000/01 Budget

An extensive evaluation of the Commission's 2000/01 budget was undertaken by a team from the National Treasury, under the management of Mr. Godfrey Gulston, the then Deputy Director-General: Expenditure Management, during May 2000. The objective of the assignment was to ascertain the reasonableness of the budget with a view to determining the level of funding required. The assignment was agreed to after the Commission made continued submissions to the Minister of Finance that the lack of appropriate funding of the Commission's operations made it increasingly difficult for the institution to effectively execute its constitutional mandate.

The National Treasury team recommended that the budget baseline allocation of the Commission for 2000/01 be increased from R16,763 million to R20,721 million. The Commission accepted this recommendation although it did not fully address all the funding requirements of the SAHRC. The

recommendation was subsequently disregarded and not implemented by National Treasury officials following the departure of Mr Gulston. A further submission to correct this was made to Cabinet and the Medium Term Expenditure Committee (MTEC) without any success. This unfortunate turn of events had a major impact on the operations of the Commission and its capacity to adequately perform its constitutional duties.

Public Finance Management Act

Most of the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999 as amended by Act No. 29 of 1999) came into effect on 1 April 2000. The Treasury Regulations issued in terms of the Public Finance Management Act (PFMA) came into effect on 1 June 2000.

The Commission as a constitutional institution is subjected to both the PFMA and the Treasury Regulations. In the light of this, a detailed PFMA implementation plan was drawn up to ensure that the Commission complies with relevant sections of the Act and the Regulations. The appointment of a Chief Internal Auditor has been an important step in ensuring that the Commission establishes an effective internal audit function. Audit charters have been drafted and nominations for members of the audit committee were finalised. The internal audit unit is setting up a risk assessment process for the Commission.

The further implementation of the PFMA has been assigned to line departments and will gain momentum when a Chief Financial Officer is appointed.

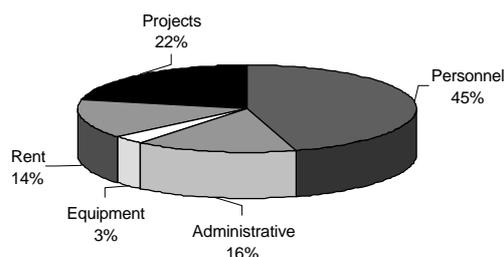
Budget Allocation: 2001/02

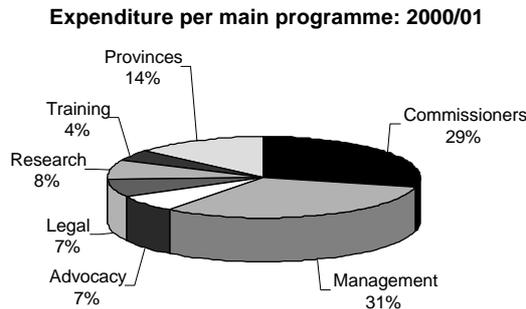
A baseline budget of R21,899 million has been allocated to the Commission for the 2001/02 financial year. As indicated above, the operations of the Commission continue to be grossly underfunded by government.

Requests have been made to the Minister of Finance to intervene, failing which the Commission will not be able to fulfill all its constitutional and statutory obligations in the 2001/02 financial year. This will include the monitoring of social and economic rights in terms of Section 184(3) of the Constitution, and functions related to the Promotion of Access to Information Act, 2000 (Act No. 2 of 200) and the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000).

Below is a breakdown of the 2001/02 budget according to standard items and main programmes.

Expenditure per standard item: 2000/01





years.

The qualitative analysis in terms of Section 19(1) of the Act has also identified various internal barriers to employment equity in the workplace and a number of programmes and interventions will be initiated to address this.

Information Technology

Good progress has been made in enhancing the IT systems supporting the operations of the Commission. Systems are continually developed, within a limited budget, to ensure that information technology at the Commission keeps abreast with broader technological advancements and continues to facilitate the work of the Commission.

The installation of a Wide Area Network (WAN) was successfully completed, linking head office with the five provincial offices. This facilitated the integration of Internet and electronic mail facilities of all Commission offices and ensured more speedy and effective information flow between offices and users.

A comprehensive information technology security policy has been developed and adopted. The policy allows for the proper use of all Commission computing and network resources, effective protection of individual users, equitable access and proper management of shared resources. It further ensures that the appropriate use of resources should always be legal, ethical and reflect respect for human rights.

Audited Financial Report

The Commission has once again received an unqualified audited financial report.

Promoting

“The Human Rights Commission must ...promote respect for human rights and a culture of human rights” – Constitution of South Africa, Section 184 (1)(a)

The mandate to promote human rights in South Africa is carried out and co-ordinated largely by the Advocacy Unit based in the Johannesburg head office. During the year under review, great changes took place internally. With the establishment of the dedicated National Centre for Human Rights Education and Training (NACHRET), the formal and informal education and training staff and functions previously carried out by the Advocacy Unit were taken over by this Centre from April 2000.

National Centre for Human Rights Education and Training (Nachret)

Launch of NACHRET

In its 4th Annual Report, the SAHRC reported on its plans to establish a national training centre for human rights.

The Centre opened its doors on 1 April 2000 and was officially launched on 15 June 2000 at the Sunnyside Park Hotel, Johannesburg. About 80 guests, amongst them donors, media representatives, and government official were informed of Nachret’s aims and strategies and no doubt word soon spread amongst NGO groups also committed to human rights education.

The Nachret’s mission has been crystallised: “The development of a sustainable culture of human rights by translating human rights standards into tangible and deliverable education and training outcomes”.

Its objectives are also clearly defined:

1. Develop and deliver systematic human rights education and training;
2. Enable collaborative human rights education and training;
3. Develop a range of customised training materials;
4. Provide support for human rights training programmes offered by the SAHRC and other bodies; and
5. To support other human rights institutions in Africa.

Projects, Workshops and Training Programmes

Nachret offers the following training programmes:

- The SAHRC and Human Rights;
- The Constitution and the Bill of Rights;
- Anti-Racism;
- Anti-Discrimination;
- Human Rights Training Methodology;
- Alternatives to Corporal Punishment;
- Human Rights for Educators; and
- Human Rights for Child Care Professionals.

Other initiatives of Nachret include:

- Negotiations with tertiary institutions for a one-year course on international human rights instruments;
- Registration of the Centre as a training provider and accreditation of its programmes;
- A programme for National Institutions for the Promotion and Protection of Human Rights on the African Continent;
- Co-ordinating the Consultative Forum on Racism in Education;
- In-house training programmes;
- Curriculum development for schools;
- Hosting international delegations;
- Materials Development; and
- Roundtable Discussions.

NACHRET operates in collaboration with partner organisations and some of its programmes have been conducted on this basis.

Completed Funded Projects

1. Anti-Racism Training for Provincial Departments of Education, in partnership with the Centre for Anti- Racism and Anti-Sexism (CARAS Trust), and funded by the European Union Foundation for Human Rights (EUFHR).
2. Anti-Racism Training for SAPS Vryburg, in partnership with the CARAS Trust and funded by the New Zealand High Commission.
3. Training and Other Education Activities (April 2000 – March 2001)

Some of the workshops conducted during the year under review.

<u>Date</u>	<u>Activity</u>	<u>Topic</u>	<u>Province/Partner</u>	<u>Numbers</u>
<u>2000</u>				
13 April	Training	Children's Rights	North West	23
12 May	Training	Human Rights	Gauteng	13
30 May	Training	Corporal Punishment	Gauteng	8
19-21 June	Training	SAPS Vryburg: Anti-Racism	North West	27
26 June – 1 July	Training	SAPS Vryburg: Anti-Racism	North West	46
16 September	Training	Rights of the Disabled, Human Rights and Women's Rights	Roodepoort	15
19 September	Workshop	Health Rights of Refugees	Wild's View Boardroom	40
20 September	Seminar	Corporal Punishment	PMB	100

21 September	Workshop	Corporal punishment	PMB	35
22 September	Workshop	Corporal Punishment	PMB	35
29 September	Workshop	Health Rights of Refugees	Port Elizabeth	
5 October	Training	Children's Rights and Youth Justice	SAHRC Training Centre	14
6 October	Training	Children's Rights and Youth Justice	SAHRC Training Centre	14
18-20 October	Forum	Racism in Education	Robben Island	63
30-31 October	Training	Piloting the guidebooks on corporal punishment	Randfontein Golf Club	28
9 November	Facilitating Workshop	Oliver Tambo Chair Seminar on racism	East London	
10 November	Seminar	Racism	Communications Workers Union	150
17-19 November	Training	Human Rights and Rural Communities	SAHRC Cape Town Office Dysselsdorp (Oudtshoorn)	45
20-24 November	Training	Train the Trainer	SAHRC Pietersburg Office	30
23-24 November	Training	Human Rights and Educators	Midrand, EISA	25
27-29 November	Training	Anti-Racism	Pietersburg office	25
17-19 November	Training	Human Rights and Rural Communities	SAHRC Cape Town Office Dysselsdorp (Oudtshoorn)	45
7-8 December	Training	Human Rights and Education/ Educators	SAHRC Training Centre EISA	13

2001

17-18 January	Training	HR Training Methodologies	Pietermaritzburg SAHRC Durban Office	25
23-24 January	Training	Corporal Punishment	SAHRC Pietersburg Office	25
30 January	Training	Human Rights and the Bill of Rights	Moretele Human Rights	50
3 February	Training	Child Rights and Bill of Rights	Odi Community Law Centre	100
9 February	Training	Child Rights	Reamogetsoe Secure Centre	40
23 February	Training	Human Rights and Bill of Rights	Nkululeko Centre for Human Rights	30
24 February	Training	Human Rights and Child Rights	Mooinooi Policing Forum	60
5 March	Training	Human Rights	South African Students Graduates Association	50
16 March	Training	Child Rights and Rights of the Aged	Mpumalanga Provincial Legislature	

The Consultative Forum on Racism in the Education and Training Sector in South Africa

At the first National Conference on Racism held at Sandton from 30 August –2 September 2000, the period 2001-2010 was declared the Decade for National Mobilisation against Racism. Further recommendations were that anti-racism education and training be provided in all educational institutions, especially at primary and secondary school levels.

The SAHRC had anticipated some of the conference recommendations and had already moved to establish a Forum on Racism in Education to address the issue of discrimination in schools.

The Forum on Racism has four facets, namely:

- i. Undertaking research;
- ii. Setting up a database of organisations, materials and programmes in the education sector;

- iii. Bringing together the major role players in the education sector to work out a comprehensive plan of action for the education sector; and
- iv. Cross capacity building and networking on a national basis.

Research

A comprehensive study on racism in schools undertaken by the South African Human Rights Commission was completed in 1999. In July the Forum contracted the Centre for Education and Policy Development (CEPD) and the Educational Policy Unit (EPU) at the University of the Witwatersrand to synthesise past, current and ongoing research on racism in the education sector. The draft report was presented at the launch and first meeting of the Forum held on Robben Island from 18 – 20 October 2000. The participating organisations and members of the Forum were thus given the opportunity to comment on and contribute to this process. The final report will be presented and discussed at the next Forum meeting in May 2001.

Database

The project co-ordinator had by August 2000 compiled a list of organisations that work on anti-discrimination programmes at school level. This formed the basis for inviting participants to the Forum and for the database. The CEPD and EPU have also sent out a questionnaire to ascertain which organisations have anti-racism programmes and materials.

The database of organisations which have anti-racist programmes is quite comprehensive and contains not only the name and contact details of organisations, but also lists all the programmes, materials and other products eg. training manuals, posters, pamphlets, books, video's etc produced by organisations. This database will be online and available to the broader public, the Department of Education (DoE) and all role players in the education sector by mid-April 2001.

Bringing Together the Major Role-Players in the Education Sector

The Forum has 65 participants representing NGO's, the national and provincial Departments of Education, policy makers, analysts, teacher and learner unions.

The Forum facilitates and affords participants the opportunity to gain insight into the work being done by the various organisations, to deliberate policies being implemented by the Department of Education (DoE) and to discuss ways of putting Anti-Discrimination and Human Rights Education programmes in place.

A detailed plan of action was adopted around 5 themes. Each group has a team leader who will drive the process. The 5 themes are:

1. Curriculum;
2. Arts, Culture, Language and Heritage;
3. Whole School Development;
4. Educator Development; and
5. School Governing Bodies and Learners.

Cross Capacity Building and Networking

The Forum affords participants a platform for networking on a national basis. For the first time Department of Education officials, entrusted with anti-discrimination work in the different provinces, were able to meet and discuss the strengthening of initiatives on a national basis.

Other NGO's working in the same provinces were able to establish links and to talk about collaborating on joint programmes.

In Gauteng such initiatives already exist. Mid-February saw the launch of the *Celebrating Diversity programme*. This is a joint programme of the Human Rights Commission, Kagiso Trust Television and Electoral Institute of Southern Africa (EISA).

Strengthening Department of Education (DoE) Initiatives

Forum members play an ongoing role in strengthening initiatives taken by the DoE. The four most recent examples of this are:

- At least five Forum members serve on the review committees of Curriculum 2005 (C2005).
- Forum members, together with the SAHRC, have held several workshops with educators and school principals around the country on Corporal Punishment. A manual on Alternatives to Corporal Punishment, written and piloted by Forum members already exists and the draft has been disseminated in four provinces for comments and suggestions by educators.
- Forum members readily act as facilitators and resource persons at district level e.g. Safe Schools Workshops.
- Initiatives by the DoE, like the *Values in Education* initiative, are extensively discussed by Forum members with the aim of informing and contributing to the process. Forum members made several submissions to the Values in Education report. Several Forum members will act as panellists and rapporteurs at the conference convened by the Education Ministry on Values in Education.

Website

A website for the Forum on Racism in Education is already up and running. One address gives the public the opportunity to discuss and debate; the other address can only be accessed by members of the Forum. The site was established in order to have on-going discussion and information sharing between members of the Forum. In future this site will be used as a tool for educators and will feature lesson plans etc. (Please refer to the SAHRC website: www.sahrc.org.za)

Funding

The Forum is funded by the Mott Foundation and will continue to operate till April 2002.

Advocacy

The Advocacy Unit strives to create a national culture of human rights by promoting the public image of the SAHRC. The unit is responsible for planning and implementing human rights campaigns, promoting human rights in the media and publishing a number of books, reports and pamphlets that are freely available.

The position of Campaigners Manager was created within the Advocacy Department, enabling the SAHRC at last to develop and implement major national campaigns on specific human rights issues. The media liaison functions were also brought into the unit, enabling this department of the SAHRC to focus on two key areas: communications in the broad sense and campaigns. The Communications Manager is responsible for internal and external communications and media and publications.

Campaigns

Human Rights Day 2000

South Africa celebrates Human Rights Day on 21 March and as usual the SAHRC was a major roleplayer. Not only did we supply speakers, writers and human rights materials to numerous NGOs and governmental organisations for their own celebrations, but we also supported the Rights Africa open-air activities at Tembisa. (this was funded by the European Union Foundation for Human Rights.)

The main SAHRC Human Rights Day 2000 event, however, was a novel and prestigious function at the Pretoria Spoornet State Theatre. This was a joint project with the Ministry of Justice, who used the occasion to launch the National Consultative Forum (NCF). Over refreshments, guests were able to view four striking art exhibitions: the International Print Portfolio (depicting aspects of the Universal Declaration of Human Rights), photographic exhibitions around older persons and those with disabilities, and the “*Soutra: Images of Refuge*” exhibition.

Intellectual highlights of the evening was the keynote address by the Honourable Mr. J. Zuma, Deputy President, and one by Justice Pius Langa. Further, a lively panel discussion on ‘Human Rights and Crime’ involved Director of Public Prosecutions, Mr. B Ngcuka, Mr. M Bhudu (SAPOHR); Dr. B Pityana (SAHRC Chairperson) and Judge President BM Ngoepe. This debate, chaired by the SABC’s Vuyo Mbuli, was later broadcast on television and a wider audience stimulated to think about the topic.

The State Theatre Dance Company (now sadly closed down) ensured that the 500 or so guests had a variety of stimulating experiences, all geared to celebrating the history, meaning and challenges of Human Rights Day.

School Poster Competition 2000

The fourth SAHRC Annual Poster Competition, sponsored by Standard Bank, was launched in March 2000. As usual, the competition was open to all learners (including Adult Basic Education and Training learners) in the country and entries on the theme “Child Rights” were invited. Pamphlets and entry forms were sent to learning institutions nation-wide, and the competition was publicised through print adverts and were also available on our website (www.sahrc.org.za). Over 1000 entries were received and prizes were awarded in five categories.

The 2000 overall winner was Roxanne Theron, whose artwork was used to develop the official SAHRC poster on this theme. Around 150 people attended the ceremony, held at the Johannesburg College of Education on 14 October 2000, to see the winners receive their prizes from Dr Paul Shongwe of Standard Bank and our special guest, Yvonne Chaka Chaka. Entertainment was provided by the National School of the Arts, Bayeza Cultural Group and Blk Sonshine. Special thanks are due to all our sponsors and to Ms Chaka Chaka who was moved to make spontaneous cash donations to many of the performers.

Roll Back Xenophobia Campaign (RBX)

The Roll Back Xenophobia Campaign was launched in December 1998 in response to the rising levels of xenophobia (defined as the deep dislike of foreigners). The project is a partnership between the South African Human Rights Commission, the United Nations High Commissioner for Refugees (UNHCR) and the Nation Consortium on Refugee Affairs.

Guided by the Roll Back Xenophobia Campaign: Plan of Action, the campaign continued to expand its public awareness and education campaign activities. It is a multi-dimensional and multimedia campaign including the use of all available forms of communication. To this end, a radio series titled, 'Once we were there' was produced. This 10-part series features prominent South African former exiles who speak out on their experiences as refugees and comment on the xenophobic attitudes and behaviours of South Africans. "The Voices of Refuge: Refugee Radio Project" was expanded in partnership with Idasa Community radio to Cape Town. This was a project of self-representation combined with skills training. It resulted in refugees producing radio documentaries that were aired on SABC and community radio. The campaign was also widely covered on television, print and other radio programmes. Furthermore, ongoing workshops were held with journalists to provide information and interrogate their biases and attitudes towards refugees and migrants.

A number of additional materials were produced to assist in information dissemination. These include a pamphlet on 'How to Apply for Asylum in South Africa' and another on 'The Rights of Refugees and Migrants in South Africa'. Contributions were made to the UNHCR's 'Fourth World' radio series and booklet as well as the development of a series of training manuals.

The RBX Campaign partners once again hosted an exciting number of events. Africa Refugee Week in June 2001 included a community discussion in Alexandra township, a cultural event in Pretoria with the official commemoration being held at the Windybrow Centre for the Arts. The commemorations included speeches and cultural performances that highlighted the plight of refugees in South Africa.

The *Soutra: Images of Refuge* photography project was expanded from Johannesburg and Durban to Cape Town and Port Elizabeth. This project has been an ongoing initiative to document the daily lives of refugees by refugees. The Cape Town exhibition was launched in July to coincide with a conference organised by the Cape Town Refugee Forum titled: Combating Crime and Xenophobia. The Port Elizabeth project was unlike the other in that all the participants were homeless refugees and migrants living around the harbour in PE. The workshops were hosted in October and the project will be launched as part of the commemorations for South African Human Rights Day in March 2001.

To expand our work with government departments and service providers, the RBX organised a series of workshops with the Department of Health in Johannesburg, Durban and Port Elizabeth. The workshops brought together health officials, superintendents of hospitals, nurses, doctors, health and refugee NGOs to discuss issues of policy and implementation with regards to refugees

and migrants. The workshops highlighted the information and policy gaps and the need to run more workshops of this nature.

The RBX identified the value of actively participating in the SAHRC National Conference on Racism and the pre Conference public meetings.

Written and oral submissions were made by refugee organisations in Cape Town, Durban and Johannesburg. Refugees and RBX partners attended the conference and interacted with the working groups on xenophobia. Based on these discussions, xenophobia features prominently in the South African Millennium Statement on Racism and Programme of Action.

The RBX activities for 2000 built on the foundation laid in 1999. The shift was from largely public awareness activities to more in-depth education work, especially with government departments. Since our workshops with journalists across the country, there has been a marked change in the nature of reporting on refugee/migrant issues. These gains will need continued energetic lobbying to ensure that the Campaign grows and xenophobia declines.

Much as there is now more public awareness around refugee and migrant issues, a greater challenge still remains. That challenge is to influence sustainable change of attitudes, not just by policy makers but the larger civil society. This means that our public awareness campaigns have to be planned more strategically to maximise output.

With regard to training, it is imperative to offer training in refugee law to police officers and immigration officials as they have an important role to play in upholding refugee/migrants' rights. Ideally, such training should be institutionalised and be part of all police/immigration institutions.

Regrettably, the progress made in establishing refugee forums has been reversed by the constant conflicts among refugee communities and locals as well as between refugees and service providers. The refugee forums are in a state of disarray and there is great need for putting in place mechanisms to resolve misunderstandings.

Communications

Publications

Newsletters

Four editions of the SAHRC's external newsletter, Kopanong, (now quarterly rather than bimonthly) were produced. The first offered a "popular" version of the 1999 Annual Report highlights. Maximum use was made of this distribution channel (reaching over 5500 organisations and individuals) by inserting firstly a pamphlet soliciting public input on racism prior to the National Conference on Racism (NCR) in August/September 2000 and also a summarised version of the Millennium Statement emanating from the National Conference.

Unfortunately, due to staff shortages and the extra work occasioned by the NCR, the internal newsletter was temporarily put on hold for most of 2000. It is hoped to revive this in 2001, as it fulfils a vital role in internal communications, particularly as the number of SAHRC offices and staff members grows.

