



Letter to the Speaker of Parliament

Ms Baleka Mbete, MP
Speaker of the National Assembly

It gives us great pleasure to submit the Twelfth Annual Report of the South African Human Rights Commission for the period 1 April 2007 to 31 March 2008.

The report has been prepared based on the provisions of section 181(5) of the Constitution (Act 108 of 1996) and section 40 (1)(e) of the Public Finance Management Act (Act 1 of 1999).

Annexed to the Annual Report is the South African Human Rights Commission's report on the Promotion of Access to Information Act (PAIA) 2 of 2000 as necessitated by section 83 (1) and 84 of PAIA.



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Tseliso Thipanyane
Chief Executive Officer



Part 1: General Information

Vision

The South African Human Rights Commission – as a constitutional body that supports democracy – seeks to be an effective organisation for the promotion and protection of human rights; to be the focal point for human rights practice in South Africa; and to be accessible to everyone.

Mission

The South African Human Rights Commission is the national institution established to support constitutional democracy through the promotion and protection of human rights by:

- Raising awareness of human rights issues;
- Monitoring and assessing the observance of human rights;
 - Educating and training on human rights; and
- Addressing human rights violations and seeking redress

Legislative Mandate and Powers

The mandate of the South African Human Rights Commission (Commission) as contained in section 184 of the Constitution (Republic of South Africa Constitution Act No 108 of 1996) is as follows:

Section 184 (1): “The SA Human Rights Commission must -

- (a) promote respect for human rights and a culture of human rights;
- (b) promote the protection, development and attainment of human rights; and
- (c) monitor and assess the observance of human rights in the Republic.”

Section 184 (2): “The SA Human Rights Commission has the powers, as regulated by national legislation, necessary to perform its functions, including the power to -

- (a) investigate and to report on the observance of human rights;
- (b) take steps to secure appropriate redress where human rights have been violated;
- (c) carry out research; and
- (d) educate.

Section 184 (3): “Each year, the SA Human Rights Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.”

The South African Human Rights Commission also has specific obligations in terms of both the Promotion of Access to Information Act (PAIA) and the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA).

The overarching responsibilities in terms of these statutes are for the Commission to promote awareness of the statutes; to report to Parliament on matters relating to these statutes; and to develop recommendations on persisting challenges relating to these statutes and any necessary reform.



Abbreviations

APT:	Association for the Prevention of Torture
CEDAW:	Convention on the Elimination of All Forms of Discrimination Against Women
CEHRET:	Centre of Excellence for Human Rights Education and Training
CEO:	Chief Executive Officer
COMOUT:	Community Outreach and Advocacy Unit
CRC:	Convention on the Rights of the Child
CRPB:	United Nations Convention on the Rights of Persons with Disabilities
DCEO:	Deputy Chief Executive Officer
DoJ:	Department of Justice and Constitutional Development
DTI:	Department of Trade and Industry
GCIS:	Government Communications and Information Service
HIV/AIDS:	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
HR:	Human Resources
ICCPR:	International Convention on Civil and Political Rights
ICERD:	International Convention on the Elimination of All Forms of Racial Discrimination
ICRMW:	International Convention on the Rights of Migrant Workers
ICPED:	International Convention on the Protection of all Persons from Enforced Disappearance
ICT:	Information and Communication Technologies
MTEC:	Medium Term Expenditure Committee
MTEF:	Medium Term Expenditure Framework
OPCAT:	Optional Protocol to the Convention Against Torture and other Degrading and Inhuman Treatment
PAIA:	Promotion of Access to Information Act
PAJA:	Promotion of Just Administrative Action
PEPUDA:	Promotion of Equality and the Prevention of Unfair Discrimination Act
PFMA:	Public Finance Management Act
PLLTCM:	Parliamentary Liaison and Legislation and Treaty Body Monitoring
PPPFA:	Preferential Procurement Policy Framework Act
SAHRC:	South African Human Rights Commission
SAPS:	South African Police Service
SAPU:	South African Police Union
SARS:	South African Revenue Service



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Foreword



The South African Human Rights Commission is honoured to present, as it hereby does, its Annual Report for the period 2007/08. The width and the depth of the activities we have been engaged in attest to the increased demand for the Commission's services and it has already consolidated its place as a key institution in the promotion of our constitutional democracy.

In this regard, the Report of the Ad Hoc Committee on the Review of Chapter Nine Institutions compellingly affirms the role the Commission has played since its establishment both inside as well as outside of our borders. We have continued to focus on the twin challenges of poverty and equality and in the context of the former, have held major public inquiries on Farming Community, Health Care and Housing. Such inquiries have created the space for ordinary voices to be heard alongside those of policymakers and experts in the field. We also continue to utilise the Equality Courts in advancing issues of inequality and discrimination. We have succeeded in taking our work to deep and rural communities, including Skeilik in the North West, Vryheid in KwaZulu-Natal and Xolobeni in the Eastern Cape but recognise the need to intensify and enhance greater public access to the Commission.

We have done well in building and fostering relationships including with Parliament with the introduction of a Parliamentary newsletter aimed primarily at Parliamentarians, are part of the Network of African National Institutions Human Rights and have done well in fostering close working relationships with civil society. The longstanding partnership with the United Nations Office of the High Commissioner for Human Rights has resulted in joint activities including education and advocacy and this is likely to intensify with the appointment of Judge Pillay as High Commissioner for Human Rights.

The vacancy created by the resignation of Commissioner McClain-Nhlapo continues to remain unfilled, impacting on the capacity of the Commission to discharge its wide mandate. Filling this vacancy as well as giving attention to the other recommendations made by the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions will contribute to the greater effectiveness of the Commission.

The Commission has enhanced its work and relationship with the United Nations Human Rights System and apart from submitting reports to Treaty Bodies, we have also participated in the work of the Human Rights Council, the Universal Periodic Review and engaged with the Special Rapporteurs of the UN System. In this regard the ratification of the International Convention on the Rights of Persons with Disabilities creates opportunities for the greater advancement of the rights of this sector. We have also begun new and exciting work in the area of human rights and business recognising the need to engage non-State actors on their human rights obligations.

The Commission has strengthened partnerships with the African Human Rights system of human rights protection through the African Commission on Human and People's Rights. To this effect, the Commission participated in the 42nd session of the African Commission held in Congo, Brazzaville and has hosted commissioners and special rapporteurs from the African Commission in many of our public events.

While we continue to advance greater co-operation between Chapter Nine Institutions and some progress has been made, there remains much more that can be done in particular in the areas of advocacy and public education. The holding of a general election in the next few months will create further opportunities for co-operation.

Finally I would like to thank my fellow Commissioners, the Chief Executive Officer and all staff of the Commission who work tirelessly and with passion and dedication.

A handwritten signature in black ink, appearing to read 'Jody Kollapen', written over a light grey background.

Jody Kollapen
Chairperson



Introduction by the CEO (Accounting Officer)



It is with great pleasure that I submit the 2007/08 Annual Report of the South African Human Rights Commission to the National Assembly. The annual report provides an overview of the Commissions' performance in the 2007/08 financial year and outlines the opportunities for organisational development and improved performance in the year ahead.

Last year, the Commission adopted a five-year strategic plan, and it is against the broad set of objectives articulated in this plan that the work of the Commission for the past year has been measured. We at the Commission are proud of the strides we have made in fulfilling the mandate of the Commission as expressed in the South African Constitution.

The past year saw continued challenges to the promotion of respect, monitoring and protection of human rights, characterised by the complex environment within which SAHRC operates. These challenges include but are not limited to:

- Prevalent poverty, unemployment and the impairment of human dignity;
- Unequal treatment on the basis of various discriminatory grounds;
- Inadequate delivery of social services including

education, housing and social security amongst others;

- The undermining of a human rights culture through crime and violence, especially violence against women and children; and
- The impact of the HIV/Aids pandemic on life in South Africa.

We are pleased that Secretariat staff continue to work diligently to promote respect for, promote protection of and monitoring of human rights even within this challenging environment and remain proud of the growing contributions made by the Commission in the human rights community both nationally and internationally. Highlights of our contributions both nationally and internationally in the last financial year include:

National contributions

- Appropriate redress was found for complaints made to the Commission on a range of human rights violations;
- A co-ordinator for Human Rights and Crime was appointed who would provide support within the Commission to develop a human rights-based response to crime;
- The Commission was involved in a number of public hearings and inquiries on issues such as government service delivery, housing and farming matters;
- An e-learning programme on human rights was launched as part of the Commission's human rights training and public outreach and awareness activities;
- The Commission's submission to Parliament on body-searches and random drug testing in schools; and
- A number of submissions were made to Parliament through the Parliamentary Liaison and Legislation and Treaty Body Monitoring Programme regarding matters including corporal punishment, racial workplace discrimination, and body-searches and random drug testing on schools; and

- 33 equality courts were monitored to establish their effectiveness; and

International contributions

- The Commission presented an opening address at the roundtable discussion on “National Human Rights Institutions and their role in the promotion of transitional justice”; and
- Hosted study tours for 16 partners in the human rights field including the Human Rights Commission of Sierra Leone, Kenya Law Reform Commission, Woman International Affairs and Human Rights at the Ministry of Foreign Affairs of Iran; Zambia Human Rights Commission, etc.

Despite all of the above, the two robberies in our offices in late 2007 caused a major setback to the work of the Commission due to the loss of our server and several computers. The Commission has been able to institute several measures to address and overcome these incident and we are happy to announce that the Commission has sufficiently recovered and is back on track.

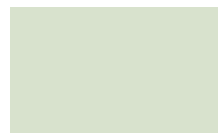
I would like to thank the Commissioners who continue to raise the profile of the Commission through their tireless

strategic interventions on human rights issues both nationally and internationally. Their participation in, and reporting to, regional and international human rights institutions and bodies continues to improve the confidence the public has in the quality of services, input and advice provided by the Commission on matters relating to human rights to both governmental and non-governmental actors.

I would like to conclude by reiterating our commitment to continue working with all our partners in the human rights field to ensure that we deliver human rights services in line with our constitutional mandate. We continue to appreciate the support given by these partners and look forward to collaborating successfully with them in the year ahead.



Tseliso Thipanyane
Chief Executive Officer



Information on the SAHRC

Indication of the Bills submitted to the legislature

The Commission, through the Parliamentary Liaison Legislation and Treaty Body Monitoring Programme has made the following submissions to Parliament during the financial period:

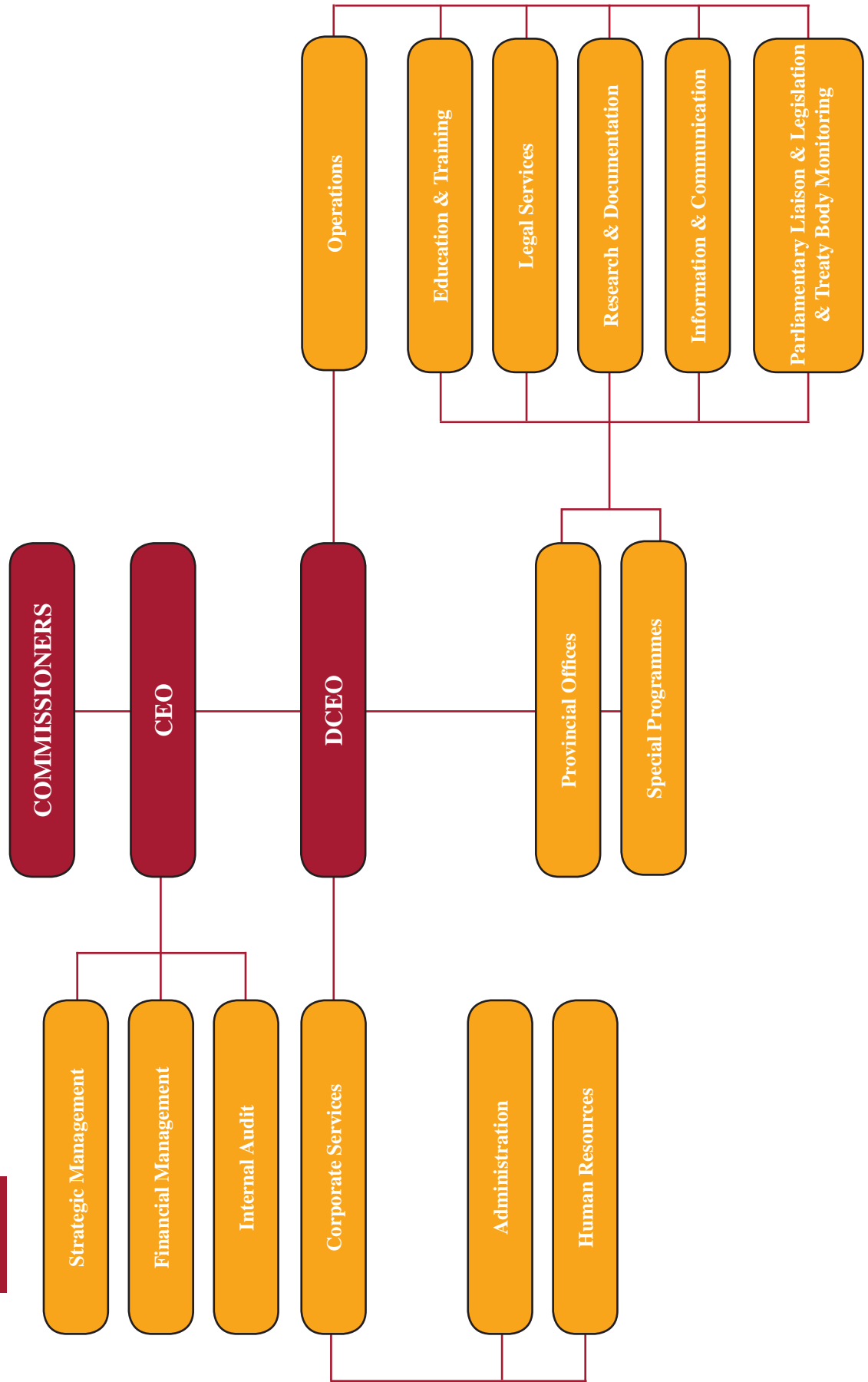
	Bill / Briefing	Government Department / Parliamentary Committee	Topic
1	Older Persons Act Regulations Written comments	Department of Social Development	Community based care and elder abuse
2	Education Laws Amendment Bill Written comments	Department of Education	Random body searches and drug testing
3	Criminal Law (Sentencing) Amendment Bill, written submission	Portfolio Committee Justice & Constitutional Development, NA	Minimum sentencing
4	Requested briefing	Select Committee on Security and Constitutional Development, NCOP	SAHRC Annual Report & Strategic Plan
5	Draft Refugee Act Amendment Bill, written comments	Department of Home Affairs	Various technical issues concerning refugee determination officers, children & persons with disability
6	Ministerial Review Commission of Intelligence, written submission	Minister for Intelligence Services	Intelligence & access to information
7	Public Hearings on Workplace Discrimination, written and oral submissions	Labour Portfolio Committee, NA	Racial discrimination in the workplace and the Equality Court
8	Children's Act Amendment Bill, written submission	Portfolio Committee, Social Development, NA	Corporal punishment
9	Fund for Victims of Violent Crime, Oral submission	Private Members Bill Committee	Fund for victims of crime
10	Correctional Services Act Amendment Bill, written submission	Correctional Services Portfolio Committee, NA	Judicial Inspectorate & definition of disability
11	Correctional Services Act Amendment Bill, oral submission	Correctional Services Portfolio Committee, NA	Judicial Inspectorate & definition of disability
12	Education Laws Amendment Bill, written & oral submissions	Education Portfolio Committee, NA	Random body searching and drug testing
13	Children's Act Amendment Bill, oral submission	Social Development Portfolio Committee, NA	Corporal Punishment
14	Inter-Parliamentary Union (IPU) Electoral Standards, Comment	Speaker of Parliament	IPU Declaration on Democracy & Electoral Standards
15	Policy process on the system of provincial and local government, written submission	Department of Provincial & Local Government	Provincial government structures & service delivery of economic and social rights
16	Older Persons Act Regulations, written comments	Department of Social Development	Various comments on drafting style, technical and legal aspects
17	15 th Constitutional Amendment Bill, written comments	Department of Justice & Constitutional Development	Floor crossing
18	Child Justice Bill, written & oral submissions	Justice & Constitutional Development Portfolio Committee	Diversion, restorative justice, child detention; education; criminal capacity; sentencing

Official visits abroad indicating the dates and purposes

Place	Date	Purpose
New York and Washington, USA	6–9 April 2007	Conference on regional standards and mechanisms to combat discrimination and to protect the rights of minorities
		Colloquium on Inter American Convention on Discrimination
		Presentation to the Hague: Migration Challenges in South Africa
London, UK	19–20 April 2007	First Annual Conference Against Torture
Montreal, Canada	01–06 May 2007	International Symposium- Human Rights Education for Social Change
London, UK	21–22 June 2007	Commonwealth Expert Group Meeting
Kigali, Rwanda	08–10 Oct 2007	6th Conference of African National HR Institutions
Italy	09–13 November 2007	United Nations Special Session on Children
Brazzaville, Congo	10–20 November 2007	42 nd Ordinary Session of the African Commission on Human and Peoples Rights
Portugal	15–17 November 2007	Africa Forum meeting
Geneva, Switzerland	24–28 November 2007	National human rights institutions/treaty body workshops (OPCAT)
Wellington, New Zealand	26–29 November 2007	5th international Conference of Information Commissioners
Senegal	04–07 February 2008	Africa Forum meeting
Netherlands	10–12 February 2008	Nelson Mandela Lecture
Atlanta, USA	27–29 February 2008	Carte Conference on Access to information
London, UK	17–18 March 2008	United Nations Periodic Review Mechanism of the Commonwealth Secretariat



MAP OF THE SAHRC STRUCTURE





Part 2: Programme Performance

Programme Performance

2.1 KEY MEASURABLE OBJECTIVES

To be an effective institution for the promotion and protection of human rights, the Commission pursues the following primary objectives:

- To promote human rights and contribute to developing a sustainable culture of human rights through education and training, community outreach and public awareness campaigns;
- To monitor human rights by providing comprehensive research and documentation mechanisms designed to advance and assess human rights, especially social and economic rights;
- To publicise and convey the role and work of the Commission to the general public via an integrated internal and external communications strategy;
- To promote a culture of accessibility, openness and transparency by promoting access to information, media engagements and establishing an integrated information management system;
- To advance human rights through legislation monitoring and assessing national compliance in relation to regional and international human rights treaties;
- To protect human rights by investigating individual and systemic complaints of human rights violations and provide appropriate redress;
- To entrench the Commission as the major resource and primary focal point for human rights promotion, protection and monitoring in the country;
- To be accessible and work in a collaborative manner with organs of State, Civil Society and other Chapter 9 institutions; and
- To advance the public and parliamentary accountability of the Commission's work and maximise the utilisation of public resources through sound strategic management and efficient financial and administrative systems and procedures.

2.2 INTRODUCTION OF PROGRAMMES

2.2.1 Commissioners

Commissioners lead in developing the vision of the institution, setting its priorities and ensuring that the policies,

programmes and resources allocated are consistent with its vision. This is done through, among others, exercising good corporate governance, and providing leadership and guidance on the professional work of the Commission. Commissioners also act as public representatives of the Commission at national and international fora, as well as in its interface with local communities and other stakeholders.

2.2.2 Office of the Chief Executive Officer

The main functions of the Office of the Chief Executive Officer include, among others, overseeing the implementation of the Commission's Strategic Business Plan, establishing and maintaining a good governance framework in collaboration with Commissioners, ensuring statutory compliance with the Constitution and other acts, adherence to the provisions of the Public Finance Management Act (PFMA) and Treasury Regulations, strategic leadership, risk management and national-provincial co-ordination and integration.

2.2.3 Corporate Services

Corporate Services houses the administrative and human resource support systems of the Commission. It consists of two main programmes, that is, Administration, and Human Resource Management.

2.2.4 Education and Training

The programme implements the promotional mandate of the Commission through education and training, community outreach, e-Learning and seminars, as well as public dialogues.

2.2.5 Legal Services

The Legal Services Programme implements the Commission's protection mandate and primarily deals with complaints of human rights violations in pursuance of redress; monitoring the agencies of the justice system and submitting recommendations; and conducting hearings and public inquiries.

2.2.6 Research and Documentation

The Research and Documentation Programme executes the research, monitoring and assessment mandates of the Commission and as such manages and implements most of the knowledge-generation processes within the Commission. This programme is responsible for the

monitoring and assessment of economic and social rights as well as implements the Commission's obligations under the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. It is also responsible for knowledge management and houses the library and documentation function of the Commission.

2.2.7 Parliamentary Liaison and Legislation and Treaty Body Monitoring

The work of the Programme includes parliamentary liaison and legislation monitoring at a national and provincial level. It also includes engaging with policy and legislative developments, advocacy and submission writing as well as conducting research to engage the Commission's obligations at an international treaty body level.

2.2.8 Information and Communications

This Programme serves as the Commission's information and communications hub. Its functions range from providing strategic information communications systems support to ensuring legislative compliance with the Promotion of Access to Information Act and the National Archives and Records Services Act.

2.2.9 Special Programmes

Co-ordinators: This sub-programme seeks to provide a more co-ordinated response to human rights challenges and advocacy needs in the identified vulnerable sectors of HIV/AIDS, older persons, non-nationals, children, crime, business and disAbility.

COMOUT: This sub-programme has been established to focus and direct the Commission's activities towards marginalised communities for a period of two years ending in 2008. It acts as a co-ordinating structure, working with the Programmes within the Commission as well as with organisations outside towards promoting access to justice.

2.3 OVERVIEW OF THE SERVICE DELIVERY ENVIRONMENT FOR 2007/08

The service delivery environment within which the SAHRC operates straddles all spheres of political, social, cultural and economic life in South Africa. This environment is thus complex and characterised by the following challenges:

- Poverty, unemployment and the impairment of human dignity
- Unequal treatment on the basis of various

discriminatory grounds

- Inadequate delivery of social services including education, housing, social security, water, etc.
- The undermining of a human rights culture through crime and violence, especially violence against women and children.
- The impact of the HIV/AIDS pandemic on life in South Africa.

Human Rights and Crime

The South African Human Rights Commission appointed a Co-ordinator for Human Rights and Crime to streamline, co-ordinate and drive the activities of the Commission in relation to human rights and crime, and to provide support within the Commission to develop a human rights-based response to crime. During the reporting period, the Commission actively participated in the drafting of the Implementation Plan to the Service Charter for Victims of Crime.

The Commission has, itself, been a victim of crime. Two armed robberies were experienced during the reporting period. This hampered the Commission's operations as servers were stolen during the second robbery.

Strikes against public service delivery

During the period under review, South Africa witnessed the longest and most protracted public sector strike since 1994. The health and education sectors were the most affected due to the absence of teachers and health professionals. The Commission's education and training work was also severely hampered as public sector workers constitute an important audience. Planned interventions such as training workshops, presentations, seminars, and other education awareness initiatives had to be postponed and in some circumstances, cancelled due to unavailability of public sector workers.

2.4 OVERVIEW OF THE ORGANISATIONAL ENVIRONMENT

The service delivery improvement programme of the Commission is diverse:

Corporate governance principles

Corporate governance principles are being entrenched as part of the continuous assessment of the Commission's performance against the Strategic Business Plan.



Programme Performance

Organisational review

Four studies on organisational efficiency have been completed in the 2006/07 financial year through the Civil Society Advocacy Project (CSAP) and some of its recommendations are reflected in the Strategic Business Plan.

The recommendations of the Training Development Needs and Assessment Report are being implemented together with an Employee Assistance Programme to provide for enhanced human resource practices within the Commission.

An open and transparent system of information sharing, communication and consultation is being implemented.

Electronic communications tools

Electronic systems for complaints and information management will be completed over this MTEF period, confirming the commitment of the Commission to use information management and communications technological systems to maximise operational efficiency.

The e-Learning Centre will also mature during this MTEF cycle putting the Commission at the cutting edge of education and training delivery.

An in-depth review of the legal services and research and monitoring function has been conducted in the 2007/08 financial year and its recommendations will be considered for future service delivery improvement programmes.

An IT audit has been completed and accepted recommendations were implemented in this MTEF cycle.

Administration

As a result of the loss of servers at Head Office due to the armed robberies, some information was lost due to failure to back up appropriately. This resulted in a loss of vital information which had to be re-captured in order to process orders and payments. Reconciliation was carried out and there were no duplicate payments made as a result of this lost information. Corrective measures have been implemented to ensure all relevant information is properly backed-up and stored off site.

Insurance

Efforts to bring down the insurance premium on Commission assets to the prescribed R250 000 has been a challenge. National Treasury did not approve an increase

to the prescribed premium. The Commission therefore removed cover from certain assets in order to remain within the prescribed premium. Other control measures which shift responsibility to officials will be introduced in the next financial year after necessary negotiations and consultation.

2.5 KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

During the year, there were a number of legislative developments that sought to protect vulnerable groups of persons. By the end of the period under review South Africa had passed new legislation that deals comprehensively with sexual offences, a regulatory framework for the protection of children and changes to education laws to protect children in schools. Substantial progress was made during the year to ensure that Regulations were drafted in order to give effect to the Older Persons Act which was passed in 2006.

Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007

Substantial portions of the much anticipated amendments to South Africa's sexual offences law finally came into effect on 16 December 2007. Some of these provisions included the new definition of rape, which includes the recognition of male rape; and a variety of further statutory sexual offences; including a number of specific sexual offences that can be perpetrated against children and persons with mental disabilities. The much debated and controversial sections of the Act relating to the compulsory HIV testing of alleged sexual offenders came into effect on 21 March 2008 together with the other portions of Chapter 5 of the Act which address services for victims of sexual offences. Chapter 6 which provides for the establishment of a national register for sex offenders was scheduled to come into effect on 16 June 2008

Children's Amendment Act 41 of 2007

The Children's Amendment Act provides the new statutory framework for providing parental care and foster care to children; provisions for early childhood development, the protection of children; and the regulatory framework for child and youth centres and drop-in centres. In order for some of the provisions of this Act to come into effect, regulations must now be drafted.

It was unfortunate that at the last moment, parliament's Social Development Portfolio Committee removed the

provisions from the Bill that would have prohibited the use of corporal punishment in the home. This provision would have ensured that children in South Africa would have been protected from all forms of corporal punishment in all aspects of their lives. Many civil society organisations and the Commission remain committed to ensuring a legislative framework that promotes positive and appropriate forms of discipline with the necessary support for parents and communities in which the constitutional rights of children, to be free from all forms of violence, are upheld and protected.

Developments in the area of education

The SAHRC sent a submission to the Department of Education and later another to Parliament's Education Portfolio Committee concerning legislation that sought to introduce random search-and-seizure of learners including body searches and drug testing in schools. The legislation, the Education Laws Amendment Act 31 of 2007 was signed into law on 21 December 2007. Whilst violence in schools and the prevalence of drugs are matters that may require bold interventions the Commission raised concerns with regards to: the balancing of rights; the respect for learners dignity; the impact of such provisions on the promotion of a culture of learning; and, questions as to which government officials are best placed to carry out these searches and drug tests.

The Commission briefed the Department of Education's Ministerial Review Committee on learner retention. This Committee has been established in order to better understand and respond to the phenomenon of school dropout rates in South Africa. The work of this committee falls squarely in line with the recommendations that the Commission made in its Right to Basic Education Report.

Older persons

The Commission continued its work in supporting the development of a legislative framework for older persons. During the year under review, the Commission assisted at workshops and meetings to facilitate comments on the Regulations to the Older Persons Act 13/2006. These Regulations had not been proclaimed by 31 March 2008. The Regulations are necessary in order to give effect to important parts of the Act; such as: the provision of services to older persons by third parties; training for home-based

carers; registration of facilities; service standards; protection of older persons; and, the keeping of a register of persons convicted of elder abuse

Legislation affected by the Doctors for Life Constitutional Court Case

It will be recalled that in August 2006 the Constitutional Court in the case *Doctors for Life International v Speaker of the National Assembly & Others* (Case CCT 12/2005) struck down two pieces of legislation due to parliament's failure to fulfil its constitutional obligation of ensuring adequate public participation in the passing of these Bills. During the year under review these two pieces of legislation went through the necessary public participation processes and were passed into law. The Traditional Health Practitioners Act 22 of 2007 which provides for a regulatory framework that gives statutory recognition to traditional health practitioners was finalised. By being provided with statutory recognition sangomas may now issue sick notes to employees provided these comply with the Basic Conditions of Employment Act. The Choice on Termination of Pregnancy Amendment Act 1 of 2008 was also passed.

A number of pieces of amendment legislation were processed through parliament and passed during the year. A number of these may impact on human rights, and include:

- Immigration Amendment Act 3 of 2007
- Repeal of Black Administration Act and Amendment of Certain Laws Amendment Act 13 of 2007
- Housing Consumers Protection Measures Amendment Act 17 of 2007
- Constitution Thirteenth Amendment Act of 23 of 2007
- Cross-boundary Municipalities Laws Repealed and Related Matters Amendment Act 24 of 2007
- Criminal Law (Sentencing) Amendment Act 38 of 2007 (minimum sentencing)
- Rental Housing Amendment Act 43 of 2007
- Tobacco Products Control Amendment Act 23 of 2007



Programme Performance

2.6 Commissioners

Purpose

Commissioners provide guidance in developing the vision of the institution, setting its priorities and ensuring that the policies, programmes and resources allocated are consistent with its vision. This is done through exercising good corporate governance and providing leadership and guidance on the professional work of the Commission.

Measurable objectives

- To raise the profile of the Commission by engaging with appropriate stakeholders, including ministries, government and civil society.
- To make strategic interventions and provide leadership in relation to human rights issues.
- To respond to human rights issues within communities.
- To represent the Commission and its interest in human rights initiatives.
- To develop human rights-related and organisational policies.

Service Delivery Objectives and Indicators

Commissioners undertake provincial visits, preside over public hearings, inquiries and mediations and represent the Commission both nationally and internationally within the human rights community.

Commissioners aim to develop the Commission as a resource and focal point for human rights through raising the profile of the Commission and making strategic interventions on human rights issues. This includes national, regional and international liaison; presentations, networking and advocacy; policy development; and legislation monitoring and compliance.

Raising the profile of the Commission

Commissioners have appeared before and briefed Parliament and its various committees on their work, and met with political figureheads, such as Ministers, Deputy Ministers, Premiers, and Mayors on their work in order to seek closer collaboration. In particular, Commissioners have also met with the Deputy Minister of Justice and Constitutional Development on seeking different ways on improving relationships between the Commission and the Justice and Constitutional Development Ministry.

Commissioners provide leadership by interacting and advance partnerships with civil society structures. They have also worked closely with UN agencies inside and outside the country by acting as a resource to countries that seek the Commissioners' collective experience and assistance in training programmes for commissioners and staff of other national human rights institutions. In this regard Commissioners have met with United Nations Special Rapporteurs, Miloon Kothari (housing) and Martin Scheinin (measures to combat terrorism). Commissioners have participated in seminars and conferences hosted jointly with the office of the High Commissioner for Human Rights.

In addition, Commissioners have hosted and attended meetings with other Chapter 9 Institutions in order to advance greater co-operation and co-ordination. The Commissioners have participated on the South African National Aids Council and meets regularly with the South African and International NGOs.

Commissioners also participated in and presented at various seminars and conferences inside and outside the country. Significant ones include the Conference on the *Optional Protocol to the Convention against Torture (OPCAT)* in the African Region: Challenges of Implementation, as well as the International Conference to commemorate the 60th Anniversary of the Universal Declaration of Human Rights in Geneva, Switzerland. The Commissioners have also attended the Disability Convention in Cape Town organised to discuss the International Convention affirming the rights of people living with disabilities.

Commissioners have made presentations on equality, voluntary association, cultural liberty and human rights and presented at a constitutional law workshop for lawyers, judges and academics in KwaZulu-Natal.

With regard to the Commission's work on PAIA, Commissioners have undergone a PAIA study tour to Australia and attended an International Conference in New Zealand. Commissioners have also attended various audits with the PAIA Programme in the Western Cape, KwaZulu-Natal, Limpopo, North West and Gauteng.

Making Strategic Interventions and Leadership on Human Rights Issues

Commissioners provided guidance in three significant inquiries: Public Hearing on the Inquiry into the Right to have Access to Health Care Services; Public Hearing into Progress Made in terms of Land Tenure Security, Safety and Labour Relations in Farming Communities since 2003 and the Public Hearing into Evictions, Repossessions and Housing. This includes providing guidance and leadership in the conception of the inquiry, presiding over the public hearings and contributing to the preparation and finalisation of the Inquiry Reports.

The Commission chaired both the Open Panel Discussion on the issues surrounding the Forum for Black Journalists as well as the seminar on the Impact of the Exercise of the Right to Strike on the Rights to Education and Access to Health Care Services.

Commissioners have written media articles, appeared on numerous radio, television and print media interventions to ensure that the Commission enjoys a positive media profile.

They have also assisted in the complaints-handling process including appeals, presided over mediations and subpoena hearings and worked closely in mentoring the legal staff of the Commission. Commissioners have also played a central role in many of the seminars and dialogues convened by the Commission.

Commissioners continue to serve on the boards of both state and non-state structures such as the international human rights bodies of the United Nations, University Councils and NGOs where they employ their knowledge and expertise.

Responding to Human Rights Issues within Communities

Commissioners have undertaken visits on a regular basis

and intervened in human rights situations across the country. This has included visiting areas such as Skielik in the North West Province to address issues and to meet with various role-players in the area. They have also visited Vryheid in KwaZulu-Natal to receive a petition from farm workers regarding the conditions under which they work and live. Commissioners have also met with key stakeholders regarding proposed mining development in Xolobeni, in the Eastern Cape, and thereafter conducted on-site inspection. The Commissioners have also met with NGOs such as the Rate Payers Association and Land Access Movement of South Africa (LAMOSA) prior to the Public Hearing into Housing, Evictions and Repossessions. Such visits allowed the Commission to monitor human rights, mediate in conflicts and generally ensured the visibility of the Commissions in situations where it was needed.

In addition, Commissioners also responded to requests for advice, expertise and input from government departments, academic institutions, other regulatory bodies and the legal profession. In line with the above the Commission has argued the *amicus curiae* brief in the Roberts matter in the High Court in Pretoria.

Representing the Commission and its interest in human rights initiatives

Commissioners represented the Commission and presented a paper at the Conference of African National Human Rights Institutions in Kigali, Rwanda. They have also made a presentation to the South African Human Rights Trust (SAHRIT) on "The role of NHRIs on Civil and Political Rights".

Developing human rights-related and organisational policies

Commissioners have considered and approved a number of organisational policy-related proposals submitted by the CEO.



Programme Performance

Sub - programme	Outputs	Output performance measures/service delivery Indicators	Actual performance against target	
			Target	Actual
Commissioners	Good corporate governance	As per good governance charter and checklist % Alignment of activities with strategic objectives	Full compliance 100% alignment	Full compliance 100% alignment
	Raising profile of Commissions	Number, quality and extent of strategic interventions	Monthly	Achieved
	Chair and oversee public hearings, appeals and focus areas; assist in workshops and complaints handling	Quality of oversight and leadership/ alignment with strategic objectives Appeals turnaround time/ Number	Meeting minimum requirements as per stated objectives As requested	Achieved
	Interventions (including media) on human rights focus areas	Number of interventions on child rights, disability, older persons, non-nationals, HIV/AIDS, crime, business and equality	Weekly	Achieved
	Community interventions and monitoring service delivery	Number of community visits Number of reports/notes submitted to relevant duty bearers	Fortnightly Fortnightly	Achieved Achieved
	Representing Commission	Speeches, articles and papers	Fortnightly	Achieved
	Human rights policy development	Number of adopted policies on agreed areas	1 Month after decision/ agreement	Achieved

2.7 Office of the CEO

2.7.1 Strategic Management

Purpose

The strategic management programme's main function is to formulate, implement and evaluate cross-functional decisions that will enable the Commission to achieve its objectives. This entails specifying the Commission's annual strategic objectives, developing plans and policies to achieve these objectives, and allocating resources to implement the policies and plans.

Measurable objectives

The main objective of strategic management is the integration of the activities of the various functional areas of the Commission through the following:

- Assessment of the internal and external environment of the Commission;
- Facilitating the crafting of corporate objectives (financial, strategic and tactical) based on assessment on the commissions environment;

- Allocation and management of resources (human, financial and technological) to meet corporate objectives;
- Establishment of a structure through which to assign responsibility for specific tasks required to meet the Commissions objectives;
- Monitoring and evaluation of the efficacy and efficiency of work processes;
- Managing work process compliance to statutory legislation; and
- Managing the expectations of stakeholders with regard to expected risks and outcomes.

Service delivery objectives and indicators

In fulfilling the above functional mandate, the Office of the CEO has made the following strides:

- To ensure Statutory and Legislative compliance in the work processes of the Commission, the CEO attended 4 audit committee meetings, employed a Chief Internal Auditor and renewed the contract with PriceWaterHouse Coopers and Xabiso for provision of audit services for the financial year

ending March 2008. The CEO also fulfilled the following statutory compliance obligations:

- i) Signed off on expenditure statements sent to the National Treasury office monthly;
 - ii) Attended annual parliamentary hearings before the portfolio committee on Justice and Constitutional Development; and
 - iii) Attended regular Legal Committee meetings.
- The office of the CEO also successfully convened 4 plenary sessions and a strategic planning workshop for the secretariat which led to the development of a strategic business plan (2007/08–2009/10) on which the Commission would base its operations for the coming three years.
The CEO also attends bi-weekly meetings with the Commissioners and chairs bi-weekly meetings with senior management staff to report on and determine progress of the Commission’s programme service delivery against the strategic plan.
 - With regard to National and Provincial Co-ordination, the highlight for this year has been the opening of the North West provincial office and the finalisation of plans to open the Gauteng provincial office in the first quarter of the next financial year.
 - The office of the CEO also liaises with a number of stakeholders both nationally, regionally and internationally each year in an effort to improve strategic relations with human rights partners. Of note this year has been the participation of the CEO in the 6th Annual Conference of Human Rights institution held in Kigali, Rwanda and the Commonwealth Forum for Human Rights in

Kampala, Uganda. There are also a number of partnership agreement obligations that the CEO fulfilled in this financial year, which include:

- i) Lecturing at the South African National Defence Force on Human Rights and National Security;
 - ii) Defining the Commissions working relationship with the National Business Initiative;
 - iii) Participation in Chapter 9 institution forum meetings; and
 - iv) Presentation of papers and key-note addresses on human rights issues by invitation of several national and international human rights partners, such as the United Nations Development Programme – “Fighting poverty from the grassroots”; and the African Institute for Corporate Citizenship – “Corporate reporting on Human Rights and International Human Standards”.
- To favourably position the Commission both nationally the CEO held a number of interviews with National and International members of the press on issues, including the demarcation of Matatiele from KZN (East Coast radio), Homosexuality and Hate Crimes (Munhwa Broadcasting Corporation of South Korea), Poverty Conference – “Fighting poverty from the Grassroots” (Morning Live - SABC), Hate Crimes (Rights and Recourse – SABC), Service delivery (the Star newspaper), Public Service Strikes (Lesedi FM), and the NAPWA sit-in at the Commission (SAfm, Bush Radio, Igagasi fm, and Sakhisizwe Community Radio).



Programme Performance

Sub - programme	Outputs	Output performance measures/service delivery Indicators	Actual performance against target	
			Target	Actual
Strategic Management	Legislative and Statutory compliance	Number/ Level of compliance	Monthly reviews 100% compliance	Achieved
	Implementation of Strategic Plan	Number and scope of meetings	<ul style="list-style-type: none"> • Monthly reports • Quarterly reports • Ongoing reviews 	Achieved
	Liaison with stakeholders	Number/Frequency of collaborative agreements/projects	Monthly	Achieved
	National and provincial co - ordination	Number of interventions	Monthly	Achieved
	Favourable positioning of Commission	Response to request/ number of speeches, talks	Respond to 80% of agreed upon requests	Achieved: <ul style="list-style-type: none"> • 19 Speeches • 58 Strategic Interventions • 57 Media Interventions The CEO presents an annual lecture at the South African National Defence College.

2.7.2 Financial Management

Purpose

This programme deals with budgeting, payments processing and financial reporting. Its main functions include statutory compliance to the provisions of the Public Finance Management Act 1 of 1999 (PFMA), Treasury Regulations and the financial systems and policies of the Commission.

Measurable objectives

The main objective of this programme is the improvement of financial management and the rendering of support services to the organisation as a whole through:

- Budgeting process and budget implementation and controls;
- Timely, accurate and reliable financial reports;
- Effective financial and internal controls;
- Anti-corruption and fraud prevention measures;
- Processing payments and reconciling financial accounts; and
- Processing and reconciling payroll.

Service delivery objectives and indicators

Framework for legislative statutory compliance

A high level of compliance with the Public Finance Management Act and Treasury regulations was observed. Monthly expenditure reports for April 2007–March 2008 were submitted to National Treasury.

Strategic reviews and compliance to strategic objectives

Monthly and quarterly reviews of Programmes' expenditure against budget were conducted and these processes contributed to the regular strategic reviews to ensure adherence to the Strategic Plan.

Budget submission for the Medium Term Expenditure Framework (MTEF) period 2008/09–2010/11 was compiled and submitted to National Treasury on 10 August 2007. Additional funds for the MTEF period were as follows:

2008/09	2009/10	2010/11
R14 million	R10 million	R11 million

The above additional funds were requested to cater for the following options:

- Establishment of the Equality Programme.
- Promotion of human rights, especially preventing discrimination, racism and xenophobia, during 2010 FIFA world cup.
- Development of Information and Communication Technologies and improvements of the systems of the Commission.
- Job evaluations (Salaries review structure).

The Commission appeared before the Medium Term Expenditure Committee (MTEC) on 3 September 2007 for budget hearings. However, no additional funds were recommended for the above options. Despite numerous motivations, the Commission's requests for funding were turned down. This poses continuous challenges as it impacts on the Commission's ability to adequately fulfil our mandate.

Risk assessment and management

The Commission recognises the importance of risk management in ensuring that its objectives are achieved. A risk assessment was conducted and a risk profile updated for the period under review.

A decision to discuss risk management in both Executive and Audit Committee meetings was taken and is implemented. The Risk Management Committee was appointed and has been delegated to play oversight role on the Enterprise Wide Risk Management activities.

Internal Audit Function

The Internal Audit Activity for 2007/08 was outsourced to PriceWaterhouseCoopers and Xabiso Consortium. The contract with PriceWaterhouseCoopers and Xabiso Consortium expired in June 2008 and in November 2007, the Commission secured the services of a Chief Audit Executive to carry over the responsibilities previously performed by the Consortium.

Functioning Audit Committee

The Commission's Audit Committee continues to function and has met at least four times during the period under review.

Progress with addressing issues raised by Auditor-General in his report for 2006/07 financial year

The following matters were raised on the report of the Auditor General to Parliament on the report of the financial statements of the South African Human Rights Commission.

(a) Internal control

1. Material non-compliance with rules and regulations were due to a lack of monitoring of compliance with policies and procedures as well as poor governance structures.

Management's comments

Proper monitoring of compliance with policies and procedures is being monitored on a daily basis.

2. The internal audit function was not assessed as a result of a lack of monitoring of compliance with the audit committee charter.

Management comments:

As stated on the report of the audit committee, the evaluation of the internal audit function was performed by the committee when considering the progress reports submitted by the internal audit consortium.

3. Due to lack of technically competent staff in the finance department, material adjustments were made to the financial statements.

Management's comments

Staff in the Finance Programme attended training on Generally Accepted Accounting Practices during February 2008, to enable them to deal with matters that are of technical nature when preparing the annual financial statements.



Programme Performance

(b) Non-compliance with applicable legislation

In terms of Treasury Regulations 12.1.2, the accounting officer of an institution may (if deemed economical and based on a risk assessment) insure motor vehicles, including hired vehicles, or such other movable assets determined by the relevant treasury, but the insurance premium cost may not exceed R250 000 a year on that vote, unless otherwise approved by the relevant treasury.

Management's comments

The Commission has re-evaluated its assets with a view to obtaining a reduced premium. All non-essential assets, such as furniture and computers/equipment below R5 000.00 have not been insured in order to reduce the insurance costs. However the insurance cost for 2007/08 amount to R255 427.99 and thus the Commission has committed an unauthorised expenditure of R5 417.99.

(c) Matters of Governance

1. Treasury Regulation 17.3.1 prescribes that institutions may not amend existing or institute new computerised systems that will affect the financial administration without the prior written approval of the National Treasury.

Prior approval was not obtained from National Treasury for upgrading the financial system.

Management's comments

A submission to seek condonation to approve the upgrade of financial system currently in use has

been made to National Treasury during 2007/08 financial year and the approval have been granted.

2. In terms of Treasury Regulation 14.3.1, the accounting officer must, for each separate portion of trust money, open and maintain a separate bank account, called a trust account; assign to the trust account a name or title that clearly identifies the account; maintain separate accounting records for each trust account, of the transactions, including investment transactions, undertaken; and annually prepare separate annual financial statements that comply with generally accepted accounting practice.

Separate annual financial statements for the trust were not prepared however the trust was inactive during the financial year. The Commission was in the process of dissolving the trust.

Management's comments

Approval has been granted by the Master of High Court to dissolve the trust account.

3. Material corrections were made to the annual financial statements to adjust the expenses initially overstated.

Management's comments

The relevant staff in finance attended training on Generally Accepted Accounting Practices and this matter was clarified during training.

Sub-programme	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Financial Management	Framework for legislative statutory compliance	Meeting statutory requirements % compliance with PFMA checklist	100% compliance	Achieved: Monthly expenditure reports for April–March submitted to National Treasury on the 15 th of each month
	Strategic review	Compliance with Strategic Business Plan	80–100% compliance	Achieved
	Risk assessment and management	Effective risk assessment and management	Bi-annually	Achieved
	Internal Audit Function	Functional internal audit	Regular audits	Achieved: The Internal Auditors commenced with the audit on 17 September 2007 and finalised in February 2008
	Functioning Audit Committee	Number of meetings Number of advisories	Four (4) per year As required	Achieved: 4 Meetings were held with the Audit Committee members
	External Audit function	Unqualified audit report	As per the date of audit as determined by the Auditor General	Not Achieved: Qualified audit opinion on property, plant and equipment.
	Financial Management and Administration systems	Compliance with statutory requirements	Monthly/Quarterly	Achieved: Monthly reports submitted to National Treasury

2.8. Corporate Services

Purpose

Corporate services houses the administrative and human resources support systems of the Commission. It consists of two main Programmes, Administration and Human Resources Management.

Measurable objectives

- To develop and maintain efficient administrative systems;
- To provide administrative and logistical support to the operations of the Commission, nationally and provincially;
- To develop a comprehensive human resource service within the Commission;
- To ensure that the Commission manages an efficient compensation system;
- To implement staff development initiatives;
- To promote sound employee relations and ensure compliance with relevant labour legislation; and
- To provide efficient Human Resources administration and management.

Service delivery objectives and indicators

2.8.1 Human Resources

The Human Resources Programme has developed a strategic plan with a view to aligning human resources (HR) strategic objectives with operational and organisational planning processes.

Policies and Procedures

The Commission has developed and approved thirteen (13) human resources policies, and introduced a new performance management system. The Commission has also embarked on human resources road shows where staff members were familiarised with the policies, procedures and the HR systems.

Organisational Development

Given the phenomenal growth in terms of operations and staff complement of the Commission, more than forty (40) positions were evaluated towards the end of the 2006/07 financial period and a report was tabled with specific recommendation for consideration.



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The Commission has also been in consultation with stakeholders, particularly the National Education Health and Allied Workers Union (NEHAWU), which is the recognised trade union, to look into ways through which the report may be implemented. There have been further engagements with the Union to revisit some aspects of the Recognition Agreement with the Commission. This was done as part of good practice and with a view to establishing good employment relationships.

There were further studies regarding organisational development, where an organisational review exercise is conducted to give meaning to the transformation process. For this purpose, a Transformation Committee has been appointed to spearhead the process. So far, a survey questionnaire has been developed and disseminated to learn more from staff members about the direction the Commission is taking, so that intervention mechanisms can be developed. The organisation-wide briefing document has also been developed to layout the direction for the transformation process.

Occupational Health and Safety

Another significant development has been the process of appointing an Occupational Health and Safety consultant to audit the health and safety status of all of the Commission offices. This was followed by the appointment of a Health and Safety Committee which is tasked with the responsibility of overlooking health and safety matters in the Commission. Furthermore, a health and safety policy has been drafted and is currently being reviewed. Because by definition this policy has implications to public health, the appointed consultant will further advice on how the policy may be developed. The implementation of these processes will take shape in the financial year 2008/09.

Employee Relations

Legislative compliance

1. Employment Equity Plan

The Human Resource Programme has developed an Employment Equity Plan for 2008–2012, which has been incorporated into the Talent Engagement strategy. In the process, there has been intense consultation with all stakeholders. This plan aims to achieve equity and fairness to ensure that designated groups are prioritised in the employment and promotion.

2. Employment Equity

In compliance with labour legislation, an Employment Equity Report has been submitted to the Department of Labour during the period under review.

3. Compliance with the display of legislation summaries

The programme embarked on the process to examine whether the Commission is compliant with the display of legislation summaries. It was established that such was not done sufficiently. Hence, a process of acquiring charts from the government was initiated.

Training and Development

As part of in-house capacity building, the Commission has trained 65.2% staff members, of which 63.6% are females. Most of the training and staff development conducted were largely on service delivery and Human Resources Management. Almost all or the majority of categories of employment were trained. The following training sessions were conducted:

1. Corporate Governance
2. Human Resources Management
3. Customer Services
4. Strategic Management
5. Legal Drafting
6. Monitoring and Evaluation
7. Disciplinary Skills
8. Legislative Drafting
9. Excel Training
10. GAAP training

Human Resources

New internal controls to ensure accuracy and reliability of staff information concerning leave and staff register were developed and implemented. Further, a number of HR administrative processes were developed including checklists for recruitment and selection, registry on all salary advances and study loans issued, and performance appraisals management programmes to ensure smooth running of the process from beginning to end. The staff complement has also been increased to address some HR administrative challenges.

