

# WESTERN CAPE PROVINCIAL PARLIAMENT



## CHAPTER NINE INSTITUTIONS

Constitution of the Republic of South Africa, 1996 (ss 181—194)

### What are Chapter 9 Institutions?

Chapter 9 of the Constitution of the Republic of South Africa, 1996 creates 6 independent state institutions. Their main task is to strengthen and protect constitutional democracy in South Africa by protecting the fundamental rights of all citizens that are entrenched in the Constitution. These institutions are subject only to the Constitution and the law.

These Chapter 9 institutions, as they are often called, are “protection mechanisms” designed to ensure that the government does its work properly and conducts itself in accordance with the Constitution. These institutions too have to account for their activities and performance at least once a year to the National Assembly.

### The Public Protector

The Public Protector receives and investigates complaints from the public against government agencies or officials, and has the power to recommend corrective action.

The Public Protector’s services are free and available to all, and if you lay a complaint your name will be kept confidential.

The Public Protector is subject only to the Constitution and the law and is independent of government and any political party.

No person or state department may interfere with the functioning of the Public Protector’s office.



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### The South African Human Rights Commission

The South African Human Rights Commission has the task of ensuring that the ideals expressed in the Constitution are enjoyed by all South Africans. They do this by:

- Addressing human rights violations and to seek remedies for such violations
- Monitoring and assessing how well human rights are being observed in South Africa
- Raising awareness of human rights issues among the public
- Educating and training the public about human rights.



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### The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL)

The functions of the Commission are to:

- promote respect for and further the protection of the rights of cultural, religious and linguistic communities;
- develop peace, friendship, humanity, tolerance and national unity among and within cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association;
- promote the right of communities to develop their historically diminished heritage.

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### The Commission for Gender Equality

The Commission for Gender Equality’s role is to advance gender equality in all spheres of society and make recommendations on any legislation affecting the status of women.

The Commission must promote respect for gender equality and the protection, development and attainment of gender equality.

The Commission aims to transform society by “exposing gender discrimination in laws, policies and practices.”

It also advocates changes in sexist attitudes and gender stereotypes, and strives to demonstrate that women’s rights are fundamental human rights.

Although the Commission acts in the interest of women generally, it pays particular attention to the most disadvantaged women—those living in rural and semi-urban areas.



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### The Auditor-General

The Auditor-General is responsible for auditing and reporting on the accounts, financial statements and financial management of all national and provincial state departments and administrations; all municipalities; and any other institution or accounting entity required by national or provincial legislation to be audited by the Auditor-General.

The Auditor-General may also audit and report on the accounts, financial statements and financial management of any institution funded from the National Revenue Fund or a Provincial Revenue Fund or by a municipality; or any institution that is authorized in terms of any law to receive money for a public purpose.



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### Independent Electoral Commission (IEC)

The Independent Electoral Commission is responsible for managing the elections of national, provincial and municipal legislative bodies in accordance with national legislation and ensuring that those elections are free and fair. It must also declare the results of those elections within the period prescribed by national legislation. Although publicly funded and accountable to Parliament, the IEC is independent of the government.

Section 5 of the Electoral Commission Act, 1996 requires that the IEC:

- compile and maintain a register of parties;
- undertake and promote research into electoral matters;
- promote voter education;
- appoint appropriate public administrations in any sphere of government to conduct elections when necessary;
- continuously review electoral laws and proposed electoral laws, and make recommendations.



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### Independent Communications Authority (ICASA)

A FURTHER INSTITUTION RECOGNISED TO PROMOTE DEMOCRACY

ICASA is an independent authority whose task it is to regulate broadcasting in the public interest, and to ensure fairness and a diversity of views broadly representing South African society.

The Authority also issues licenses to telecommunications and broadcasting service providers, enforces compliance with rules and regulations, protects consumers from unfair business practices and poor quality services, hears and decides on disputes and complaints brought against licensees and controls and manages the effective use of radio frequency spectrum.



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