Posters, pamphlets and booklets on human rights

Reprints for the SAHRC's very popular "My Rights, Your Rights" booklet (in all 11 languages), the pamphlet on "Protecting Your Rights" (mixed languages) and the Bill of Rights poster (all

languages) are continually being done, as many NGOs, government departments, educational institutions and faith groups find them invaluable as a tool for raising awareness of human rights.

Popular too is the Human Rights Resource Catalogue, listing publications and contact details of South African human rights NGOs, due to be updated and reprinted in 2001. A new poster was developed from the winning entry to the 2000 School Poster Competition on the theme: "Child Rights are Human Rights".

All SAHRC publications are now available on our website (<http://www.sahrc.org.za>) as downloadable PDF files.

Complaints Form

This is continually in demand and was put on the website in interactive format in February 2001, so complaints can actually be lodged on line by complainants with Internet access.

Calendars

As usual, some entries for the poster competitions of 1999 and 2000 were used to create the SAHRC calendars for 2000 and 2001 respectively. Limited numbers were printed, as a public relations and awareness-raising exercise.

Booklet on Constitutional Judgements

The first edition of this booklet, featuring plain language summaries of key cases from the Constitutional Court and the Supreme Court of Appeal putting constitutional principles into practice was developed and printed in mid 2000. Annual updates will be produced, contributing to case law and providing a valuable resource tool for academics, NGOs and human rights and legal practitioners.

Braille materials

For the first time, the SAHRC was able to produce human rights materials in Braille: the Constitutional case booklet referred to above and the full and summarised Millennium Statement from the National Racism Conference, in various languages.

Funds permitting, the SAHRC will continue to produce key advocacy materials in either Braille or audio format, to reach these so often marginalised sectors of society.

National Racism Conference Materials

Many publications were produced before and after the National Conference on Racism, including a full report of the provincial consultative process, a conference booklet, a booklet of research papers and the text of the keynote and other speakers. In addition, one million pamphlets were printed in several languages and widely distributed to solicit public contributions and submissions as input to the NCR, and a similar number of summarised Millennium Statements, in all languages. The full Millennium Statement was also printed and well disseminated. The final, overall report on the National Conference was due for completion in March 2001 and to be handed over to the State President on an appropriate occasion.

Human Rights Advice Line

(0860 120 120)

In an exciting joint venture, the SAHRC is now a partner with Rights Africa in the Human Rights Advice Line. This line was launched during 2000 and is a share-call number for information, advice or help on human rights. It currently operates during office hours from Monday to Friday and where

appropriate callers will be put straight through to the Commission's legal department should a complaint be indicated.

SAHRC Website

Great strides have been made on the SAHRC website (www.sahrc.org.za) - it has been redesigned and updated. Major reports and policy documents can be accessed and downloaded, staff vacancies are advertised, and many national and international human rights links have been added. Details of the forthcoming 3rd UN World Conference Against Racism are also available. Monthly "hit" statistics increased throughout the year and this website is an essential communications tool. The website also now offers a special opportunity for public interaction in the "Consultative Forum on Education".

Media Activity

The SAHRC is well aware of the powerful role played by the media and its conscious or unconscious influence on public opinion and appreciates the strengthened relationship with the media after the successful Inquiry into Racism in the Media. Regular contact has been maintained with all forms of media, either distributing relevant media releases on topical issues on SAHRC activities; or holding media conferences.

Commissioners and the Media Liaison Officer often deal with inquiries on controversial human rights issues that are featured in the media. Throughout the year, live radio and TV interviews were set up where possible so the Commissioners and senior SAHRC staff could address current trends or inform the public of Commission standpoints. This media exposure increased awareness of and encouraged debate on human rights.

Radio and television

Educational advertisements

The SAHRC developed a series of five educational advertisements for radio on the following themes: Sexual orientation, Age, Race, Disability; and Xenophobia

These advertisements, produced by Vuleka Productions and funded by USAID, were broadcast from mid February 2000 and were well-received.

TV Anti-Racism Advert

Two young film students produced a TV advert endorsed by the SAHRC to raise awareness of racism. The ad was submitted to the DSTV channel Public Service Announcer Competition and was chosen as one of the top 10 entries. The advert has been submitted to the SABC for airing on their channels as well.

Joint Project with EISA, Kagiso TV and "The Teacher"

This project essentially deals with education for teachers on discrimination. The SAHRC played a primarily advisory role, and the first issue of "The Teacher" was published in early September 2000.

Newspaper adverts

The Sowetan newspaper continues to carry adverts for the SAHRC at no cost (when space allows). These have included ads on children's rights, special human rights days, the National Racism Conference and the annual SAHRC poster competition.

Hillbrow Human Rights Mural

In an innovative strategy to reach local communities, the SAHRC engaged the services of a young entrepreneur, who got street children and pavement artists to clean and paint a mural on a previously dilapidated wall near a clinic in the vicinity of the Hillbrow Police Station in Johannesburg. The mural carried the SAHRC logo, a slogan about knowing rights and contact details for the SAHRC.

Protecting

“The Human Rights Commission must ... promote the protection, development and attainment of human rights”
- Constitution of South Africa, Section 184 (1) (b)

In keeping with the above mandate and empowered by the Human Rights Commission Act, the SAHRC Legal Department deals with complaints from the public. At Head Office in Johannesburg, four Legal Officers, a Senior Legal Officer and the Head of Department assess complaints, determine the process to be followed and make findings. In the more difficult cases, they are assisted by Commissioners. Negotiations, mediations, investigations and public hearings are used to resolve complaints; and when necessary, we resort to litigation. In all of this the legal team is assisted by the Complaints Registrar, an Administrative Assistant, two Secretaries and four Legal Interns.

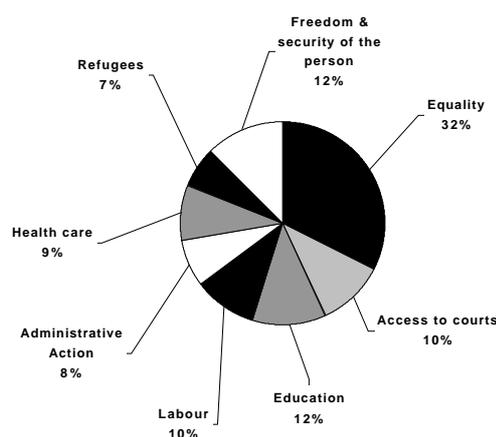
In the Provincial Offices, Legal Officers or Investigators, assisted in some instances by Interns, handle all local complaints, assisted where necessary by Head Office.

Complaints handling

Complaints database

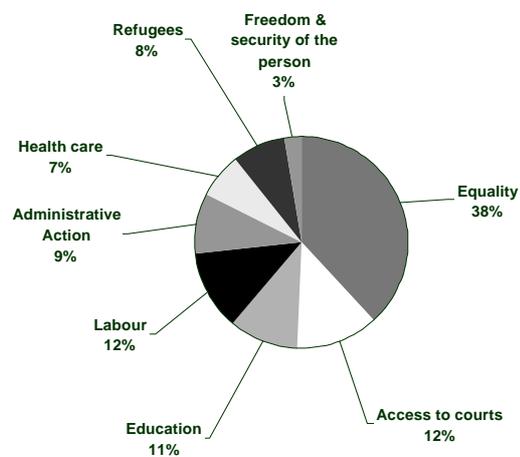
The installation of a complaints handling database (CHARMS) is almost complete. The programme enables the SAHRC to call up reports according to rights violated. Every action taken in a complaint file features in the report. Here follows a breakdown of national complaints handling which totalled 6265 during this reporting period.

National Statistics



Gauteng and North West Province

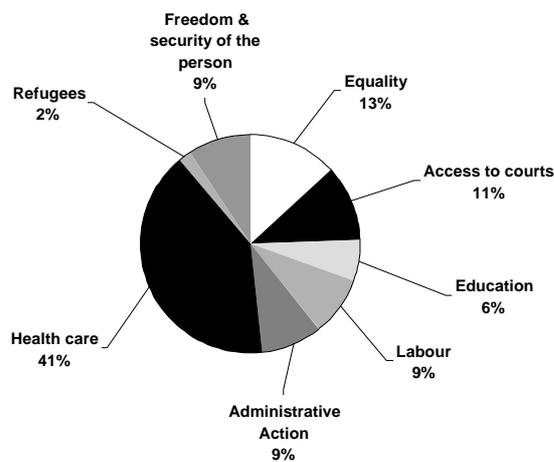
During the year under review, the Johannesburg office received complaints from different sections of society, including schools, prisons, the workplace and farms for Gauteng and North West Province. As will be seen from the illustrations, equality complaints were in the majority. As in previous years, complaints from schools are still unacceptably high. Between January 2000 and March 2001 the Department received 2 037 new complaints, for Gauteng and North West Province, of which 1 318 were referred to other institutions or structures and 185 were rejected. 221 complaints were finalised from the aggregate of files carried forward from the previous year and the complaints accepted during 2000.



Eastern Cape

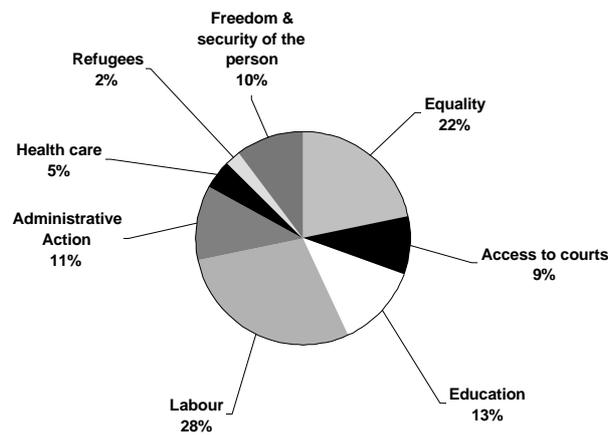
The Eastern Cape office is swamped with complaints, so much so that it is becoming increasingly impossible to effectively and qualitatively deal with complaints. Attempts are being made to acquire the services of another qualified official.

The number of complaints received daily is on the increase. As appropriate, cases are studied to determine whether they fall within the mandate of the Commission. If so, they are investigated further; otherwise they are either referred to a more suitable body or rejected. In the period under review 801 complaint were received. Of those, 51 were rejected, 144 were referred and 130 were finalised. 509 complaints are still in progress.



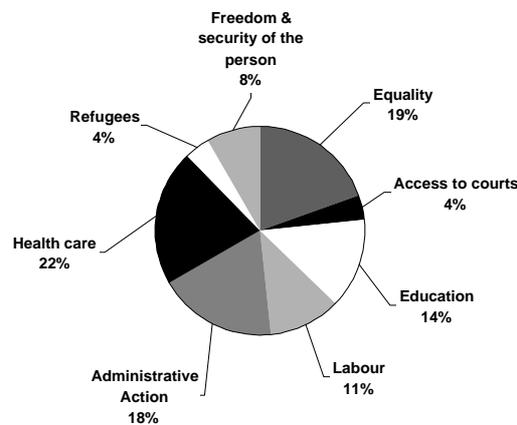
Free State

The majority of complaints received in the Free State were those of labour disputes followed closely by equality. Complaints about education are also on the increase. At the time of this report going to print the Free State Office has recorded 410 complaints since inception.



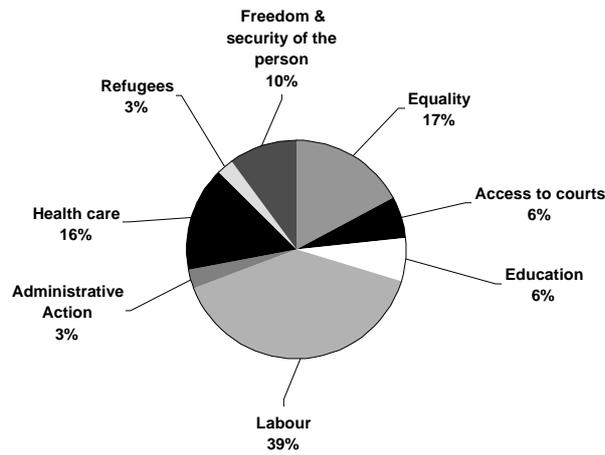
Kwa-Zulu Natal

In the period under review 984 complaints were received. 272 complaints were rejected and referred while 220 were finalised. 470 complaints are still in progress.



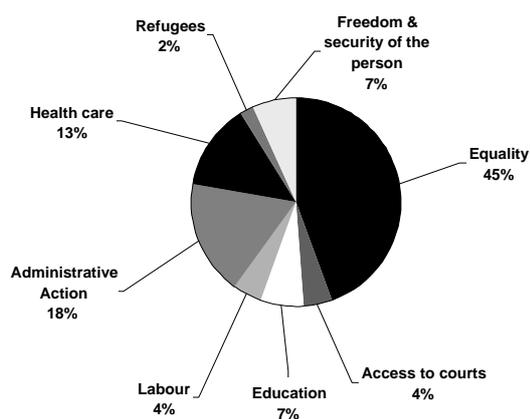
Mpumalanga and Northern Province

The year 2000 saw a tremendous increase in our caseload from 125 in 1999 to 412 by December 2000. This was an indication that efforts engaged in during 1999 were proving fruitful and that people were not only becoming aware of our office, but also that we had gained their confidence. During the year under review we received 479 complaints.



Western Cape and Northern Cape Province

An average of 70 complaints a month are received. Most of these complaints do not fall within the jurisdiction of the Commission, and are therefore referred to the most appropriate organisation, such as the CCMA, Legal Aid Board, ICD etc. Where the complaint is relevant, the legal department will investigate and attempt to resolve the complaint. In period under review 757 complaints were received. 105 of these were rejected, 334 were referred and 35 complaints were finalised. 80 complaints are still in progress.



The following are some of the prominent and contentious complaints that the SAHRC dealt with in their respective human rights categories in the period under review.

Right of access to healthcare services, including AZT

Dr Costa Gazi complained that, in government hospitals, anti-retroviral medication is refused in cases involving pregnant women who are HIV positive. The Commission accepted the complaint as being *prima facie* violations of Section 27(1) and (2) of the Constitution (basic and reproductive health care). In response to the complaint and after much correspondence between the Commission and the Minister of Health, the Ministry agreed, subject to certain conditions, to allow the use of Nevirapine at state expense in pilot projects at selected hospitals.

Child Rights – privacy, dignity, sexual abuse

Child abuse by policeman

A policeman raped a child who was a suspect in a theft case and who contracted HIV/AIDS as a result. Criminal prosecution was extremely slow. The Commission intervened, but before criminal charges were laid, the policeman died. The Commission successfully placed the case with attorneys for a civil action against the South African Police Services.

Freedom of Movement

Migrants at Lindela

Following a large-scale police swoop on suspected illegal immigrants, (“Operation Crackdown”, referred to elsewhere in this report) the Commission expressed concern about the violation of human rights by the SAPS and Home Affairs inspectors. Many complaints were received from detainees and in consequence of interventions by the Commission innocent persons were released.

Equality

Racial discrimination

St Lucia and The Equality Covenant

Following media reports of racism in the St Lucia area, the Minister of Economic Development and Tourism, Mr Mike Mabuyakhulu, requested the SAHRC to attend a media briefing in St Lucia, at which time a dossier of complaints was handed over to Commissioner Govender for investigation. The cases were registered, but very few were accompanied by affidavits, or contact details of the complainants. Given these restrictions, the SAHRC convened a meeting at the University of Zululand with several of the clearer cases wherein the respondents could actually be asked for responses to the allegations. The meetings were extremely satisfying with agreements being reached on various levels. The Town Council agreed to:

- The signing of a code of conduct;
- The erection of a notice board at the entrance to the town entrenching the dignity and respect of all who enter the town;
- Human rights education being conducted at all levels in the community and the business sector; and
- The actions of all who sign the code of conduct will be closely monitored by a consultatively conceived body.

The signing of the Equality Covenant marked the first stage in a process. Since then, the following activities have taken place in the area:

- The SAHRC has conducted several human rights workshops with community members in and around St Lucia.
- After lengthy discussions, workshops with the council will probably be held during April 2000.
- The document outlining the mandate and terms of reference for the monitoring mechanism to be established within St Lucia has been developed. Following a workshop with the Town Council, a workshop will be held on the Monitoring Mechanism, and a Monitoring Committee will be elected.

Racism and Racial Discrimination at Technikon

Allegations of racism and racial discrimination in the Department of Physical Sciences at a Technikon were investigated by the Commission. We made findings that some practices and policies, which probably are not intended to be racist, can and have been interpreted as such. The Commission made various recommendations, which include training of staff members of the Technikon by our Training Centre on anti racism and racial tolerance. The development and implementation of an affirmative action policy was also brought to the Technikon’s attention.

Race and Dignity

The Commission lodged an objection with the Broadcasting Complaints Commission (BCC), when a radio station aired a programme containing racial utterances and slurs. It was preceded by a warning to “sensitive” listeners, but that did not remove the offence. The BCC held a hearing to discuss the complaint. The radio station indicated that they had no intention of offending any listeners and that the programme was not intended to be racist, but to “illustrate” the problem of racism in South Africa generally. They displayed a keen interest in the SAHRC’s objections and indicated that they are willing to learn. They were reprimanded and have publicly apologised to listeners.

Discrimination on the basis of age

A complaint that a person who had applied for a bursary from the Department of Health to study a medical degree in Cuba, but was rejected on the basis that he was above the age of 30, was investigated. The Commission determined that this is, *prima facie*, unfair discrimination on the basis of age. The explanation by the Department of Health, that the exclusion on the basis of age was in terms of an agreement reached with the Government of Cuba, is unacceptable. The Commission pointed out that no person may contract out of the Constitution.

Discrimination on the basis of gender, right to dignity

The Commission lodged an objection with the Advertising Standards Authority (ASA) that an advertisement placed by a prominent motor manufacturer in various magazines violated the rights of women and in particular black women. The ad portrayed a bare breasted black woman with her breasts tilted at an angle, apparently caused by the speed of the motor vehicle. It demeaned women and portrayed them as chattels and sex objects. The ASA upheld our objection.

Discrimination on the basis of religion

Rastafarian learners

Grayden Peterson, a seven year old Rastafarian boy, was refused admittance to four schools because of his parents’ religion. After much endeavour by the SAHRC, including writing a letter to the National Minister of Education asking for his intervention, Grayden is now attending the school of his parents’ choice, Arcadia Primary School. We were very pleased to receive a request from this school to address educators and learners during Human Rights Week 2000 on issues, amongst others, of human rights and the law.

In another case, a Rastafarian mother lodged a complaint with the SAHRC that she is unable to enrol her son in a school, because he has dreadlocks. The SAHRC has made recommendations that he cover his head while attending school, but the school was not willing to accept this. The SAHRC wrote to the school concerned, the MEC for Education and the Honourable Minister of Education.

In a prompt response, the Minister advised that he has directed the MEC to attend to the matter urgently and to ensure that the learner is admitted to the school immediately.

Customary law vs Bill of Rights

The Port Elizabeth (PE) office attended a trial on a watching brief basis where the Twala custom was an issue before court and particularly where a 14 year old girl was a subject of the custom. The facts are briefly as follows :-

The complainant, a 14 year old female child from Engcobo, was abducted sometime in 1999 with the full consent of her parents as per the Twala Custom and was forced to marry the accused. She was allegedly assaulted on several occasions and raped by her putative husband who later sent her back to her parents to “teach her manners” before he (the husband) left for Johannesburg. The parents, after treating the child, sent her to Johannesburg to join “her husband”. When she still refused his sexual advances and became hysterical whenever he touched her, he thought she was possessed and took her to a spiritual healer in Tembisa. The healer referred her to a doctor who in turn referred the complainant to the Commission in Johannesburg.

The SAHRC arranged for a social worker and the SAPS to intervene. As a result the husband was charged *inter alia* with rape, abduction and assault.

The trial was adjourned on many occasions. The outcome was that the accused was found guilty of statutory rape.

Freedom of Expression

Crawford College – education, dignity, freedom of expression

Following the complaint lodged by Layla Cassim against Crawford College, (refer 4th Annual Report, page 48) the South African Human Rights Commission made findings of violations by the College. The College obtained an interim court order against the SAHRC, challenging the Commission’s conclusions.

The College and the Commission then attempted to resolve the issue. The matter has now been settled, with the College withdrawing the interdict and the Commission withdrawing its findings. The main features of the settlement are that:

(a) The school admits that in retrospect its handling of the incident was not beyond criticism or reproach and that aspects of the conduct of certain of its staff were not appropriate. It also admits that the utterances of Mr Graham Crawford, who is no longer with the school, were not appropriate and apologised for that.

(b) The school agreed to work with the Commission in developing a programme of human rights and training at the school.

The SAHRC is pleased that the matter has been settled to the satisfaction of all parties and without further litigation. It looks forward to working with the College in 2001 in terms of training and development in human rights.

Access to housing and shelter

Grootboom

In 1999, about 500 children and 300 adults were evicted from the municipal land that they were occupying. Because they had nowhere else to go they applied to the Cape High Court to order the state to provide shelter or housing for them.

The Cape High Court refused their application for access to housing but did find that the children had a right to shelter and also not to be separated from their parents. Accordingly they should at least be provided with tents, water and sanitation facilities. An interdict was issued preventing the municipality from evicting the families.

The state bodies appealed against this judgement, contending that the provision of housing involved vast expense and should be planned properly by the legislature and the administration, not implemented on an *ad hoc* basis as decreed by the courts.

The matter was subsequently heard in the Constitutional Court, with the SAHRC and the Community Law Centre acting as *amici curiae* (friends of the court). The SAHRC felt that this case was vital in showing that the Bill of Rights can be of practical benefit to vulnerable or marginalised people. Geoff Budlender, of the Legal Resource Centre, argued for the SAHRC that socio-economic rights give substance and meaning to our Constitution.

Obviously government cannot immediately house all homeless people, but there has to be a starting point, and currently it seems to fall short of its obligations. The state has proposed an offer of settlement and the respondents were willing to accept “weatherproof” shelter.