Sub-programme	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Human Resources	Compensation Management	Monthly processes	Monthly processes	Achieved: Monthly processing
	Capacity Building and Development	50% of staff trained	50% of staff trained	Achieved: 65.2 % of staff members were trained. Of this 65.2%, 63.6 % were females
	Safety, Health and Welfare	Full compliance	Full compliance	Not achieved: Work in Progress
	Employee Relations	Full compliance	Full Compliance	Achieved: - 13 HR Policies were implemented Employment Equity Report submitted as prescribed by the Employment Equity Act - Employment Equity Plan 2008 – 2012 has been developed
	HR Administration	Monthly updates and reviews	Monthly updates and reviews	Achieved: New Internal controls to ensure accuracy and reliability of staff information concerning among other things leave and staff complement were developed and implemented

2.8.2 Administration

Supply Chain Management

Compliance with legislation and regulations in terms of reporting has been achieved. However, there were problems in obtaining tax clearance certificates from service providers who qualify in terms of the Preferential Procurement Policy Framework Act (PPPFA) but were not registered with the South African Revenue Service. Invitations for new service providers, to register on the Commission's database, were published and 33 new service providers have been added to the register. A tender for the upgrade of the video conference equipment was finalised in terms of the Supply Chain Management prescripts. The Bid Evaluation and Adjudication Committees were appointed to evaluate the bids in terms of the policy. The Supply Chain Management Policy was revised to be in line with National Treasury guidelines.

Building and facilities management

New offices were acquired in East London for the Eastern Cape Provincial Office. The process, however, has been

difficult as the new office space identified did not provide access to persons living with disability. To mitigate this, arrangements are in hand to provide the necessary accessibility. This has resulted in the lease being tied down for five years in order to cater for the accessibility process. The North West Office was established in Rustenburg in June 2007.

The Commission experienced two armed robberies at head office, Johannesburg and an attempted break-in at the Northern Cape office. As a result security has had to be upgraded both at head office and all provincial offices. The servers at head office were upgraded at the beginning of the financial year but were stolen in July 2007 by armed robbers who broke into our offices and held some employees hostage.

Asset Management

The insurance premium for assets was reviewed to be in line with the regulated maximum of R250 000 per annum. National Treasury did not approve an increase in the premiums to be paid. As a result, certain assets were



Programme Performance

removed from the insurance register. Verification of assets was conducted, however, a sizeable amount of assets were stolen during the two robberies in July and August 2007. All assets have been listed on the Commission's asset register.

An asset verification exercise was undertaken and it showed that no assets were lost due to staff negligence. However, due to the robberies, the Commission lost servers and CCTV cameras. These items required replacement in order to avoid compromising the Commission's work. As a result security has upgraded in all provinces with up-to-date facilities to ensure the protection of staff and assets.

Maintenance of inventories

The armed robberies posed some budgetary constraints in meeting all the Commission's needs. However, the year ended on a positive note as most office equipment and furniture had been acquired and/or replaced in order to have well-equipped and functional offices.

Management of capital expenditure

This was achieved within the budgetary provisions.

Sub-programme	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Administration	Supply Chain Management	Compliance with legislation and regulations	Monthly reviews	Achieved: Reports for orders in excess R100 000 were submitted to National Treasury
	Building and facilities	Maintenance and Development of facilities	Weekly audits and processes	Achieved
	Asset Management	Up to date fixed asset register	Quarterly reviews	Partially achieved. All assets tagged and bar coded. Assets register in place and other aspects of asset management to be finalised in the new financial year.
	Maintenance of inventories	Well equipped and functional offices	Monthly audits and processes	Achieved
	Management of Capital expenditure	Well equipped and functional facilities	Monthly audits and reviews	Achieved

2.9 Education, Training and Public Awareness

Purpose

The programme implements the promotional mandate of the Commission through education and training, community outreach, public awareness campaigns and advocacy initiatives. Implementation of this programme is through three sub-programmes: Education and Training; Advocacy, Public Awareness and Community Outreach; and e-Learning.

Measurable Objectives

- To conduct training, workshops, seminars, presentations and capacity building programmes

on equality, economic and social rights, promotion of access to information, farming communities and the Commission's focus areas. Respond to requests for training from organisations and communities.

- To provide in-house capacity building for the Commission on the equality legislation, access to information and general human rights themes and training methodology.
- To ensure the institutionalisation of human rights education and provide a system of quality assurance in the education and training programmes of the Commission.
- To implement human rights education projects

in line with the strategic objectives of the Commission, nationally and regionally.

- To conduct community outreach and awareness programmes.
- To develop appropriate human rights education and training material.
- To develop and implement an e-Learning blueprint for the Commission.
- To develop and execute the Commission's e-Learning strategies in line with the strategic objectives and standards set out for e-Learning in a South African context.

Service delivery objectives and indicators

The Education, Training and Public Awareness Programme is primarily the training provider and public awareness arm of the Commission. It offers professional educational training and public outreach and awareness activities on human rights to a range of sectors and beneficiary groups.

Education and Training

During the period under review, the Programme has brought together audiences from various sectors to engage in dialogue and debate around current human rights issues, such as strike action, crime, poverty, business, peace and security, and other human rights violations at both national and international levels, including in countries such as Western Sahara, Darfur, and Zimbabwe. The Programme has also been involved in the ratification of international instruments such as the Optional Protocol to the Convention Against Torture and other Degrading or Inhuman Treatment (OPCAT). Furthermore, the Programme continues to provide human rights and democracy education to trade

unions in the Southern African Development Community (SADC) region through partnership with the South African Police Union (SAPU). A notable achievement in this regard was the expansion of this programme to participants in the SADC countries of Lesotho, Mozambique and Angola.

Some of the Commission's events were hosted in collaboration with local and international partners such as the Human Rights Institute of Southern Africa (HURISA), Zimbabwe Human Rights Forum, African Institute for Corporate Citizenship (AICC), Centre for the Study of Violence and Reconciliation (CSVR), National Development Agency (NDA), Association for the Prevention of Torture (APT), United Nations Office of the High Commissioner for Human Rights (UNOHCHR), Embassy of Western Sahara and the Nelson Mandela Foundation.

Notable achievements include, among others, seminars on the 'Impact of the Exercise of the Right to Strike on the Rights to Education and Access to Health Care Services'; '21st Anniversary of the Adoption of the African Charter on Human and People's Rights'; 'Role of the National Human Rights Institutions in Transitional Justice'; 'Human Rights Situation in Zimbabwe'; 'Update on Human Rights Situation in Darfur'; a national conference on 'Business, Development and Poverty'; 'Human Rights Lecture' and Dialogue on the '60th Anniversary of the Universal Declaration of Human Rights' (UDHR).

For the period under review, 175 education and training interventions were conducted and 9 111 people were reached. These include, among others, training workshops, internal seminars, conferences and roundtable discussions and presentations at seminars and workshops hosted by external partners.



Programme Performance

Sub-programme	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Education and Training	Seminars, conferences and roundtable discussions	Number and theme Extent of Outreach • Weekly, Monthly and Quarterly Reports	6–10 per year Reach 80% of target Satisfy 70% of criteria as per evaluation form As per project plan	Achieved: • 21 Seminars/ dialogues/ conferences/ roundtable discussions hosted by national and provincial offices • 75 Presentations given at external seminars, conferences and workshops • 93 External seminars/ conferences/ roundtable discussions were attended by staff members
	Training sessions and workshops	Number and theme Extent of Outreach • Weekly, Monthly and Quarterly reports	2 per month per office Reach 80% of target Satisfy 70% of criteria as per evaluation instrument • As per Commission requirements	Partially Achieved: 79 Training sessions and workshops for professional groupings. More attention was placed at rural community outreach to ensure access to human rights for rural communities.
	In-house capacity building and quality assurance	Number of meetings/ assessment sessions/ mentoring initiatives/ counselling/ capacity building initiatives	As per staff development plan	Achieved: • 63 Staff meetings comprised of weekly, monthly and quarterly meetings with staff at national and provincial offices. • 6 In-house capacity building sessions • 11 Strategic planning meetings at national and provincial offices • Performance assessments and appraisals conducted for all ETP staff at national and provincial offices
	Response to request for training	Number/ Timely and relevant responses	Daily/Weekly/ Monthly/ 100% response to agreed upon requests	Achieved: 100% response to requests for training within 7 days of receipt
	Education and Training Projects	Number of new projects	1 per office per quarter	Achieved: • Anti-Racism in the workplace with the Department of Water Affairs and Forestry • Human Rights, Democracy and Trade Union Rights for SADC Trade Unions in collaboration with SAPU • Disability Convention Awareness Workshops in collaboration with Deaf-SA • Ambassadors for Human Rights Project in collaboration with the Presidential Spousal Office • Diversity in the Workplace with the Gauteng Emergency Medical Services

Advocacy, Public Awareness and Community Outreach

The activities of the Commission in this regard focus on poverty-stricken communities in rural and peri-urban areas as well as areas where poverty indicators suggest that communities are particularly impoverished. In addition to an innovative community outreach initiative called “Omnibus” (which encompasses a range of educational interventions ranging from workshops, walk-about to widespread campaigns, events and advocacy initiatives), the Programme has developed and implemented other outreach tools called “Adopt a Community” and “Ambassadors for Human Rights”. “Adopt a Community” requires multi-dimensional outreach activities in one community for a sustained period of time (between a month and two) with various stakeholders. It focuses on community empowerment for human rights. “Ambassadors for Human Rights” entails the capacity building of a select or key group of people in a community to ensure continued and sustained human rights interventions when

the Commission moves to another community. Both strategies allow the Commission to monitor and assess the impact of its interventions.

The annual Human Rights Month campaign built around Human Rights Day on March 21 continues to be convened and organised under this programme. The 2008 Human Rights Month campaign focused on ‘Human Rights and Business’. In addition to a two-day national conference, each provincial office conducted dialogues with the business communities on how to incorporate human rights into business practices and how business can be a catalyst for human rights promotion and protection. The total number of the 2008 HRM interventions, nationally and provincially, was 30.

For the period under review, a total of 330 advocacy, public awareness and community interventions were conducted and 13 132 people in rural communities were reached.



Programme Performance

Sub-programme	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Advocacy, Public Awareness and Community Outreach	Omnibus/ Awareness/ Advocacy/ Rural outreach initiatives	Number Extent of Outreach Reports	<ul style="list-style-type: none"> • 108 interventions focussing on rural communities/ national and provincial offices • As per Commission requirement 	Achieved: 168 Omnibus, advocacy and rural outreach initiatives
	3-day outreach/ advocacy interventions on human rights including recording of complaints	<ul style="list-style-type: none"> • Number of outreach activities • Number of complaints recorded and referred to the Legal Services Programme. • Reports 	<ul style="list-style-type: none"> • 1 per month per office • Monthly referrals to Legal Services • 80% completion of planned interventions 	Partially achieved: 11 Outreach/ advocacy interventions. Due to environmental factors outside the Commission's control, such as the protracted strike action and staff turnover in some provinces
	Popular publications Events Campaigns Human Rights Week	Number Extent of Outreach	3 popular publications per annum As per project plan	Achieved: <ul style="list-style-type: none"> • 1 e-Learning brochure developed. • 3 reports developed and published • 30 HRM campaigns and 41 exhibitions
	Community Radio Station Interventions/ Other media	Number of interventions	1 per month per national and provincial offices	Achieved: <ul style="list-style-type: none"> • 74 Community radio interventions • 2 Print media interventions
	Civil Society networks and collaborative interventions	Frequency of networking interventions	Monthly	Achieved: 256 Networking interventions

E-Learning

The Centre of Excellence for Human Rights Education and Training (CEHRET) exists as an on-line portal and hosts customised integrated e-learning courseware on human rights education complementary to other traditional modes of training already in use by the Commission. Courses are characterised by a blend of self-directed learning and facilitated interventions and aim at creating content knowledge, awareness around best-practice implementation as well as serving as a catalyst for attitudinal and behavioural adjustments that would be beneficial in a work and social context.

stakeholders. An e-Learning blueprint with strategies for internal and external deployment has been successfully developed and implemented. The following e-Learning courses have been finalised and piloted to internal stakeholders: Module 1 and 2 of the Promotion of Access to Information (PAIA); Promotion of Just Administrative Action (PAJA); an Induction Portal on Human Rights. Courseware of Module 1 and 2 of the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) and a Course on Basic Human Rights Education are under development and will be finalised in the new financial period.

Notable achievements for the reporting period include, among others, the successful launch of CEHRET to internal

Sub-programme	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
e-Learning	Development of e-Learning programmes and courses	Research/Survey/ Market analysis and strategy	Completed framework and strategy	Achieved: The following were developed <ul style="list-style-type: none"> e-Learning blueprint and strategy e-Learning solutions (PAIA; PEPUDA; PAJA; Basic Human Rights Education and Induction Portal)
	Piloting of e-Learning	Implementation of pilot project	Piloting in February 2007	Achieved: <ul style="list-style-type: none"> e-Learning portal and contents launched and piloted with internal stakeholders. Preparation in progress for launch of E-learning portal and contents to external stakeholders.
	Standardised electronic education tools	Number and quality of tools	Completed implementation plan	Achieved: <ul style="list-style-type: none"> Learner Management System for Web-based learning functional Electronic education tools on PAIA, PAJA, Basic Human Rights Education and an Induction Portal developed and functional
	e-Learning partnerships	<ul style="list-style-type: none"> Number of appropriate partnerships Equitable funding agreements 	Agreed upon Memoranda of Understanding and/or implementation of project plan	Achieved: <ul style="list-style-type: none"> Partnership cultivation ongoing with role-players from various sectors as per project plan. Memoranda of understanding and, where applicable, equitable funding agreements being negotiated with prospective partners.



Programme Performance

Table 1: Statistics on educational interventions

Programme	Workshops	Presentations	Seminars	Conference Papers: national/ international	Thematic area/topic
ETP	288	151 (including media presentations/ interventions) 41 Exhibitions	21	1 Solidarity message at the 5 th Annual Congress of Saharawi Women, Tindouf, Algeria Western Sahara refugee camp	Basic human rights education, PEPUDA, PAIA, ESR, Role of Commission, HIV/AIDS, Children's Rights, Rights of Elderly, Rights of Non-Nationals, Business and Human Rights
COMOUT	39	10	0	1 Crime conference	North West Province situational analysis report
HIV/AIDS	4	13	0	1	HIV & AIDS and Human Rights
PLLTBM	16	10	0	3 International	Various see report
Non-nationals	7	3	7	0	Migrant workers, illegal immigrants, refugees and asylum seekers
Research	0	9	0	0	Violence in Schools; Learners' Rights and Responsibilities; Human Rights; Rights of the Elderly; Equality; Bill of Rights; HIV/Aids and related violations; Rights of Farm workers;
PAIA	17	37	2	2 National 2 International	PAIA: Implementation; Application; Challenges; and Compliance. Records Management – Implementation and compliance
Older Persons	3	12	3	1	Rights of the elderly
Business	0	4	0	0	Human Rights and Business
Crime	4	4	0	2	Human Rights and Crime
Disability	4	5	3	0	disAbility rights
TOTAL	382	299	36	14	

2.10 Legal Services

Purpose

The Legal Services Programme implements the Commission's protection mandate and primarily deals with complaints of human rights violations in pursuance of redress; monitoring the agencies of the justice system and submitting recommendations; and conducting hearings and public inquiries.

Measurable Objectives

- To investigate individual and systemic complaints of human rights violations.
- To provide appropriate redress and resolve disputes regarding violations.
- To initiate investigations into human rights violations.

Service delivery objectives and indicators

Complaints Handling

Section 9 of the South African Human Rights Commission Act 54 of 1994 stipulates that the Commission shall determine the procedures contemplated in section 9 (6) of the Act, to be followed in conducting an investigation. The Commission accordingly gazetted its new Complaints Handling Procedures in terms of Government Gazette Notice 817 of 2007, No 30022 on 6 July 2007 to assist the Legal Services Programme in achieving and realising its mandate.

The Commission's website, www.sahrc.org.za also contains relevant information regarding contact details of the various provincial offices, the procedures to be followed and the process that can be expected when lodging a complaint.

An analysis of the statistics of complaints handled by the Commission during this period indicates that the majority of complaints relate to arrested, detained and accused persons. The Commission furthermore received a significant number of housing-related complaints during this reporting period, which led to the Legal Services Programme dealing with these issues as a systemic issue by holding a public inquiry into Housing, Evictions and Repossessions during November 2007, which is reported and elaborated on further below.

The Legal Services Programme's electronic complaints management system Flowcentric, became operational on

1 April 2007. The purpose of using the Flowcentric system is to improve the efficacy of the workflow system and to ensure the integrity of the data and statistics for reporting purposes. It also enables better monitoring of complaints from inception through to finalisation.

The Commission opened an office in the North West Province during this period under review, which has assisted in providing access to justice to relevant communities in this province and surrounding areas. The high number of complaints lodged with the Legal Services Programme in general poses a challenge and risk to the Commission due to the relatively limited human capacity in the Legal Services Programme. This capacity issue also creates a real risk of non-compliance with prescribed complaints handling time-frames as a result of extremely heavy workloads and demands on staff who have to manage not only high numbers of walk-in and telephonic complaints, but also have to attend to complaints lodged in writing via e-mail, fax or post and quite often, a number of litigious, urgent and high profile matters. As a result of the capacity constraints in the Programme, it has only partially managed to meet its timeframes for complaints handling. In addition, some offices have had vacant legal officer and legal intern positions which clearly impacted on the ability of the Programme to adhere to its complaints-handling timeframes as well as the low number of resolved complaints and the high number of carried-over complaints.

Two robbery incidents at the National Office during July and August 2007, had a huge impact on the Commission's complaints handling processes and the Flowcentric electronic work flow system as the server and a number of laptops were stolen, which in turn led to a backlog of complaints which have since been managed through the appointment of short-term contract workers.

Staff turnover and a number of unfilled vacancies, especially in key managerial positions in a few of the provincial offices (Western Cape, Eastern Cape and Mpumalanga), have impacted on the efficacy of the Legal Services Programme and on the normal flow of complaints handling within the affected offices, and these offices have therefore had to deal with significant numbers of complaints in relation to resources, resulting in further backlogs.

Specific guidelines on legal statistics were approved and came into effect during this reporting period, on



Programme Performance

10 March 2008. Furthermore, a Statistics Committee which is responsible for co-ordinating and considering all matters relating to complaints statistics and making recommendations was established. The applicable terms of reference and rationale underlying the establishment of the Statistics Committee are contained in these guidelines.

The Commission has a functioning call centre for purposes of lodging complaints with the Legal Services Programme and for those seeking advice telephonically. It is hoped that through this call centre, it would be easier for the public to lodge complaints of human rights violations with the Commission.

Law Clinic

The majority of the Commission's provincial offices, including the National Office, are accredited by the various relevant Law Societies with law clinic status. Most of the provincial offices are managed by Provincial Managers who are admitted attorneys and who qualify as principals for purposes of registering candidate attorneys in a law clinic.

The Legal Services Programme appointed two candidate attorneys at the national office law clinic during this financial year as a pilot project. The Legal Services Programme has initiated collaborations and formed strategic partnerships with various private law firms, organisations and the Legal Aid Board to train the Commission's candidate attorneys.

Comprehensive and integrated management and quality assurance systems

The CSAP-funded Norms and Standards Handbook on Complaints Handling was finalised during this period. Once implemented, the Handbook will further enhance uniformity in dealing with complaints throughout the Commission's provincial offices nationally.

Monitoring, evaluation and quality assurance of the outputs of the Legal Services Programme will be further realised through the new legal services structure which will come into effect during the next financial period and will focus on an overall supportive, co-ordinating and quality-assuring role to be played by the national office of the Legal Services Programme vis-à-vis provincial offices.

Public Inquiries and Hearings

The Legal Services Programme has successfully used Public Inquiries as a tool to investigate systemic or widespread human rights violations.

During the period under review, the programme co-ordinated three Public Hearings. These were respectively the Public Hearing into the Right to Access to Health Care Services (May and June 2007), the Public Hearing into Conditions on Farming communities (Sept 2007) and a third Public Hearing into Housing, Evictions and Repossessions (Nov 2007).

It is envisaged that the reports with recommendations and findings in respect of all three Public Hearings conducted will be finalised and launched during the next financial period.

The final report on the Commission's Public Hearing into School-Based Violence which was conducted in the Western Cape during September 2006 was launched during the current financial year, on 12 March 2008. The objectives of the Public Hearings were to explore the nature, extent and impact of school-based violence on the enjoyment of the right to basic education and other rights, and to make recommendations where necessary. The report which sparked a lot of interest and media profiling, is available on the Commission's website, www.sahrc.org.za.

Noteworthy cases

The table below reflects some noteworthy cases that the Commission has handled during this reporting period.

NOTEWORTHY CASES

Case / Matter	Right(s) violated	Status at the end of March 2007
Eksteenskuil Boerevereniging (Northern Cape matter)	Health care, food, water and social security	<p>This complaint is based on the right to access water. These small scale farmers, depending solely on water in canals for both farming and drinking, allege that the condition of the water canals had reached such a state that they were not able to furnish water to most members of the community.</p> <p>The reason they advanced was that the Municipality had failed since 1994 to clean the dams in their area and as a result the dams were overloaded with silt. Since this Coloured community was previously part of the tri-cameral parliament and funded by the House of Representatives, they believe that the municipality was refusing to acknowledge them for this reason.</p> <p>After numerous attempts by the municipality to pass the buck to other state departments, and with the Commission's intervention, they eventually conceded that the community fell under their jurisdiction and therefore that they were to be afforded the services like all other communities in the area.</p>
Cosatu matter (Western Cape matter)	Equality Freedom of expression	<p>In September 2006, the Commission received a complaint from Agri-Wes Cape alleging hate speech and incitement to violence against the White farming community of Rawsonville. They claimed that, given the increased incidences of farm attacks, this kind of behaviour is highly irresponsible and also unwarranted.</p> <p>This was as a result of utterances made by a member of COSATU and others during a mass meeting and media conference held in response to allegations of assault and rape of a farm worker by farm owners.</p> <p>Prior to receiving the complaint from Agri Wes- Cape, an NGO, Women on Farms, requested that the Commission investigate the allegation of assault and rape as reported as well as other abuses like unlawful evictions, unfair labour practices and misconduct by police officials against farm workers within the Rawsonville farming community.</p> <p>The Commission investigated the allegations of rape and assault as reported but the victim has since publicly announced that she lied.</p> <p>The Commission released a finding on hate speech in this matter and closed the file subject to the parties' right to lodge an appeal against the finding of the Commission.</p>
UOFS Case (Free State matter)	Equality Dignity	<p>On Monday 25 February 2008 the Commission received a complaint that four White students at the University had made a video which showed them inhumanely and degradingly violating five Black workers at the University. The students who brought the complaint also presented a copy of the video and requested anonymity.</p> <p>The Commission engaged the University in its investigation of the matter, and is considering various options with regard to addressing the matter, which received international media interest and coverage.</p> <p>The Commission secured pro-bono legal representation for the victims, held several meetings with them to provide counselling and is attending to other labour and criminal matters arising from the incident.</p>



Programme Performance

<p>FBJ Findings (Katopodis) (Gauteng matter)</p>	<p>Equality</p>	<p>The Commission received a complaint lodged by Ms Katy Katopodis, the news editor of Talk Radio 702 and 94.7 Highveld Stereo.</p> <p>Katopodis advised that an invitation was communicated to all newsrooms, including her organisation, regarding an inaugural imbizo of the Forum of Black Journalists (FBJ). The invitation stated that the notice was to be circulated amongst Black journalists in their respective newsrooms. At the said Imbizo, White journalists were excluded from attending and those who attempted to attend were subsequently requested to leave. Katopodis alleged that the issue in question is not the right to form an organisation of Black journalists but rather the exclusion of White journalists, who are committed to the achievement of equality and are committed to the elimination of discriminatory policies and/or practices of the past notwithstanding his/her race or ethnic or cultural origin, from being admitted as members of such an organisation.</p> <p>In order to properly address the complaint, the Commission proceeded to hold a panel discussion on Wednesday, the 5th March 2008, where parties presented their individual as well as their organisation's perspectives on the matters which arose. The Commission, although maintaining its finding that voluntary associations are in and of themselves not unconstitutional, found that the policy of the FBJ of restricting its membership on the basis of race would not pass constitutional muster.</p> <p>The Commission therefore recommended that the FBJ should revisit and amend its policies, particularly with regards to the provisions which relate to its membership, and until such time, the FBJ should desist from excluding membership to its organisation on the sole basis of race.</p> <p>This would open up the FBJ's membership to all races subject to the proviso that any person who chooses to become a member of the FBJ should subscribe to their principles and be committed to the advancement and empowerment of Black journalists.</p>
<p>Various</p>	<p>Housing</p>	<p>The Legal Services, Head Office, has received various complaints relating to housing, many of which surfaced subsequent to the housing public hearing held in November 2007. The complaints can generally be divided into two (2) categories:</p> <p>Those complaints falling within our jurisdiction: S25, S26 & S33 Those complaints falling outside of our jurisdiction.</p> <p>The Commission was instrumental in assisting the complainants in respect of a number of these matters, and by obtaining the services of pro bono attorneys in a number of cases for purposes of litigating said matter, where the matters fell outside of our jurisdiction.</p>

