



# Roles for different bodies

**The following State Institutions strengthen constitutional democracy in the republic:**

- The Public Protector
- The South African Human Rights Commission
- The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
- The Commission for Gender Equality
- The Auditor-General
- The Electoral Commission

## South African Human Rights Commission

The South African Human Rights Commission (SAHRC) is one of the State institutions in Chapter 9 of the Constitution of 1996, whose core functions in terms of section 184(1) of the Constitution are:

- to promote respect for human rights and a culture of human rights
- to monitor and assess the observance of human rights
- to promote the protection, development and attainment of human rights in South Africa.

### **The powers of the SAHRC in section 184(2) are:**

- to investigate and report on the observance of human rights
- to secure appropriate redress where human rights have been violated
- to carry out research and educate
- to raise awareness of human rights
- to request relevant organs of the State to submit reports on an annual basis on measures that they

have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, land, education and the environment.

## Public Protector

**This is one of the chapter 9 institutions in the Constitution. The functions of the Public Protector are:**

- to investigate complaints on conducts of bad administration, corruption, abuse of power, unfair behaviour and unreasonable delays when performing their public function against government officials
- to report and make recommendations to Parliament on the above investigations
- to take remedies on complaints reported.

If the conduct of a government official leads to an interference with the enjoyment of economic and social rights, one can approach the Public Protector and lay a complaint.

## Public Service Commission

**The Public Service Commission was established in terms of chapter 10 of the 1996 Constitution.**

**The functions of the Commission are to:**

- promote and maintain values and principles including:
  - high standard of professional ethics
  - efficient economic and effective use of resources
  - provision of services impartially, fairly, equitably and without bias
  - encouragement of public participation in policy making and immediate response to people's needs
  - public administration, which is broadly representative of South African people
  - cultivation of good human resource management and career development practices, to maximise human potential
- investigate complaints against public administration practices, monitor and evaluate the organisation and

administration, the personnel practices, of the public service

- propose measures to ensure effective and efficient performance within the public services
- report and give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in bullet point one above.

## Courts

Courts play a very important role in the interpretation and enforcement of economic and social rights. Lawyers, judges, adjudicators, bar associations and the legal community in general should, as much as reasonably necessary, pay more attention to the violation of these rights in their professions.

In terms of their professional obligation, lawyers have a very important role to play in the adequate protection of human rights and fundamental freedoms by providing legal services to victims of human rights violations and cooperating with governmental and other institutions in promoting justice and general interests of the public.



## Organs of Civil Societies

Non-governmental organisations have an important role in the promotion of all human rights at national, regional and international levels.

### The NGO's contribute in:

- Increasing public awareness of human rights issues
- Conducting of education, training and research in the field of human rights
- Promoting and protection of all human rights and fundamental freedoms
- Continuing dialogue and cooperation between governments and non-governmental organisations.

Civil society and its organisations can also play a role in the monitoring of economic and social rights through a SHADOW REPORT. A shadow report would give NGO's and CBO's an opportunity to submit an independent report to the SAHRC on real life problems that people experience in getting access to economic and social rights. Any one can contribute to the monitoring process of economic and social rights, by linking up with an NGO or CBO or trade union working on economic and social rights and submit information and comments to the SAHRC.