The Court assessed the housing programme of the Cape Metro (which it regarded, generally, as “laudable”) but came to a conclusion that these measures fell short of what was required in that they made no provision for people in desperate need of housing.

It is important to note that the Court stated that this judgement should not be understood as “approving any practice of land invasion for the purpose of coercing a state structure into providing housing”.

Monitoring the implementation of the Grootboom judgement

In order to adequately monitor compliance with the Constitutional Court’s judgement, the SAHRC is developing a set of implementation criteria.

During a visit by the SAHRC to the Wallace Dene informal settlement on 12 January 2001, where the Grootboom applicants live, it also appeared that even the interim measures that were introduced while the case was still being decided by the Constitutional Court are not in compliance with the undertakings given by the local authority at the time. For example, residents do not have free access to water, as promised. Water points that were installed offer water for sale and most of these were not working. A further troubling aspect is that no steps have been taken by the local authority to give effect to the court’s order even though the judgement was handed down on 4 October 2000, some 6 months ago.

The matter is clearly of national and international interest, and the SAHRC is being asked by a number of people how it plans to fulfil its obligations in terms of the court order. The SAHRC anticipates making the monitoring of this case a priority for 2001.

Right to healthy environment

Environmental hazard – update

In the 4th SAHRC Annual Report, a complaint regarding the Aloes toxic waste site was described. The local community was experiencing sickness and death attributed to the waste. Much correspondence and many meetings ensued, with the SAHRC commissioning research and trying to get the Provincial Housing Board, with its limited resources, to relocate the community.

In September 2000, the SAHRC met with representatives of the Aloes community, environmental experts and the Legal Resources Centre to discuss litigation in the case. The SAHRC felt that violations of rights had occurred at Aloes but it needed concrete proof and hard evidence in order to show a causal link between the ill-health in the community and Wastetech operations. Groundwork, who has a mandate from the community to raise funds and provide such expert assistance, would provide the technical assistance for this investigation. The Legal Resources Centre was approached by the SAHRC as a public interest body to litigate on its behalf. It was eventually agreed that the Law of Nuisance be used as a short term objective to seek urgent, immediate relief from the nuisance caused by the leachate. (The Aloes Community was due to relocate early in 2001 to their new site.)

As a long time objective, various studies would need to be commissioned to gather evidence showing a causal link between the community's ill-health and operations of the waste sites. This would include a very thorough review of existing studies/tests/audit reports, etc. that have been conducted on the site. It was agreed that the Commission should respond to Minister Kasrill's letter and request time frames for dealing with the leachate problem.

A response from the Minister has been received and the Commission is in the process of organising a meeting with relevant organisations to discuss the response, provide the Minister with the information he has requested and agree on a strategy to take the process forward.

Specific Focus Areas

Internship programme

Overseas interns

The SAHRC attracts a number of student interns from the USA, Europe and Australia who wish to come to the SAHRC to gain experience and practical training. These interns come at no direct cost to the us except that administrative backup must be provided and supervision undertaken to satisfy the needs of the sending institution. The practice allows the exchange of ideas from different environments. SAHRC staff members also get to work with people from various other settings.

Local interns

The SAHRC is mindful of its responsibility to train human rights advocates and practitioners in all fields. For that reason, the SAHRC employs students or those who have recently qualified and are still looking for permanent employment. These students undertake valuable tasks in the SAHRC; and, according to their course of study, gain experience of engaging in practical ways with their subjects. The SAHRC seeks to extend this programme by recruiting

local interns from universities to be deployed in all the provincial offices and at head office. They will also be drawn from a variety of fields: law, education and social sciences, and will be deployed in the provincial offices according to the capacity of each office.

Legal interns

The SAHRC Legal Services Department has a policy of engaging the services of interns through a formal programme. The interns typically have suitable academic qualifications, including some basic studies in human rights law, fluency in another language as well as English and have an interest in human rights issues.

The interns help the SAHRC to fulfil its constitutional mandate to promote, protect and monitor human rights in South Africa. Their primary tasks are to:

- Handle telephonic complaints;
- Assess complaints;
- Assist with the registration of complaints;
- Assist in the compilation of complaints;
- Assist with the investigation of complaints;
- Pay visits to schools, farms, prisons, etc as necessary for investigation; and
- Conduct interviews with complainants.

Articles of Clerkship

The good news is that the Law Society of SA has accredited the Commission with the status of a “Law Clinic”, entitling it to register interns as Candidate Attorneys. The Commission looks forward to training future human rights lawyers and constitutional law litigants.

Volunteers

Final year law students assisted the Legal Department on a volunteer basis to complete a backlog of files, which mainly dealt with prisoner complaints dealing with food, accommodation, exercising and general conditions in prison. The Commission is indebted to the six aspirant human rights lawyers and wishes them success in their careers.

Monitoring

“The Human Rights Commission must monitor and assess the observance of human rights in the Republic” – Constitution of South Africa, Section 184 (1) (c)

Introduction

The monitoring of human rights is largely the responsibility of the research department, guided by the responsible members of the commission.

Economic and Social Rights

Overview

As part of the SAHRC mandate to monitor the progressive realisation of economic and social rights, participation in varied activities took place.

At an international level the Commissioner responsible for economic and social rights attended the second encounter on operationalising the right to food and nutrition facilitated by the International Project on the Right to Food in Development and in co-operation with the office of the High Commissioner for Human Rights and the UN working Group on Nutrition, Ethics and Human Rights in August 2000.

At a continental level the SAHRC was represented at the African launch of the Human Development Report 2000 in Bamako, Mali, in July 2000. This report was subsequently launched at the SAHRC in September 2000. Present were Cabinet ministers, UN agencies, NGO's, academics and the media.

At a national level there have also been a number of platforms opened to dialogue economic and social rights. One of the initiatives attended by the SAHRC was a two-day workshop organised by the Human Rights Institute of Southern African (Hurisa) on the minimum core content of economic and social rights.

A substantial part of the SAHRC's work has been around the subpoena hearings conducted in accordance with section 9 of the SAHRC Act. The subpoena hearings were conducted in view of the non-compliance with Section 184(3) of the Constitution of the Republic of South Africa by various organs of State. Approximately 15 subpoena hearings were held in the following provinces: Gauteng, Northwest, Northern Province, Northern Cape, KwaZulu-Natal, Eastern Cape and Mpumalanga. Two of the subpoena hearings were for National departments.

The 2nd Economic and Social Rights Report

In terms of its Constitutional mandate¹, the South African Human Rights Commission is obliged to monitor the promotion and realisation of socio-economic rights by various government departments. Each year since 1997 the Research and Documentation Department has issued questionnaires (protocols) to relevant government department requesting information on the measures that they have taken in this regard. This information is analysed and then produced as a report. The first such report was published in March 1999. (Refer SAHRC 4th Annual Report for 1998/99.)

In August 1999 the SAHRC issued the second set of protocols that covered the period from 1 April 1998 to 31 March 1999. Departments were specifically requested to submit their responses to the protocols by 6 October 1999. Some departments failed to meet this deadline but requested the Commission to grant them an extension of the reporting period. Such extensions were granted until 23 December 1999. Despite the extension, some departments still failed to submit their reports.

At this stage the Commission had no option but to subpoena such departments to appear before it to explain their failure to comply with the request of the Commission. Most of the departments submitted their reports on receiving the subpoenas; these departments were subsequently released from the subpoenas and excused from the hearings. Two departments, the Eastern Cape Department of Health and the Northern Province Department of Education, failed completely to submit their reports and were therefore the only departments that appeared before the Commission.

After having analysed the reports from various government departments the SAHRC produced the 2nd Socio-Economic Rights Report that was sent to Parliament in September 2000. The Report was officially launched on 15 September 2000 at the SAHRC offices. The Report has since been placed on the Commission's website and distributed to all relevant stakeholders.

Launch of the 2nd Economic and Social Rights (ESR) Report

The second SAHRC annual report on the status of socio-economic rights in South Africa, was launched on 15 September 2000. The 2nd ESR covers the period from 1st April 1998 to 31st March 1999. Although the first process was informative for both the SAHRC and government departments the monitoring of socio-economic rights remains a learning process with the SAHRC trying to refine clear and unambiguous questionnaires and government officials learning how best to honestly and adequately furnish the answers.

Common Problems in Responses

Time and again, government departments do not distinguish between "policy" and "legislation"; responses are not submitted on time, background documentation or essential explanations are omitted, specified formats are not followed, information does not cover the correct timeframes, and specific measures for vulnerable or disadvantaged groups are not given. Generally, it appears that a junior official is tasked with completing the questionnaires, answers are not detailed enough and there seem to be no methods of evaluating how effective any strategies or policies are at progressively realising socio-economic rights. Departments are requested to provide reasons for the non-furnishing of information, as well as the difficulties encountered in realising the relevant socio-economic right, but they seldom do so. Monitoring statistics were often not provided. Generally, measures provided by provincial departments did not address the conditions or problems specific to that province.

There was however an improvement in a) the responses adhering to the format of the questionnaires and b) the quality of responses by government departments.

The socio-economic rights analysed

The Bill of Rights in the Constitution provides for economic and social rights. The ESR report analyses 11 of these rights in separate chapters and the impact of finance on socio-economic rights is also assessed.

The rights are:

- Education
- Environment
- Food
- Health care services
- Basic health care services for children
- Housing
- Land
- Social Security and social assistance
- Basic social services for children
- Water
- Living conditions for prisoners
- Finance

The 2nd ESR Report tackles each right in detail - analysing each with respect to policy, legislation, monitoring, budget and outcome measures. Attention was paid on provisions for vulnerable groups to realise these rights. On the whole, most government departments could quote new, progressive legislation or policies giving substance to the rights, but in many cases the implementation of those policies left much to be desired. The complete picture can be found in the detailed 296-page report.

Main SAHRC Recommendations

- Responses to future protocols should be submitted on time, be accurate and complete and in the required format, reflecting the department's role in advancing the relevant economic and social right.
- Interdepartmental co-operation should be developed for reporting on overlapping rights.
- Provincial achievements, shortcomings and obstacles should be clearly reflected.
- Reporting at local government level (the "coal face") should be facilitated and collated at provincial and national level.
- Government responses must account for the impact of South Africa's macro-economic policy.
- Government departments should improve their understanding of economic and social rights. Effective reporting will also help assess the implementation of the NAP (National Action Plan for the Protection and Promotion of Human Rights - government committed to this in December 1998) and South Africa's reporting obligations in respect of international treaties.
- The Commission urges the ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) - signed by South Africa in 1994 but still not ratified.

Economic and Social Rights Protocols Workshops (29 March 2000)

A workshop to discuss the socio-economic protocols was held on 29 March 2000. About 110 delegates from various government departments, statutory bodies, NGOs, UN agencies and donors attended. The workshop enabled the SAHRC Research Department to refine the protocols to go out for the 3rd report, applying some suggestions to avoid ambiguity and facilitate responses.

The 3rd Economic and Social Rights Report

During 2000, work started on the 3rd Economic and Social Rights Report. The SAHRC prepared the protocols that were sent to the HODs and the Directors-General of all respective departments in June/July 2000. Several of these organs did not submit their responses on the due date, 31 August 2000. Some of these departments requested extensions, and these were granted where it was found appropriate. Some departments still failed to submit their reports, even after further extensions. The Commission then took a resolution that all departments that had not responded would be subpoenaed. On 12 December 2000, the Commission served all defaulting departments with notices (subpoenas) in terms of section 9(1)(c) of the South African Human Rights Commission Act 54 of 1994.

From 9 January 2001 until 23 February 2001, a total of 19 government departments were to attend subpoena hearings, held as appropriate in the province concerned. The following departments in each of the provinces were subpoenaed:

- The National Department of Land Affairs; National Department of Finance;
- Eastern Cape: Education and Training; Health;
- Gauteng: Housing; Local Government; Agriculture, Conservation & Environment;
- KwaZulu Natal: Education & Culture; Local Government;
- Mpumalanga: Social Services & Population Development; Local Government & Traffic;
- Northern Province: Health & Welfare; Education; Agriculture & Environment;
- North West Health: Education; Finance; and
- Northern Cape: Welfare; Nature Conservation; Agriculture & Environment.

The panels at each hearing were composed of the SAHRC Commissioner responsible for socio-economic rights, Commissioner Charlotte McClain, and the Commissioner of the province concerned. The Commission's legal team led evidence detailing the steps taken in pursuance of the necessary reports; the departments concerned could then submit their reports/give reasons for non-compliance etc. During the subpoena hearings, it was stressed that government departments need to submit full and honest reports timeously in order for the SAHRC to accurately monitor the delivery of socio-economic rights. The Commission itself is bound to report to Parliament on its monitoring of these rights, which can assist Parliament to allocate funds as necessary to achieve this socio-economic delivery.

Improvements can be made in the channels of communication between the SAHRC and the various departments, but it will certainly help if the departments take this vital constitutional responsibility seriously, and appoint a suitable person to attend to the protocols in future. In one instance, a department had somehow erroneously managed to submit their report to another human rights organisation. In some cases the panel recommended internal disciplinary action for faulty government officials, and often urged departments to produce a detailed plan of action on the process to be followed in completing next year's protocols.

The SAHRC realises that insufficient resourcing is a serious impediment to the realisation of socio-economic rights, and will attempt to address this in its own dealings with Parliament.

Only in one case, the Department of Education in the Northern Province, did a representative fail to attend the hearing. The SAHRC regards this very seriously. Criminal prosecution is being instituted against the relevant Acting HOD. One provincial department (in fact the very problematic Eastern Cape Department of Health) submitted a report from a previous year, which the SAHRC saw as bordering on fraud and viewed in a very serious light. Occasionally the Commission

recommended internal seminars or workshops to educate officials about the socio-economic monitoring process.

Either at the hearings, or on the dates stipulated thereafter, all the departments, barring the one that failed to appear, have submitted their reports as requested. Work on the analysis of these most recent government responses is now underway. The SAHRC hopes that, year by year, the government departments will better understand the need for such reporting, the timeframes and manner in which it needs to be done, so that reports giving a true reflection of the progressive realisation of socio-economic rights can be produced, giving hope to the needy in our country.

Internal Economic and Social Rights Seminars

The SAHRC is currently busy compiling information from independent sources and reports have been presented in internal seminars that took place throughout November 2000. These reports will be used to supplement responses from government departments in preparation for the 3rd Socio-Economic Rights Report.

The Research Department also hosted four internal seminars on Economic and Social Rights during January 2001. Participants in these seminars gave useful inputs and comments which have been captured and shall be used in the improvement of the Economic and Social Rights monitoring process.

Further internal and provincial seminars on socio-economic rights are planned.

Specific Focus Areas

Farm Workers Manual

During 2000, the SAHRC was commissioned by the United Nations High Commissioner for Human Rights to draft a manual on how security of tenure issues, as they affect farm workers and labour tenants, can be addressed from a human rights perspective. This training manual, although it will be used to train government officials on security of tenure as provided for by the Extension of Security of Tenure Act, 62 of 1997, is also ultimately meant to benefit farm workers. A draft copy of this manual was presented at a workshop in January 2001 attended by various stakeholders from government and civil society. At the time of going to press, work was under way to complete the manual. The project has received funding from the United Nations Development Programme.

HIV/AIDS and Infant Nutrition Seminar

The Research Department and the Training Centre of the SAHRC convened an interesting short seminar on the morning of 7 September 2000 on "HIV/AIDS and Infant Nutrition". Speakers were Ms Liesl Gertholtz (AIDS Law Project), Professor George Kent (keynote speaker from the University of Hawaii), Mrs Cynthia Mgijima (Department of Health), Dr Jonathan Levin (Medical Research Council), Dr Mike Urban (Coronation Hospital), Dr Lucy Connel (Chris Hani Baragwanath Hospital) and Dr Costa Gazi (East London Health District). Guests included representatives of government, NGOs and civil society.

Input from the various speakers included fascinating, if horrifying data from surveys and clinical trials, the importance of "informed consent", possible alternatives to breastfeeding and if/when they

might be appropriate, the issues around “Voluntary Confidential Testing (VCT)”, balancing the rights of mother and baby and comparisons between anti-retroviral drugs AZT and Nevirapine in reducing mother-to-child transmission of HIV.

Obviously these are sensitive and complicated issues and there are no easy, obvious solutions, but it is to be hoped that, whatever the political debate, a national strategy can be developed, with clear policies, if not to treat HIV/AIDS, then at least to prevent or reduce its transmission to another generation and to offer anxious mothers some clear guidelines on the best way to feed their newborn babies.

Seminar on Racism

To compare experiences in the United Kingdom and South Africa, and to learn lessons from each other in the build up to the UN Racism Conference, a Seminar on Racism was organised jointly by the British Council and the SAHRC. This took place at the SAHRC’s head office in Johannesburg on 13 February 2001. Knowledgeable speakers from the British Council, the SAHRC, the Steve Biko Foundation and Jubilee 2000 gave perspectives from the two countries.

Mr Gerard Lemos of the British Council Board remarked that racist attacks are on the increase in the UK. He also said the “minority ethnic communities” experience problems and that blacks are more likely to be arrested or denied bail. In addition, women of minority ethnic groups experienced even less equality and currently there are over 300 languages spoken in the UK.

Clearly, the current trends of globalisation and increased immigration create problems for all countries, developing or not. It seems that worldwide there is a need for a more humane approach to migration, a fostering of tolerance as well as a strong “intolerance of intolerance”. It is hoped that the forthcoming World Conference will help all participating nations increase achievement of “substantive equality” for all their peoples – that is, equality of freedoms, of choices and of capabilities.

Gumede-Pitje Human Rights Library and Documentation Centre

Resources and Acquisitions

The librarian, assisted by a volunteer and an intern, manages the library. The library continuously strives to collect international and local material on human rights and related issues. For the financial year 1999/2000 the library was allocated R250 000 for the purchase of library material.

This amount enabled the library to buy new books from local and overseas suppliers. It was also able to renew its journal and CD subscriptions for the year 2000/2001. In 2000, a total of 171 textbooks were added to the library stock. These comprise donations from the Commission and purchases made from the allocation. New overseas journal titles added to the holdings were 5. The total journals subscribed to in 2000 are:

19 South African titles (journals/law reports/loose-leaf publications) and 58 overseas titles (journals/law reports/loose-leaf publications).

The main users of the library were the Commissioners and staff as they engaged in various projects and delivered speeches. Members of the public also visited our library. Contents pages of journals are circulated to Commissioners and staff and copies of relevant newspaper articles are filed. As the Commission grows, the usage of library facilities is increasing. 955 titles were borrowed from January-December 2000 as compared with 870 in 1999.

Computerisation/Technology

The library subscribes to statutes, law reports and government gazettes on CD-ROM published by Butterworths and Juta. The library operations are also continuously being computerised on Inmagic DB/TextWorks.

Internet access has made wider usage possible. New judgements from the Constitutional Court, the Land Claims Court, the Supreme Court of Appeal and discussion papers from the South African Law Commission are accessible immediately because of the subscription to the Wits Law School's Notification Service.

Section 5 Committees

“The Commission may establish one or more committees consisting of one or more members of the Commission designated by the Commission and one or more other persons, if any

A committee shall, subject to the directions of the Commission, exercise such powers and perform such duties and functions of the Commission as the Commission may confer or assign to it. “

Human Rights Commission Act, 1994, Section 5.

In accordance with the above legislation, the SAHRC has established several “Section 5” Committees. Many of these are standing committees, but they may not all continue to be relevant and their terms of reference and functions are revised as necessary. Thus committees can be dissolved or restructured if the original need for them has been met, and new committees can be formed to advise on topical issues.

Currently there are 5 committees comprising Commissioners, staff and outside experts. The aim of the committees is to advise the Commission on policy and also to help implement the programmes of the SAHRC.

The current committees and their convenors are:

Government and Parliamentary Liaison

Child Rights

Disability

International Standards Committee

NGOs/CBOs

Chairperson N Barney Pitso

Deputy Chairperson Shirley Mabusela

(Convenor) and Commissioner Charlotte McClain

Commissioner Jerry Nkeli

Commissioner Leon Wessels

Commissioner Tom Manthata

In line with the Commission’s emphasis on the rights of the child during 2000, this committee in particular has been very active. Some details of their activities are given later in this chapter.

Child Rights Committee

“Child Rights are Human Rights”, hence the decision by the SAHRC to develop a focal point for children.

The commitment of the Commission to child rights can be traced from its establishment when one Commissioner was mandated to work in this area. There was also a decision to establish a Section 5 Committee on Child Rights, whose brief it is to advise the SAHRC on issues about children and their rights.

At other levels of the work of the SAHRC, children have continued to receive services in the form of investigations about violations of their rights, being a special focus group in the SAHRC’s Annual School Poster Competition about human rights, being a special target group when investigations about racism in schools were conducted and being beneficiaries of the Commission’s ongoing involvement in ensuring that human rights education is integrated into all learning areas of the education system. The monitoring of socio-economic rights by the Commission focuses on children as one of the vulnerable groups.

The SAHRC’s 2001 Calendar is dedicated to the promotion of child rights and the Commission believes that it will spread the message far and wide throughout the course of this year.

It is important to state, in this part of the report, that the Commission responded to questions raised by the UN Committee on the Rights of the Child on the first Country Report submitted to the Committee by the S.A. Government. The Commission's input is annexed to the response submitted to the Committee by the Government.

In its response to the report, the UN Committee on the Rights of the Child (UNCRC) noted the role of the SAHRC in child rights issues "and the appointment of a director with responsibility for children's rights". (This last quotation indicates confusion of the title of the Commissioner responsible for child rights.)

The UNCRC encouraged the state party to take effective measures to ensure that adequate resources (both human and financial) are allocated to ensure the effective functioning of the South African Human Rights Commission.

The Committee also recommended "that the State party establish clear child friendly procedures to register and address complaints from children regarding violations of their rights and guarantee adequate remedies for such violations. The UN Committee further suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a procedure".