NOTEWORTHY LITIGATED CASES

Case / Matter	Right violated	Status at the end of March 2007
<p>Roberts and Others pension matter (age discrimination) (Gauteng matter)</p>	<p>Equality</p>	<p>This matter went to the Pretoria High Court on 11 and 12 September 2007. Judgment was reserved. Whilst the Commission was awaiting judgment in the matter, it noted that Government had since changed its policy in this regard and the issue that had to be decided by the court in this particular case was thus rendered moot.</p> <p>On 18 February 2008 while delivering the State of the Nation Address, the President alluded to the fact that the age for men to qualify for old age pension would be lowered to 60 and be the same for men and women. On 20 February 2008 the Minister of Finance further confirmed the statement made by the President that the government proposed that the qualifying age for men for the old age pension should be reduced from 65 to 63 this year, to 61 in 2009 and to 60 by 2010, and that legislation would be passed to that effect.</p> <p>The Minister of Social Development further announced that government had set aside R800m to extend the pensions to those who would now qualify for the grant as a result of the amended policy that will be made into law.</p>

B E Kengan (KZN matter)	Equality	<p>The complainant is a White woman married to a man of Indian descent. She had offered to lease a flat in Amanzimtoti, however on perusal of the lease agreement, she noted a clause which stated that the flat could only be let out to people of the White race group. When she advised the owner that she was married to a man of Indian descent, he stated that it will not be a problem. He advised however, that he would have to consult with the other tenants in order to ascertain if they would accept living next to a non-White. The landlord subsequently advised her that she could not lease the flat as the other tenants were objecting to it.</p> <p>The KZN office lodged the necessary application papers in the Durban Equality Court. The matter was settled out of court and the settlement agreement was made an order of court. The following were made terms of the agreement:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The owner to pay an amount of R10 000 in compensation to the complainant. <input type="checkbox"/> A notice to be placed in the building declaring the clause in the lease agreement unconstitutional.
Frangeline Dikgale (Limpopo matter)	Housing	<p>In this case the complainant was evicted from her common home by her in laws immediately after the death of her husband. This complaint resulted in three different court matters:</p> <p>In the first case the respondent issued an application for eviction of the complainant from the common home. The Commission opposed the application and on the return date the application was dismissed a point <i>in limine</i> which was upheld by the court. The respondent then made a reapplication for eviction, this time correcting the defects which were raised during the arguments of the point <i>in limine</i>. The matter was set down for hearing and the Commission once again argued the case on behalf of complainant. The matter has been postponed <i>sine die</i> for a written judgement.</p> <p>In the second case emanating from the same complaint the respondent instituted an action against the complainant claiming an amount of R17 000.00 from her allegedly for selling some of the assets belonging to the estate of her late husband. We believe that this action was malicious and that it was intended to harass the complainant when they lost the application for eviction. The Commission was defending the action and a date for trial was set for 04 March 2008. However, due to the death of the respondent in the matter (our complainant) during January 2008 the matter was removed from the roll. The respondent's attorneys also furnished us with a copy of the death certificate. The respondent's attorneys indicated to us that they would wait for the appointment of the late respondent's child to represent her in the proceedings by the Commissioner of Child Welfare, however, that process did not happen.</p> <p>In the third instance the respondent instituted another action against the complainant allegedly for withdrawing money from the account of her late husband. This action was again intended to make life intolerable for the complainant in that the complainant was entitled to deal with the administration of the estate of her late husband and was duly authorised by the Master of the High Court to do so. The Commission is again defending the action.</p>
Salah Akasha (Mpumalanga matter)	Equality Dignity	<p>The complainant alleges that the chairman of Piet Retief golf club, the respondent, annulled the complainant's membership with the club on the ground of racial discrimination.</p> <p>The Commission referred the matter, on behalf of the complainant, to the Equality Court and the matter was settled out of court between the parties. The respondent apologised and a settlement agreement was drafted. File closed.</p>
Dikgetse vs Richter (Northern Cape matter)	Equality Freedom of expression	<p>This is a hate speech case investigated by the Commission.</p> <p>Judgment was finally handed down on the 15th of November and it was in favour of the complainant. What was of interest in this judgment was the moral lecture that the magistrate gave the respondent.</p> <p>The order was as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Respondent to make an unconditional apology to the complainant. (This was done in open court). <input type="checkbox"/> Respondent to pay R4000 to complainant as compensation. The magistrate on this point stressed that he wants the respondent to pay R400 per month and the reason he gave was that the respondent should be reminded every time that she pays, that she must never again use the word "K" again.



Programme Performance

Sub-programme	Outputs	Output performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Legal Services	Complaints Handling - Externally generated - Internally generated	Screen / Assess complaints Response to complaints (allegation, referral, rejection)	Within 7 days of receipt/Within 7 days of completion of assessment	Partially achieved: Limited capacity, high vacancy rates staff turnover and high volume of complaints received.
		Capturing, auditing and tracing of complaints according to system requirements.	Registration/Recording/ Allocation within 3 days of receipt Acknowledgment of receipt of complaint within 14 days Auditing: Monthly/ Quarterly Tracing: Up to file closure	Partially achieved: Limited capacity and at some provincial offices there was no dedicated administrative staff to attend to the registration and recording of complaints.
		Functional call-support centre for complainants	Setting standards/ According to call-support centre standards	Achieved. 3 Call stations dedicated as direct access to Legal Services Department at head office for lodging of complaints. All provincial offices have direct telephone lines.
	Redress/finalised complaints	Resolved complaints	Number of successfully resolved complaints: 90% of complaints not subjected to litigation or public hearings	Partially achieved: Limited capacity, high vacancy rates staff turnover and lack of consistent approached to complaints handling
	Law Clinic	Registration with Law Society/ Training/ Candidate attorneys	Number: 2- 4 Candidate Attorneys appointed as national office pilot/ roll-out to provinces	Achieved: 2 Candidate attorneys appointed at head office during reporting period.
	Public Hearings	Terms of Reference <ul style="list-style-type: none"> Background Documentation Research Project Plan 	Number of completed hearings: 2 - 3 successfully completed hearings according to terms of reference	Achieved: 3 Public hearings held
		Report / Findings	Completion of report 3 months after hearing and submission of report to appropriate agencies 3 - 4 months after hearing	Not achieved: Due to dependency on various internal and external stakeholders, which involved extensive consultations, finalisation of hearing reports to be done in the next financial year.
	Follow-up	Quarterly follow-up	Not achieved: Limited capacity.	
Analyses of complaints and other legal services	Frequency of qualitative and quantitative analysis of trends, patterns, etc across provinces/ national	Monthly, quarterly, annually	Achieved: Weekly, monthly and quarterly reports submitted.	
Systems	Comprehensive and integrated management and quality assurance system	Adopted systems document/ norms and standards.	Achieved: CSAP Norms and Standards Handbook and Complaints manual completed.	

See Annexure A for Statistics

2.11 Research and Documentation

Purpose

The Research and Documentation Programme is constitutive of the Economic and Social Rights, Equality and Library sub-programmes. It is responsible for the monitoring and assessment of economic and social rights as well as implements the Commission's obligations under the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. It is also responsible for knowledge management and houses the library and documentation function of the Commission.

Measurable Objectives

- To monitor and assess the observance of economic and social rights;
- To monitor and assess the observance of human rights, including legislation monitoring and the right to equality;
- To maintain a leading human rights library and documentation centre

The achievements of the Economic and Social Rights sub-programme for the reporting period were its key role in the farming and health enquiries. However, its major challenge

has been restructuring and developing of a new ESR monitoring regime. A major achievement for the Equality sub-programme was its involvement and presentation to the labour portfolio committee on workplace discrimination. One of the challenges faced was the inadequate information received from Equality Courts in response to the Equality Court visit questionnaire.

Service delivery objectives and indicators

2.11.1 Economic and Social Rights (ESR)

The Economic and Social Rights sub-programme extensively reworked and revised its monitoring and assessment methodology. It developed a blue-print and an operational plan which was adopted and as such will be implemented in the 2008/09 financial year.

The sub-programme was also involved in a number of special projects during the 2007/08 financial year. Chief among these was the special project on service delivery protests, farming enquiry as well as the housing enquiry. The sub-programme further monitored and assessed the number of schools that teach their learners under trees, participated in and attended conferences, workshops and delivered speeches and papers.

Sub-programme	Outputs	Performance measure/ service delivery indicator	Actual Performance against Target	
			Target	Actual
Socio Economic Rights Monitoring	In-depth review of research and monitoring regime	Completed review with recommendations	Aug 2007	Achieved: Blue-Print was completed, comments incorporated and was presented and ratified by the Executive.
	Contribution to Human Rights Development report/journal	Scope and extent of contribution	As per implementation plan	Partially achieved: Report to be launched in 2008/09
	Quarterly reports	Frequency	Every 3 months	Achieved
	Assist with outreach, awareness and training	As per request from education and training	80% response to request	Achieved: Responded to requests for training. 9 Presentations made on various themes Assisted with 3 projects: <ul style="list-style-type: none"> • Street children project • Planning/organising a workshop on Refugee Law, non-nationals, rights and legal status of non-nationals • COMOUT: Poverty seminar



Programme Performance

Sub-programme	Outputs	Performance measure/ service delivery indicator	Actual Performance against Target	
			Target	Actual
Socio Economic Rights Monitoring	Assist with complaints/mediation interventions	As per request from legal services	100% response to request	Achieved: 15 Complaints researched 1 Site Visits: <ul style="list-style-type: none"> • Crossmoor Community Matter: Land evictions & living under impoverished conditions 1 Intervention: <ul style="list-style-type: none"> • Disaster Management in De Doorns - flood victims 2 Projects assisted: <ul style="list-style-type: none"> • Health enquiry (Edited-synthesis report) • Farming enquiry (Draft concept paper, feature article, media interview)
	ESR report	As per implementation plan	As per implementation plan	Achieved: Report to be published in 2009 as per plan
	Conducting research	Completion of research	As and when required	Partially Achieved: Review process in progress: 4 Papers Developed on: <ul style="list-style-type: none"> • Indicators to measure Economic and Social rights • A paper on the role National Human Rights Institutions in Democracy & Development • Paper on United Nations and Human Rights • Developing a paper on Security Development and Human Rights Participated in 28 Workshops and seminars
	Co-ordinating Internal Research	Compilation of research/ information reports	Monthly	Partially Archived: 5 Monitoring visits undertaken. However, no reports published due to lack of capacity <ul style="list-style-type: none"> • The observance of Human Rights in Mafefe and Sekhukhuni • Protest action over services delivery in Sasolburg, Deneysville, Mamelodi, Lenasia and Khutsong • Khutsong on Violence in schools • Schools Under Trees Project • Right to Basic Education
	Comprehensive and integrated management and quality assurance system	Adopted systems document/ norms and standards	June 2007	Not achieved: Terms of reference approved but project is in abeyance due to lack of funding.

2.11.2 Library

The Library sub-programme's outputs according to the strategic plan for the 2007/08 financial year were:

- Development and maintenance of the library
- Support to library users
- Library services of provincial offices and
- Comprehensive and integrated management and quality assurance system.

Acquisitions

The sub-programme was allocated a budget of R365 000 to resource the library and update loose-leaf publications in Provincial offices. The Library renewed subscriptions to journals, law reports, online databases, government gazettes and newspapers as per subscription anniversary dates. It also bought new books and received donations from commissioners and staff who attended workshops and conferences. Books are recorded in the accession register as they are received. In line with the library's vision to increase its online subscriptions to increase accessibility, in the 2007/08 financial year, the library acquired 24 electronic journal titles (e-journals). The acquisitions form a ready reference for the Commission as it performs its functions and pursues its mandate.

The unit has received material as follows:

- 296 Journal issues
- 839 magazines/newsletters
- 131 books (71 purchased and 60 donated)
- 265 law reports
- 24 loose-leaf updates
- 185 reports
- 51 annual reports
- 890 Government gazettes (weekly as published by the government printers)
- Newspapers (3 daily, 4 weekend and 2 online)
- Online databases on legal products that provide 24-hour access to Internet based information resources

The Provincial offices received loose-leaf updates, alerts on current issues and photocopies on request. They also have passwords to access online databases. The amount spent on loose-leaf updates for the provinces in this financial year was R9, 988.03. Quarterly reports are compiled on progress and challenges in performance.

Cataloguing and classification

The purpose of this function is to create, organise, maintain and update the library holdings on the database as material is received as above so as to make it accessible to users. 455 records of journal articles, books and reports were catalogued. These help answer research queries/satisfy information requests.

Kardex maintenance

The Kardex is a stock record of journal issues and law reports received. It enables the librarian to monitor journal issue arrival patterns and claim for whatever is not received as expected.

The Kardex is the librarian's database to manage the periodical resources that are on subscription. These are journals, law reports, magazines, reports and yearbooks. All titles on subscription have different publication schedules ranging from monthly, quarterly, biannually, annually and on a standing order basis (pay when published) It is the librarian's responsibility to monitor fulfilment of orders according to these schedules as per agreement with publisher/supplier/agent. The Kardex record, per title on subscription, records details of publication and consequently expected volumes. If there are any gaps, the librarian communicates with supplier/publisher/agent to supply missing issues. This is an important asset management tool.

Support to library users

Between 01 April 2007 and 31 March 2008, 473 titles were borrowed from the library. The library made 953 copies for provincial offices. Seventeen (17) members of the public mainly senior students from local universities used the library and made 409 photocopies.

Binding

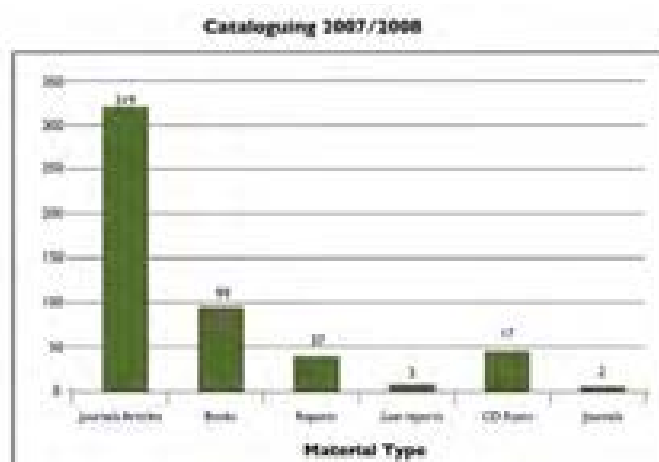
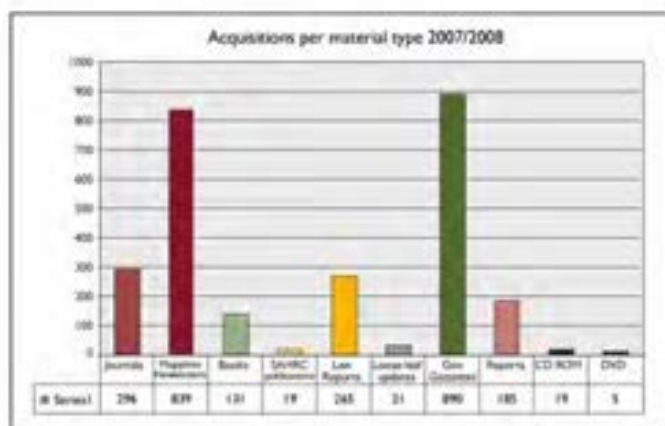
The library bound 37 volumes.

Library review

A consultant has been working on this short-term project and has submitted the first draft report. The internal team has edited the report and compiled comments the consultant should take into consideration to improve on it.

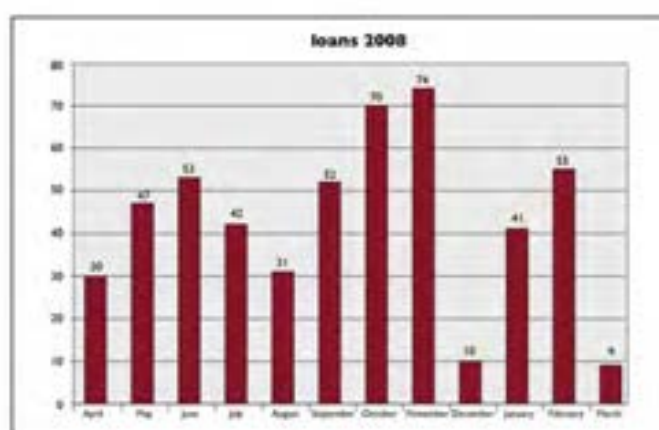


Programme Performance



Material Acquisition

Material Type	Amount
Journals	296
Magazines/Newsletters	839
Books	131
SAHRC publications	19
Law Reports	265
Loose-leaf updates	24
Gov Gazettes	890
Reports	185
CD ROM	19
DVD	5
Total	2673



Sub-programme	Outputs	Performance measure/service delivery indicator	Actual Performance against Target	
			Target	Actual
Library and documentation	Development and Maintenance of the Library	Acquisition and Maintenance of Human Rights Materials in terms of subscription contracts	Quarterly reports	Achieved
	Support to library users	Number of request for assistance	100% response to requests	Achieved
	Library services of provincial offices	Adopted concept paper/ system	July 2007 – Implementation of system	Achieved
	Comprehensive and integrated management and quality assurance system	Adopted systems document/ norms and standards	Quarterly QA Reviews from June 2007	Achieved

2.11.3 Equality

The Equality sub-programme provided support and contributed to the special projects of the Commission on equality matters and developments. It made a submission to the Farming Inquiry hearings task committee on equality perspectives regarding the human rights violations in farms. The submission focused on access to the Equality Act, gender inequalities, unreported assaults in farms, housing and labour relations.

The sub-programme also contributed an Equality Chapter to the Human Rights Development Report focusing on equality developments on grounds of race, gender and disability.

The Commission, through the Equality sub-programme, attended the hearings on the Constitution's Thirteenth Amendment Bill in Mzimkhulu on 25 October 2007. The hearings were meant to determine the wishes of the people of Mzimkhulu not to be incorporated into the Eastern Cape. The residents of Mzimkhulu opted to remain in the KwaZulu-Natal province.

Labour Portfolio Committee

The sub-programme contributed to the writing of the submission to the labour portfolio committee and also

appeared before the committee on 11 September 2007 to make a presentation regarding discrimination in the workplace. The presentation focused on the limitation of the provision of the Employment Equity Act as regards the type of human rights violations matters that can be taken to the Labour Court, thus leaving a gap which is creating a form of a dual jurisdiction of the Labour Court and the Equality court with regard to situations where there is a social/ one on one unfair discrimination in the workplace.

Monitoring of the Equality Courts

A total of 33 Equality Courts were monitored during the period under review in three provinces, Gauteng, KwaZulu-Natal and Eastern Cape. The intention was to establish the effectiveness of the Equality courts and it was found that some of the designated courts were closing down due to them not being utilised efficiently. Some of the monitored courts were not able to provide the Commission with the information required in terms of the Equality Court visit questionnaire.



Programme Performance

Sub-programme	Outputs	Performance measure/ service delivery indicator	Actual Performance Against Target	
			Actual	Target
Equality	Section 28 Equality Report Monthly update	Completed report in terms of equality legislation Completed in terms of requirements of publications protocol	As per legislative requirements Quarterly	Partially achieved: Completed update for January to June 2007
	Equality Courts monitoring	Number of courts monitored Quality and Utility of Reports	2 per province per month	Achieved
	Assist with complaints/mediation interventions	As per request from legal services	100% response to request	Achieved
	Research	Number of papers and opinions	4 per year	Not achieved: No papers and opinions written
	Stakeholder consultations	Number of consultations	When required	Achieved
	Support to special projects	As per request	100% response to request	Achieved
	Contribution to human rights development report and human rights journal	As per project plan	As per project plan	Achieved: Equality chapter submitted
	Assist with public awareness, education and training	As per request from education and training	100% response to request	Achieved

2.12 Parliamentary Liaison and Legislation and Treaty Body Monitoring

Purpose

This programme seeks to impact on the promotion and protection of human rights, by engaging with policy and legislative developments, advocacy and submission writing, as well as conducting research to engage the Commission's obligations at an international treaty body level.

Measurable Objectives

- To liaise with government and civil society concerning South Africa's international treaty body obligations
- To conduct research, develop reports and follow up on recommendations from treaty bodies
- To facilitate interaction between the Commission and Parliament

- To promote and protect human rights by providing input on proposed legislation that impacts on human rights, nationally and provincially
- To support participatory democracy through facilitating civil society engagement with legislation making through conducting training, hosting workshops and seminars, and facilitating a civil society forum to obtain input on parliamentary and government liaison
- To promote oversight of economic and social rights through provincial parliaments

Service delivery objectives and indicators

2.12.1 International Treaty Body Monitoring

The establishment of this sub-programme has coincided with the increasing recognition of the role of National Human Rights institutions at an international level. The interest in this work from external role-players

exceeded projected expectations. South Africa's respected international standing adds additional expectations to the Commission's own established international reputation. The signing and ratification of the Disability Convention coupled with the valued contribution of a number of South African role-players in the drafting of the Convention has contributed to facilitating the positive reception of the Disability Convention Toolkit for Advocacy and Awareness raising.

The Commission entered into a co-operation agreement with the Association for the Prevention of Torture (APT) and this has triggered the establishment of a Section 5 Committee

on Torture which will advocate for the criminalisation of torture and the establishment of a National Preventative Mechanism (NPM). This complements the Commission's work in the areas of hate crimes and the need for effective remedies for victims. In December 2007, the Commission submitted its Universal Periodic Review (UPR) report and made its first statement in the Human Rights Council on the "Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms whilst countering terrorism, Martin Scheinin, Mission to South Africa". The work of the Commission is supported by a vibrant international internship programme.

Summary of South Africa's International Treaty Body obligations

Treaty Body	Ratification	Reports	Reports outstanding
ICCPR International Covenant on Civil and Political Rights	Ratified on 10 December 1998	South Africa has never appeared before the Committee	Initial report overdue since March 2000
ICESCR International Covenant on Economic Social & Cultural Rights	Signed 4 October 1994 Not ratified	N/a	N/a
ICERD International Convention on the Elimination of All Forms of Racial Discrimination	Signed 3 October 1994 Ratified 10 December 1998	South Africa submitted all outstanding reports in 2004 South Africa appeared before the Committee in August 2006	Supplementary report was due on 15 August 2007 4 th periodic report due on 9 January 2010
CEDAW Convention on the Elimination of All Forms of Discrimination Against Women	Signed January 1993 Ratified December 1995	South Africa has not appeared before this committee	2 nd and 3 rd periodic reports overdue since 14 January 2001 and 14 January 2005 respectively
CAT Convention Against Torture and other Cruel Inhuman or Degrading Treatment OPCAT: Optional Protocol to the Convention Against Torture	CAT: Signed on 29 January 1993, Ratified on 10 December 1998 OPCAT: Signed on 20 September 2006 Not ratified	South Africa appeared before the Committee in November 2006	South Africa's follow-up report overdue since 7 December 2007 2 nd periodic report due 31 December 2009
CRC Committee on the Rights of the Child	Signed 29 January 1993 Ratified 16 June 1995	South Africa presented its initial report to the Committee in December 1997. South Africa appeared before the Committee in January 2000	2 nd and 3 rd periodic reports overdue since 2002 and 2007 respectively
CRPD United Nations Convention on the Rights of Persons with Disabilities	Signed 30 March 2007 Ratified 30 November 2007	N/a The Committee has yet to be formed.	N/a
ICRMW International convention on the protection of all migrant workers and members of their families	Not signed or ratified	N/a	N/a
ICPED International Convention for the Protection of All Persons from Enforced Disappearance	Not signed or ratified	N/a	N/a



Programme Performance

Sub-programme	Outputs	Performance measure/service delivery indicator	Actual performance against target	
			Target	Actual
International Treaty Body Monitoring	Policy Development	Policy Document	Completed Policy Document	Achieved
	Internal information service	Number of Treaty Body Updates and Memo's	Quarterly Treaty Body Update 2 Memo's	Not achieved: This work was redirected into the International Treaty Body chapter of the Human Rights Development Report 2007 Achieved: Memos on Disability Convention & CERD
	Government Liaison	Treaty Body Database	Completed Treaty Body Database	Achieved
	Workshops & Seminars	Number of workshops and seminars	10 Workshops / seminars	Achieved: 19 Disability Convention Toolkit produced, 1 national workshop and 8 provincial workshops conducted on Toolkit; 2 Disability Convention presentations, 3 presentations to local and regional parliamentarians & Regional NGOs on treaty body obligations and role of NHRIs; 1 Section 5 Committee on Torture meeting, 1 OPCAT Workshop, 3 papers at international conferences, on torture, elimination of racial discrimination (UN Geneva) and role of NHRIs within Africa (EU-AU Brussels)
	Research	Number of research projects	1 research project	Achieved: First 3 minute SAHRC NHRI statement read out at UN HR Council (terrorism), Submitted NHRI Universal Periodic Review Submission, Submitted Comment on UN Guiding Principles on Extreme Poverty to UN, drafted chapter for SAHRC HR Journal on Treaty Bodies and NHRIs

2.12.2 Parliamentary Liaison & Legislation Monitoring

During the period under review 18 submissions on legislation were made to government departments and parliamentary committees. The Programme continued its work in the area of older persons through assisting at workshops and meetings to facilitate comments on the Regulations to the Older Persons Act. A submission was sent to the Department of Education concerning Regulations that seek to introduce body searches and random drug testing in schools. A submission was sent to the Portfolio Committee on Justice and Constitutional Development on the Criminal Law (Sentencing) Amendment Bill concerning

minimum sentencing in South Africa.

The Commission continued with its work to ensure the prohibition of corporal punishment in the home through engagement with the Children's Act Amendment Bill. It was disappointing that at the very last moment the parliamentary committee did not proceed with supporting such a provision. The Commission will continue its work in promoting a violence-free society and stressing the need for parents to be supported with the necessary and adequate parenting skills.

Other submissions during the period addressed racial discrimination in the workplace; random body searching and drug testing in schools; the independence of the judicial inspectorate; and victims of violent crime. Submissions were also sent to the Ministerial Review of Intelligence and to the Department of Home Affairs concerning proposed amendments to the Refugee Act.

The Programme briefed the Ministerial Review Committee on Learner Retention. This Committee has been established in order to better understand and respond to the phenomenon of school drop-out rates in South Africa. The work of this committee falls squarely in line with the recommendations that the Commission made in its Right to Basic Education report, released in 2007.

Sub-programme	Outputs	Performance measure/service delivery indicator	Actual Performance Against Target	
			Target	Actual
Parliamentary Liaison & Legislation Monitoring	Submissions on draft legislation.	Number of submissions	8 submissions	Achieved: 18 Submissions to government departments and parliamentary committees
	Internal information service - Legislation Updates and Memos	Number of Parliamentary Updates and Memos	4 Parliamentary Updates 6 Memos	Achieved: Memos on Child Justice Bill, Corporal Punishment, Review of Chapter 9's, Child Witnesses, 13 th Constitutional Amendment Bill, Torture – General Comment 2
	Parliamentary & civil society liaison	Number of parliamentary meetings and functions attended	Attendance at 40 portfolio committee meetings Attendance at 40 civil society functions 20 Commission persons to attend and present at meetings in parliament	Achieved: 53 Parliamentary committee meetings of relevance to commission work attended Achieved: 55 Various workshops, meetings, teleconferences related to work of programme attended Achieved: 24 SAHRC persons attended and presented at meetings in parliament.
	Workshops & Seminars	Number of workshops and seminars	4 Workshops / seminars	Achieved: 6 Workshops on search & seizure for drugs in schools; school based violence older persons legislation & hate crimes; 5 presentations given on learner retention in education, racism and older persons
	Co-ordination of think tank on legislation monitoring	Frequency of meetings per annum	Bi-annually	Achieved: Annual Parliamentary and Government Liaison meeting held and brainstorming session held on corporal punishment provisions in Children's Act Amendment Bill.

2.12.3 Provincial Parliamentary Liaison

The necessary human resources to carry out this work were not available due to insufficient staff occasioned by a resignation and challenges in filling another position. Despite these challenges, the Commission's newsletter for parliamentarians was launched and two editions were released. Despite requests being made to brief provincial parliaments this did not occur due to a lack of response

and an inability to secure dates, possibly due to tight time lines.

The overall programme objective of producing economic and social rights oversight manuals to support parliamentarians in carrying out this function remains on track. The first manual will address the right of access to basic education.



Programme Performance

Sub-programme	Outputs	Performance measure/service delivery indicator	Actual Performance Against Target	
			Target	Actual
Provincial Parliamentary Liaison	Policy Development	Policy document	Completed Policy document	Achieved
	Briefings to provincial parliaments	Number of briefings	4 briefings	Not achieved: Briefings were planned for 4 th quarter, unsuccessful in obtaining responses and dates from provincial parliaments
	Provincial parliamentary Liaison	Creation of database	Database of provincial parliaments	Achieved
	Workshops & Seminars	Number of workshops Development of training materials	1 Workshop Training materials	Not achieved: Planned for 4 th quarter and unsuccessful in obtaining date for pilot workshop Partially achieved: draft training materials are completed and ready for pilot workshop.
	Newsletter	Number of newsletters	2 Newsletters	Achieved: Newsletters distributed to national and provincial parliamentarians and launch held.



2.13 Information and Communications

Purpose

This Programme provides the habitat for all previous programmes that were related to information and communications in the Commission. In addition, the Commission is charting, as per legislative requirement, new territories in the field of records management and archiving which are now housed within this Programme. Given the rapid developments relating to the use of information and communication strategies for business delivery purposes, the Commission decided to establish a dedicated programme to harness the resident potential in this field.

The new Programme on Information and Communications is constituted by the following sub-programmes: Communications and Publications; Media Relations; Access to Information; Records Management and Information and Communications Technologies (ICT).

Measurable Objectives

To promote human rights, access to information and transparency by:

- Establishing a communication-friendly environment within the Commission and with stakeholders / role-players
- Developing corporate and educative publications through electronic and other means
- Enhancing the corporate image of the Commission through public and media relations initiatives
- Monitoring and assessing the implementation of the right of access to information
- Promoting proper records and information management internally and externally
- Providing effective and efficient IT communication

Service delivery objectives and indicators

2.13.1 Communications and Publications

Clear and consistent communication is critical for any organisation to run effectively. This sub-programme has developed and is in the process of implementing a communication strategy that is intended to guide activities and messages that are appropriate to our stakeholders. As a starting point, a corporate and advocacy video as well as a corporate identity manual were commissioned and currently implemented. Also in order to broaden the reach

of stakeholders, plans to revamp the official newsletter, *Kopanong*, were undertaken during the period under review. The newsletter had been out of circulation for a while due to capacity and other challenges. The publication has been resumed and the first publication was due to be published at the beginning of the new financial period. This is also in line with the communications strategy and the Commission's obligation of promoting human rights - the right for communities to access information in order to enable them to make informed choices.

In addition, the sub-programme also provides a quality assurance service to the Commission by ensuring that all corporate, educative and other material or publications are consistent with the organisation's policy guidelines.

Publications

A total of 580 000 advocacy material was reproduced, whilst 194 000 new material was produced. These included the leaflet on HIV/AIDS and Non-Nationals as well as a poster on Older Persons. Reports published and launched in the reporting period include the report on the public hearings held on School-based Violence, the Crime Conference and Community Dialogues Reports as well as the Human Rights Lecture and Dialogue on the 60th Anniversary of the Universal Declaration of Human Rights. As per treasury requirements, the 2006/07 Annual Report was published and also tabled before the Justice Portfolio Committee.

Head Office dispatched 53 661 materials on various human rights topics while 538 879 were sent to the provincial offices. One of the plans of this sub-programme was to strengthen relations with the Government Communication and Information System (GCIS) and for it to facilitate the sharing and distribution of material to rural areas through its Thusong Service Centres. However, efforts to secure their availability were unsuccessful.

Website and Intranet

The Commission has established a website and an Intranet which both serve to communicate with stakeholders. These communication tools have different user interface designs to serve both our internal and external stakeholders. The Commission has realised the importance of keeping up with technological developments and in adopting best practice and as such, has reviewed the two tools. The Intranet Upgrade is due in the new financial period while



Programme Performance

review of the current website will also commence in the new financial period.

Statistics for use of the website show that there has been a slight increase in the number of hits to the website, www.sahrc.org.za. Even so, plans are in place to continually update and upgrade the website for increased audience.

Visitors Committee

The Commission has instituted a Visitor's Committee which co-ordinates the hosting of visitors to the Commission. The functions of this committee are mostly coordinated from ICP. Guests to the Commission included the following:

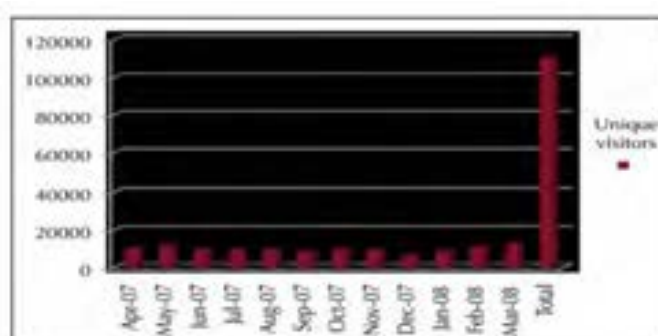
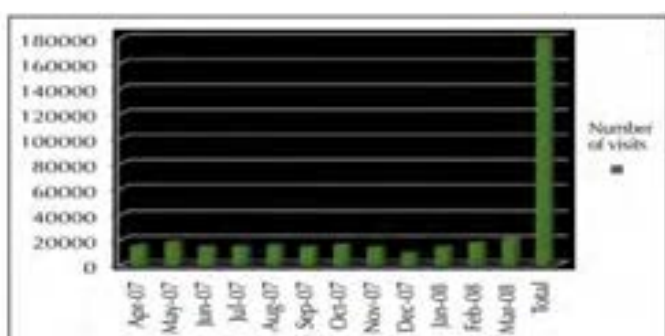
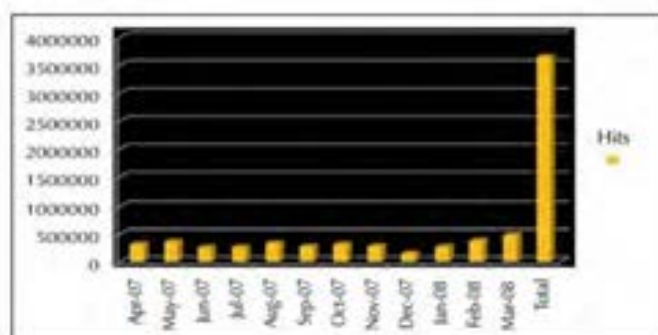
Visit Date	Organisation	Purpose
23–27 April 2007	Human Rights Commission of Sierra Leone	Study tour
24 May 2007	Simmons College, Boston, MA	Study tour
23 May 2007	Deputy Ombudswoman of Angola	Study tour
July–November 2007	Wits University and Bard College in New York	Internship partnership
07 August 2007	Juseong College in South Korea	Study tour
28 August 2007	Bas Congo Government/ DRC	Exploration of collaboration
27 September 2007	Kenya Law Reform Commission	Study tour
30–12 October 2007	United Nations Development Programme in India	Study tour
31 October 2007	Embassy of Italy	Study tour
9–15 November 2007	Women's International Affairs and Human Rights at the Ministry of Foreign Affairs of Iran	Study tour
27 November 2007	Government of Southern Sudan Ministry	Study tour
11 December 2007	Serbian Delegation	Study tour
15 December 2007	Gabonese NGOs	Study tour
30 January 2008	University of London- Equality Research and Consulting limited	Study tour
17–20 March 2008	Zambia Human Rights Commission	Study tour
24–25 March 2008	Coalition for the International Criminal Court (CICC) Nigeria	Exploration of collaboration
31 March 2008	Kenya National Commission on Human Rights	Study tour



SAHRC staff and Commissioners hosting a delegation from the DRC

Sub-Programme	Outputs	Performance measure/ service delivery indicator	Actual performance against target	
			Target	Actual
Communication and Publications	Communication Strategy (Including newsletter)	Adopted strategy	June 2007	Achieved: Strategy submitted for approval and adoption in December
	Implementation of Communication strategy	As per project plan	As per project plan	Achieved: Strategy implemented gradually
	Corporate image activities	Corporate DVD Corporate Identity Manual Promotional material	<ul style="list-style-type: none"> July 2007 August 2007 When required 	Achieved: DVD and CI Manual produced within the required time-frames and/or as per requirement
	Annual and Strategic Reports	Professionally edited and published Annual and other reports	As per treasury regulations	Achieved: 2006/07 Annual Report published and tabled in Parliament. 5 other reports published
	Publications: corporate, educative and thematic/ programmatic	Number and quality of publications	As per strategic needs of other programmes	Achieved: ICP produced 2 new leaflets on HIV/AIDS and Non-Nationals; a poster on Older Persons as well as 2 editions of the Parliamentary Update
	Website and Intranet GCIS	Improved internal and external communications Extend of using GCIS and other public communications infrastructure	Monthly updates	Achieved Partially achieved: Done on an informal basis as efforts to secure meetings to formalise process with GCIS failed. See narrative

Web statistics



Programme Performance

2.13.2 Media Relations

The Commission, through the Media Relations sub-programme, seeks to influence the media agenda by proactively and reactively engaging with it through amongst others, the writing of media statements and opinion pieces. For the first time since its inception the Promotion of Access to Information Act: Golden Key Awards Function which was held in September 2007 received reasonable media coverage in both the national, provincial and local media.

The daily news alerts communities to events and changes in their larger environment beyond their immediate experience. Through their day-to-day selection and display of news, news editors and journalists focus the attention of communities and influence their perceptions of what are the most important issues of the day. The agenda of the news media becomes, to a considerable degree, the agenda of the public. In other words, the news media set the public agenda, hence through this sub-programme the Commission seeks to influence this agenda. Although a media strategy and policy has been developed, it will, however, be adopted in the new financial year.

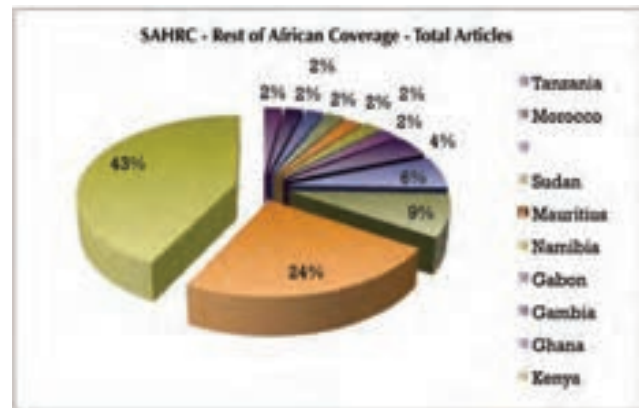
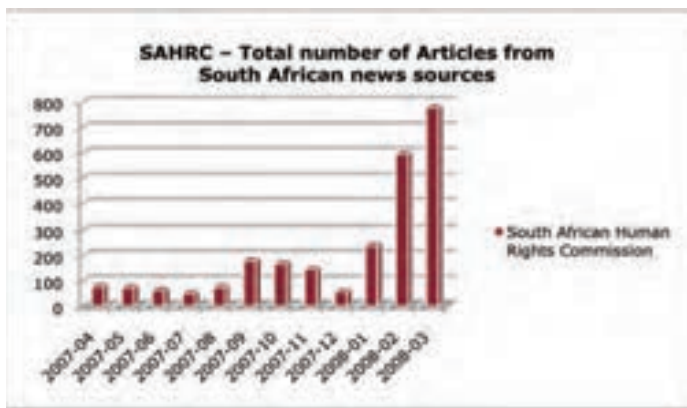
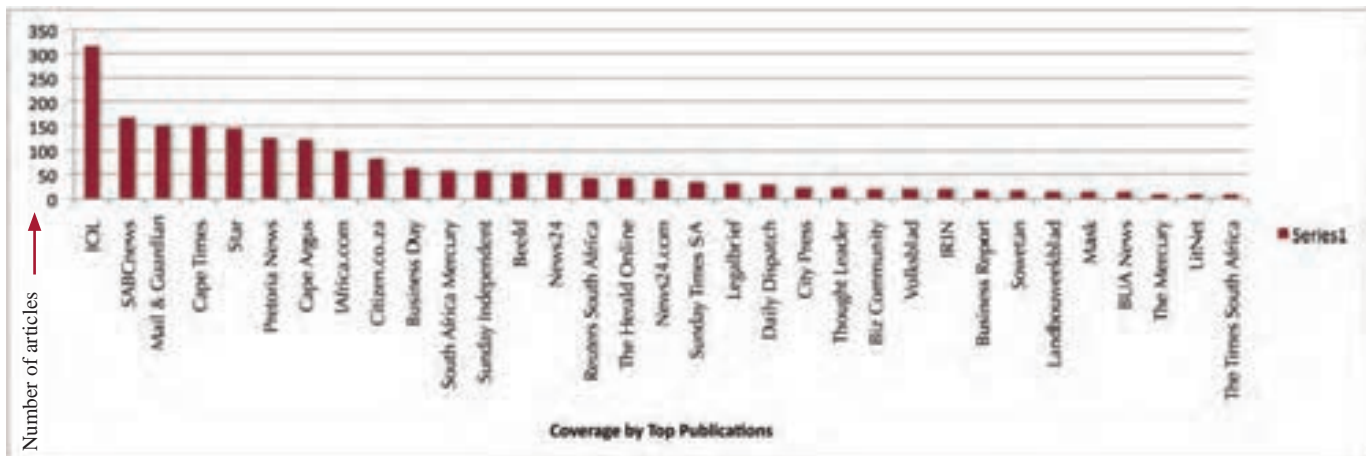
Regarded as a first for a Human Rights Institution in the world, the Commission has established a human rights and

business focal point to engage with business on its human rights obligations. Its activities on issues regarding bread price-fixing, increase of private hospital tariffs, mining safety and electricity crisis, have been well covered by the media.

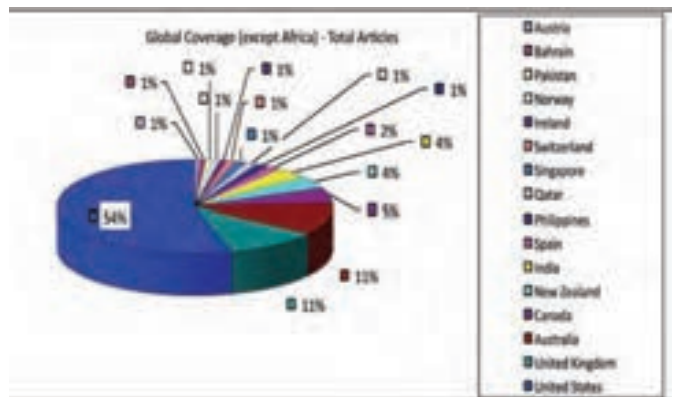
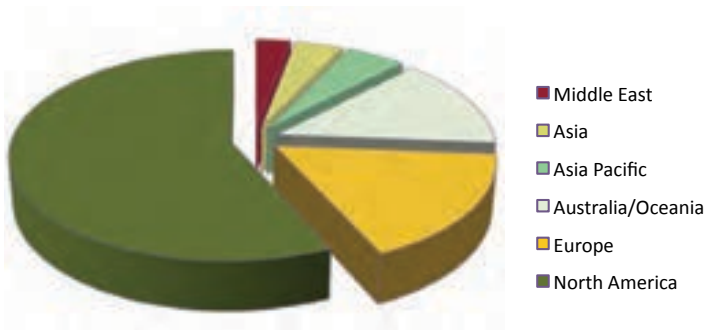
However, what can be regarded as unprecedented is the coverage which the Commission received in dealing with utterances by the 2010 World Cup Local Organising Committee Chairperson Mr Irvin Khoza, the broadcast of the racial videos at the University of Free State and the Commission's subsequent reaction to the exclusionary practices of the Forum for Black Journalists. These issues which made international headlines were covered by various international news agencies such as Channel 4 in London, Agance France Press, Australian Broadcasting TV, and Reuters, CNN, New York Times, BBC and the Los Angeles Times. Needless to state, all the major local news and current affairs, regional and community-based ones also interviewed various Commission officials on the state of race relations in South Africa. The Commission held two successful media stakeholder interventions namely, Access to Information versus Privacy and the Protection Afforded to Public Figures and on Exclusive Organisations, in particular the Forum for Black Journalists.

Sub-Programme	Outputs	Performance measure/service delivery indicator	Actual performance against target	
			Target	Actual
Media Liaison	Media Strategy	Completed media strategy in line with the Communication Strategy	June 2007	Achieved: Strategy document submitted for approval
	Implementation of media strategy	As per project plan	As per project plan	Achieved: Commission Conferences/Seminars/Workshops always get positive media coverage
	Media liaison, monitoring and coverage	Number of queries fielded Media analysis	100% Monthly analysis of media	Achieved
	Proactive media interventions	Features Press Releases Medial Alerts Advertorials	Monthly Weekly Weekly When required	Achieved: 62 Media statements Issued
	Conferences, seminars and workshops	Number and frequency	When required	Achieved

Media statistics for the period ending 31 March 2008



Global Coverage (except Africa) - Total Articles



Programme Performance

2.13.3 Access to Information

The report below tables the primary outputs of the PAIA sub-programme. It is critical to note however, that these outputs are closely integrated in the pursuit of common objectives. Thus the outputs “Deputy Information Officer” and “consolidation of section 32 Reports of Public Bodies” includes the provision of advice and guidance to requests by the Deputy Information Officers on the compliance

requirements for section 32 of PAIA; the consolidation and reporting in terms of section 32 in turn informs other outputs such as training and research. The outputs of the sub-programme are explained substantively in the PAIA annexure (Annexure B) to this report.

Sub-programme	Outputs	Performance measure/ service delivery indicator	Actual Performance Against Target	
			Target	Actual
PAIA	Deputy Information Officer	Respond to request	100 % response within the PAIA timeframes	Achieved
	Consolidation of Section 32 reports of the public bodies	Number of respondents for section 32 information	100% response	Achieved
	Assist with complaints/mediation interventions	Including Referrals from legal services	100% response to request	Achieved: 353 telephonic and electronic 19 Consultations:
	Knowledge generation through research	Generate knowledge by publishing papers and opinions	2 per year	Achieved: 2 papers published
	Information and Deputy-Information Officer’s Forum and Access to Information Indaba	Successful hosting of Indaba and Forum	Hosting annual meeting/ before December 2007	Achieved: September 2007
	Support to special projects	As per request	100% response to request	Achieved
	Contribution to human rights development report and human rights journal	As per project plan	As per project plan	Achieved
	Assist with public awareness, education and training	As per request from education and training Training of information and deputy information officers	100% response to request	Achieved: Please see table and narrative on PAIA Audits
	Other interventions in response to Commission obligations under PAIA	Number of interventions required	100% intervention	Achieved
Comprehensive and integrated management and quality assurance system	Adopted systems document/ norms and standards	June 2007	Not achieved: Lack of capacity and financial resources	

2.13.4 Records Management

Proper records management not only ensures that there is corporate memory, but also guarantees good corporate governance. The Records Management sub-programme is aimed at promoting a culture of efficiency, openness, transparency, accountability and good governance and ensuring legislative compliance with the National Archives and Records Services Act 43 of 1996, by implementing a records management programme and administrative systems and procedures, in order to support the Commission's objectives.

The records management component is responsible for identification, classification, management, custody and care of all the records and records management systems of the Commission. The specific functions include, amongst others:

- Ensuring compliance with proper records management practices through approved records control mechanisms;
- Ensuring proper identification and classification of official information and effective distribution;
- Ensuring the protection and privacy as well as confidentiality of information; and
- Overseeing the successful implementation and maintenance of the Electronic Documents and Records Management Systems Project.

Records Management Policy

The policy was approved and adopted in December 2007, and is being implemented. A registry procedure manual has been drafted to put into effect the principles of the policy for approval by National Archives.

The File Plan

The file plan was approved by the National Archives and Records Service and staff members were capacitated on its use, with the exception of Limpopo, Mpumalanga and

Eastern Cape offices. They will be trained in the first quarter of the next financial year. The Records Control Schedule has been drafted for approval by the National Archives and Records Service.

The Establishment of Registry facilities and Strong rooms

A registry was established. The identified archives room is yet to be customised for the long term preservation of records, before archival records can be stored there. This will be implemented in the new financial period.

Electronic Documentation and Records Management System

The implementation of the EDRMS is on track. The Hummingbird software was installed in the servers at Head Office and for the 20 pilot user stations identified. The systems specifications were developed and customised and training was undertaken by the system administrators and the pilot group. The file plan will be built into the system in the next financial year.

The product posed several challenges, which are being addressed, with respect to post support services, the decrease in system speed, and consistency. The rapidly changing trends in the information technology environment and rising costs of software, licenses, user-training and system maintenance pose a threat. As a result, the full use of the system by all staff compliment may be realised only in the long term. Additional funding will thus be needed for post system support, especially for staff training, additional licenses for the rest of the staff, and other related resources.

The Preservation and Description of Archival Records

The arrangement and description of the archival records of the Office of the Chairperson is still ongoing. The speedy completion of the project may be hindered by the scarcity of archival skills in the employment market.