This aspect of the UN Committee's recommendations is part of the SAHRC mandate. When child participation workshops were held by the SAHRC during 2000, this was an aspect of service delivery to children that they themselves identified as needing attention. For this reason, it is part of the Commission's plan for 2001-2002 to develop a child-friendly complaint form for use by children and accessible by children.

Another important area of concern raised by the UN Committee that is relevant to the mandate of the SAHRC is the insufficient data collection mechanism that must be reviewed to incorporate "all the areas covered by the Convention". An improvement in this area would benefit the monitoring role of the Commission and include vulnerable groups such as the "Khoi-Khoi and San Communities". Further, the State party is encouraged to prioritise "budgetary allocations and distributions to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international co-operation".

The Commission is already engaged in some of the areas recommended for action by the UNCRC, namely: dealing with child sexual abuse, corporal punishment, non-discrimination, children with disabilities and refugee and asylum-seeking children, in its various programmes.

The SAHRC has adopted the decision to develop a focal point for children as a way of ensuring that work on child rights is better co-ordinated. To this end, the Commission has engaged the services of a Programme Officer with responsibility for Child Rights and Disability Rights. This position is in addition to specific Commissioners responsible for these areas of work.

The process towards developing a focal point for children involved lessons from other developing countries and consultation with NGO's and CBO's as well as getting children themselves to recommend what the SAHRC should do for their rights to be realised.

Some of the children's recommendations were such that they can be implemented by sectors in communities as well as by specific government departments. The report on the children's input has been sent to those government departments that have responsibility in identified areas, as well as to the National Plan of Action Steering Committee (NPASC) which is responsible for co-ordinating

child rights in the Presidency. The Commission will monitor what steps are taken to follow up these recommendations by children. Organs of civil society that have specific responsibilities have also been requested to find a way of including the children's recommendations in their programmes.

The SAHRC has developed a plan of action based on the children's recommendations that are clearly part of its mandate. This plan will be presented for consideration, as well as for purposes of resource allocation, at the 2001-2002 budget meeting of the SAHRC.

The Commission's Section 5 Committee on Child Rights has played an important role in getting this aspect of the Commission's work moving. It is the intention of the Convenor of this Committee to review its role and make recommendations to the SAHRC Plenary Session by the middle of 2001.

The child rights work of the SAHRC also extends beyond our borders. There is a lot of interest among national human rights institutions in other parts of the continent and beyond, to explore the way in which the SAHRC has gone about developing the focal point for children. The main donors of this process, UNICEF S.A. and Radda Barnen S.A, have indicated an interest in having this process shared with their partners in other countries.

The Commission has also participated in a number of regional, as well as international, policy and implementation meetings on the rights of the child. It also made critical inputs at the Commonwealth Regional Workshop on implementing the Convention on the Rights of the Child held in Nairobi, Kenya, in June 2000.

A lot still needs to be done in terms of speeding up investigations in child rights violation cases, in making the Commission more accessible to children and strategically positioning the Commission to consistently deal with child rights issues raised by the public from time to time. However, much has been achieved in terms of establishing a foundation that will ensure that child rights are an important part of the work of the Commission in the future.

In conclusion, the SAHRC needs to develop a strategy of ensuring that weaknesses in addressing child rights are overcome through a staggered process. Initially, it is recommended that two interns who focus specifically on child rights be engaged to assist in this area from 2001 onwards. When the Commission succeeds in getting reports of violations of child rights from children themselves, the need to get legal officers and/or special investigators for them will arise. At that point, the Commission will need to review how its available resources will add value to this aspect of its work.

Finally, resources have to be made available to do child participation workshops as well as to strengthen the capacity of the Commission's provincial offices to handle child rights in a focused way.

Launch of Report: Towards a Focal Point for Children

After a process that ran for a year, of a study tour, consultative meetings with CBOs and NGOs and child participation workshops, a report was produced and launched on 11 November 2000. The Launch was held at the SAHRC offices, in the gardens at Wilds View.

The guests included children and members of various NGOs and CBOs that were involved in the process, representatives from the Office on the Rights of the Children in the Presidency,

representatives from the Department of Foreign Affairs, representatives of the Diplomatic missions of Brazil and Mexico and the UNICEF representative.

Commissioner Mabusela reported on the process, and Musa Sibozza, a child from Mpumalanga, launched the report. Musa handed over the report to the CEO, Ms. Lindiwe Mokate. It was explained that particular recommendations had come from the report and these have been translated into a plan of action for the year 2001. An example of one of the recommendations made by the children was to institute a system of having child-friendly complaint forms and boxes with the SAHRC logo placed in places frequented by children. This recommendation has been given priority in the plan of action for the year 2001. In addition, a directory of services for children will be developed and distributed as a referral source. There will be a project on combating child corporal punishment, which will be conducted in conjunction with the SAHRC Training Centre.

Various workshops were attended by four children with disabilities, who did not have wheelchairs. In discussions at the workshops, the children listed having wheelchairs as one of their basic rights. Recognising this, the SAHRC approached various donors and South African Breweries responded by donating four wheelchairs for the children. These wheelchairs were formally presented to the children at the Launch.

As so much of the process was focussed on children's points of view, it was important to have children as participants during the launch.

Consequently, the Director of Ceremonies was Brenda Shongwe, a 12-year-old girl who resides at Usindiso Shelter, a shelter for homeless people. Children from DICAG and the National School of Arts provided entertainment.

The success of this entire child rights project was largely due to the funding from UNICEF and Radda Barnen, for which the SAHRC is grateful.

The focal point for children has now been established and the work will continue in 2001 with various activities having been lined up, including programmes focussing specifically on children with disabilities.

Disability Rights Committee

Tertiary Institutions Seminar with Students with Disabilities

Commissioner Nkeli, supported by the Northern Province Office, held a human rights awareness seminar with students with disabilities at the University of the North, on 18 March 2000. The seminar was organised by the SAHRC, facilitated by the Disabled Students Movement and was attended by about 30 students with cross-disabilities.

The purpose of the seminar was, not only to make students with disabilities aware of their rights, but also to develop an interest in the advocacy of disability rights, discourse and research. Students were fascinated by the Disability Rights material distributed in accessible forms like Braille.

The material distributed include the following:

- The World Programme of Action concerning People with Disabilities;
- UN Standards Rules on Equalisation of Opportunities; and
- The Integrated National Disability Strategy.

Our hope is that they will use them to shed light on the rights of people with disabilities. The workshop was so well received that students at Venda University also want to participate.

The post-workshop evaluation included the following:

- The workshop was experienced as positive, fruitful and informative;
- The documentation received was very useful and educational;
- It created awareness of issues of disability in the country and abroad;
- People with disabilities within the province were identified and aligned;
- More workshops are needed at schools and in rural areas;
- More mobilisation of disability organisations is needed;
- Basic information about human rights needs to be provided;
- Only black students attended, why?
- Such workshops eradicate discrimination; and
- If possible, combine the workshop with others in future.

Disability, Racism and Human Rights

The SAHRC, together with the South African Federal Council of the Disabled Person (SAFCD), held a workshop in November 2000 as part of Disability Awareness Month. Several papers were presented by, amongst others, Commissioners Nkeli and Tlakula, Justice Albie Sachs and Phillip Thompson. The workshop addressed the glaring silence amongst people with disabilities regarding racism matters. The workshop was attended by Disabled People Organisations (DPO's), Office on the Status of Disabled Persons (President's Office), CGE and other members of the SAFCD.

International Standards Committee

This committee, previously called the "Policy and International Co-ordination Committee", changed its name midway through 2000 to better reflect the nature of its focus.

International Treaty Reports

South Africa, i.e. the Department of Foreign Affairs, was to report in the course of 2000 on three major treaties, namely:

- International Covenant on Civil and Political Rights (ICCPR);
- Convention on the Elimination of all Forms of Racial Discrimination (ICERD); and
- Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT).

The International Standards Committee would monitor these processes on behalf of the SAHRC and report back to the SAHRC Plenary Session.

Discussion Document

The committee discussed a document prepared by Dr. Danny Titus, a member of the committee, on South Africa's international obligations and foreign policy and human rights.

Other Topics Discussed

The committee met on 18 August 2000 to discuss the following three topics.

South Africa's International Treaty Reporting Obligations and the Role of the SAHRC

It was suggested that government should be asked to ratify the Optional Protocol to the Covenant for Civil and Political Rights; and the Covenant for Social, Economic and Cultural Rights.

Once a report has been signed and ratified the implementation/ratification of such a report should be monitored. The SAHRC will monitor the governmental treaty reports and assist the government in preparing a treaty report by providing the necessary information in facts and in law. The SAHRC is not the author of such a report but will contribute through its experience. This should not be done in such a manner that it undermines the SAHRC's independence or deprives it of the right to criticise the report should circumstances warrant that.

The comments made by treaty bodies after reports have been submitted should be monitored and discussed in the SAHRC to ensure government complies with those comments.

Beyond the Constitutional Court?

Should the SAHRC be approached by an individual to assist in petitioning a particular treaty body with a request, namely that the government does not comply with its treaty obligations, the SAHRC would be obliged to assist, provided that South Africa is a state party to a protocol permitting such individual petition.

Mengistu Haile Maraiam

The Government should be requested to develop a comprehensive policy on the possible extradition of individuals who are suspected of having committed crimes against humanity, genocide and torture. The Government should be requested to ratify and incorporate the Rome Statute [International Criminal Court], as well as the proposals for the African Court. This is a self-executing treaty and does not need any legislation to be incorporated.

Government and Parliamentary Liaison

The Chairperson of the SAHRC is the convenor of this committee.

The meetings of this committee during 2000 had as their main foci:

- The implementation of the Promotion of Equality and Prevention of Unfair Discrimination Act ("the Equality Act"/"PEPUDA");
- The implementation of the Promotion of Access to Information Act ("PAI");
- The relationship between parliament and civil society/Chapter 9 "oversight" organisations; and
- The National Conference on Racism and the International Conference on Racism.

Other matters that were discussed by the committee included the monitoring of a wide range of legislative and other policy initiatives, such as:

- The Defence Draft Bill;
- The Migration White Paper/The Draft Immigration Bill;

- The Local Government/Municipal Systems Bill; and
- Amendments to the Criminal Procedure Act, specifically Section 49.

Implementation of the Equality Act

Discussions focused on the establishment of the Equality Review Committee (“the ERC”). One of the requirements is that the Act creates the ERC, inter-alia, to investigate and report on the inclusion in the Act of four additional prohibited grounds of discrimination: HIV/AIDS, nationality, Socio-economic status and Family Responsibility/Status.

The Committee believes that the establishment and functioning of the ERC is of critical importance.

Other developments as far as the Equality Act is concerned include the drafting of regulations for the implementation in terms of the Act.

Of special importance in this regard is the training of officials on the Act. An area of possible co-operation between the SAHRC and NGOs that has been identified is that of public education. The SAHRC has indicated that it would be interested in partnerships with appropriate NGOs around public education and has asked for members to revert with their proposals in this regard. However, to date funds have not been made available for the SAHRC to fulfil its responsibilities in terms of the Act and accordingly the SAHRC is unable to commence public education at this time.

Implementation of the PAI Act

The Committee has identified four aspects of the Act that require implementation without delay:

- The appointment of Information officers;
- Training of Information officers within government departments;
- The establishment of systems within government departments to effectively deal with requests for information in terms of the Act; and
- The drafting of manuals by the SAHRC.

The relationship between parliament and the SAHRC

The SAHRC and similar bodies remain concerned with the consideration given to parliament to their submissions, reports and other input. After the publication of the Corder Report and the recommendations contained therein, it was hoped that parliament would be ready to address the problems. The Committee proposed holding a workshop to discuss the role of civil society in the parliamentary process and was going to formally propose this to the Speaker.

NGOs/CBOs and Older Persons

This committee usually meets four times a year. Overall it is felt that the committee enables the SAHRC to obtain a broader exposure to and new insights into community matters. Representatives include members of faith groups, the SA Non Governmental Organisation Coalition (SANGOCO), business groups and the Afrikanderbond.

The Convenor of this Committee is also the Commissioner responsible for older persons, who has been driving programmes that are geared towards improving the lives of senior citizens. Pensions in

particular are an area of concern, with problems at pay-out points, delays with ID documents and applications, suspensions of pensions, lost files, incorrect ID or cheque details and corrupt or abusive officials. Other service providers whose attitude or service delivery is poor include the police, the judiciary and social and health care workers. The standard of health services is often low and many older persons depend entirely on their meagre pensions, even providing for grandchildren from these resources.

Provinces

“ the Human Rights Commission shall, inter alia, be competent and obliged to promote the observance, of, respect for and the protection of fundamental rights; to develop an awareness of fundamental rights among all people of the Republic...”

Human Rights Commission Act, No 54 of 1994

To date the SAHRC has opened 5 provincial offices, the latest being in the Free State which was opened on, 21st March 2001, Human Rights Day. Following the Commission's MTEF submission, plans are underway to open offices in four other outstanding provinces on an annual basis. Provinces continue to play an important role in ensuring that the services of the Commission are easily accessible to all people, including marginalised rural communities. The provincial offices play a vital role in complaints handling and profiling the work of the Commission. The following is a synopsis of the key activities that provincial offices were involved in for the period under review.

Eastern Cape

Education

The right to basic education, among other rights, is still very threatened in some parts of the province. Noteworthy are Bizana and Butterworth, where tuition could not take place during the first week of term because some families had decided to use the school buildings as kraals for their goats. On the one hand community members decided to help themselves to school furniture. The SAHRC will follow with interest the outcome of criminal proceedings against those involved.

The situation is made even worse by the controversy surrounding the departure of the Chief Accounting Officer within the Department, as it meant that many commitments made by him in attending and resolving issues/matters that have been referred by our office to his Department could not be carried out for some time after his resignation.

The province had grave problems regarding arrears in subsidies for transport, boarding and lodging for learners at farm schools in and around Graaff-Reinet. The arrears were for a period of approximately years. The leaders of the farm schools had a meeting attended by the Provincial Co-ordinator and the Commissioner, on the contract, promises and failures of the Provincial Education Department.

The Commission finally subpoenaed Mr S. Sizani, MEC of Education, in the Commission offices in Port Elizabeth. Commissioner J Kollapen presided. Mr Sizani was found guilty of failing to honour the subsidy contract. He promised to pay and further promised to transform the system of subsidies paid to the farm schools. He is reported to have made partial payment. The Legal Resources Centre (LRC) then took the matter to court for the Department's failure to honour the obligation to pay. This is seen in a very serious light, as it is a flagrant disregard of a court order by an organ of state. The matter has now been referred to the LRC for an application to the High Court for an order declaring our findings and recommendations a court order.

The opening of schools during the second week of January 2001 saw the PE office entertaining more complaints related to learners from minority cultural backgrounds or learners whose parents have failed to settle their school fees being refused admission by certain schools.

These complaints point to a need for the Commission to interact with the Department of Education more urgently as far as training on the provisions of the South African Schools' Act is concerned.

Similar training would also be relevant for School Governing Body Members. These two training components have been incorporated into the annual work plans for the 2001 financial year.

Health

Visits to hospitals by the SAHRC confirmed that health delivery in the Eastern Cape calls for urgent attention. Some clinics and hospitals have closed down, leaving in their wake patients travelling long distances, standing in slow queues, spending many hours awaiting attention and finally failing to receive attention and having to return on another day. When the Commission met with the Health Department, they conceded that poor service was due to budget constraints and gave promises of increased funding and recruitment of medical staff. (The recently reported arrival of 27 Cuban doctors gave faint hope.) Problems at times were given a political interpretation and further explained as racist attitudes of the remaining white medical staff.

The chaotic state of affairs in Eastern Cape hospitals prompted Bishop David Russel to lodge a formal complaint to the SAHRC, alleging amongst other things, collapse in the provision of health care services in the province. The SAHRC has developed a proposal to deal with this situation which will be discussed for further action. Education, Health, and Welfare cannot be addressed in isolation from other state departments: an inter-sectoral approach is required.

Welfare

The Welfare Department, in an initiative to rid the department of corruption (pensions paid to “ghost” pensioners by corrupt officials), decided to review disability grants, child support grants and the older persons grant. These grants were suspended and the recipients not notified about the length of time they would have to forgo their grants. The process took far too long, leaving the would-be beneficiaries in intolerable hardship and poverty. Intervention by the Commission was to no avail. The Black Sash then took the Department to court. The Department was found guilty and ordered to release the grants but it has taken the Department a long time to honour the court order. This was a second incident of an organ of state failing to comply with a court order.

The Aged

Visits to several old age homes in the Eastern Cape revealed some alarming abuse of and threats to the rights of older persons. In one such home, the majority of houses appear to be inhabited by young persons, who allegedly rape, rob and generally grossly abuse older residents. In addition, buildings are old and dilapidated and a lack of security offers free access to all outsiders.

Another old age home was accidentally burnt to the ground, sadly causing the death of five elderly residents. Encouragingly, in the face of this tragedy, local religious and government leaders, as well as ordinary community members, rallied around with support, encouragement and material assistance.

Safety and Security

Towards the end of the year, in response to incidents of faction fights in the Pondoland-Mount Ayliff area, it became clear in the discussions with the Deputy Director-General (DDG) for Safety and Security that those involved in faction fights are young adults, some perhaps miners on leave.

These young men are difficult to harness and address in any single sphere of life. It was agreed that people engaged in such anti-social activities require lessons on human rights from many sources: Trade Unions, Business, Mineral and Energy Affairs, Labour Department and Local Government etc. The DDG for Safety and Security is sympathetic and supportive of the plan to organise a workshop on human rights attended by delegates from a multi-sectoral base.

SAHRC Interventions

The Commission's approach has been based mainly on responses to related events or situations that arose associated with single departments.

For example the SAHRC:

- Subpoenaed the Welfare Department regarding the problems of pensions;
- Appealed to institutions of higher learning to use their skills and resources to improve the poor matric results;
- Consulted with the Safety and Security Department about the Pondoland faction fights;
- Attended workshops on corruption and rural development; and
- A meeting was held with the Independent Complaints Directorate over the Dordrecht community faction fights. Apart from this meeting, the Commission is planning to meet with other "Section 9" Statutory bodies. Joint meetings are essential for effective contact and projects with the communities.

Positive Developments

In response to a complaint about the legitimacy of one traditional leader under King Sandile in the King Williams Town area, the King suggested that the SAHRC should organise human rights workshop for ± 40 traditional leaders under him. He expressed a concern that human rights seems to be an urban issue with traditional rural structures being completely neglected.

Contact with Prof. A Coetzee, the Afrikaner Bond and the Afrikaner Farmers' Union leader in the Eastern Cape, gives cause for joy. The professor pledged to co-operate with the Commission through workshops with his constituency. This link is vital in the operations of the Commission in the province, and will further be useful in the planned National Project in Farming Communities.

Education and Public Awareness

Multi-Purpose Community Centre in Transkei

The PE office is part of the above structure for intersectoral service delivery to the Tombo community in Port St Johns in the former Transkei. This was launched in December 1999. The centre provides various services: a medical clinic, an agricultural extension office, government information centre, home affairs office, local government administration, etc.

The Commission pledged to extend its services to the community of Tombo. In this regard a workshop was held on Human Rights Education for the community in order to inform it, among other things, of the role and functions of the Commission. SAHRC material, complaint forms and office particulars are also readily available at the centre in order that the community can interact with us. We believe that this step will go a long way in bringing the Commission to the remotest

areas of the province and certainly hope to be part of similar centres to be opened in other areas of the province during 2001.

National Conference on Racism - Provincial Consultative Process

In preparation for the August/September 2000 National Racism Conference, the Port Elizabeth office also organised and facilitated a series of meetings, most of them aimed at creating an awareness amongst the people in the Eastern Cape about this conference and the issues of racism. In the meetings held, organisations were requested to consult with their stakeholders and obtain stories of how their constituencies are still being subjected to racism and sexism.

Links with Traditional Leaders

In December 2000, the SAHRC had the opportunity to address the full House of Traditional Leaders in Bisho. An interesting discussion ensued around the following issues:

- Recognition of cultural rights;
- Rights of traditional leaders;
- Service delivery by the leaders to their people;
- The role of leaders regarding the high incidence of elder abuse; and the leaders' assistance with applying for or obtaining pensions.

Generally, the traditional leaders were keen to strengthen their partnerships with the SAHRC and they requested provincial workshops to increase their knowledge of human rights.

Human Rights Education and Training

Report on schools visit (Opening Day)

The provincial office visited about six schools on the first day of the 2000 school year to establish:

- Whether there was teaching and learning taking place;
- Whether all educators were present; and
- Problems responsible for non-teaching and learning, if any.

Overall, the following recommendations were made-

- The Department of Education should embark on an aggressive campaign to inform principals and educators about processes and procedures involved in accessing stationery and registration the previous year. This must be accompanied by a penalty for those who fail to comply.
- The SAHRC to address learners on their rights and responsibilities, jointly with the department of education giving the necessary support.
- Department to train school governing bodies on South African Schools Act (SASA) and policies of the department.
- Human rights education for learners, educators and school governing bodies.
- Department to design a module, if non-existent at the moment, on the role of governing bodies. The module must be user friendly and in simple language, preferably the language spoken by the majority of parents.

Free State

The Province's Executive has been co-operative in enabling the SAHRC to carry out its mandate without any hindrance. The Premier's office and the MEC of Education in particular have been very helpful and supportive of our work.

A training workshop for members of the legislature was organised. Of concern was the absence of MEC's who have not interacted with the SAHRC and have no greater insight about the programmes and vision of the SAHRC, other than what they ascertain from the media.

Provincial Public Hearings on Racism

These hearings were emotionally exhausting and very painful as people gave their experiences about racism. Most of the people who made submissions were from the Sasolburg, Viljoenskroon and Bultfontein areas. The hearings were attended by approximately 110 people from various sectors, including political parties.

The submissions mainly related to the unfavourable conditions of farm workers and ill treatment by farm owners. The following complaints were highlighted, amongst others:

- Workers forced to work irregular hours;
- Police disregarding workers complaints;
- Workers prosecuted for belonging to workers' unions like the South African Plantation and Allied Union (SAPAU);
- Workers evicted for politically motivated reasons;
- No easy access to health services done to remoteness of the farms;
- Farm workers not registered and thus unable to access unemployment benefits when dismissed;
- No compensation for injuries incurred at work; and
- Physical assault and racist verbal abuse.

Racial Assaults

The above-mentioned issues have been corroborated by two cases of racial attack, abuse and murder. In May 2000 five black people, including a pregnant woman, from Zamdela were assaulted by a group of farmers in Sasolburg. Two of the people assaulted died as a result of the injuries sustained. The five suspects were granted bail on the same day they were arrested.

In October 2000 a white farmer dragged his worker to death behind a van. The case is still continuing.

These issues appear to be a common occurrence but because workers are intimidated from reporting, threatened with dismissal or lack courage or the level of sophistication to stand up for their rights and other numerous reasons, the cases do not often come to our attention.

These highly publicised incidences of racial brutality, murder and assault, together with the public hearings on racism, provide sufficient proof that there is widespread human rights abuse of farmworkers in the Free State. We are making attempts to work co-operatively with the farmers and several meetings have been held with Agri-South Africa and the Transvaal Agricultural Union.

The Commission also accepted the invitation from the Afrikaner Bond to visit farms in Mpumalanga. We intend to strengthen our relationship with the farmers' organisations.

Gauteng

The year started with the Chairperson of the Commission and the Deputy Chairperson (responsible for Gauteng Province) holding a meeting with the Premier of Gauteng, Mr. Mbhazima Shilowa. This meeting was aimed at getting the Gauteng Legislature to open its doors to the Commission as other legislatures have done.

The meeting was constructive, with the Premier giving pointers in terms of who should be contacted as well as providing contacts with cluster leaders. The Commission did a follow-up and managed to meet with MECs Moleketi, Ramokgopa and Mokonyane.

It was agreed that the SAHRC and the Province will work towards dovetailing their reports in such a way that departments don't feel immobilised by the number of reports they have to submit. The two groups shared information on how the report on socio-economic rights can be structured, how the Commission can utilise provincial information to compile its report, as well as the synchronisation of the reports. The issue of information/data necessary for the socio-economic rights reports was also addressed.

Efforts to get to address the Legislature have still not borne fruit as an initial meeting organized through the Speaker fell through. In spite of the difficulties with getting to the Legislature, the Commission has worked with some members of the Executive Committee and Heads Of Departments (HOD's).

Approach to reporting on Socio-Economic Rights (SER)

It was agreed that a meeting be organised between the SAHRC and the Gauteng government HOD's to discuss the Constitutional obligation that departments have, taking into account other competing priorities. This meeting was to follow-up on discussions with cluster leaders and was coordinated through the office of the then Gauteng DG, Rev. Mbethe. It was disappointing to note that the majority of HOD's did not think it important to show up, even after they had confirmed their attendance.

The Commission still has to pursue this because if we get it right in Gauteng, we can use lessons to inform future monitoring in other provinces.

Work with other MECs

The Gauteng Commissioner and the Executive Secretary held a meeting with the MEC for Health, Dr Gwen Ramokgopa, to follow-up on how her department intends dealing with recommendations from the Commission of Inquiry into Gauteng Hospitals. Doing a follow-up has been difficult because no monitoring mechanism was put in place for this purpose by the Commission of Inquiry. There are still reports of problems in some hospitals that need to be followed up.

The Commissioner has participated in the Health Department's activities e.g. the launch of the Patients Rights Charter, as well as in the activities that showcased best practice activities in some Gauteng hospitals.

The Commission had reason to meet with the MEC for Safety & Liaison, Ms Nomvula Mokonyana, to get clarification about utterances that are contrary to human rights. This meeting was attended by

both the Chairperson and Deputy Chairperson of the Commission. It was agreed that the police had to do their work under very difficult circumstances, human rights must not be compromised.

Another meeting at this level was with the MEC of Education, Mr Ignatius Jacobs. This meeting has to do with the “racial” incident in Bryanston High School. There was a lot of publicity around this and the Commission indicated that it would consider taking the MEC’s decision on review.

The meeting with the MEC for Education also focused on the school visits conducted by Commissioners in Gauteng on the first day of the school year. There was appreciation of the report and it was agreed that there will be follow-up by the Gauteng Department of Education on concerns raised by the Commission. The Commission was given the name of Mr Mzwandile Kibi as a contact person on human rights issues within the GDE. There is a need to monitor this process.

Consultative meetings towards the National Conference against Racism

A meeting was held with the Gauteng Premier to brief him about this process and to request that a snap debate be organised on this topic in the Legislature.

This was followed by a Gauteng consultative meeting that brought persons from various parts of Gauteng together to make their input to the National Conference. There was also a meeting with the then Greater Johannesburg Mayor, Clr. Mogase, as well as his colleagues. Johannesburg provided a free venue for the provincial consultative meeting, for which the Commission is appreciative. Another local council that requested a briefing on the conference was the Vanderbijlpark Council. Both Councils were met by Commissioners and the Executive Secretary of the Commission.

Hearings on Child Sexual Offences

These hearings are scheduled to take place during the last week of April 2001 in Gauteng. Should resources become available, hearings will also be held in other provinces in order to find ways of improving mechanisms that deal with such offences.

Most of the work in this province is driven by complaints, i.e. it is more reactive, rather than proactive, (except where the education officer runs workshops). The Commission must find a balance between the two. This will hopefully be partly addressed by bringing on board a coordinator for the central provinces, i.e. those currently without SAHRC offices, in the next financial year.

KwaZulu Natal

The KwaZulu Natal Office of the South African Human Rights Commission was opened in September 1999, and therefore has been fully functional for eighteen months.

Significant promotional & protecting initiatives

Durban Economic Growth Summit

The Department of Economic Development and Tourism, in conjunction with the business community of Durban and the political leadership in the province, convened the first Economic Growth Summit for the region. The Provincial Co-ordinator was part of the Transformation Sub-

Committee, whose main functions were to examine Black Economic Empowerment, Employment Equity, and the end of discrimination, particularly on the basis of racism. SAHRC Commissioner Pansy Tlakula was able to make a presentation at the summit, which was extremely well received. The presentation covered the principles that should be enshrined within the proposed Code of Conduct, as well as the Promotion of Equality and Prohibition of Unfair Discrimination Act.

The SAHRC will continue to advise the Transformation Task Team and will assist in the development of an adequate monitoring mechanism to monitor the implementation of such a code.

HIV/AIDS Vaccine Ethics Group (HAVEG) Meeting

SAHRC staff members have been attending HAVEG meetings. The human rights and ethical issues are amazingly complex, and the group includes lawyers, ethicists, scientists, psychologists, behavioural scientists, biomedical specialists and researchers, NGO/CBO representatives and service providers. HAVEG wants to train SAHRC members on the ethical and human rights implications of HIV vaccine trials, because, in the absence of any controlling legislation, our role in monitoring human rights implications of the trials will be huge, particularly in the Western Cape, Gauteng, and KwaZulu Natal where trial sites have been identified. The SAHRC will also have to examine its role in promoting the human rights issues to politicians and other leaders to ensure that the whole country understands the problems that may be encountered in HIV Vaccine trials.

Virginity Testing Conference

From 12 – 14 June 2000 the Commission on Gender Equality and the SAHRC jointly convened a Conference on Virginity Testing. The aim of the conference was to determine the extent to which the practice violates human rights, and whether the practice, when viewed as cultural, is legitimately able to be performed within a constitutional democracy. It has been identified that the practice was revived in an attempt to curb the spread of HIV. Health experts are however expressing dismay as the practice is forcing women to resort to other forms of sexual intercourse that heightens the risk of transmission of HIV.

The qualifications of the testers have also come under criticism, as many of them cannot explain female anatomy, and it is unclear what they are testing for. The hygiene of those tested is also at risk as it has been reported that up to 50 girls may be tested with the tester wearing the same pair of gloves. In many other reports, no gloves at all are worn. The issue of consent for the testing needs to be explored, as many girls are compelled to submit to the tests. The tests are also held in public, and in many instances young boys are able to watch the process, which raises issues of privacy and dignity. Finally, the issue of gender discrimination is considered most pressing in terms of requiring an assessment. The fact that the focus of these tests is young girls, and that there are therefore unnecessary burdens placed on women to prevent the transmission of HIV, needs to be addressed.

Juvenile Justice Seminar

The KZN office of the SAHRC received many complaints that centred around issues pertaining to juvenile justice. Consequently the provincial office decided to host a seminar on the issue in order to gain clarity in respect of the constitutional issues that were contained therein. The main role-players were invited from amongst the NGO sector, and the Departments of Justice, Welfare, Education and Correctional Services, as well as the Office of the Director of Public Prosecutions.

The seminar was enlightening for the SAHRC; however, for those who represented the sectors working with the issues on a daily basis, such as NICRO, it was a talk-shop format which they indicated they had been through many times. Consequently the SAHRC wrote letters to the Legal Aid Board, the Minister of Welfare, the Department of Correctional Services, and the Department of Justice.

Responses have been received from these departments and circulated to all participants. It is hoped that our involvement in this matter will result in positive developments.

Public Meeting on Racism

In a lead up to the National Conference on Racism, the provincial offices were required to hold public meetings to solicit the voices and opinions of the people of the province on racism.

A full report on the lead up to the public meeting on Racism which was held in the Durban City Hall on 18 July 2000 is contained in the Provincial Report (available on the SAHRC website - www.sahrc.org.za). Despite great time constraints in the planning, many written submissions were received, and approximately 350 people attended. The main problem that we faced at the public meeting was that many attendees believed that the process was a Truth and Reconciliation Commission (TRC) process, despite the repeated interventions of Commissioner Dlamini. Overall we believe that we achieved the purpose for which the public meeting was intended, and we were extremely satisfied with the quality of most of the submissions received from organisations. The report, video footage, photographs, transcripts etc. are available from our head office.

Education and training initiatives

The full schedule of training activities in Chapter 3 reflects that the work of this office has reached many participants across the province. Much of the training has been “Train the Trainer” type interventions that ensures that an understanding of human rights is expanded across the province into communities. Some specific focus areas have included:

- Rural communities;
- Children’s rights (also via the Child Participation Workshops detailed elsewhere in this report);
- Schools (with the Anti-Discrimination Task Team);
- Refugee communities;
- Farms; and
- Tertiary institutions.

Anti-Discrimination Task Team Training

The Anti-Discrimination Task Team in the Pietermaritzburg Region underwent a three day training session on the following detailed forms of discrimination: gender, disability, sexual orientation, religion, and xenophobia.

This was a collaborative training exercise where the Commission on Gender Equality, the KwaZulu Natal Coalition for Gay and Lesbian Equality and the Centre for Applied Ethics all made presentations to assist in the training process. At the conclusion of the training all the participants signed a pledge committing themselves to conducting at least two training sessions within their areas, to ensure that the message effectively reached the communities.

The Anti-Discrimination Task Team members have been extremely active in all that they have done to further the process, conducting a great many workshops on human rights within the Pietermaritzburg region. We have thus been able to ensure that the time spent on the training of the Task Team was well spent, that the results devolved into the communities, and that the Task Team was able to meet its objectives. A total of 52 workshops have been conducted by the Task Team members, and within those workshops 1396 people have been trained on human rights issues.

The Task Team has also been through a two-day process involving an assessment of Salim Valli's manual on Alternatives to Corporal Punishment. The training was facilitated through Andre Keet of the Training Centre. Following this training, members of the Task Team met with representatives from the provincial office and developed a basic pamphlet for educators informing them that corporal punishment was illegal, and listing possible alternatives.

Access to Education

The Children in Need and Distress Network (CINDI) and the SAHRC are continuing to find creative ways of further disseminating information pertaining to access to education. A workshop was convened on 11 January 2001 with the Commission on Gender Equality, the Independent Complaints Directorate and the Public Protector for NGO's and the members of the Anti-Discrimination Task Team. The aim was to empower them to access these institutions and explain how to differentiate between the services. The training was funded through the Department of Education and Culture. A second training module for 50 community workers, funded by the SAHRC, took place on 26 January 2001. The training was very successful and all of the participants expressed their gratitude at the initiative.

Conference on Racism in Education

The Anti-Discrimination Task Team in Pietermaritzburg and the provincial office of the SAHRC organised a Conference on Racism in Education. The Conference, held on 24 March 2000, was considered to have been a great success, and a particular highlight was the address by SAHRC Chairperson Pityana. The speakers were extremely well received, and approximately 250 delegates attended from across the province. The SAHRC was acknowledged for their contributions in co-arranging the Conference, funded by the Department of Education and Culture in the Pietermaritzburg region. The hard work and dedication of the members of the Anti-Discrimination Task Team is commended, and the SAHRC will continue to support and develop the Task Team in that region. As a consequence of the Conference, we are hoping that the development of task teams in other regions of the province will become a reality.

Training of other SAHRC staff members

The provincial office has successfully ensured that two positive training processes were undertaken, wherein staff from the other provinces and head office were brought to KZN to be trained. The first of such exercises involved the Department of Education and Culture in the Pietermaritzburg region who facilitated training through the CARAS Trust on Anti-Racism and Sexism Training for SAHRC staff and educators from the Pietermaritzburg region.

The second training exercise involved the AIDS Legal Network (ALN) who raised funds and, in liaison with the provincial office, organised to train staff from the Commission. All costs were

covered by the ALN, who also allowed the Provincial Office to select NGO service providers from the province to be trained in HIV/AIDS and the Law, and Violence against Women within an HIV/AIDS context. The provincial office is thus endeavouring to share the resources that it has, ensuring the development of SAHRC staff from across the country.

Mpumalanga

The year 2000 was an eventful one for the Pietersburg office in many ways. For the first time since its inception in February 1999, the office had a full staff complement, the office caseload increased tremendously and most projects initiated were carried through to completion. It was an exciting year overall besides minor frustrations along the way. This report will focus on administration and the promotion and protection of human rights, indicating work that has been done, setbacks and successes.

As the SAHRC office in Pietersburg has been responsible for Mpumalanga as well as the Northern Province, discussion of both provinces follows.

The SAHRC is not physically located in Mpumalanga, however, the SAHRC office located in Pietersburg oversees the province, as does the Provincial Commissioner. Some of the issues perceived or addressed by the SAHRC follow.

Racism in Schools

Racism in schools in Mpumalanga appears to be rampant. As a result much of the provincial work in Mpumalanga has been around following up on complaints of racism in schools that have been lodged with the Commission's Legal Department or that the Commission has been alerted to by media reports.

One such investigation was an incident of racism in a school in Ngondwana, Mpumalanga. The SAHRC conducted a fact-finding visit to the school after a race/hate crime, which received a lot of media publicity, was brought to its attention. During the visit we met with the school principal, the class teacher, the aggrieved learner, his father and the SAPS. After the visit, the findings of the investigation were communicated to the MEC for Education, Mr Craig Padaychee, recommending that he investigate racism in schools.

Subsequently, the MEC invited the Commission to a meeting of the task team that he set up to conduct such an investigation.

Another investigation was conducted into Groblersdal Hoerskool. This was a complaint brought to the SAHRC by a group of concerned parents. The SAHRC met with educational officials in the area to discuss the complaints.

Awaiting trial conditions

An investigation into police cells in Piet Retief exposed the shocking and inhumane conditions of awaiting trial persons. Outside the Magistrates Court there are two corrugated cells that have inadequate ventilation and are by no standards suitable for holding people awaiting trial. The cells are 20 square metres each, extremely hot, without sanitation or ablution facilities. The cells hold about 60 persons awaiting trial including children. After the visit a letter was sent to the Director-

General (DG) of the National Department of Justice outlining the conditions and the rights that could potentially be violated in this situation. There has been an encouraging response from the DG's office and we have been assured by the Department that they are looking into this matter and that plans have been put in place.

During this visit the SAHRC delegation also visited the Piet Retief Correctional Services prison.

Rights of People with Disabilities

The SAHRC conducted an accessibility survey in Nelspruit, visiting randomly selected government buildings to determine accessibility for people with disabilities. This visit was part of the accessibility campaign that the SAHRC initiated on the International Day of Disabled Persons (3 December) to highlight the fact that many people with disabilities remain marginalised in society simply because physical and communicative barriers continue to be erected.

The buildings identified in Nelspruit for inspection were the Magistrates Office, SABC TV/Radio, ABSA Bank and Nelspruit Lower Primary School. The findings of this survey were submitted to the Office of Disabled Persons in the Premier's Office.

The SAHRC also participated in a training workshop organised by Disabled People South Africa for Community Based Rehabilitation Trainers.

During the workshop many anecdotal examples were shared of human right violations experienced by disabled people.

Forging Partnerships

Taking into account the fact that the province does not have a SAHRC provincial office, forging of partnerships with NGO's and CBO's is essential. One of the pivotal steps in this process has been to identify partners. To this end, the Commissioner initiated a meeting with the newly appointed CEO of the Youth Commission, Mr Mnisi, located in the Premier's Office in Mpumalanga, to discuss the possibility of establishing a Human Rights Forum in the province. There clearly is a need to have such a forum that can be instrumental in promoting human rights, particularly as the province has very few NGO's working in this field, neither does it have a GCE or an SAHRC office *in situ*. The Mpumalanga Human Rights Forum is shortly to be launched and the SAHRC has had some recent discussions with the role players.

The Commission has also worked closely with GCIS and the Provincial Council of Churches as well as the National Child Rights Committee (NCRC). The SAHRC has developed a very good relationship with the local media in the province. At provincial government level, the SAHRC was invited by the Office of the Premier in Mpumalanga to present on the progressive realisation of social and economic rights.

Northern Province

The filling of the full staff complement of the SAHRC Pietersburg office saw this office embark on and successfully complete various projects. Foremost amongst these is the Schools Debate Project, which spanned the province. In a creative and energising way this project saw the SAHRC, in partnership with the Northern Province Council of Churches and the Provincial Department of Education, facilitate debates around critical areas in the education system, in this instance the question of discipline and corporal punishment.

Racism continued to challenge us in the province and the preparations for the National Conference on Racism created important opportunities for a robust and critical examination of the practical aspects of racism. The Northern Province office is still following up the numerous complaints received from that process but remains well placed to intervene and monitor other incidents such as the faeces incident in Potgietersrus. On the proactive side, anti-racism training is planned for 2001 as part of the post conference activities as well to empower communities and other agencies to deal effectively with racism.

Given its very limited capacity, the office has succeeded in establishing key partnerships with allied structures. This has not only had the effect of creating much needed additional capacity to carry out our mandate, but has also resulted in a substantial increase in the volume of complaints. One area of partnership on which we need to work with greater vigour is the tentative but promising partnership with the business community.

The SAHRC has firmly established its presence in the Northern Province and through its work has enhanced the profile of the SAHRC. The increase in the number of complaints received as well as the good media coverage the SAHRC enjoys are indicative of the trust and confidence it enjoys in the region.

Human Right Schools Debates

The Pietersburg office formed a partnership with the Northern Province Council of Churches (NPCC) to conduct human rights debates in schools within the province. The project was launched on 21 March by Commissioner Kollapen. The Department of Education joined the partnership in March. The debates also had the full support of the Northern Province MEC for Education, Mr Edgar Mushwana. The participating schools were chosen from all seven regions of the province, all falling within the disadvantaged category.

The debates were held on a local and regional level in schools and the participants who won at regional level proceeded to the provincial debates held on 6 October 2000. Three winners were chosen and prizes were awarded to the schools and learners at a prizegiving event on 10 December 2000.

The prizes were sponsored by Engen, Phuti Funeral Directors and the Department of Education.

This was a pilot project within the province, and proved so successful that in 2001 this office will be hosting the debates in Mpumalanga as well.

Child Participation Workshops

The Education Officer conducted three workshops in the Northern Province with children as part of the national child participation workshops, whilst in Mpumalanga Ms Lillian Masilela conducted three workshops with Commissioner McClain.

Workshops on Children's Rights

Following from the child participation workshops, the office and the NCRC Northern Province embarked on workshops for organisations working with children on children's rights.

People Living with Disabilities

One of the objectives of this office is to ensure that people living with disabilities are treated with dignity. The activities under this objective were conducting workshops with NGOs and people living with disability and HIV/AIDS.

Some activities engaged in were:

A seminar held on 18 March at the University of the North with students, the office of the status of the disabled and NGOs working with people with disabilities. The seminar was chaired by Commissioner Nkeli and the purpose was to enter into discussions with stakeholders in this area, find out the issues affecting the disabled, form a forum and find ways of addressing their problems. The Education Officer conducted two-day workshops at three hospitals for the mentally ill within the province. The workshops were geared towards hospital personnel but we also found a creative way of including the patients themselves through drama. The Education Officer also did presentations on HIV/AIDS.

Traditional Leaders

Arising out of discussions with CONTRALESA and with individual chiefs, the SAHRC decided to initiate meetings with and conduct workshops for traditional leadership. We were however only able to engage in discussions with traditional leaders in three regions out of seven and had to postpone the programme due to the demanding consultative process on racism. We hope though to continue these discussions and workshops in 2001.

Forum for Democracy and Human Rights Education (FDHRE)

The provincial office established the FDHRE in June 2000, with the assistance of the National FDHRE and to this stage have held two other meetings, where we have managed to elect members of the executive, with the SAHRC serving as the convenor and secretariat.

The provincial forum decided to take the peculiarities of the Northern Province into account and it was decided that the forum should consist of regional forums, as most organisations in the province are based only in regions, though they are doing very good work. The Commission, as secretariat and convenor, was given the responsibility of drawing the regional organisations into the forum and ensuring that there are regional forums. It is envisaged that the regional forum executives will comprise the provincial executive.