Programme Performance

Sub-programmes	Outputs	Performance measure/service delivery indicator	Actual performance against target	
			Target	Actual
Records Management	Records Management Policy	Approved records management policy	June 2007	Achieved: The Policy was adopted on 1 December 2007
	Implement Records Management Policy	As per policy	As per policy	Achieved
	File Plan	Submit File Plan for approval by the National Archives and Records Service of SA	Implement approved File Plan	Partially achieved. The file plan was revised, approved and staff were capacitated on its use
	Retention / Disposal Schedule & Procedures	Compile Retention / Disposal Schedule & Procedures	Submit Retention, Disposal Schedule & Procedures to NARS for approval	Achieved: The retention schedule and procedures have been drafted, subject to the approval of National Archives
	Security & Access Classification Scheme	Compile Security and Access Classification Scheme	Implement approved Security and Access Classification Scheme	Achieved: The draft security scheme was compiled
	Registry	Pilot a registry system within at least two departments	Roll-out and Implement a registry system	Partially achieved: Registry equipment was relocated to a new location
	Electronic Document & Records Management System	Pilot an EDRMS	Roll-out and implement the EDRMS	Partially achieved: System software was installed. Part of the pilot group was trained. File plan needs to be installed into the system for use

2.13.5 Information Communications Technologies

The Information Communications Technology sub-programme is responsible for the development and maintenance of all ICT systems. These include overseeing the implementation of all policies related to ICTs ranging from end-users to technical staff members.

The sub-programme has had major challenges during this reporting period. The most difficult of them was caused by the second robbery in which the servers were stolen. This led to the Commission's ICT backbone coming to a

complete standstill for a period of at least three weeks. It set us back in terms of projects that were planned for the year as financial resources had to be channelled towards replacing the stolen items. One of these projects, which is indicated as not having been achieved was the deployment of VPN which would have ensured that our bandwidth would have increased and would have improved overall systems operation and efficiency. These projects will be implemented in the next financial year dependent on availability of funds.

Sub-programmes	Outputs	Performance measure/service delivery indicator	Actual performance against target	
			Target	Actual
Information Communications Technologies	Development and maintenance of systems in terms of the Commission's Master Systems Plan and the IT Security Policy	WAN Upgrade (Deployment of VPN) Backup Systems Upgrade. Functional Internet monitoring. Video conferencing upgrade Acquisition and implementation of Helpdesk System IT Policies review	December 2007	Not Achieved: Budgetary constraints Partially Achieved – Telkom has been awarded the tender and are still on the planning phase Partially achieved – Tender was sent out for the upgrade. Bid committees set down and a contract awarded Partially Achieved: Software has just been bought. Waiting for delivery, installation, training and deployment Achieved. Achieved.
	Maintenance and support of all ICT Systems: including the complaints management system, e-Learning, e-Library, and Electronic Document and Records Management System	Properly maintained and fully functional ICT Systems	Ongoing	Achieved: e-Learning project launched internally Not Achieved: e-Library not implemented due to unavailability of funds Achieved: system deployed but awaiting user usage
	Training of general and IT staff	As per needs assessment	100% response to request	Achieved – Training of user on Hummingbird, as well as training by IA officials

2.14. Special Programmes

2.14.1 Community Outreach and Advocacy (COMOUT)

Purpose

This two year Programme engages and interacts particularly with disadvantaged and marginalised communities in South Africa, through the promotion of human rights and community outreach activities. While activities are not limited to these provinces, the priority provinces are Eastern Cape, Limpopo and KwaZulu-Natal.

Measurable Objectives

- To reach people in marginalised communities and promote human rights;
- To promote a “train the trainer” aspect to human rights interventions;
- To include a practical step-by-step guide in accessing services which promote human rights, in particular economic and social rights;
- To work with NGOs, civil society bodies and local government in promoting human rights within communities;
- To partner with other internal structures within the SARHC in promoting human rights ;
- To reach as many people as possible through mass communication means such as community radio; and



Programme Performance

- To implement a M&E system which will provide a needs analysis and an impact assessment on the programmes within the framework of the objectives of the Commission.

Service delivery objectives and indicators

The Community Outreach and Advocacy Unit (COMOUT) is a two-year project established in order to focus and direct the Commission's activities towards marginalised communities. The Civil Society Advocacy Project (CSAP) undertook a study of the poorest provinces in South Africa and established that the Eastern Cape, KwaZulu-Natal and Limpopo are such provinces with high unemployment, poor access to water and sanitation and low levels of education. As a result, it has given support for this two-year programme, which would be based within the Commission, to undertake human rights activities with a focus on Economic and Social rights.

Although much of the Commission's direction was already focusing on these communities, the sub-programme is acting as a co-ordinating structure that works with programmes within the Commission, as well as organisations outside of the Commission towards interacting with these communities and promoting access to justice. There are a number of tools available within the sub-programme to assist this process, such as media, outreach, education programmes as well as monitoring and evaluation.

During the first year of its operation in 2007 up to and including March 2008, a total number of 49 interventions were undertaken. There were 33 interventions in the Eastern Cape, 5 in the North West, 4 in Limpopo, 3 in KwaZulu-Natal and 4 in Gauteng. The Outreach and Education Officer is based in the Eastern Cape. There have been interventions covering a wide number of human rights issues in schools, particularly in the Eastern Cape, KwaZulu-Natal and Gauteng.

Eastern Cape

The interventions in the Eastern Cape Province addressed a wide number of communities on a broad range of topics. These include rural areas such as Lahlangubo and Cemezile, as well as Aliwal North, Cofimvaba, Xalanga, Ezibeleni, Molteno, Nkondlo, Ishapelo and Engcobo. Training for community leaders and the general public was held in some of these areas while in other areas, training of

paralegals was held. The topics were also varied, covering the rights of Older People; the rights of the Disabled; the rights of those with HIV and AIDS and training for the youth. Although there was only one Education Officer to do the training, she was able to cover a wide distance within the Eastern Cape, more specifically the rural areas, to promote human rights.

Limpopo

COMOUT undertook significant interventions in the remote village of Sigonde in Limpopo, close to the Zimbabwe border. Two separate interventions occurred there; the first being on the 18th and 19th April 2008 and the second, which was a follow up meeting, on the 26th November to the 1st December. Given the widespread poverty in the area, it was considered more advisable to do a deeper and sustainable intervention.

Some of the conditions there included the following:

- Water not fit for consumption
- No electricity – community promised to have it only by 2012
- The nearest clinic is 30 kilometres away
- The nearest high school is 17 kilometres away
- No tarred roads and roads generally very bad

The intervention included an initial meeting with the community and thereafter training took place jointly with the community in Sigonde as well as the municipality of Mutale on the 26th and 27th November 2007. The training covered the Background to the Constitution, the Bill of Rights, PEPUDA and PAIA and focused on specific problems pertaining to those communities. Visits to the local police, as well as the offices of the Department of Home Affairs and the Department of Social Development also took place. On the last day of the intervention, a dialogue took place where all of the stakeholders were involved including the Headman, police, teachers, councillors, the community, the Commission and the Office of the Public Protector. The major issues of the community were discussed and debated. The Commission has informed the relevant authorities on the above challenges and will monitor developments.

KwaZulu-Natal

As in Limpopo, COMOUT made a significant impact in the province of KwaZulu-Natal in the area of Mpophomeni.

This was targeted as one of the poverty stricken areas in the province. Preparatory meetings were established with a number of role-players in the province, in particular the uMngeni Municipality. A one week intensive intervention took place as part of an information sharing and gathering exercise.

A stakeholders meeting was held with the uMngeni Municipality with the Deputy Mayor, the Office of the Public Protector, the Commission on Gender Equality and the Independent Complaints Directorate. Workshops with community groups were held on Older Persons, and the youth in Mpophomeni and with school learners.

Community Radio

COMOUT has established a partnership with Australian Aid and the Institute for the Advancement of Journalism (IAJ) with the purpose of utilising the strength of community radio to promote human rights. A workshop has been held with community radio stations during February in Limpopo which included UnivenFM; Phalaborwa Community Radio; Botlokwa Community Radio; Moletji community radio; Motopane Community Radio; Mohodi FM; ZBFM; Turfloop FM; SECO FM. The workshop focused on technical skills and human rights information. The stations have started to do human rights broadcasts for human rights day through the Polokwane office of the Commission.

Sub-programme	Outputs	Performance measure/ service delivery indicator	Actual Performance against Target	
			Target	Actual
Training	Access to Justice/ Economic and Social Rights	Number and extent of Outreach/ Extent of enquiries made	30 interventions prioritising Eastern Cape, Limpopo, and KwaZulu Natal	Achieved: 49 interventions undertaken
	Civil society networking forums	Number of representatives and extent of enquiries and requests	At least two for the three provinces (EC; KZN and Limpopo)	Partially achieved in the Eastern Cape / KZN
	Capacity Building for Civil Society	Number of representatives and interventions Feedback received	Quarterly basis intervention prioritising Eastern Cape, Limpopo and KwaZulu-Natal	Achieved. Most of the 49 interventions covered civil society and CBOs.
	Seminars and roundtables Human Rights events and campaigns (themes and general)	Number of events and themes	1 per quarter	Achieved: World Refugee Day event held in June 2007 Human Rights Day activities in March 2008
	Community visits and informal walkabouts	Number of visits	<ul style="list-style-type: none"> 2 per quarter of the three priority provinces Collaboration with other SAHRC Programmes 	Achieved: Visited 14 communities in North West, Limpopo and Eastern Cape Achieved: Collaborated with ETP in conducting education and training in provinces and national office. Also works with ICP to implement the community radio project.



Programme Performance

Sub-programme	Outputs	Output performance measure/service delivery indicator	Actual Performance against target	
			Target	Actual
Media	Community Radio and capacity building	Number and extent of people reached	All community stations (Limpopo, Eastern Cape and KwaZulu- Natal)	Achieved: Community radio training programme, in collaboration with Australian Aid took place with 10 community radio stations in Limpopo in February 2008. <ul style="list-style-type: none"> Project in Community stations in three provinces to air human rights programmes over four months
	Greater coverage of the SAHRC outreaches/campaigns in community media	Number of releases quoted in the media	As per the issue requires	Partially achieved: Umhlabo Wenene in Eastern Cape Univen Radio on Human Rights Day and in March on HIV/AIDS (Limpopo) Botlokwa Community Radio on human rights day (Limpopo)
	Integration of edutainment	Number of requests for interviews, comments as covered by the media	As per programmes available	Partially achieved: Only proposals sent
	Newspaper/magazine articles / media briefings	Number of requests for interviews/comments as covered by the media	Issue based or general	Partially achieved. Submitted three news articles and one journal article
Civil Society Advocacy Programme	Regenesys Training	<ul style="list-style-type: none"> Number of trainings for the year Dependent on needs and funds 	As per funds to undertake maximum amount of training	Achieved: 4 staff trainings held through REGENESYS: Customer services 1 & 2 Strategic Planning Organisational Development Human Resources
	Additional CSAP tasks in terms of oversight: Strengthening civil society Enhancing the relationship between civil society and Chapter 9s	Number of management meetings relating to these tasks	Attendance of meetings related to these tasks	Partially achieved: Collaboration held in KZN and Eastern Cape Preparatory meetings held to this effect

2.15 Co-ordinators

Purpose

The Special Programmes portfolio is a new addition to the work of the Commission that seeks to provide for a more co-ordinated response to identified areas and vulnerable sectors in relation to human rights violations. These include non-nationals, children, older persons, and people living with disability, HIV/AIDS as well as crime and business sectors.

Measurable Objectives

- To streamline, drive and Co-ordinate the work of the Commission in relation to vulnerable sectors.
- To provide support within the Commission to respond to human rights violations within these sectors.
- To assist with advocacy, public awareness and legal services.
- To contribute to knowledge generation in the development and publication of the annual human rights development report and quarterly journal in relation to sectors.
- To implement projects in line with agreements with donor agencies.

Service delivery objectives and indicators

Co-ordinators act as a resource for Commissioners and other Programmes within the Commission by providing expert legal advice and guidance on matters relating to the identified sectors. It also assists with monitoring and undertaking strategic interventions where human rights violations were noted.

2.15.1 Non-nationals

The sub-programme assisted the Legal Services Programme in 23 complaints and independently handled 10 legally-related queries to provide redress where human rights violations would have occurred. The majority of issues related to the lack of adherence to administrative procedures by the Department of Home Affairs such as physical access to lodge asylum applications and the length of time it took for outcomes of applications. One notable case that the sub-programme handled was a complicated mediation that had to balance the health and education needs of a refugee child as against denial of his right not to be separated from his family. A *curator ad litem* had to be

appointed by the Children's court to determine what was in the best interests of the child and the matter remains pending. This case is a reflection that South Africa remains committed to the protection of all children regardless of their nationality.

Working in partnership with the Department of Home Affairs, the United Nations High Commissioner for Refugees and the Nelson Mandela Metropolitan Council, the sub-programme organised a notable commemoration of World Refugee Day on 20 June 2007 in Port Elizabeth, in the Eastern Cape, through a public event. The event was attended by approximately 2 500 people made up mainly of the local community of Motherwell Township with the key note message on local integration being delivered by the Minister of Home Affairs. This public awareness and local interaction event went a long way in emphasising the need for South Africans to appreciate the diversity and promote the integration of refugees within the local community.

Training

The sub-programme conducted seven capacity-building training sessions on the rights of and issues affecting non-nationals for its staff and stakeholders in the Western Cape, KwaZulu-Natal, Limpopo, Mpumalanga, Free State, North West and the Eastern Cape with donor funding from the Swiss Development Cooperation Agency so that staff and stakeholders are able to respond in a co-ordinated manner to the needs of non-nationals as a vulnerable group within our society.

Monitoring

The Commission undertook a fact-finding mission to the Beitbridge/ Musina border area to investigate some of the migration related challenges as migrants continue to come into the country. It also investigated the levels of protection afforded to migrants, particularly those from Zimbabwe as the issue of Zimbabwe remains topical. The visit noted the nature of the underlying reasons that are forcing people to move, how this is negatively affecting both the migrants and South Africa as a receiving country and also made recommendations as to how the country can best respond to some of the humanitarian needs of the migrants. The sub-programme carried out strategic interventions in conflict zones, as xenophobia reared its ugly head through xenophobic incidents between locals



Programme Performance

and non-nationals. The affected areas included Delmas in Mpumalanga, Soshanguve near Pretoria, Itireleng informal settlement near Laudium in Pretoria and Duncan Village in East London. These incidents indicate that the scourge

of xenophobia remains a challenge to the country and continues to require a comprehensive approach to mitigate it.

Sub-programmes	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Non-nationals	Streamline, drive & co-ordinate activities relating to non-nationals	Number and frequency of activities Level of collaboration with programmes and provinces	Weekly/ Monthly activities 60% of all activities to be concluded through programmes and provinces	Achieved: All requests met
	Assist with advocacy, public awareness and legal services	Number and extent of interventions	100% of requests	Achieved: 39 media engagements Assisted in 23 legal cases
	Monitor human rights development	Number/ Frequency of monitoring activities	Proactive /reactive	Achieved:4 legislative submissions 9 monitoring visits
	Conduct research	Number/ Frequency	Production of Human Rights Development Report Occasional Papers	Achieved: 4 research papers Achieved: 2 opinion pieces
	Establish & strengthen strategic partnerships	Number / Frequency	80–100% response	Achieved: 35 engagements
	Implement donor funded projects	As per project plan	As per project plan	Achieved: 7 seminars

2.15.2 DisAbility

The National Disability Machinery was launched in November 2007. This body comprises representatives of Government Departments, Chapter 9 Institutions, Disabled People's Organisations (DPOs), Business and Labour. The Commission, through the disability co-ordinator, is represented in this machinery, whose intent is to facilitate the mainstreaming, integration and inclusion of people with disabilities into all aspects of society at the strategic levels of political, social and economic empowerment. This will look at policies, resources, partnerships, implementation and monitoring.

The Commission has also built in-principle partnerships with individual DPOs of the South African Disability Alliance. This is especially strategic in implementing Human Rights training, advocacy and public awareness programmes as well as complaints handling.

A host of complaints regarding the denial to various rights to people with disabilities have been received by the Commission. The complaints regarding the SAA, in particular, appears to have been a long standing issue that has not reached resolution yet but was simply compounded by the change of the service provider for ground handling. There is a steady stream of complaints still reaching the Commission, it is hoped that there will be decisive measures put in place to set a precedent in this area. The lack of access to education, physical building and transport has been recurring themes in complaints that appears to need a higher level strategic intervention for broader impact.

The Commission convened a Roundtable Discussion on disAbility and Banking with the four major banks in South Africa, namely Nedbank, ABSA Bank, First National Bank and Standard Bank. All four banks presented the

Commission with information on their transformation agenda regarding disAbility. The roundtable discussion presented an opportunity for people with disabilities and DPOs to engage with the banks directly. It became evident from the discussions that the Banking Association of South African needs to play a more active strategic oversight

in achieving progress in this area. Whereas ABSA, had taken the initiative to develop inclusive programmes for both employees and clients with disAbilities, the other banks lagged behind. There certainly needed to be more consultation between banks and DPOs as well.

Sub-programmes	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Disability	Strategy on integration and Coordination of portfolios	Completed and adopted strategy	Implementation as per adopted strategy/ March 08	Achieved: 80 co-ordination interventions
	Position papers	Completed position papers	June 2007	Achieved: Concept paper completed
	Streamline, drive & Co-ordinate activities relating to the Disability sector	Number and frequency of activities Level of collaboration with programmes and provinces	Weekly/ Monthly activities 60% of all activities to be concluded through programmes and provinces	Achieved: 36 Legal interventions/ advices Supported 3 training interventions
	Assist with advocacy, and public awareness	Number and extent of interventions	100% of requests	Achieved: 5 presentations 15 media engagements 2 press releases Drafted Disability Pamphlet Circulated material on Disability etiquette
	Monitor human rights development	Number/ Frequency of monitoring activities	Proactive /reactive	Achieved: Contributed to ESR protocols templates 1 Site visit Met with Department of Social Development, Department of Education, Office on the Status of Disabled Persons
	Conduct research	Number/ Frequency	<ul style="list-style-type: none"> Production of Human Rights Development Report Annual / Quarterly Journal Occasional Papers 	Achieved: Contributed to Equality chapter and International treaty Body chapter Achieved: Contributed to the Journal Achieved: Desktop research on current affairs; Developed of Monitoring tools
	Establish & strengthen strategic partnerships	Number / Frequency	80–100% response	Achieved: Attended the Airports Company SA disability conference Attended meetings with various stakeholders on disability matters
	Implement donor funded projects	As per project plan	As per project plan	No donor-funding allocated to sub-programme



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2.15.3 Older persons

Monitoring visits were conducted at different old age homes, where most of the residents of Casa Mia Old Age Home, Johannesburg, were relocated to.

The sub-programme also assisted the Legal Services Programme on a case where there was obvious segregation between black and white residents. An inspection was done at the home, the Pieter Wessels Old Age Home, and all allegations were found to be true. After the Commission's intervention, the manager was given until the end of July to rectify the problem. If progress was not made by then, the case would be referred to the Equality Court.

Two submissions were made on the public hearings in Farming Communities and Housing, Evictions & Repossessions. The submission on Farming Communities focused on the right environment for older persons to live in. Older persons enjoy the right contemplated in Section 9 of the Constitution of the Republic of South Africa and in particular may not be denied the right to live in an environment catering for their changing capacities. The submission on Housing, Evictions and Repossessions Inquiry stipulates that good housing is essential for the basic well-being of older people. Absence of such 'good' housing affects all other areas of living and is the main contributing factor to the poverty trap, where the majority of those caught are older women.

Sub-programmes	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Older Persons	Strategy on integration and Co-ordination of portfolios	Completed and adopted strategy	Implementation as per adopted strategy/ March 08	Achieved: 19 Co-ordination interventions
	Streamline, drive & Co-ordinate activities relating to the Elderly	Number and frequency of activities Level of collaboration with programmes and provinces	Weekly/ Monthly activities 60% of all activities to be concluded through programmes and provinces	Achieved: 8 Strategic interventions and 9 legal interventions Achieved: 15 Collaborative activities with provincial offices, ETP, ICP and Legal Services
	Assist with advocacy, and public awareness	Number and extent of interventions	100% of requests	Achieved: 12 presentations and 23 media engagements Poster for older persons developed
	Monitor human rights development	Number/ Frequency of monitoring activities	Proactive /reactive	Achieved: 7 Monitoring visits
	Conduct research	Number/ Frequency	<ul style="list-style-type: none"> • Production of Human Rights Development Report • Annual / Quarterly Journal • Occasional Papers 	Achieved: 8 Research engagements Achieved: Contributed to the annual human rights development report Achieved: 7 occasional papers
	Establish & strengthen strategic partnerships	Number / Frequency	80–100% response	Achieved: 27 Networking interventions
	Implement donor funded projects	As per project plan	As per project plan	No donor-funding allocated to sub-programme

2.15.4 Crime and Human Rights

The Commission recognises the rights of victims of crime as human rights and given the high incidents of crime in our country it was appropriate for the Commission to ensure that its mandate derived from the Constitution also focused on advancing the rights of victims of crime.

As an independent institution the Commission obviously welcomes the implementation of the Victims' Charter and has indicated a willingness to work with various organs of state and government agencies in advancing the imperatives of the Charter, but also retains its right and ability to report independently to Parliament to whom it is accountable in respect of all of its activities relevant to the Charter. This, however, will not preclude the Commission from sharing such information and reports with government departments including the Department of Justice and Constitutional Development or where this is appropriate.

In responding to the challenges of the Victims' Charter, the Commission has chosen an approach to ensure that the work relevant and arising out of the Charter is integrated into all its functions in accordance with its core mandate of promoting, protecting and monitoring human rights. The Commission will in accordance with its complaints handling system continue to receive and accept complaints from victims of crime arising out of any breach of the rights as set out in the Charter. In this regard, the Commission will use its powers to assess and where appropriate, investigate those claims with a view to providing appropriate redress for such complainants. This capacity will be available at the national office of the Commission but also at all of its provincial offices.

During the reporting period, the Commission actively engaged with Community Police Forums in the Gauteng and the Western Cape provinces. Many of these workshops

and conferences focused on increasing the capacity, effectiveness and responsiveness of Community Police Forums to the needs of a crime fatigued populace. The Commission also actively promoted the establishment of Community Safety Forums as a new model to deal with crime comprehensively. The current structure of Community Police Forums is too limited in scope to effectively assist in the reduction and prevention of crime, and primarily because of its narrow focus on policing aspects alone. The establishment of Community Safety Forums should bring together a wider array of skills and interventions that goes beyond mere policing by engaging and addressing the root causes of crime. Community Safety Forums can not only be instrumental in the collection of crime intelligence, but it should also assist in the identification and nurturing of youth at-risk, as well as playing a hands-on role in the social reintegration of parolees in order to minimise recidivism.

One of the recommendations of the Conference on Crime and Its Impact on Human Rights hosted by the Human Rights Commission in 2006, was for more frequent release of crime statistics. The Commission welcomes the decision of the Department of Safety and Security to release crime statistics on a six-monthly basis, as this may go a long way to assist in analysing crime trends and patterns.

The Commission participated actively in the National Stakeholders Conference of the Department of Correctional Services whose aim was to improve co-ordination between the various actors in the field of corrections. The Commission continues to engage with the Department of Correctional Services on issues relating to correctional policy, especially with regard to the social reintegration of parolees and the prevention of unnatural deaths in prisons.



Programme Performance

Sub-programmes	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Crime	Assist Commissioners and operational units	Frequency	Targets of different units	Achieved: 12 Internal strategic interventions
	Position papers	Number/Frequency	One paper per quarter	Achieved: Completed a concept paper on human rights and crime, a discussion paper on the disbandment of the Scorpions Unit, paper on the imperative to develop a human rights-based response to the scourge of crime, and a paper on human rights and community policing
	Streamline, drive & Co-ordinate activities relating to Crime	Number and frequency of activities Level of collaboration with programmes and provinces	Weekly/ Monthly activities 60% of all activities to be concluded through programmes and provinces	Achieved: 7 meetings of inter-departmental Victims' Charter Task Team to develop the Implementation Plan to the Service Charter for Victims' Charter. 6 meetings with various stakeholders Responded to 49 crime-related inquiries
	Assist with advocacy, and public awareness	Number and extent of interventions	100% of requests	Achieved: 12 Crime-related media interventions 6 Presentations on human rights and crime at various stakeholder conferences and workshops
	Monitor human rights development	Number/ Frequency of monitoring activities	Proactive /reactive	Achieved: 3 Press releases in relation to human rights abuses Continuous human rights monitoring for Human Rights Development Report
	Conduct research	Number/ Frequency	<ul style="list-style-type: none"> Production of Human Rights Development Report Annual / Quarterly Journal Occasional Papers 	Achieved: Conducted research for Human Rights Development Report Achieved: Contributed a chapter to the Human Rights Development Report Achieved: Conducted research for position papers
	Establish & strengthen strategic partnerships	Number / Frequency	80–100% response	Achieved: 30 interventions in forums, workshops, conferences, and seminars with strategic stakeholders
	Implement donor funded projects	As per project plan	As per project plan	No donor-funding allocated to sub-programme

2.15.5 Business and Human Rights

On 18 and 19 March 2008 the Commission engaged with stakeholders, including business, at its national multi-stakeholder human rights and business conference at the Nedbank Sandton Auditorium entitled 'Business, Development and Poverty'. The Commission's conference partners were the African Institute for Corporate Citizenship (AICC) and the United Nations Office of the High Commissioner for Human Rights. One objective which motivated this conference is the Commission's view that engagement is essential in facilitating movement towards a clearer understanding of the human rights obligations of business.