School visits: 2001

In February 2001, the SAHRC visited three schools in the Northern Province which had previously performed badly in their matric examinations. In common with other problem schools throughout the country, the SAHRC found that typically dysfunctional or poorly performing schools have ineffectual or apathetic school governing bodies and parents, over-age learners who exert a bad influence and sometimes learners and/or educators without commitment or discipline. Facilities are not always satisfactory but the material conditions seem to play a lesser role than attitudes.

Northern Cape

Impressions gained from visits to the Northern Cape are that the issue of human rights generates considerable interest. By and large, people want to get a better understanding of human rights and how violations can be redressed. While the plight of asbestos victims was the overriding concern at the beginning of 2000, other equally pressing areas of concern have surfaced in the course of the year, for example:

- The widespread use of child labour, especially on farms; child prostitution and child trafficking;
- Sub-human working conditions on farms;
- Racial discrimination in education, public services, sports, social services and health care delivery;
- The rights of indigenous communities;
- Severe poverty; and
- Lack of access to socio-economic rights.

The public consultative meeting on Racism deepened the SAHRC's understanding of the many problems faced by people in the province. The big challenge is to harness their energies and enthusiasm to assist the Commission in its mandate.

The outcome of the Northern Cape visits so far has been to point the way to how best to complement the existing work. Meetings with several role players have been helpful in this regard.

Visits for promotional purposes were also undertaken to: Fraserburg, Koekenaap, Kimberley, Upington - the South African Police Services, the Magistrates Court, Correctional Services, the Town Council, the Hospital and the Education department regarding racism in schools.

Visit to Middelpos

In early January 2001, Commissioner Wessels and the Provincial Co-ordinator visited Middelpos, a very remote village in the Northern Cape. This visit highlighted the needs of people in the area and the urgency of developing a mechanism to address human rights there. An elderly gentleman from Middelpos who had heard that we would be visiting that day approached the Commission. He wanted to report his case to us and had prepared a written document setting out his problem. Although it turned out that his complaint was labour related and we had to refer to matter to a more appropriate organisation, the fact is that he had but one opportunity to bring his matter to someone's attention. There are many others in Middelpos and the Northern Cape who do not even have this one opportunity because they are not aware of the existence of the SAHRC and even if they are, they cannot communicate with us.

The Northern Cape is the biggest province in South Africa. It makes up 29.7% of the total South African land mass. In addition, the province is relatively sparsely populated. However, the few who live there, even though they are difficult to reach because of the enormity of the province, are in desperate need for human rights education, protection and enforcement.

The SAHRC has identified 2001 as the year to establish the SAHRC in the Northern Cape. This we will do through education campaigns, the building of partnerships and consequently the generation of complaints from the province. The SAHRC will seek to make inroads by building partnerships with NGOs, CBOs and the institutions of local government. In this regard we will rely on the assistance of the Government Communications and Information Service (GCIS). GCIS has offices in many small towns and are able to provide us with access to these communities at minimal cost for ourselves. The Cape Town Education Officer, with the assistance of the Provincial Co-ordinator when necessary, has been tasked to negotiate with GCIS in this regard. It is clear that, in spite of our best efforts, the Northern Cape will never be adequately serviced from Cape Town. Ideally, the nature and size of the Province indicate that it deserves its own office. Until resources are available to realise this, the 36th Plenary Session of the SAHRC in March 2001 determined that the newly opened Free State office in Bloemfontein will assist the Cape Town office in bringing human rights awareness and protection to the Northern Cape.

North West Province

The North West Province is one of only three provinces that do not have SAHRC provincial offices, the other two being Northern Cape and Mpumalanga. However, plans are afoot to establish provincial offices in the outstanding provinces, funds permitting.

The work of the Commission in the province for the year under review began with the visit to the Klerksdorp and Molopo Magistrate Court in March 2000. These visits were in pursuance of the Commission's decision to focus on the "Right of Access to Justice" as the theme for "Human Rights Week". The visits revealed the enormity of the challenges faced by the criminal justice system in our country, which, in some instances, borders on being dysfunctional.

Another event which evoked a lot of public interest was the Commission's visit to Rooigrond Prison in Mafikeng to investigate the complaint that we had received from the South African Prisoners Organisation for Human Rights (SAPOHR) regarding the alleged preferential treatment of Mr Eugene Terre' Blanche by prison authorities. Our investigation revealed that these complaints were without merit.

One of the highlights of the work of the Commission in the province was the launch of the Vryburg South African Police Services (SAPS) Anti-Racism Training Programme. (Refer also the report from the SAHRC Training Centre.) This launch was attended by all the senior politicians and officials in the police service.

These included the MEC for Safety and Liaison in the North-West province, Ms M. Modiselle, and the North-West Provincial Commissioner of Police, Commissioner L.W. Beetha. The High Commissioner of New Zealand in South Africa, Mr R Wilson, who also attended the launch, funded the training programme. It is hoped that this training programme will assist the members of Vryburg police station to speed up the process of transformation.

National Conference on Racism

The culmination of the work of the Commission in the province was the provincial consultative meeting that was held in Mafikeng in July 2000 in preparation for the National Conference on Racism that was convened by the Commission in August/September 2000 at the request of the President Mbeki. The North West meeting was one of the best attended meetings in the country. Some 350 people from various parts of the province, including Vryburg, Jericho, Wolmaransstaad, Makwasie, Rietvlei and Ottosdal, attended and shared their horrific experiences of racism, racial violence and racial discrimination. Some of the stories that they told were so appalling that they were reported by the media in far away places such as Boston, USA.

Post conference, the Commission continues to be inundated with many complaints of racism and racial discrimination in the province, particularly in the farming communities. These include poor working conditions and refusal by farmers to pay farm workers retirement benefits etc. With its limited resources, the Commission has not been able to investigate all these complaints, which, strictly speaking, do not fall within its mandate. A partnership with the Department of Labour is crucial if the plight of farm workers is to be addressed.

Other Areas of Focus

The general work of the work of the Commission in the province included, amongst others, a visit to Ottosdal Hospital to investigate a complaint of racism against the hospital; a visit to the Retlametswe Special School for mentally disabled children in Mafikeng to investigate a complaint of unequal allocation of resources for black schools for the disabled in comparison with former white schools; and a visit to the Lichtenburg Hoerskool to investigate a complaint of a racial assault on a black learner.

Western Cape

To ensure that the Western Cape Office fulfils the mandate of the promotion & protection of human rights in the Western Cape, the office does the following:

- Management of a complaints database;
- Investigation and resolution of cases;
- Researching the constitutional and human rights questions arising in various complaints;
- Maintaining a public profile for the SAHRC in the Western Cape. This includes the provision and distribution of information and often entails speaking on various platforms or hosting exhibitions at conferences etc;
- Providing workshops & training on human rights; and
- The day-to-day administrative functioning of the provincial office.

Human Rights Awareness in the Province

The Western Cape differs from the Northern Cape in that a number of NGO's have been working in the field of human rights and show a reasonable level of commitment. They make up the group who attended the provincial meeting on Racism held in Cape Town in July 2000 in preparation for the National Conference.

Among the concerns raised at this meeting were the slow pace of transformation in institutions of higher learning; abuse of legal and illegal immigrants; inadequate treatment of the elderly in hospitals and clinics; and poor quality of housing in disadvantaged communities.

There are at the same time large sections of the community, most notably in the Cape Flats areas, who lack a basic understanding of human rights. A significant feature of life in these communities is the constant rural-urban-rural movement of people. As a consequence, people have no sense of belonging, do not believe they have a stake in the Western Cape and are therefore not assertive about their rights.

To promote a culture of human rights will be a long and uphill struggle but one that needs to be embarked upon. A core group of NGO's has begun planning work on the promotion of human rights in the province. With protection and monitoring, quite a lot is being done by the SAHRC provincial office, but here again the involvement of other NGO's is crucial, especially in monitoring human rights abuses.

Public education is essential to the work of the SAHRC as it enhances the monitoring role, since there is lack of information, knowledge and understanding of human rights and the role of the Commission in general. The information and experience that is gathered through public education workshops assists in ensuring that provincial projects or programmes are relevant to the needs and concerns of people in the province.

Working with SAPS on escapes

The SAHRC in the Western Cape has been meeting with the regional SAPS to discuss escapees. Evidently the Western Cape has an alarmingly high number of escapes from police custody, many from charge offices. The Cape Town magistrates' court also poses problems due to its design structure.

The matter is complex and requires a balance between security and the dignity of the accused person. There are no easy answers but the SAHRC is gratified that the SAPS will consider the human rights implications of various restraint options. The Commission looks forward to working with the SAPS to develop some acceptable guidelines to assure both security and dignity where possible. If successful, these guidelines could be implemented more widely, to meet the public's need for efficiency and security in dealing with alleged offenders while still offering these offenders their basic human rights.

International Liaison

Contrary to the manner in which the South African Human Rights Commission is being treated here at home, it is however more than compensated by the high esteem and respect the Commission enjoys internationally. Since 1999, three reports on national institutions have been published by some reputable international organisations. Of special mention is the report by the Geneva-based International Human Rights Policy Council, *Performance and Legitimacy: National Human Rights Institutions* (2000) and another by Human Rights Watch, *Protectors or Pretenders? Government Human Rights Commissions in Africa* (2001). These reports acknowledge that, even with the limitations set out above, the South African Human Rights Commission has made a laudable contribution to the development of human rights in South Africa. The Commission is accredited to the UN sponsored International Coordinating Committee of National Institutions and has the status of an affiliate institution to the African Commission on Human and Peoples' Rights. At the end of two and a half years service as the presidency and secretariat of the African National Institutions, the South African Human Rights Commission was elected at the 3rd Conference of African National Institutions in March in Lome, Togo to establish a permanent secretariat of the Coordinating Committee of African National Institutions in Johannesburg. The Commission has been very active and sought after as a participant in human rights activities of the UN and the African Commission and other regional instruments. The Office of the UN High Commissioner for Human Rights has regularly turned to the Commission to assist with the establishment or capacity building for new institutions especially in Africa. A review of our website demonstrates that the various pages of the Commission are frequently visited. Among these are the reports on national inquiries we have conducted as well as the *Reports on the Monitoring of Economic and Social Rights*. The influence of the South African Human Rights Commission has spread far and wide.

It is in the light of this, that it must be understood why we have to intervene and seek explanations when South Africa fails to ratify some critical international human rights instruments like the *International Covenant on Economic, Social and Cultural Rights*, the *Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights*, and the *Rome Statute on the International Criminal Court*. That is why it is incumbent on us to raise human rights issues like the situation in Zimbabwe and the fate of South Africans facing the death penalty in other jurisdictions.

United Nations / South African Government Human Rights Institutional Strengthening Project

This Human Rights Institutional Strengthening Project was described fully on pages 88-90 of the 4th SAHRC Annual Report.

The Project can be said to have enjoyed success in these expected achievements:

- The project focused on the training of trainers. Trainers were trained in the police, military and correctional services who, in turn, conducted training for other members of staff;
- By the time the Project began, the SAHRC had made significant progress in monitoring the implementation of social, cultural and economic rights. The Project Manager acted as a resource, assisted in the development of the protocols for government departments and the preparation of the reports;

- On 10 December 1998, the South African government formally lodged the country's National Action Plan for the Promotion and Protection of Human Rights with the UN Office of the High Commissioner for Human Rights;
- A National Project Officer was based at the Commission of the Restitution of Land Rights. He assisted in building capacity and in research on the restitution process;
- A highly successful training course in treaty report writing was conducted for all the government departments with treaty reporting obligations. The Project Manager has also assisted in the preparation of reports for international and regional bodies;
- Training was conducted for parliamentarians in legal drafting and international human rights standards; and
- The Oliver Tambo UNESCO Chair of Human Rights has established a well-resourced human rights documentation centre and regularly conducts human rights training workshops in the Eastern Cape.

Project Beneficiaries

The National Action Plan (NAP) has become an important resource for government, human rights activists and human rights advocacy in our country. It has been widely distributed and is constantly referred to assess how government understands its human rights obligations and to monitor government's implementation of human rights.

Important contacts and working relationships have been established with government, the institutions established to strengthen democracy and other statutory bodies.

Together with the SAHRC, the Project was involved in conducting public awareness and public education on the NAP in the Eastern Cape and the North-West, two of the poorest regions in the country.

At an international level, South Africa's NAP is also being referred to as a model for other countries to emulate, for example Bangkok.

The original Project Document was conceived against the background of South Africa's transition to democracy and the specific needs associated with this process. The primary focus was consequently on institutionalising democracy and respect for human rights.

Consequently in the original proposal the emphasis was on training and capacity building. In the extension of the project the focus was more on implementation and sustainability.

Financial Statements

BALANCE SHEET AT 31 MARCH 2001

	Notes	2000/01 R	1999/2000 R
ASSETS			
Non-current assets			
Fixed Assets	2	2,365,979	2,607,726
Current Assets			
SA Human Rights Commission Trust		1,000	1,000
Bank and Cash balances		1,049,994	3,703,998
Accounts receivable		222,550	234,784
Total Assets		3,639,523	6,547,508
 EQUITY AND LIABILITIES			
Capital and Reserves			
Retained Income		1,704,517	3,837,848
 Current Liabilities			
Department of Public Works		1,458,925	2,153,178
Accounts payable		476,081	556,482
Total Equity and Liabilities		3,639,523	6,547,508

Rev Dr N. B. Pityana
CHAIRPERSON

Ms L. Mokate
CHIEF EXECUTIVE OFFICER

Signed at JOHANNESBURG on 16 JULY 2001

INCOME STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

	Notes	2000/01 R	1999/2000 R
Operating Income		24,539,350	19,563,645
Staff Costs		11,951,538	9,580,870
Depreciation		1,065,089	678,425
Projects	3	5,710,110	2,574,727
Other operating expenditure	4	<u>7,945,729</u>	<u>6,088,663</u>
Profit (loss) from operations		(2,133,116)	640,960
Financing Costs		<u>215</u>	<u>1,163</u>
Net profit / (loss) for the period		<u>(2,133,331)</u>	<u>639,797</u>

STATEMENT OF CHANGE IN EQUITY FOR THE YEAR ENDED 31 MARCH 2001

	R
Balance at 31 March 2000	3,289,315
Prior year adjustment	<u>548,533</u>
Balance at 31 March 2000	3,837,848
Net profit/(Loss) for the year	<u>(2,133,331)</u>
Balance at 31 March 2001	<u>1,704,517</u>

CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

	Notes	2000/01 R	1999/2000 R
Cash generated/(utilised) by/to operating activities		(1,830,662)	3,597,447
Cash generated/(utilised) by/to operations	5	(1,501,214)	854,252
Investment income		433,187	465,133
Repayment RDP – Fund		0	0
Interest paid		(215)	(1,163)
(Decrease)/increase in working capital	6	(762,420)	2,279,225
Cash utilised in Investment activities		(823,342)	(1,515,367)
Acquisition of fixed assets	7	(823,342)	(1,573,047)
(Loss)/Proceeds on disposal of fixed assets		0	57,680
Net (outflow)/inflow		(2,654,004)	2,082,080
Cash effects of financing activities			
(Increase) decrease in cash and bank		2,654,004	(2,082,080)
Net cash (generated)/utilised		2,654,004	(2,082,080)

NOTES TO THE FINANCIAL STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

1. Accounting policies

The annual financial statements of the South African Human Rights Commission are prepared on the historical cost basis in conformity with generally accepted accounting practice and in accordance with the Human Rights Commission Act, 1994 (Act No. 54 of 1994)

1.1 Income and expenditure

Income and expenditure are accounted for on the accrual basis.

1.2 Government grants

All government grants are accounted for in the Income Statement for the year to which it relates.

1.3 Fixed assets and depreciation

Fixed assets are shown at cost less accumulated depreciation. Fixed assets are depreciated on the straight-line basis at rates which will result in each asset being written off over its useful life.

1.4 Operating income

Operating income includes donations, interest received and government grants.

NOTES TO THE FINANCIAL STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

	2000/01	1999/2000
	R	R
2. Fixed Assets	2,365,979	2,607,726
2.1 Motor vehicles		
Net value	213,061	210,159
Cost	361,101	288,401
Accumulated depreciation	(148,040)	(78,242)
2.4 Computer equipment		
Net value	462,519	839,827
Cost	2,408,228	2,051,312
Accumulated depreciation	(1,945,709)	(1,211,485)
2.3 Office equipment		
Net value	199,223	218,571
Cost	550,241	465,084
Accumulated depreciation	(351,018)	(246,513)
2.4 Furniture		
Net value	1,076,725	1,132,817
Cost	1,638,149	1,537,679
Accumulated depreciation	(561,425)	(404,862)
2.5 Library resources – net value	414,451	206,352

	2000/01	1999/2000
	R	R
3. Projects		
SAHRC Projects	1,134,131	1,281,523
Legal	34,789	213,918
Research	195,403	201,529
Advocacy	342,308	275,738
Commissioners	278,134	590,338
Training	283,495	0
Special Projects	4,575,979	1,293,204
Roll Back Xenophobia Campaign	388,048	695,600
Child Rights	134,998	309,406
Other Projects	612,612	221,658
OHCHR/NAP /National Conference on Racism	3,440,321	66,540
	<u>5,710,110</u>	<u>2,574,727</u>

4. Operating expenditure

The following has been taken into account when calculating the operating expenditure for the year:

Audit fees	104,703	108,957
Legal fees	19,767	44,761
Operating lease rental	3,829,016	2,768,275

NOTES TO THE CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

5. Cash generated by operations	(1,501,214)	854,252
Net surplus/(loss)	(2,133,331)	639,797
Adjustment for:		
Depreciation	1,065,089	678,425
Interest paid	215	1,163
Investment income	(433,187)	(465,133)
6. (Decrease)/increase in working capital	(762,420)	2,279,225
(Decrease)/Increase in creditors	(774,654)	2,495,352
(Increase) Decrease in debtors	12,234	(216,127)
7. Acquisition of fixed assets	823,342	1,573,047
Office equipment	85,157	92,784
Computers	356,916	896,865
Furniture	100,470	469,478
Motor Vehicles	72,700	0
Library resources	208,099	113,920

DETAILED INCOME STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

	2000/01 R	1999/2000 R
Income	24,539,350	19,563,645
SA Government grants	21,780,000	17,296,000
Donations income	2,326,163	1,697,623
Interest received	433,187	465,133
Sundry income	0	104,889
Operating Expenditure	26,675,986	18,923,848
Audit fees	104,703	108,957
Advertising	199,480	98,353
Bank charges	52,724	40,010
Bad debts written off	4,107	0
Books and subscriptions	12,920	26,689
Computer expenses	239,549	213,326
Conference and workshop expenses	172,245	33,921
Consulting fees and Insurance	73,633	55,450
Courier and postage	102,418	101,771
Depreciation	1,065,089	678,425
Disposal of assets	0	57,680
General expenses	35,055	16,768
Interest paid	215	1,163
Leasing and hire costs	199,900	118,602
Legal fees	19,767	44,761
Motor vehicle expenses	81,112	32,358
Printing and stationery	248,958	117,735
Refreshments	45,591	34,565
Rent and services	3,829,016	2,768,275
Relocation expenses	49,957	74,626
Repairs and maintenance	98,287	96,882
Salaries and wages	11,951,538	9,580,870
Staff training	71,318	40,826
Telephone and fax	1,357,424	489,970
Translations and project cost	5,710,110	2,574,727
Travel and accommodation	947,564	1,517,138
SURPLUS/(Deficit) for the year	(2,133,331)	639,797

Auditor – General’s Report

Report of the Auditor-General on the Financial Statements of the South African Human Rights Commission for the year ended 31 March 2001

1. Audit Assignment

The financial statements as set out on pages 75 to 76, for the year ended 31 March 2001, have been audited in terms of section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), read with sections 3 and 5 of the Auditor-General Act, 1995 (Act No. 12 of 1995) and section 16 (2) of the Human Rights Commission Act, 1994 (Act No. 54 of 1994). These financial statements, the maintenance of effective control measures and compliance with relevant laws and regulations are the responsibility of the chief executive officer. My responsibility is to express an opinion on these financial statements and the compliance with relevant laws and regulations, applicable to financial matters, based on the audit.

2. Regularity Audit

2.1 Nature and Scope

2.1.1 Financial Audit

The audit was conducted in accordance with generally accepted government auditing standards which incorporate generally accepted auditing standards. These standards require the audit to be performed to obtain reasonable assurance that the financial statements are free of material misstatement. An audit includes:

- Examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,
- Assessing the accounting principles used and significant estimates made by management, and
- Evaluating the overall financial statement presentation.

I believe that the audit provides a reasonable basis for my opinion.

2.1.2 Compliance Audit

Furthermore, an audit includes an examination, on a test basis, of evidence supporting compliance in all material respects with the relevant laws and regulations which came to my attention and are applicable to financial matters.

I believe that the audit provides a reasonable basis for my opinion.

2.2 Unqualified audit opinion

2.2.1 Financial Audit

In my opinion, the financial statements fairly present, in all material respects, the financial position of the South African Human Rights Commission at 31 March 2001 and the results of its operations and cash flows for the year ended in accordance with generally accepted accounting practice.

2.2.2 Compliance Audit

Based on the audit work performed, nothing has come to my attention that causes me to believe that material non-compliance with laws and regulations, applicable to financial matters, has occurred.

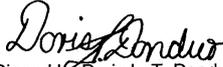
3. General

Financial Statements

In terms of section 40 (C) of the Public Finance Management Act, 1999 (Act No. 1 of 1999) the accounting officer must submit the financial statements within two months after the end of the financial year to the Auditor-General. The financial statements were submitted in time, but due to amendments to the statements, the financial statements were signed only on 16 July 2001.

4. Appreciation

The assistance rendered by the staff of the South African Human Rights Commission during the audit is sincerely appreciated.



Signed by Doris L. T. Dondur
for Auditor-General
Johannesburg
20 July 2001

APPENDIX A

Public Outreach Calendar - Major seminars, workshops, presentations and lectures

Date	Venue	Forum	Topic	SAHRC person/s
2000				
11/01/00	Johannesburg	School Visit	Right to Education	Commissioner McClain
17/01/00	Gauteng (JHB)	MEC for Education	Report back on school visits	Chairperson (Pityana), Deputy Chairperson (Mabusela) & Commissioners
18/01/00	Gauteng (JHB)	Soul City	Workshop on Child Rights for radio & TV producers	Deputy Chairperson (Mabusela)
24 -28/01/00	Bellagio, Italy	<i>Conference/Consultation – organised by the International Human Rights Law Group</i>	World Conference on Racism	Chairperson (Pityana)
25/01/00	Gauteng (JHB)	Internal Consultative Process	Child participation workshop	Deputy Chairperson (Mabusela), Commissioners & HOD
27/01/00	Western Cape (Cape Town)	UCT Summer School	SAHRC and collaboration with Parliament	Deputy Chairperson (Mabusela)
30/01/00	Gauteng	Child Participation	Children’s knowledge of and access to	Deputy Chairperson

Date	Venue	Forum	Topic	SAHRC person/s
	(Katlehong)	workshop	SAHRC	(Mabusela) & George Masanabo
1/02/00	Gauteng (JHB)	Meeting with MEC for Safety & Liaison	Human Rights & Crime issues	Chairperson (Pityana) & Deputy Chairperson (Mabusela)
2/02/00	Pretoria	Magistrate Court Visit	Racism in the Magistrates Court	Commissioner Nkeli M. Mfenyane
3/02/2000	Pretoria	Foreign training course for diplomats	The role of Human Rights in the International arena and South Africa's position	Commissioner Leon Wessels
4/02/00	Gauteng (Pretoria)	Diplomat Trainees	Child Rights	Deputy Chairperson (Mabusela)
8/02/00	Pretoria	South African National Defence Force	Lecture	Commissioner Nkeli Commissioner Kollapen
12 - 15/02/00	Abuja, Nigeria	Conference organised by International Commission of Jurists (ICJ) in collaboration with Legal Research & Resource	Address: The Rule of Law in South Africa: The Role of Independent National Institutions	Chairperson (Pityana)

Date	Venue	Forum	Topic	SAHRC person/s
		Development Centre (LRRDC) – Upholding the Rule of Law : Jurists & 1999 Constitution of Nigeria		
15/02/2000	JHB	Instituut vir Politieke leierskap	Bekamping van Misdaad binne n Menseregte kultuur	Commissioner Leon Wessels
16 – 18/02/00	Geneva	Experts Seminar organised by UN High Commissioner for Human Rights	Remedies available to the victims of acts of racism, racial discrimination, xenophobia and related intolerance, and on good national practices in this field	Chairperson (Pityana)
16/02/00	Johannesburg	CSV	Workshop-Reparations & Health Setor	Commissioner McClain
17/02/00	Johannesburg	AIDs Law Project	Review Meeting	Commissioner Nkeli
18/02/00	Kempton Park	NPASC	State of the Nation’s Childrens Report	Deputy Chairperson (Mabusela)
19/02/00	Pretoria	Child Participation Workshop	Children’s knowledge and access to SAHRC	Deputy Chairperson (Mabusela) & HOD of Training Unit (Keet)
19/02/2000	Pretoria	Seminar at the Justice College	<i>Overview of practical implications of all three new constitutional laws</i>	Commissioner Leon Wessels

Date	Venue	Forum	Topic	SAHRC person/s
19 – 24 /02/00	New York	UNDP	External adviser: Second Human Development Report Advisory Panel Meeting	Chairperson (Pityana)
21/02/00	Gauteng (JHB)	SANEF	Racism in the Media Hearing	Deputy Chairperson (Mabusela)
24/02/00	Johannesburg	Institute for Advancement & Journalism	Presentation: Media, ethics & Race	Commissioner Jody Kollapen
24/02/00	Soweto	Gauteng Health Department	Patient's Rights	Deputy Chairperson (Mabusela)
2-10/03/00	Johannesburg	SAHRC	Media Enquiry	Commissioner McClain
6 – 10/03/00	Braamfontein, Johannesburg	Media Hearings	Inquiry: Racism in the Media	Chairperson (Pityana)
8/03/00	Braamfontein	Women's Dev. Foundation	Women in Local Government	Deputy Chairperson (Mabusela)
20 – 22/03/00	Kenya	Standing Committee on Human Rights	Developing Legislation for the establishment of a Nat Human Rights Commission	Deputy Chairperson (Mabusela)
13/03/00	Botshabelo-Free State	Court Visits – Magistrates Court	Racism in the Justice	Commissioner Nkeli M Shabangu L Seloane
17/03/00	Johannesburg	Randburg Magistrate Court	Enquiry into justice system	Commissioner McClain M Shabangu
17/3/00	Pretoria	IDASA Workshop	<i>Crime & Human Rights – Incompatible?</i>	Commissioner Jody Kollapen
21/03/00	Spoornet State	Human Rights Day		Chairperson (Pityana)

Date	Venue	Forum	Topic	SAHRC person/s
	Theatre			
21/03/00	Johannesburg	Luthuli Peace Foundation	HR Day Celebrations	Commissioner McClain
22/03/00	Nelspruit	Themba Hospital Chief Magistrate Ermelo Police Cell	Human Rights Week	Commissioner Mclain
23/03/00	Modderbee Prison	Prisoners	Human Rights Day – It's significance	Deputy Chairperson (Mabusela)
27 – 30/03/00	Conakry, Guinea	Special OAU/UNHCR Meeting of Gov. and Non-Gov. Technical Experts on the 39 th Anniversary of the 1969 OAU Refugee Convention	Discussant: Refugee protection challenges on the African Continent	Chairperson (Pityana)
27/03/00 30/03/00	CONAKRY GUINEA	Meeting of Government and Non-Government Technical Experts	Commemoration of 30 th Anniversary of 1969 OAU Convention on Refugees	Chairperson (Pityana) & Dr Z Majodina
30/03/00	Port Elizabeth	SAHRC	SER Debate	Commissioner McClain
31/03/00	Cape Town	Medical Research Council	Meeting	Commissioner McClain Pat Lawrence
6/04/00	Pretoria	Dept. of Minerals and energy	SER	Commissioner McClain

Date	Venue	Forum	Topic	SAHRC person/s
06/04/00	University of Cape Town	Launch: Human Rights Training Centre	The role of SAHRC in advancing a culture of human rights	Commissioner Jody Kollapen
7 – 8/04/00	London, UK	Lesbian & Gay Christians 24 th Annual Conference	Keynote address	Chairperson (Pityana)
12/04/00	Rabat, Morocco & Geneva	Workshop of National HR Institutions (Morocco) & UNHRC meeting		Chairperson (Pityana) & Deputy Chairperson (Mabusela)
12/04/00	Groblerdal	Training Scorpions	Policing within a human rights culture	Commissioner Jody Kollapen
13 – 15/04/00	Rabat, Morocco	5 th International Workshop of National Institutions for Human Rights Promotion and Protection	Session Chairperson: Africa	Chairperson (Pityana)
13/04/2000	<i>University OF the North</i>	Graduation Ceremony	Challenges Facing HDU'S	Commissioner P. Tlakula
14/04/00	Pretoria	Independent Complaints Directorates	Custodial deaths – human rights implications	Commissioner Jody Kollapen
17 – 20/04/00	Geneva	56 th Session of the		Chairperson (Pityana)

Date	Venue	Forum	Topic	SAHRC person/s
		UN Commission on Human Rights		
19/04/2000	Cape Town	International Conference organised b the Institute for Theological and International Research	Justice and Responsibility – Creating a Culture of Human Rights	Commissioner Leon Wessels
26/04 – 11/05/00	Algiers	African Commission on Human & Peoples’ Rights	27 th Ordinary Session	Chairperson (Pityana)
4/05/00	Smithfield – Free State	Public hearing	Farming Communities	Commissioner Nkeli
4/05/00	Johannesburg	Kagiso Educational TV	Disability Workshop	Commissioner Nkeli
5/05/00	Durban	NGO’s & CBO’s	Juvenile Justice Workshop	Deputy Chairperson (Mabusela)
8-10/05/00	Belfast	International Conference	Right to food	Commissioner McClain
11-12/05/00	Cape Town	OSDP		Commissioner McClain
11/5/00	Johannesburg	IAJ	The role of media in a democratic society	Commissioner Jody Kollapen
15 – 19/ 05/00	Rio de Janeiro	World Tourism Organisation	Ethics in the Tourism Industry	Deputy Chairperson (Mabusela)

Date	Venue	Forum	Topic	SAHRC person/s
18/05/00	Vosloorus East Rand	Lecture to School Principals	Human Rights Training	Commissioner Nkeli A Keet
26/05/00	Gauteng (JHB)	Forum of Black Journalists	Women, Career's & Childbirth	Deputy Chairperson (Mabusela)
30-31/05/00	Bloemfontein – Free State	Provincial Consultative Meeting	National Conference on Racism	Commissioner Nkeli
30/05/00	Johannesburg	Centre for Study of Violence and R	TRC and the process to date	Commissioner McClain
31/05-1/06/00	Johannesburg	DPSA	Disability Equity Seminar	Commissioner McClain
1/06/00	Randfontein	Pre-school Educare Workers	Child Rights Implications for Educare	Deputy Chairperson (Mabusela)
1-2/06/00	Johannesburg	DPSA	Disability Workshop	Commissioner Nkeli
7/06/00	Cape Town	Parliamentary Commission	Traditional Leaders	Deputy Chairperson (Mabusela)
07/06/00	Johannesburg	Training for GCIS officials	The Administrative Justice Act	Commissioner Jody Kollapen
8/06/00	Pretoria	OSDP	Project “ what do you think”	Commissioner McClain
9/06/00	Cape Town	SA Federal Council on Disability	Tertiary Disability	Commissioner Nkeli
09/06/00	Stellenbosch	Launch of LITR Paralegal Training manual	Access to Justice – Role of Paralegals	Commissioner Jody Kollapen
10/06/00	Pretoria	Opening of Primrose Youth Centre	The role of youth in a society in transformation	Commissioner Jody Kollapen
12 – 13/ 06/00	Richardsbay	CGE / SAHRC	Virginity Testing: Implications for Child Rights	Deputy Chairperson (Mabusela)
12/06/00	Durban	CGE	Virginity Testing Workshop	Commissioner McClain

Date	Venue	Forum	Topic	SAHRC person/s
15/06/00	Johannesburg	Launch of Training Centre		Chairperson (Pityana)
20/06/00	GAUTENG	Africa Refugee Day	Situation of Refugees in Africa	Chairperson (Pityana) & Dr Z Majodina
21/06/00	Johannesburg	DFID	Champions for H R and Anti Poverty Warriors	Commissioner McClain
19-20/06/00	Vryburg	Launch of Anti-racism Training Course		Chairperson (Pityana)
22/06/00	Johannesburg	SA Electoral Institute	Corporal Punishment	Commissioner McClain
23/06/00	Bloemfontein – Free State	NGOs; Youth Commision; DPO's etc.	Provincial Consultative Meeting	Commissioner Nkeli
26/06 – 1/07/00	Nairobi - Kenya	Commonwealth	Regional Workshop on Implementing the CRC	Deputy Chairperson (Mabusela)
26/06/00	East London	University of Fort Hare – Seminar : Education of Human Rights in the Third Millennium	Chairing Panel Discussion: Challenges and practical problems concerning the activities of the UNESCO Chairs and their co-operation with other Human Rights Institutions/NGOs	Chairperson (Pityana)
29/06/00	Paris	Human Rights and Human Development – for	Presentation on Human Development Report	Chairperson (Pityana)

Date	Venue	Forum	Topic	SAHRC person/s
		Freedom and Solidarity Global Launch Symposium		
30/06/00	Johannesburg	SADTU	Human Dignity, HR, Violence and Sexual Abuses	Commissioner McClain
1-7/07/00	Cape Town	Medical Research Council	Substance Abuse, Crime Violence and HIV AIDS	Commissioner McClain
3 – 4/07/00	Cambridge, England	Commonwealth Secretariat Conference	National Human Rights Institutions	Chairperson (Pityana)
04/07/00	Pretoria	SA Migration Project Conference	Current manifestations of xenophobia in SA	Commissioner Jody Kollapen
5/07/00	Mpumalanga	Legislature	Briefing Nat. Conference on Racism	Commissioner McClain
10-17/07/00	Bamako	UNICEF	African Launch of Human Development Report	Commissioner McClain
11/07/00	Johannesburg	World Press Photo Exhibition	Opening Address	Chairperson (Pityana)
12/07/00	CAPE TOWN	Cape Town City Council & Cape Town Refugee Forum	Launch of Refugee Photo Exhibition	Dr Z Majodina
16-17/07/00	Pretoria	SA Law Commission	Sexual Offences Meeting	Commissioner McClain
19/07/00	Bloemfontein – Free State	Business Sector	Preview Mtg-National Conference on Racism	Commissioner Nkeli
20/07/00	Bloemfontein –	Public at large	Public Hearing	Commissioner Nkeli

Date	Venue	Forum	Topic	SAHRC person/s
	Free State			
21/07/00	JHB Civic Centre	Gauteng Consultative Group	Provincial Contribution towards the National Conference on Racism	Chairperson (Pityana) & Deputy Chairperson (Mabusela)
21/07/00	Johannesburg	Mail & Guardian 15 th Anniversary	Opening Address: Facing our challenges together	Chairperson (Pityana)
22/07/00	Port Elizabeth	Human Rights Trust: Launch of the International Year for the Culture of Peace	Keynote Speaker & Panellist	Chairperson (Pityana)
25/07/00	Pretoria	Seminar officer training – SANDF	Selected human rights presentation	Commissioner Jody Kollapen
27-30/07/00	Durban	Oil Watch Conference	Human Rights Environment	Commissioner Nkeli
29/07/00	University of Western Cape	Conference: Crime & Human Rights	Does the constitution facilitate / undermine crime prevention?	Commissioner Jody Kollapen
01/08/00	Johannesburg	National Symposium on Corrections	The human rights imperatives with the correctional system	Commissioner Jody Kollapen
1/08/00	Stellenbosch University	Institute for Justice and Reconciliation	Lecture: Racism & Reconciliation	Chairperson (Pityana)
3/08/00	SA Launch of the UN Development Report 2000			Chairperson (Pityana)

Date	Venue	Forum	Topic	SAHRC person/s
6/08/00	Durban	Conference - International Association for the History of Religions	Opening Address: Reinventing history for a new humanity: Confronting the challenge of racism in South Africa	Chairperson (Pityana)
7 – 9/08/00	Mozambique	Ministry of Foreign Affairs, Republic of Mozambique/African Commission on Human & Peoples' Rights (ACHPR)	Promotional visit	Chairperson (Pityana)
12/08/00	Swaziland	Launch of Lawyers for Human Rights (Swaziland)	Presentation: The African Human Rights Regional System: The workings of the African Commission on Human & Peoples' Rights	Chairperson (Pityana)
16/08/00	Johannesburg	Psychological Society of South Africa (PsySSA) Conference	Address: Human Rights and the Health of the Nation	Chairperson (Pityana)
19/08/00	Pretoria Technikon	Journalists training	Media and Human Rights	Commissioner Jody Kollapen
19/08/00	KIMBERLEY	Dept. of Sports & Recreation	Racism in Sport	Dr Z Majodina

Date	Venue	Forum	Topic	SAHRC person/s
		Provincial Indaba		
21-22/08/00	Geneva	International Project on Right to Food	Right to Food	Commissioner McClain
24/08/00	Pretoria	Christian ministers against crime	The role of civil society in crime prevention	Commissioner Jody Kollapen
26/08/00	Johannesburg	SA Institute of International Affairs – Conference: Kosovo and the implications of Humanitarian Intervention	Chairing Break-out Session: Preventative diplomacy – Why prevention failed	Chairperson (Pityana)
26/08/2000	Italy	The Rimini Meeting	Meeting for Friendship among peoples Association	Commissioner Leon Wessels
30/08-4/09/00	Johannesburg	SAHRC	Racism Conference	Commissioner McClain
30/08 – 2/09/00	Johannesburg	National Conference on Racism	Opening Address: Re-inventing history for a new humanity : Confronting the challenge of racism in South Africa	Chairperson (Pityana)
30/08-4/09/00	Johannesburg	National Conference on Racism		Commissioner Nkeli
30/08/00	SANDTON		National Conference on Racism	Dr Z Majodina
1–6/09/00	ICC - Durban	ISPCAN	International Conference on Child Abuse & neglect X2papers	Deputy Chairperson (Mabusela)

Date	Venue	Forum	Topic	SAHRC person/s
04/09/2000	Kopanong Training Centre in Benoni	Conference on Health and safety in Schools organised by the Department of Educational Sciences at Rand Afrikaans university	<i>Bullying: the violation of Children's' Basic Human Rights</i>	Commissioner P Tlakula
7-9/09/00	Nairobi	UNICEF	Child Labour Workshop	Commissioner McClain
8/09/00	Midrand	National Community Radio Broadcasters	Broadcasting Policy on Child Rights	Deputy Chairperson (Mabusela)
11/09/00	Johannesburg	Umtapo Centre	Promoting Critical discourse on Economic	Commissioner Mclain
12/09/00	Cape Town	UCT's Health Sciences Faculty	Address: Institutional Racism	Chairperson (Pityana)
12/09/00	Hammanskraal	University of Pretoria human rights course	Judicial & non-judicial of human rights	Commissioner Jody Kollapen
15/09/00	Johannesburg	Launch of Socio- Economics Report		Chairperson (Pityana)
18-21/09/00	Tel Aviv, Israel	International Seminar of the World Tourism Organisation	Implementing Ethical Principles in Tourism Development	Commissioner Leon Wessels
20 – 22/09/00	Windhoek,	Pan African Centre	Public Lecture: Racism in the Media:	Chairperson (Pityana)

Date	Venue	Forum	Topic	SAHRC person/s
	Namibia	of Namibia (PACON)	The SA Experience	
21-22/09/00	Johannesburg	Human Rights Committee	Recommend actions of Chapter 9 (TRC)	Commissioner McClain
22/09/00	Pretoria	Dept of Labour	Child Labour	Deputy Chairperson (Mabusela)
25/09/00	Johannesburg	St. Vincent School	Racism and Human Rights Lecture	Commissioner McClain
28/09/00	Midrand, Johannesburg	Workshop: Development Bank of South Africa (DBSA) – Monitoring evaluation capacity development in South Africa	Presented paper: Monitoring and evaluating Human Rights and Democracy in South Africa	Dr N Barney Pityana (Chairperson)
2/10/00	Johannesburg	5 th Anniversary Inauguration		Chairperson (Pityana)
3-4/10/2000	Cape Town	Institute for Justice and Reconciliation	Reparations and memorialisation: The unfinished business of the TRC, 4-5 October, Athlone Technical College, Kromboom Road, Athlone	Commissioner Leon Wessels
6/10/00	Bloemfontein – Free State	Dept. of Education	Anti racism, Anti sexism and good practice	Commissioner Nkeli

Date	Venue	Forum	Topic	SAHRC person/s
10/10/00	Johannesburg	Workshop: Dept of Agriculture, Conservation, Environment and Land Affairs	Keynote Address: Food security as a human right	Chairperson (Pityana)
11/10/00	Johannesburg	Dept. Agriculture, Conservation and Env.	Celebration of World food Day	Commissioner McClain
11/10/00	Johannesburg	Forest Town Foundation School	Consultation on Disability Rights	Commissioner Nkeli and Deputy Chairperson (Mabusela)
12/10/2000	Johannesburg	The National Spiritual Assembly of the Bahai's of Annual Dinner	Healing of Racism	Commissioner P Tlakula
14/10/00	Johannesburg	WITS Disability Unit	Lecture: Tertiary Policy and Practice for People with Disabilities	Commissioner Nkeli
14/10/00	Johannesburg	SAHRC Arts Competition	Prize giving	Chairperson (Pityana)
14/10/00	Johannesburg	Black Management Forum Conference	Report back on National Conference on Racism	Chairperson (Pityana)
16/10/00	Roodepoort	SAHRC and WEP	Lecture: Rights of Disabled, Human Rights and Women's Rights	Commissioner Nkeli A Keet
16/10/00	University of	Commission for	Gender issues	Chairperson (Pityana)

Date	Venue	Forum	Topic	SAHRC person/s
	Pretoria	Gender Equality (CGE) Workshop		
16/10/00	Pretoria	Dept of Foreign Affairs	Child Rights: Diplomatic Training	Deputy Chairperson (Mabusela)
17/10/2000	JHB	Foreign Affairs: Diplomatic Training Programme	The Role of Human Rights in the International Arena and South Africa's Position	Commissioner Leon Wessels
18/10/00	Robben Island	Forum on Education/Racism	Opening Address	Chairperson (Pityana)
19-20/10/00	Pretoria	Justice Colloquium	Towards Rationalised, effective and efficient functioning structure for the Courts that promotes access and equity	Commissioner Nkeli
20/10/00	Pretoria	Public meeting on Terrorism	The human rights and constitutional implications of the proposed Anti-terrorism Bill	Commissioner Jody Kollapen
20/10/00	Nelspruit	Provincial Youth Comm. Mayor's Office Area Police Comm. Dept of Public Works Methuli's Family Visit	HR violations of farms	Commissioner McClain
20 – 22/10/00	Cotonou, Benin	Workshop: International Commission of Jurists		Chairperson (Pityana)
21/10/00	Johannesburg	Farewell – Pthutin	Address to graduates – challenge	Commissioner Jody