Issues which were specifically addressed at the conference included the following:

1. Business as community stakeholders: The role of business in the promotion of human rights, development and poverty eradication. Important outcomes were the emphasis on business as agents for development and the necessity of developing a synergy between social policies and economic policies;
2. Corporate reporting and the business case for human rights: Business does have innovative means of responding to human rights reporting requirements, but South African companies are lagging behind their international counterparts in certain industries;
3. Human rights in the workplace: A common concern was the empowerment of individuals in order to enable them to assert their rights. Issues of diversity and accessibility for people with disabilities emphasises the core overarching principles of equality and human dignity;
4. The role of extractive industries, including mining, in the promotion of human rights and development: The critical point raised was that of community consultation, community empowerment and the effects of mining on communities, in particular the threat to livelihoods, subsistence farming, the environment and the displacement of communities;
5. Corporate governance and human rights: The main focus was to ensure that boards and shareholders are diligent in exercising their duty to ensure that their activities of companies are consistent with their broader social and human rights obligations;
6. The role of banking in the promotion of human

rights and development: The issue of accessibility to financial products particularly for the poor and vulnerable, the commitment to ensuring integrity in the supply chain system and the commitment to responsible lending and spending were among the challenges identified;

7. The role of Black Economic Empowerment (BEE) and responsible investment in the promotion of human rights and development;
8. Multi-stakeholder engagement: Working together to promote human rights; and
9. Energy, the environment and development.

The Commission emphasised that this conference was a point of departure and part of a process and not an end in itself. The Commission encourages business to be a part of this process so that all stakeholders can have a discussion with business as opposed to talking about business.

On 28 November 2007 the co-ordinator for Human Rights and Business represented the Commission during its participation in the hearing before the Competition Tribunal for the confirmation of the order against Tiger Food Brands (Pty) Ltd following the Competition Commission's finding of anti-competitive behaviour on the part of Tiger Brands.

The Commission participated in the hearing in order to emphasise that anti-competitive behaviour has a human cost attached for the ordinary person, that companies may be in breach of their human rights obligations and that such a breach may attach a further consequence. The Commission therefore emphasised the horizontal operation of the Bill of Rights of the Constitution. Furthermore, the Commission submitted that the commodity concerned, namely bread, is a basic commodity and that the consequences of the anti-competitive behaviour disproportionately affect the poor.

A third notable undertaking by the sub-programme was the Commission's submission in January this year to the United Nations Special Rapporteur on Health on the United Nation's draft Guidelines for Pharmaceutical Companies in Relation to Access to Medicines. One factor which motivated this undertaking is that the Guidelines present an opportunity to consider the role of private actors in the pharmaceutical industry in facilitating access to medicines and thereby playing a role in the realisation of the right to the highest attainable standard of health.



Programme Performance

Sub-programmes	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Business	Strategy on integration and Co-ordination of portfolios	Completed and adopted strategy	Implementation as per adopted strategy/ March 08	Achieved: Support to Commissioners and integration activities with other programmes
	Position papers	Completed position papers	June 2007	Achieved: Concept paper submitted
	Streamline, drive & Co-ordinate activities relating to the Business sector	Number and frequency of activities Level of collaboration with programmes and provinces	Weekly/ Monthly activities 60% of all activities to be concluded through programmes and provinces	Achieved
	Assist with advocacy, and public awareness	Number and extent of interventions	100% of requests	Achieved
	Monitor human rights development	Number/ Frequency of monitoring activities	Proactive /reactive	Achieved: Various research undertakings to track human rights developments
	Conduct research	Number/ Frequency	<ul style="list-style-type: none"> • Production of Human Rights Development Report • Annual / Quarterly Journal • Occasional Papers 	Achieved: 1 Concept Paper, 1 Human Rights Month and national conference proposal, and 1 Public hearing proposal Not achieved: No contribution made Achieved: 18 Research undertakings and specific projects
	Establish & strengthen strategic partnerships	Number / Frequency	80–100% response	Achieved: Stakeholder correspondence, discussions and meetings: 89 6 internal seminars and public hearings 20 Conferences, seminars and external meetings attended
	Implement donor funded projects	As per project plan	As per project plan	Achieved: Human Rights Month and national conference on Human Rights and Business Conference: Business, Development and Poverty funded by Nedbank and AICC

2.15.6 HIV and Aids

Since the establishment of the HIV & AIDS sub-programme in September 2006, the Commission became more visible in its work on the rights of people living with HIV & AIDS. The work of the sub-programme did not happen in isolation. There were collaborations with other portfolios

and programmes within the Commission.

The portfolio acted as a resource for Commissioners, provincial offices and other programmes by providing expert advice and guidance on matters regarding people living with HIV & AIDS. The sub-programme also assisted the provinces with strategic interventions where human rights violations were identified.

A workshop facilitated by the AIDS Law Project for staff members on HIV & AIDS and the Law was conducted in June 2007 at the Commission's head office.

The HIV & AIDS sub-programme conducted six community outreach interventions in Kuruman in the Northern Cape, where about 400 people were reached. These interventions were conducted at Ga-Sekgonyane Municipality chambers, Bankgara Community hall and Seoding Community hall. Other interventions were done at Mimosa Old Age Home and a workshop at Kuruman Library.

Five monitoring visits were also conducted at Nelspruit Prison in Mpumalanga, Mimosa Old Age Home in Kuruman, Northern Cape, Tintswalo Hospital in Mpumalanga and Natalspruit Hospital and Witkoppen Clinic in Gauteng.

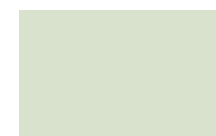
Strategic partnerships and networks

The sub-programme has been involved in assisting

provinces to draft their HIV, STI & TB Provincial Strategic Plans in Limpopo and North West. The Commission has been invited on numerous occasions to make presentations on HIV & AIDS and human rights. The sub-programme gave expert advice on issues of HIV, AIDS and human rights to other NGOs.

The bulk of the work with civil society focused on the implementation of the National HIV/AIDS and TB Strategic Plan for 2007–2011. Several meetings, a conference and workshops were held with Civil Society Organisations to map-out implementation strategies of the National Strategic Plan. There have been a number of workshops and conferences where the Commission had been invited to participate. These networking events helped to make the Commission more visible, especially on its work on HIV & AIDS and human rights.

Sub-programmes	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
HIV & AIDS	Strategy on integration and Co-ordination of portfolios	Completed and adopted strategy	Implementation as per adopted strategy/ March 08	Achieved: 18 co-ordination interventions done
	Position papers	Completed position papers	June 2007	Achieved: 1 position paper done
	Streamline, drive & co-ordinate activities relating to people living with HIV & AIDS	Number and frequency of activities Level of collaboration with programmes and provinces	Weekly/ Monthly activities 60% of all activities to be concluded through programmes and provinces	Achieved: Conducted 9 strategic interventions and 2 legal interventions



Programme Performance

Sub-programmes	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
HIV & AIDS	Assist with advocacy, and public awareness	Number and extent of interventions	100% of requests	Achieved 14 presentations & 13 media engagements and 1 pamphlet on HIV & AIDS and human rights.
	Monitor human rights development	Number/ Frequency of monitoring activities	Proactive /reactive	Partially achieved. Only 5 monitoring visits conducted.
	Conduct research	Number/ Frequency	<ul style="list-style-type: none"> Production of Human Rights Development Report Annual / Quarterly Journal Occasional Papers 	Achieved: Contributed to the annual human rights development report Achieved: Contributed to the quarterly journal Achieved: 4 research engagements
	Establish & strengthen strategic partnerships	Number / Frequency	80–100% response	Achieved: 24 Networking interventions conducted
	Implement donor funded projects	As per project plan	As per project plan	No donor-funding allocated to sub-programme

2.15.7 Children's Rights

The Older person's portfolio held joint dialogues in the Eastern Cape and Free State provinces regarding the rights of children and those of older people. A subsequent dialogue on inter-generational issues was held in November 2007. Together with the non-nationals, the two sub-programmes participated in consultations and a mediation session regarding a Sudanese minor, whose case was referred to the Commission by the Child Law Centre for mediation, and also worked together with the disability sub-programme on Inclusive education for disabled learners and the abolishment of posts at schools for disabled learners.

The ongoing engagements with the media afforded the Commission an opportunity to articulate its standpoint on children's rights and also to educate the public on the observance of the rights of children while emphasising the fact that children should claim their rights in a responsible manner.

Legislative and policy monitoring

During the reporting period, the children's sector experienced positive legislative reform aimed at making child protection legislation child-centred and promoting alignment with the Bill of Rights in the Constitution.

Input into policies and parliamentary submissions were submitted on various pieces of legislation which include:

- Clause 139 Of the Children's amendment Bill. This clause deals with the extension of the ban on corporal punishment to the home. This clause generated a great deal of controversy, as the South African public perceives government as over-regulating the private lives of citizens. As a result, the co-ordinator was involved in numerous media engagements on the topic with the specific aim of educating the public on the intentions of child protection legislation.
- The Integrated Strategy for Children with Disabilities (Department of Social Development).
- Costing implications for the implementation of the Children's Amendment Bill
- Minimum Sentencing Law
- Housing Bill
- Substance Abuse Bill
- The Child Justice Bill
- The Films and Publications Act

Occasional papers were generated on the following topics: Crime and child rights; Violence against women and

children; A position paper on child labour was developed for the Farm Evictions Public Hearing; and a position paper on children's rights to housing was developed for the Inquiry into Housing Evictions.

Strategic stakeholder engagements

The sub-programme engaged in strategic engagements with stakeholders such as the private sector (Investec's OVC project in Alexandra and Fair Trade in Tourism on child sex tourism and discussions on the Code of Ethics for the tourism sector).

The child rights portfolio also participated in government structures on a quarterly basis such as the National Child Protection Committee headed by the Department of Social Development.

39 stakeholder/networking/ relationship building interventions were realised. 2 workshops were conducted: to the Department of Social Development on school based violence and to the Media Monitoring Group on how to promote responsible reporting on children's issues.

The portfolio also realised the need to interface and engage stakeholders in dialogue regarding child rights and responsibilities. There is a perception, especially among the older generation that government is enacting laws that empower children and youth to the detriment of parental authority. As a result, dialogues involving adults, children and the youth were held in the Eastern Cape (August 2007), Free State (October 2007) and in Gauteng (November 2007).

Monitoring of child rights violations

Service delivery protest action investigations: The child rights portfolio was part of the Commission's team which investigated service delivery protest action in five communities where protests had erupted due to allegations of poor service delivery. The child rights coordinator's focus community was Khutsong as it was the only community where children's right to education was compromised. The co-ordinator drafted and submitted a report on her findings.



Programme Performance

Sub - programme	Outputs	Performance Measure/ Service Delivery Indicator	Actual Performance against target	
			Target	Actual
Children's rights	Strategy on integration of portfolios	Completed and adopted strategy	Implement as per adopted strategy/March 2008	Achieved: 39 support/interventions were rendered to operational units
	Position papers	Completed position papers	March 2008	Achieved: 3 position papers submitted
	Assist with advocacy, and public awareness	Number and extent of interventions	Proactive/reactive 100% of requests	Achieved: 21 media engagements on child rights violations
	Monitor human rights development	Number/ Frequency of monitoring activities	Proactive /reactive	Achieved: 8 policy and legislative monitoring interventions conducted
	Conduct research	Number/ Frequency	<ul style="list-style-type: none"> Contribute to the Human Rights Development Report Annual / Quarterly Journal Occasional Papers 	Achieved: Contributed to the Human Rights Development Report Not achieved: No contribution made Achieved: 5 research interventions on child rights undertaken
	Establish & strengthen strategic partnerships	Number / Frequency of monitoring activities	80 – 100% response	Achieved : Attended and participated at 39 stakeholder meetings and engagements
	Implement donor funded projects	As per project plan	As per project plan	No donor-funding allocated to sub-programme



Part 3: Human Resources Management

Human Resources Management

1. Expenditure

Budget in terms of clearly defined programmes. The following tables summarise final audited expenditure by programme (Table 1.1) and by salary bands (Table 1.2). In particular, it provides an indication of the amount spent on personnel costs in terms of each of the programmes or salary bands within the organisation.

TABLE 1.1 – Personnel costs by programme, 2007/08

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services (R'000)	Personnel cost as a percent of total expenditure	Average personnel cost per employee (R'000)
Commissioners	3 689 943					
Office of the CEO	2 374 888					
Legal	2 822 998					
Research	1 950 066					
Education	1 948 560					
PLLTBM	8 84 200					
Human Resources	9 002 662					
Administration	1 858 287					
Financial Management	1 714 229					
Special Programmes	2 602 406					
ICP	2 723 793					
Total	31 572 032					

TABLE 1.2 – Personnel costs by salary bands, 2007/08

Salary bands	Personnel Expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (Levels 1-2)	-		
Skilled (Levels 3-5)	1 475 845		
Highly skilled production (Levels 6-8)	5 633 669		
Highly skilled supervision (Levels 9-12)	17 036 518		
Senior management (Levels 13-16)	7 426 000		
Total	31 572 032		

The following tables provide a summary per programme (Table 1.3) and salary bands (Table 1.4), of expenditure incurred as a result of salaries, overtime, homeowners allowance and medical assistance. In each case, the table provides an indication of the percentage of the personnel budget that was used for these items.

TABLE 1.3 – Salaries, Overtime, Home Owners Allowance and Medical Assistance by programme, 2007/08

Programme	Salaries		Overtime		Home Owners Allowance		Medical Assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical Assistance as a % of personnel cost
Commissioners	3 531 459		1 542		35 524		121 418	
Office of the CEO	2 296 531		1 900		26 776		49 681	
Legal	2 638 926		-		101 345		82 727	
Research	1 855 260		6 224		37 628		50 954	
Education	1 816 524		6 555		65 232		60 248	
PLLTBM	824 485		-		46 533		13 182	
Human Resources	8 498 989		33 887		205 536		264 250	
Administration	1 674 763		19 712		61 297		102 514	
Financial Management	1 606 446		22 216		28 575		55 991	
Special Programmes	2 519 231		-		16 670		66 505	
ICP	2 578 211		1 963		61 324		82 295	
Total	29 840 826		94 001		686 440		950 765	

TABLE 1.4 – Salaries, Overtime, Home Owners Allowance and Medical Assistance by salary bands, 2007/08

Salary Bands	Salaries		Overtime		Home Owners Allowance		Medical Assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical Assistance as a % of personnel cost
Lower skilled (Levels 1-2)								
Skilled (Levels 3-5)	625 827.24		788.63		56 550.00		71 562.05	
Highly skilled production (Levels 6-8)	2 481 045.53		12 230.44		110 186.68		191 387.60	
Highly skilled supervision (Levels 9-12)	9 688 242.23		15 384.46		240 718.10		255 573.30	
Senior management (Levels 13-16)	3 250 680.41		0		38 356.00		61 938.04	
Total	16 045 795.41		28 403.53		445 810.78		580 460.99	



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2. Employment and vacancies

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate, and whether there are any staff that are additional to the establishment. This information is presented in terms of three key variables: programme (Table 2.1), salary band (Table 2.2) and critical occupations (Table 2.3). Organisations have identified critical occupations that need to be monitored. Table 2.3 provides establishment and vacancy information for the key critical occupations of the Programme.

The vacancy rate reflects the percentage of posts that are not filled.

TABLE 2.1 – Employment and vacancies by programme, 31 March 2008

Programme	Number of Vacant posts	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Commissioners	2	11	9	19%	
Management	5	35	30	14.28%	2
Information	2	15	13	13.3%	
Legal Services	1	12	11	8.33%	
Research	1	5	4	20%	
Education	4	11	7	36.36%	
Provinces	8	42	34	19.04%	
Special Programme	0	9	9	0	
Parliament	2	6	4	0	
Total	25	146	121	17.05%	2

TABLE 2.2 – Employment and vacancies by salary bands, 31 March 2008

Salary band	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Lower skilled (Levels 1-2)	1	1	0	
Skilled (Levels 3-5)	16	14	12.56%	
Highly skilled production (Levels 6-8)	39	33	13.15%	
Highly skilled supervision (Levels 9-12)	77	61	20.77%	
Senior management (Levels 13-16)	13	12	7.69%	

TABLE 2.3 – Employment and vacancies by critical occupation, 31 March 2008

Critical occupations	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Legal	12	11	8.33	0
Training	11	7	36.36	0
Research	5	4	20%	0
Total			21.42	

The information in each case reflects the situation as at 31 March 2008. For an indication of the changes in staffing patterns over the year under review, please refer to Part 4 of this section.

3. Job evaluation

The Public Service Regulations, 1999 introduced job evaluation as a way of ensuring that work of equal value is remunerated equally. Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in his or her organisation. In terms of the Regulations all vacancies on salary levels 9 and higher must be evaluated before they are filled. This was complemented by a decision by the Minister for the Public Service and Administration that all SMS jobs must be evaluated before 31 December 2002.

The following table (Table 3.1) summarises the number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

TABLE 3.1 – Job Evaluation, 1 April 2007 to 31 March 2008

Salary band	Number of posts	Number of Jobs Evaluated	% of posts evaluated by salary bands	Posts Upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (Levels 1-2)	1	0					
Skilled (Levels 3-5)	16	0					
Highly skilled production (Levels 6-8)	39	2	5.12%				
Highly skilled supervision (Levels 9-12)	77	0					
Senior Management Service Band A	9	0					
Senior Management Service Band B	3	0					
Senior Management Service Band C	1	0					
Senior Management Service Band D	0	0					
Total	146	2	1.36%				

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

TABLE 3.2 – Profile of employees whose salary positions were upgraded due to their posts being upgraded, 1 April 2007 to 31 March 2008

Employees with a disability	None
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The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

TABLE 3.3 – Employees whose salary level exceed the grade determined by job evaluation, 1 April 2007 to 31 March 2008 (in terms of PSR 1.V.C.3)

Percentage of total employment	None
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Table 3.4 summarises the beneficiaries of the above in terms of race, gender, and disability.

TABLE 3.4 – Profile of employees whose salary level exceed the grade determined by job evaluation, 1 April 2007 to 31 March 2008 (in terms of PSR 1.V.C.3)

Employees with a disability	None
-----------------------------	------

4. Employment changes

This section provides information on changes in employment over the financial year.

Turnover rates provide an indication of trends in the employment profile of the organisation. The following tables provide a summary of turnover rates by salary band (Table 4.1) and by critical occupations (Table 4.2).

TABLE 4.1 – Annual turnover rates by salary band for the period 1 April 2007 to 31 March 2008

Salary Band	Number of employees per band as on 1 April 2007	Appointments and transfers into the organisation	Terminations and transfers out of the organisation	Turnover rate
Lower skilled (Levels 1-2)	1	1	0	
Skilled (Levels 3-5)	14	2	1	7.14
Highly skilled production (Levels 6-8)	33	10	4	12.12
Highly skilled supervision (Levels 9-12)	61	26	15	24.5
Senior Management Service Band A	7	5	4	57.14
Senior Management Service Band B	3	0	0	
Senior Management Service Band C	2	0	0	
Senior Management Service Band D				
Total	121	44	24	19.83

TABLE 4.2 – Annual turnover rates by critical occupation for the period 1 April 2007 to 31 March 2008

Occupation:	Number of employees per occupation as on 1 April 2007	Appointments and transfers into the organisation	Terminations and transfers out of the organisation	Turnover rate
Legal Services	15	5	4	27.27
Education	11	3	4	14.28
Research	8	0	9	
Total	22	8	13	20.33%

Table 4.3 – Reasons why staff are leaving the organisation

Termination Type	Number	% of total
	0	
Resignation	34	28.09
Expiry of contract	47	38.84
Dismissal – operational changes	0	
Dismissal – misconduct	1	0.82

Termination Type	Number	% of total
Dismissal – inefficiency	0	
Discharged due to ill-health	0	
Retirement	1	0.82
Transfers to other Public Service Departments	0	
Other	0	
Total	83	68.59
Total number of employees who left as a % of the total employment		

Table 4.4 – Promotions by critical occupation

Occupation	Employees as at 1 April 2007	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Legal	11	2	7.69%		
Education	7	1	20%		
Research	4	0	7.69%		
Total	41	5	10.20%		

Table 4.5 – Promotions by salary band

Salary Band	Employees 1 April 2007	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progressions as a % of employees by salary band
Lower skilled (Levels 1-2)	1	0		0	
Skilled (Levels 3-5)	14	0		6	42.8
Highly skilled production (Levels 6-8)	33	2	6.06	8	24.24
Highly skilled supervision (Levels 9-12)	61	0		8	13.11
Senior management (Levels 13-16)	12	5	41.66	1	8.33
Total	121	7	5.7	23	19

5. Employment equity

The tables in this section are based on the formats prescribed by the Employment Equity Act, 55 of 1998.

5.1 – Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2008

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	19	1	2	1	14	1	0	1	39
Professionals	16	3	0	0	16	3	3	1	41
Technicians and associate professionals	4	1	0	0	0	0	0	0	4
Clerks	3	0	0	2	21	1	1	3	31
Service and sales workers	0	0	0	0	0	0	0	0	0
Skilled agriculture and fishery workers	0	0	0	0	0	0	0	0	0
Craft and related trades workers	0	0	0	0	0	0	0	0	0



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Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Plant and machine operators and assemblers	0	0	0	0	0	0	0	0	0
Elementary occupations	2	0	0	0	2	0	0	0	4
Total	44	5	2	3	53	5	4	5	121
Employees with disabilities	1						1	1	

5.2 – Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2008

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	2	1	2	1	1				7
Senior Management	2				2	1		1	6
Professionally qualified and experienced specialists and mid-management	25	2	0	0	25	5	4	1	62
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	5	1	0		22	2	0	2	32
Semi-skilled and discretionary decision making	3	0		0	9	1		0	13
Unskilled and defined decision making	1	0	0	0	0	0	0	0	1
Total	38	4	2	1	59	9	4	4	121

5.3 – Recruitment for the period 1 April 2007 to 31 March 2008

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	0	0	0	0	0	0	0	0	0
Senior Management	3	0	0	0	2	1	0	0	6
Professionally qualified and experienced specialists and mid-management	11	0	0	0	4	3	2	0	20
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	3	0	0	0	8	1	0	0	12
Semi-skilled and discretionary decision making	1	0	0	0	2	0	0	0	3
Unskilled and defined decision making	1	0	0	0	0	0	0	0	1
Total	19	0	0	0	16	5	2	0	42
Employees with disabilities									

5.4 – Promotions for the period 1 April 2007 to 31 March 2008

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	0	0	0	0	0	0	0	0	0
Senior Management	2	0	0	0	1	1	0	1	5
Professionally qualified and experienced specialists and mid-management	0	0	0	0	0	0	0	0	3
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	1	0	0	0	3	0	0	0	4
Semi-skilled and discretionary decision making	1	0	0	0	0	0	0	0	1
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Total	4	0	0	0	4	1	0	1	10
Employees with disabilities									

5.5 – Terminations for the period 1 April 2007 to 31 March 2008

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	0	0	0	0	0	0	0	0	0
Senior Management	3	0	0	0	1	0	0	0	4
Professionally qualified and experienced specialists and mid-management	5	1	1	1	4	1	1	0	14
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	1	0	0	0	2	0	2	0	5
Semi-skilled and discretionary decision making	0	0	0	0	0	1	0	0	1
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Total	9	1	1	1	7	2	3	0	24
Employees with disabilities									

5.6 – Disciplinary action for the period 1 April 2007 to 31 March 2008

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	0	0	0	0	1	0	0	0	1



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5.7 – Skills development for the period 1 April 2007 to 31 March 2008

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	4	1	1	1	3	1	0	1	12
Professionals	25	2	0	0	25	5	4	1	62
Technicians and associate professionals	5	1	0	0	23	2	0	2	33
Clerks	2	0	0	0	7	1	0	0	10
Service and sales workers	0	0	0	0	0	0	0	0	0
Skilled agriculture and fishery workers	0	0	0	0	0	0	0	0	0
Craft and related trades workers	0	0	0	0	0	0	0	0	0
Plant and machine operators and assemblers	0	0	0	0	0	0	0	0	0
Elementary occupations	2	0	0	0	2	0	0	0	4
Total	38	4	1	1	60	9	4	4	121
Employees with disabilities	1								

Performance rewards

To encourage good performance, the organisation has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability (Table 6.1), salary bands (table 6.2) and critical occupations (Table 6.3).