Date	Venue	Forum	Topic	SAHRC person/s
		High School	facing growth in SA	Kollapen
22/10/00	Magaliesburg	Hurisa	Role of the African commission of Human & Peoples Rights	Deputy Chairperson (Mabusela)
23/10 - 6/11/00	Cotonou, Benin	African Commission on Human & Peoples' Rights	28 th Ordinary Session	Chairperson (Pityana)
21/10/2000	Magaliesburg	African Human Rights		Commissioner P Tlakula
26/10/2000	Durban	Economic Growth Summit	Development of a code of conduct: Adherence to constitutional principles	Commissioner P Tlakula
28/10/2000	Potchefstroom	Afrikanerbond	Die struktuur en algemene werksaamhede van die menseregte Kommissie met besondere verwysing na die weksaamhede van n kommissaris en die persepsies rakende rassisme	Commissioner Leon Wessels
31/10/00	Kempton Park	SACC Conference on Racism	Reflections on the 1 st Anti Racism Conference	Commissioner Jody Kollapen
1-2/11/00	Durban	International Conference	Dual Loyalty	Commissioner McClain.
01/11/00	KEMPTON PARK	SACC Conference on Racism / Xenophobia	Xenophobia in South Africa	Dr Z Majodina
5-9/11/00	Sweden	International Seminar on Human	Presented Paper on "Promotion and enforcement of the rights of persons	Commissioner Nkeli

Date	Venue	Forum	Topic	SAHRC person/s
		Rights and Disability	with disabilities	
06/11/00	Cape Town	Seminar on the proposed Anti-Terror Bill	The human rights and constitutional implications of the proposed Anti-terror Bill	Commissioner Jody Kollapen
14/11/00	Durban	Sanef Seminar	Racism and the Media – the way ahead	Commissioner Jody Kollapen
17/11/00	Johannesburg	Disabled People of South Africa	Disability Sector Summit, HIV/AIDs	Commissioner Nkeli
17/11/00	Johannesburg	National Association of Broadcasters – Breakfast	Speaker: Whether and why there is a need for transformation in the light of the SAHRC’s recent Inquiry into Racism in the Media	Chairperson (Pityana)
17-18/10/00	Johannesburg	DPSA	Disability Sector Summit	Commissioner McClain
22/11/00	Johannesburg	SAHRC	Constructing Racism, Disability and Human Rights	Commissioner Nkeli
22-24/11/00	Midrand	Seminar	Freedom of Expression	Commissioner McClain
22 – 25/11/00	Johannesburg	Seminar sponsored by the African Commission on Human & Peoples’ Rights and Article 19 on Freedom of Expression and the African Charter	Welcome and Opening	Chairperson (Pityana)
22/11/00	JHB	SAHRC	Workshop on Disability Issues	Deputy Chairperson (Mabusela) & Comm

Date	Venue	Forum	Topic	SAHRC person/s
				Nkeli
23/11/00	Johannesburg	DPSA	Affirming rights of disabled children's budget	Commissioner Nkeli
24/11/00	Johannesburg	Seminar on Freedom of Expression	The role of NI "In advancing freedom of expression"	Commissioner Jody Kollapen
25/11/00	Johannesburg	Democratic Nursing Organisation of South Africa (DENOSA) – 2000 Marilyn Lahana Trust Caring Award	Guest Speaker	Chairperson (Pityana)
27/11 – 14/12/00	Australia/New Zealand	National Conference on Reconciliation, Multiculturalism, Immigration and Human Rights (Diversity Conference), Sydney, Australia Human Rights Day and Human Rights Commission Human	Keynote Speaker: Multiculturalism and identity: South African perspectives on reconciliation Speaker: Positive relations in post-apartheid South Africa	Chairperson (Pityana)

Date	Venue	Forum	Topic	SAHRC person/s
		<p>Rights Awards, at Human Rights Network Evening, Auckland, New Zealand</p> <p>Address at New Zealand Institute of International Affairs function, Wellington, New Zealand</p> <p>Ministerial visit, Wellington, New Zealand</p>	Speaker: Human Rights in post-apartheid South Africa	
28/11/00	JHB	CGE	Gender Dialogue: Delivering Justice – Taking Stock of our systems	Deputy Chairperson (Mabusela)
30/11/00	Pretoria	UNICEF	HIV/AIDS & Child Rights	Deputy Chairperson (Mabusela)
1/12/00	Johannesburg	Dept. of Health	AIDs Awareness	Commissioner Nkeli
2-4/12/2000	Stockholm,	Conference	Race, Racism and Racial	Commissioner P Tlakula

Date	Venue	Forum	Topic	SAHRC person/s
	Sweden	organised by the Ombudsman for Ethnic Discrimination	Discrimination	
6/12/00	Pretoria	Dept. of Land Affairs	National Disability Awards Ceremony	Commissioner Nkeli
7/12/00	Cape Town	Southern Hemisphere Consulting	Global Narratives of Race	Commissioner McClain
15/12/00	PRETORIA	UNHCR / SAHRC Launch	50 th Anniversary of UNHCR Launch of Worlds Refugees Report	Dr Z Majodina
16/12/00	CAPE TOWN		National Day of Racial Reconciliation	Dr Z Majodina
16/12/00	Cape Town	16 th December Celebrations	Day of Reconciliation	Chairperson (Pityana)
07/12/00	Johannesburg	Conference on International Criminal Law Society	Equality before the Law in diverse society	Commissioner Jody Kollapen
2001				
8/01/01	Johannesburg	7 th Conference of the International Research and Study Panel of the	Opening keynote speech	Chairperson (Pityana))

Date	Venue	Forum	Topic	SAHRC person/s
		International Assoc. for the Study of Forced Migration		
10-19/01/01	Gauteng Northwest Northern Prov. Northern Cape Mpumalanga	Subpoena Hearings		Commissioner McClain
11/01/01		Conference of the International Association for the study of forced Migration	Status Determination and the Individual Refugee	Dr. Z Majodina
16/01/01	Johannesburg	SAHRC	School Visits	Commissioner Nkeli and Deputy Chairperson (Mabusela)
22-24/01/2001	Dakar Senegal	The African Regional Preparatory meeting for the World Conference Against Racism, racial Discrimination, Xenophobia and	Read a statement on behalf of African National Institutions for the Promotion and Protection of Human Rights	Commissioner P Tlakula

Date	Venue	Forum	Topic	SAHRC person/s
		related intolerance		
20 – 25/01/01	Dakar, Senegal	Regional Preparatory Meeting	World Conference on Racism	Chairperson (Pityana)
23/01/01	Nelspruit	DPSA	CBR Project Training Workshop	Commissioner McClain Commissioner B Ngcobo
24-25/01/01	Johannesburg	CLCLASS	Social Security Conference	Commissioner McClain
24 –25/ 01/2001	Cedar Park	Social Security Committee	Transforming the Social Security System	Mabusela, McClain, Nkeli & Manthata
30/01/01	KZN	SAHRC	Subpoena Hearings	Commissioner McClain
31/01/01	Nelspruit	Human Rights Forum	Disability workshop	Commissioner McClain
1/02/01	Eastern Cape	SAHRC	Subpoena Hearings	Commissioner McClain
5/02/01	University of Pretoria	Opening Ceremony of the LLM	<i>Human Rights and Democratisation in Africa</i> – Guest Opening Speaker	Chairperson (Pityana)
6/02/01	Pretoria	CGE- District Workshop	Human Rights & Safety in Schools	Deputy Chairperson (Mabusela)
6-7/02/2001	Holocaust Centre Capetown	Conference on “Genocide and the Rwanda Experience: A South African- Rwanda Experience” organised by the	Healing Divided Societies-the Rwandan and South African Experience-what can we learn from one another.	Commissioner P Tlakula

Date	Venue	Forum	Topic	SAHRC person/s
		Capetown Holocaust Centre and Institute for Justice and Reconciliation.		
7/02/01	Nelspruit	MEC Safety and Mayor	HR Issues	Commissioner McClain
8/02/01	Nelspruit	Youth Commission	Human Rights Issues	Commissioner McClain
13/02/01	Pretoria	University of Pretoria human rights course	Judicial & non-judicial of human rights	Commissioner Jody Kollapen
21/03/01	Sharpeville	Human Rights Day	An Assessment of the human rights situation in South Africa	Commissioner Jody Kollapen
22-24/02/01	Kirstenbosch, Cape Town	Conference on Values, Education and Democracy in the 21 st Century	<i>On the Right Track? Whose Values, Whose Schools?</i> – response to Minister of Education’s comments.	Chairperson (Pityana)
22/02/01	Johannesburg	Department of Trade & Industry	Consumer Awards Ceremony	Commissioner McClain
22-24/02/2001	National Botanical Institute Kirstenbosch, South Africa	Saamtrek, Values, Education and Democracy in the 21 st Century	Revisiting Social Honour	Commissioner P Tlakula
26/02/01	PRETORIA	UNHCR Regional Symposium	<i>Maintaining the Civilian & Humanitarian character of Asylum, Refugee Status, Camps and other locations</i>	Dr Z Majodina
26-28/02/01	Nairobi, Kenya	WCC/AACC	Keynote Speaker	Chairperson (Pityana)

Date	Venue	Forum	Topic	SAHRC person/s
		Consultation on Racism Conference		
27/02/01	Pretoria	SA Federal Council on Disability and Disabled People of SA	Social Security Workshop	Commissioner Nkeli
27/02/2001	Alberton	Addressed the Sakekamer	Addressed the Afrikaanse Sakekamer on Human Rights issues	Commissioner Leon Wessels
27/02/2001	JHB	Participated with Justice Goldstone on a 702 programme	Participated with Justice Goldstone on a 702 programme regarding the latest development in International Tribunal circles at the Hague that rape is has been declared a crime against humanity.	<i>Commissioner Leon Wessels</i>
2/03/01	Cape Town	Joint Parliamentary Committee on the Status of Children Youth Disability	Child Rights – some areas of focus for the Committee	Deputy Chairperson (Mabusela)
9/03/01	Johannesburg	MEC Health Mpumalanga	Subpoena Hearings	Commissioner McClain
10/03/2001	Mmabatho Convention Centre North West Province	Rural Women Celebration organised by women in the North West	To Honour Mrs Tumi Plaatje-Molefe for her contribution in Nation Building in the North West Province	Commissioner P Tlakula

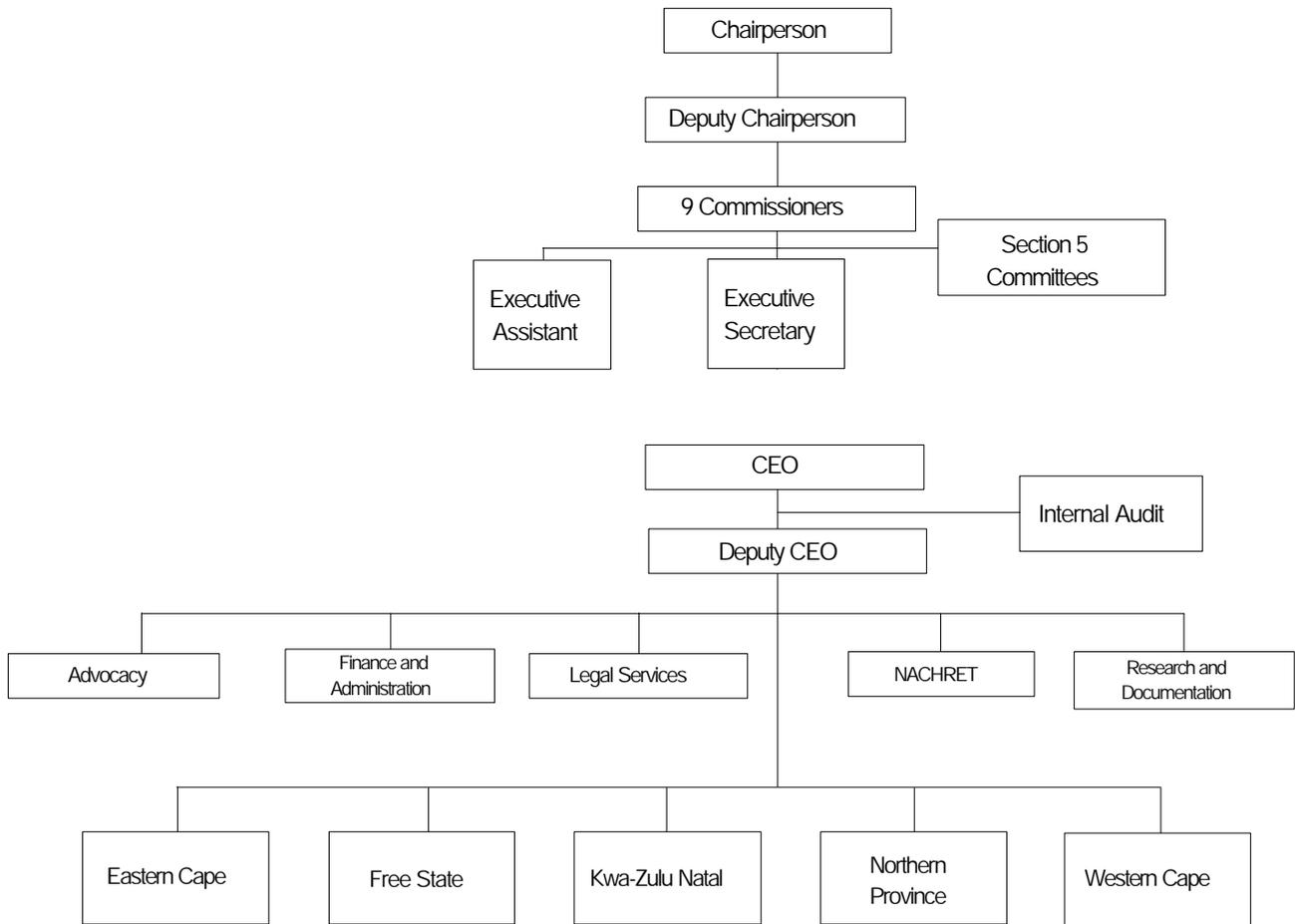
Date	Venue	Forum	Topic	SAHRC person/s
		Legislature.		
11-15/03/01	Germany	UN High Commissioner for Human Rights	Right to Food	Commissioner McClain
12 – 16/ 03/01	Lome, Togo	Coordinating Comm of National HR Institutions	3 rd Conference	Chairperson (Pityana), Deputy Chairperson (Mabusela) & CEO (Mokate)
14-16/03/01	Lome, Togo	3 rd Conference of African National Institutions for the Promotion and Protection of Human Rights	Opening Address on behalf of the Convenors	Chairperson (Pityana)
16/03/01	Nelspruit	House of Traditional Leaders	Training Workshop	Commissioner McClain
17/03/01	Nelspruit	Human Rights Forum	Meeting	Commissioner McClain
19-23/03/01	Free State	SAHRC	Human Rights Week	Commissioner Nkeli
19-23/03/01	London	SA High Commission SA Houses	Human Rights Day Celebration	Commissioner McClain
20/03/01	Pietersburg	Launch of the Pietersburg Justice Centre	Keynote Speaker	Chairperson (Pityana)

Date	Venue	Forum	Topic	SAHRC person/s
20/03/2001	Eastern Cape Province: Port- Elizabeth	Western Region Education Department: Focus on issues around Racism and Diversity during the first quarter of 2001.	Combating Racism in our schools.	Commissioner P Tlakula
21 – 26/ 03/01	Thesalonika, Greece	International Children & Broadcasting Forum	Monitoring and Evaluation	Deputy Chairperson (Mabusela)
23/03/01	Pretoria	UNISA Council	Bosberaad	Commissioner McClain.
26-28/03/01	University of Pretoria	Centre for Human Rights – Conference: The Future of the African Regional Human Rights System.	Session Chairperson	Chairperson (Pityana)
26 – 30/ 03/01	London	Commonwealth	Best Practice for Commonwealth Human Rights Institutions	Deputy Chairperson (Mabusela)
27/03/2001	JHB	Participated in a Conference	The Future of The African Regional Human Rights System	Commissioner Leon Wessels
27/03/01	University of Pretoria	Human Rights Course	Judicial & non-judicial of human rights	Commissioner Jody Kollapen

Date	Venue	Forum	Topic	SAHRC person/s
29/03/01	Cape Town	SAHRC	Constructing Law and Disability	Commissioner Nkeli
31/03-1/04/01	Cape Town	Office on the Status of Disabled People	Lekgotla of Disabled Peoples Organisations	Commissioner Nkeli

APPENDIX B

Organisational Structure of the Commission



APPENDIX C

SAHRC Publications

Reports

1. 2nd Economic & Social Rights Report 1998 ~ 1999 *
 2. Lindela - At the Crossroads for Detention and Repatriation December 2000 *
 3. Faultlines: Inquiry into Racism in the Media August 2000 *
 4. Towards a Focal Point for Children *
 5. National Conference on Racism - Research Papers *
 6. National Conference on Racism - Report on Provincial Consultative Process *
- * Available on SAHRC website: www.sahrc.org.za

Booklets

1. My Rights Your Rights ~ 11 official languages
2. Constitutional Law Case Summaries
3. National Conference on Racism - South African Millennium Statement and Programme of Action

Pamphlets

1. Protecting Your Rights ~ 11 official languages
2. National Conference on Racism 2000 ~ Afrikaans, Zulu, Sesotho, Tsonga, English
3. National Conference on Racism 2000 Exhibition
4. National Conference on Racism - South African Millennium Statement and Programme of Action ~ 11 official languages
5. National Conference on Racism 2000 - Final Report March 2001
6. Investigation into Racism in the Media
7. International Print Portfolio Exhibition

Posters

1. The Bill of Rights ~ 11 official languages
2. Child Rights are Human Rights
3. National Conference on Racism

Newsletters

1. Kopanong Vol 2 No 1 (Special Annual Report Issues) April 2000
2. Kopanong Vol 2 No 2 July 2000
3. Kopanong Vol 2 No 3 October 2000
4. Kopanong Vol 2 No 4 December 2000

APPENDIX D

SAHRC Complaints Form

Refer to <http://www.sahrc.org.za>

APPENDIX E

DATE	VISITOR
14 th January	Mr G Johannes Counsellor, SA Embassy, London, UK
8 th February	General Board of Global Ministries Committee on Elimination of Institutionalised Racism Delegation
8 th February	Dr Rupert Taylor Department of Political Studies University of the Witwatersrand
11 th February	SA Jewish Board of Deputies Delegation
28 th February	Mr Clem Sunter Anglo American
29 th February	Swedish Parliamentary Delegation
10 th May – 6 th June	Malawi Human Rights Commission Delegation
16 th May	Ms Francois Chapman Commonwealth Secretariat
2 nd June	Dr Jan Mulder Foundation for the New South Africa (Netherlands)
25 th July	Helen Granger The Star
14 th August	Afrikanerbond AgriSA ATKV Group 63
15 th August	Mr Fred Phaswana BP Southern Africa Dr Chris Gibson-Smith BP International
17 th August	Honourable Mbah Ndam Joseph Social Democratic Front, Cameroon

DATE	VISITOR
17 th August	Mr Chris McGreal Guardian (London)
21 st August	Ms Madhu Kishwar MANUSHI (HR organisation) India
22 nd August	Conflict Resolution Delegation (US)
4 th – 20 th September	Ugandan Human Rights Commission Delegation
26 th September	Mr Sirajuddin Yousaf Minister Plenipotentiary Embassy of the Rep. of Sudan
29 th September	Mr Martin Edijicke Rep from the UNHCHR
2 nd October	Ms Sarah Booker British High Commission
6 th – 9 th October	Ms Martha Mugambi Standing Committee on Human Rights (Kenya)
11 th October	International Human & Civil Rights Law Delegation (US)
13 th November	Dr Michael Berenbaum Author, Lecturer and former Project Director of the US Holocaust Memorial Museum, Washington, DC
14 th November	Mr Richard Carver International Council on Human Rights Policy
27 th November – 1 st December	Rwandan Human Rights Commission Delegation
27 th November	Mr P D Montwedi SA Embassy Geneva
10 th January 2001	Professors Reinecke & de Villiers Potchefstroom University
12 th January	Mr Morten Kjorum Danish Centre for Human Rights

DATE**VISITOR**

19th JanuaryMr Biong Deng
Regional Advisor for Southern Africa12th FebruaryGroup of visiting young
Aboriginal and non-Aboriginal Australians – organised by MRA
(Moral Re-Assessment)6th March

Congolese Rally for Democracy

APPENDIX F

Acknowledgements

The South African Human Rights Commission could not function as well without the support of many organisations and individuals who have not only given donations of money or concrete items such as books, venues or facilities but in some cases time and expertise. All these, combined with financial and other forms of support received from government departments, are greatly appreciated – we believe our partnerships have enhanced human rights development in our country. We would like to mention these valued supporters by name – and we would also like to take the opportunity of acknowledging the invaluable role played, often in the background, by staff at all levels at the Commission.

AusAid
BP (South Africa)
CIDA (Canadian International Development Agency)
Comair
European Union Foundation
Gumede family
HURISA (Human Rights Institute of South Africa)
Mondeor High School
NASOU- Via Afrika
OSF (The Open Society Foundation)
Pitje family
Radda Barnen
SAB (South African Breweries)
Standard Bank
The Golden Era Group
The Government of Finland
The Sowetan
The Venice Commission
Trustees of the SAHRC Trust
UNESCO (United Nations Educational, Scientific and Cultural Organisation)
UNICEF (United Nations Children's Fund)
USAID
Van Schaik Publishers

Supporters of the Roll Back Xenophobia Campaign:

All the refugee participants
Angie Kapelianis
Brett Davidson
Caroline Terrier
Chevon Erasmus
Gael Reagon
Hugh Masebenza
Imation South Africa
MuseuMAfrica
NIZA (The Netherlands Institute of Southern Africa)
Peter McKenzie of the Institute for the Advancement of Journalism
PictureNet Africa
PM Live
Shoki Sekele
The Durban Art Gallery
The Gauteng Department of Sports, Recreation, Arts and Culture
The Market Photography Workshop
Workshop facilitators for Africa Human Rights Day