TABLE 6.1 – Performance Rewards by race, gender, and disability, 1 April 2007 to 31 March 2008

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
African					
Male	25	38	65.7		
Female	40	60	66.66		
Asian	0	0			
Male	0	1			
Female	0	4			
Coloured	0	0			
Male	0	4			
Female	0	9			
White	0	0			
Male	0	1			
Female	2	4	50		
Employees with a disability	0	0			
Total	67	121	55.37		

TABLE 6.2 – Performance Rewards by salary bands for personnel below Senior Management Service, 1 April 2007 to 31 March 2008

Salary Bands	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Lower skilled (Levels 1-2)	0	1				
Skilled (Levels 3-5)			100%			
Highly skilled production (Levels 6-8)	22	27	81.48%			
Highly skilled supervision (Levels 9-12)	30	55	54.54%			
Total	52	83	62.65%			

TABLE 6.3 – Performance Rewards by critical occupations, 1 April 2007 to 31 March 2008

Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total Cost (R'000)	Average cost per employee
Legal	4	11	36,36		
Research	2	4	50		
Education and Training	0	7			
Total	6	22	27.27		

TABLE 6.4 – Performance related rewards (cash bonus), by salary band, for Senior Management Service

Performance related rewards (cash bonus)	None
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7. Foreign workers

The tables below summarise the employment of foreign nationals in the organisation in terms of salary bands and by major occupation. The tables also summarise changes in the total number of foreign workers in each salary band and by each major occupation.

TABLE 7.1 – Foreign Workers, 1 April 2007 to 31 March 2008, by salary band

Foreign Workers, 1 April 2007 to 31 March 2008, by salary band	None
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TABLE 7.2 – Foreign Worker, 1 April 2007 to 31 March 2008, by major occupation

Foreign Workers, 1 April 2007 to 31 March 2008, by major occupation	None
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8. Leave utilisation for the period 1 January 2007 to 31 December 2007

The Public Service Commission identified the need for careful monitoring of sick leave within the public service. The following tables provide an indication of the use of sick leave (Table 9.1) and disability leave (Table 9.2). In both cases, the estimated cost of the leave is also provided.



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TABLE 8.1 – Sick leave, 1 January 2007 to 31 December 2007

Salary Band	Total days	% days with medical certification	Number of Employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	0					
Skilled (Levels 3-5)	34		8	23.52%		
Highly skilled production (Levels 6-8)	97		22	22.68%		
Highly skilled supervision (Levels 9-12)	109		32	29.57%		
Senior management (Levels 13-16)	44		8	18.18%		
Total	284	0	70	24.47		

TABLE 8.2 – Disability leave (temporary and permanent), 1 January 2007 to 31 December 2007

Disability leave (temporary and permanent)	None
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Table 8.3 summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

TABLE 8.3 – Annual Leave, 1 January 2007 to 31 December 2007

Salary Bands	Total days taken	Average per employee
Lower skilled (Levels 1-2)	4	
Skilled Levels 3-5)	115	
Highly skilled production (Levels 6-8)	570	
Highly skilled supervision(Levels 9-12)	400	
Senior management (Levels 13-16)	214	
Disability leave (temporary and permanent)	None	

TABLE 8.4 – Capped leave, 1 January 7 to 31 December 2007

Capped Leave, 1 January 2007 to 31 December 2007	None
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TABLE 8.5 – Leave payouts for the period 1 April 2007 to 31 March 2008

The following table summarises payments made to employees as a result of leave that was not taken.

REASON	Total Amount (R'000)	Number of Employees	Average payment per employee
Leave payout for 2007/08 due to non-utilisation of leave for the previous cycle	0	0	0
Capped leave payouts on termination of service for 2007/07	0	0	0
Current leave payout on termination of service for 2007/08	257 636.96	24	22
Total	257 636.96	24	22

9. HIV and AIDS & health promotion programmes

TABLE 9.1 – Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk <ul style="list-style-type: none"> • Free condoms placed at strategic places • Health and safety presentations - Service provider to advise on health and safety
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TABLE 9.2 – Details of Health Promotion and HIV and AIDS Programmes (tick the applicable boxes and provide the required information)

Question	Yes	No	Details, if yes
1. Has the organisation designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.		No	
2. Does the organisation have a dedicated unit or has it designated specific staff members to promote the health and well being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		1 internal staff member
3. Has the organisation introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme.	Yes		Life Management Trauma Family matters Stress related
4. Has the organisation established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.		No	
5. Has the organisation reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		HIV/Aids policy
6. Has the organisation introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		HIV/Aids policy
7. Does the organisation encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved.	Yes		Reported increased number of staff undergoing counselling through ICAS.
8. Has the organisation developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		Wellness day

10. Labour relations

The following table summarises the outcome of disciplinary hearings conducted within the organisation for the year under review.

TABLE 10.1 – Misconduct and disciplinary hearings finalised, 1 April 2007 to 31 March 2008

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	0	
Verbal warning	0	
Written warning	0	
Final written warning	1	25%
Suspended without pay	0	
Fine	0	
Demotion	0	
Dismissal	1	25%
Not guilty	1	25%
Case withdrawn	1	25%
Total	4	100%



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TABLE 10.2 – Types of misconduct addressed at disciplinary hearings

Type of misconduct	Number	% of total
Unauthorised use of vehicle	1	100%
Total	1	100%

TABLE 10.3 – Grievances lodged for the period 1 April 2007 to 31 March 2008

	Number	% of Total
Number of grievances resolved	1	50%
Number of grievances not resolved	1	50%
Total number of grievances lodged	2	100%

TABLE 10.4 – Disputes lodged with Councils for the period 1 April 2007 to 31 March 2008

	Number	% of Total
Number of disputes upheld	1	50%
Total number of disputes lodged	2	100%

TABLE 10.5 – Strike actions for the period 1 April 2007 to 31 March 2008

Total number of person working days lost	
Total cost (R'000) of working days lost	
Amount (R'000) recovered as a result of no work no pay	

TABLE 10.6 – Precautionary suspensions for the period 1 April 2007 to 31 March 2008

Number of people suspended	1
Number of people whose suspension exceeded 30 days	0
Average number of days suspended	30
Cost (R'000) of suspensions	R31,250

11. Skills development

This section highlights the efforts of the organisation with regard to skills development.

11.1 – Training needs identified 1 April 2007 to 31 March 2008

Occupational Categories	Gender	Number of employees as at 1 April 2007	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	5		0		
	Male	7		3		3
Professionals	Female	35		33		33
	Male	27		29		29
Technicians and associate professionals	Female	27		55		55
	Male	6		9		9
Clerks	Female	8		9		9
	Male	2		14		14

Service and sales workers	Female	0		0		0
	Male			0		0
Skilled agriculture and fishery workers	Female	0		0		0
	Male			0		0
Craft and related trades workers	Female	0		0		0
	Male			0		0
Plant and machine operators and assemblers	Female	0		0		0
	Male			0		
Elementary occupations	Female	2		0		0
	Male	2				0
Sub Total	Female	77		97		97
	Male	44		55		55
Total		121		152		152

11.2 – Training provided 1 April 2007 to 31 March 2008

Occupational Categories	Gender	Number of employees as at 1 April 2008	Training provided within the reporting period			Total
			Learnerships	Skills Programmes & other short courses	Other forms of training	
Legislators, senior officials and managers	Female	5		4		4
	Male	7		7		7
Professionals	Female	35		27		27
	Male	27		13		13
Technicians and associate professionals	Female	27		19		19
	Male	6		4		4
Clerks	Female	8		2		2
	Male	2		3		3
Service and sales workers	Female	0		0		0
	Male			0		0
Skilled agriculture and fishery workers	Female	0		0		0
	Male			0		0
Craft and related trades workers	Female	0		0		0
	Male			0		0
Plant and machine operators and assemblers	Female	0		0		0
	Male			0		0
Elementary occupations	Female	2		0		0
	Male	2		0		0
Sub Total	Female	77		52		52
	Male	44		27		27
Total		121		79		79



Human Resources Management

12. Injury on duty

The following tables provide basic information on injury on duty.

TABLE 12.1 – Injury on duty, 1 April 2007 to 31 March 2008

Nature of injury on duty	None
--------------------------	------

13. Utilisation of consultants

Table 13.1 – Report on consultant appointments using appropriated funds

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
MMS Attorneys	1	5	R72 048.00
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand

Table 13.2 – Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs)

Analysis of consultant appointments using appropriated funds	None
--	------

Table 13.3 – Report on consultant appointments using Donor funds

Project Title	Total Number of consultants that worked on the project	Duration: Work days	Donor and Contract value in Rand
Roll Back Xenophobia	1	365	R155 104.76
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand

Table 13.4 – Analysis of consultant appointments using Donor funds, in terms of Historically Disadvantaged Individuals (HDIs)

Analysis of consultant appointments using Donor funds	None
---	------



Part 4: Finances

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Report of the CEO for the year ended 31 March 2008

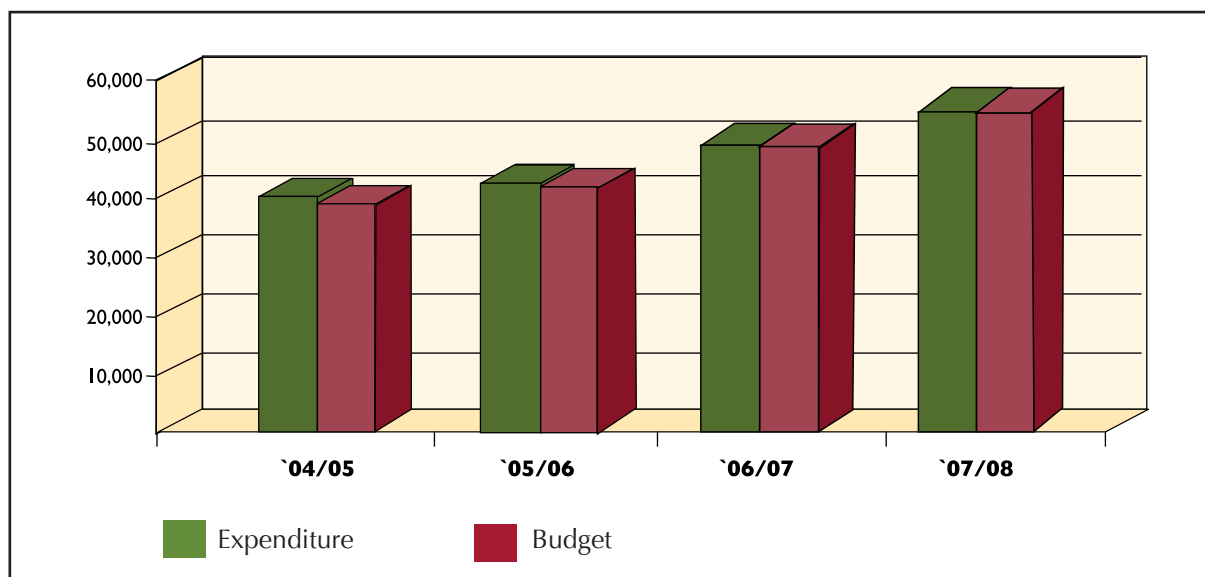
1. Spending trends 2004/05 -2007/08 as per Standard items

Programme	Expenditure Outcome			Actual
	Audited	Audited	Audited	Expenditure
	R'000	R'000	R'000	R'000
	2004/05	2005/06	2006/07	2007/08
Personnel	21,246	25, 073	26,498	31,572
Administrative	3,729	6,105	6,673	7,516
Inventories	884	756	307	246
Land & buildings	4,475	5, 403	6,182	6,252
Professional services	8,493	4, 985	9,752	9,478
Total	38,827	42,322	49,412	55,064
Baseline allocation	37,653	41,774	49,220	55,281
Donor funds			1,315	309

The expenditure trend in the table above reflects the results for the past three years, and the results of the financial year 2007/08. On average the MTEF baseline allocation comprised an average increase of 14% for the past 3 years and the period under review.

The actual expenditure for 2007/08 is R55 million. The total amount of commitment of which no provision was raised is R624,000.00, see Annexure A to the annual financial statements.

Budget vs. Expenditure



The graph illustrates the grant received against the total expenditure for the past 3 years and the current period under review.

2. Services rendered by the Commission

The mandate of the SAHRC as contained in section 184 of the Constitution (Republic of South Africa Constitution Act No. 108 of 1996) is as follows:



Report of the CEO for the year ended 31 March 2008

Section 184 (1): "The SA Human Rights Commission must -

- (a) promote respect for human rights and a culture of human rights;
- (b) promote the protection, development and attainment of human rights; and
- (c) monitor and assess the observance of human rights in the Republic."

Section 184 (2): "The SA Human Rights Commission has the powers, as regulated by national legislation, necessary to perform its functions, including the power-

- (a) to investigate and to report on the observance of human rights;
- (b) to take steps to secure appropriate redress where human rights have been violated;
- (c) to carry out research; and
- (d) to educate."

Section 184 (3):

"Each year, the SA Human Rights Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment."

The SAHRC also has specific obligations in terms of both the Promotion of Access to Information Act No. 2 of 2000 (PAIA) and the Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000 (PEPUDA).

The overarching responsibilities in terms of these statutes are for the SAHRC to promote awareness of the statutes; to report to Parliament on matters relating to these statutes; and to develop recommendations on persisting challenges relating these statutes and any necessary reform.

3. Utilisation of Donor Funding

For the period under review the Commission had received and utilised the Donor funding from the following projects:

a. Roll Back Xenophobia

For the past three financial years the Commission's annual financial statements reflected a balance of R326,191.00 under the project name Roll back Xenophobia. These funds were never returned to the donor at the end of the project term. A proposal to utilise these funds was forwarded to the donor and approval was granted.

As at 31 March 2008 only R 155,104.76 had been utilised and the remaining balance is R171, 086.24. The project will expire on 30 April 2008.

b. Australian Aid grant

An amount of R249,615.00 was received from the Australian Aid and as at 31 March 2008 there was no expenditure incurred. The project will expire on 30 October 2008.

c. Mott foundation grant

The Commission had in the previous financial year 2006/07 a balance of R29,974.00 remaining on this project. As at 31 March 2008 only R 19,848.00 was utilised and the balance of R10,126.00 was transferred to other income completed project.

d. NZ high Commission

At the beginning of the financial year the Commission had in its books the balance of R86,748,00. During the year the donor requested that the remaining balance on this project be paid back to them, the amount was then paid to the donor accordingly.

e. Foundation for Human Rights (Equality)

At the beginning of the financial year the Commission had in its books the balance of R74,536.00. As at 31 March 2008 only R 69,645.00 was utilised and the balance of R4,890.00 was paid back to the donor as per their request.

f. Foundation for Human Rights (Omnibus)

At the beginning of the financial year the Commission had in its books the balance of R34, 009.00. As at 31 March 2008 only R 22,960.00 was utilised and the balance of R11, 049.00 was paid back to the donor as per their request.

g. Foundation for Human rights reports

At the beginning of the financial year the Commission had in its books the balance of R173, 000.00. As at 31 March 2008 only R41, 366.00 was utilised and the balance of R108,634.00 was paid back to the donor, the amount of R23,000.00 was transferred to other income completed project.

4. Capacity constraints - For the period under review the Commission had to continue outsourcing the internal audit function to PriceWaterhouseCoopers and Xabiso Consortium; to assist with the internal audit function, The Commission has secured the services of a Chief Internal Auditor as from the 1 November 2007 who will be carrying over the responsibilities previously performed by the Consortium.

5. Trading entities/public entities -There are no trading entities and public entities under the control of the Commission.

6. Other organisation to whom transfer payments have been made - None

7. Public private partnerships - The Commission has not entered into any of such agreements.

8. Discontinued activities and new activities - None

9. Event after the reporting date - There are no events to be reported.

10. Going Concern

The accounting officer has reviewed the financial statements for the period under review and concluded that the Commission will continue in operation for the foreseeable future.

11. Performance information

The implementation of the PFMA act was monitored during the period under review to ensure compliance. The performance against pre-determined objectives is set out in detail in the annual report.

12. Annual financial statements

The financial statements have been prepared in accordance with the policies as stated in the annual financial statements, which have been applied consistently in all material respects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act, Statement of Generally Accepted Accounting Practices (GAAP) including any interpretations of such statement issued by the Accounting Practises Board and the prescribed standard of General Recognised Accounting Practices (GRAP) issued by the Accounting Standard Board replacing equivalent (GAAP) Statements.

To the best of my knowledge, all representations made in the Annual Financial Statements are appropriate and valid.

Commissioners

The following persons have served as Commissioners during the period under review, from 01-04-2007 to 31-03-2008:



Report of the CEO

for the year ended 31 March 2008

N Kollapen	Chairperson
Z Majodina	Deputy Chairperson
T Manthata	Commissioner
L Wessels	Commissioner
K Govender	Part-time Commissioner

13. Role and Function

The Chief Executive Officer is the Accounting Officer of the SAHRC in terms of the Public Finance Management Act (PFMA).

Functioning Audit Committee

The SAHRC Audit Committee continues to function and has met four times during the period under review. The Audit Committee is responsible for improving management reporting by overseeing the audit functions, internal controls and the financial reporting process.

Risk Management

The Commission recognises the importance of risk management in ensuring that its objectives are achieved. The risk assessment was conducted and the risk profile was updated for the period under review. A decision to discuss risk management in both Executive and Audit Committee meetings was taken. The Risk Management Committee was appointed and has been delegated to play an oversight role on the Enterprise Wide Risk Management activities.

Internal Audit

The Internal audit activity for 2007/08 was outsourced to the PriceWaterhouseCoopers and Xabiso Consortium; the contract expired on 30 June 2008. The Commission has secured the services of a Chief Internal Auditor with effect from the 01 November 2007 who will be carrying over the responsibilities previously performed by the Consortium.

14. Approval of finances

The financial statements fairly represent the state of affairs of the Commission as at 31 March 2008. These statements are the responsibility of the Commission while the auditors are responsible for the reporting on the fair presentation of these financial statements.

The financial statements reflect appropriate accounting policies and adhere to applicable accounting standards. The annual financial statements for the year ended 31 March 2008 were submitted to the Accounting Officer for approval on 28 May 2008 for submission to the Auditor-General and the National Treasury; in terms of section 40(1) (c) of the Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended.

The annual financial statements as set out on pages 102 to 132 have been approved by the Accounting Officer and signed on behalf of the SAHRC by:



Adv T Thipanyane
Chief Executive Officer

Report of the Audit Committee for the year ended 31 March 2008

The Audit Committee is pleased to present the report for the financial year ended 31 March 2008.

Audit Committee Members and Attendance:

The Audit committee consists of the members listed hereunder and should meet at least 2 times per annum as per its approved terms of reference. During the current year 5 meetings were held.

Name of Member	Number of Meetings Attended
Mr. D Coovadia (Chairperson)	5
Ms. TV Ndou	4
Mr. AV Skosana	4

Audit Committee Responsibility

The Audit Committee reports that it has complied with its responsibilities arising from section 38(1) (a) of the PFMA and Treasury Regulation 3.1, that it has adopted appropriate formal terms of reference as its audit committee charter, it has regulated its affairs in compliance with this charter and has discharged all its responsibilities as contained therein.

The effectiveness of internal control

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

From various reports of the Internal Auditors, the Audit Report on the Annual Financial Statements and the management letter of the Auditor-General, it was noted that except for a qualification on the fixed assets, no significant or material non compliance with prescribed policies and procedures have been reported.

The Audit Committee, therefore reports that the system of internal control for the period under review was reasonably efficient and effective.

The quality of in year management and monthly/quarterly reports submitted in terms of the PFMA

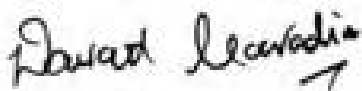
The Audit Committee is satisfied that the policies and procedures implemented by management were sufficient to ensure that the accounting and information systems and related controls are satisfactory and effective to meet expectations with regard to reports required.

Evaluation of Financial Statements

The Audit Committee has:

- Reviewed and discussed the annual financial statements to be included in the annual report, with the Auditor-General and the Accounting Officer;
- Reviewed the Auditor-General's management letter and management's response thereto;
- Reviewed changes in accounting policies and practices ; and
- Reviewed significant adjustments resulting from the audit.

The Committee concurs and accepts the conclusions of the Auditor-General and is of the opinion that these financial statements be approved and read together with the report of the Auditor-General.



D. Coovadia, Chairperson



Report of the Auditor-General for the year ended 31 March 2008

Introduction

1. I have audited the accompanying financial statements of the Human Rights Commission (Commission) which comprise the appropriation statement, statement of financial position as at 31 March 2008, statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages 102 to 132.

Responsibility of the accounting officer for the financial statements

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

Responsibility of the Auditor-General

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 read with section 4 of the Public Audit Act, 2004 (Act No. 25 of 2004) (PAA), my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with the International Standards on Auditing and General Notice 616 of 2008, issued in Government Gazette No. 31057 of 15 May 2008. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance on whether the financial statements are free from material misstatement.
5. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.
6. An audit also includes evaluating the:
 - appropriateness of accounting policies used;
 - reasonableness of accounting estimates made by management; and
 - overall presentation of the financial statements.
7. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Basis of accounting

8. The Commission's policy is to prepare financial statements on the basis of accounting determined by the National Treasury, as set out in the accounting policy note 1.2 to the financial statements.

Basis for qualified opinion

9. Property, plant and equipment
In terms of IAS 16, par 51, the residual value and the useful life of an asset shall be reviewed at each financial year end. The Commission did not review the residual value of assets and the useful life during the current or previous financial periods. We were not able perform alternative audit procedures to give us assurance as to the extent of the error, due to restrictions in the client's information system.
The above matter limited our ability to verify whether assets are fairly valued as at 31 March 2008.

Report of the Auditor-General for the year ended 31 March 2008

Qualified opinion

10. In my opinion, except for the effects of the matters described in the Basis for qualified opinion paragraphs, the financial statements present fairly, in all material respects, the financial position of the Commission as at 31 March 2008 and its financial performance and cash flows for the year then ended, in accordance with the basis of accounting determined by the National Treasury, as set out in accounting policy note 1.2 and in the manner required by the PFMA.

Emphasis of matter

I draw attention to the following matter:

Restatement of corresponding figures

11. As disclosed in note 18 to the financial statements, the corresponding figures for 2006/07 have been restated as result of various errors discovered during the current year.

OTHER MATTERS

I draw attention to the following matters that relate to my responsibilities in the audit of the financial statements:

Internal controls

12. Section 38(1)(a)(i) of the PFMA states that the accounting officer must ensure that the Commission has and maintains effective, efficient and transparent systems of financial and risk management and internal control. The table below depicts the root causes that gave rise to the inefficiencies in the system of internal control, which led to the qualified of opinion. The root causes are categorised according to the five components of an effective system of internal control. In some instances deficiencies exist in more than one internal control component.

Reporting item	Control environment	Risk assessment	Control activities	Information and communication	Monitoring
Property, plant and equipment	✓	✓	✓	✓	✓

Control environment: establishes the foundation for the internal control system by providing fundamental discipline and structure for financial reporting.

Risk assessment: involves the identification and analysis by management of relevant financial reporting risks to achieve predetermined financial reporting objectives.

Control activities: policies, procedures and practices that ensure that management's financial reporting objectives are achieved and financial reporting risk mitigation strategies are carried out.

Information and communication: supports all other control components by communicating control responsibilities for financial reporting to employees and by providing financial reporting information in a form and time frame that allows people to carry out their financial reporting duties.

Monitoring: covers external oversight of internal controls over financial reporting by management or other parties outside the process; or the application of independent methodologies, like customised procedures or standard checklists, by employees within a process.



Report of the Auditor-General for the year ended 31 March 2008

Matters of governance

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

Matter of governance	Yes	No
Audit committee		
• The Commission had an audit committee in operation throughout the financial year.	✓	
• The audit committee operates in accordance with approved, written terms of reference.	✓	
• The audit committee substantially fulfilled its responsibilities for the year, as set out in section 77 of the PFMA and Treasury Regulation 3.1.10/27.1.8.	✓	
Internal audit		
• The Commission had an internal audit function in operation throughout the financial year.	✓	
• The internal audit function operates in terms of an approved internal audit plan.	✓	
• The internal audit function substantially fulfilled its responsibilities for the year, as set out in Treasury Regulation 3.2/27.2.	✓	
Other matters of governance		
The annual financial statements were submitted for audit as per the legislated deadlines section 40 of the PFMA.	✓	
The financial statements submitted for audit were not subject to any material amendments resulting from the audit.		✓
No significant difficulties were experienced during the audit concerning delays or the unavailability of expected information and/or the unavailability of senior management.		✓
The prior year's external audit recommendations have been substantially implemented.	✓	

OTHER REPORTING RESPONSIBILITIES - REPORT ON PERFORMANCE INFORMATION

14. I have reviewed the performance information as set out on pages 14 to 74.

Responsibility of the accounting officer for the performance information

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

Responsibility of the Auditor-General

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

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

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

Audit findings (performance information)

Measurable objectives not consistent

19. I found that the following measurable objectives were present in the strategic plan; however I were not able to trace these to the annual performance plan.

Report of the Auditor-General for the year ended 31 March 2008

- All objectives relating to Strategic Management
- The following specific objectives under education, training and public awareness:
 - The development and implementation of e-Learning for the Commission.
 - The development and execution of the Commissions e – Learning strategies in line with strategic objectives and standards set out for e-Learning in South Africa.

Lack of sufficient appropriate audit evidence

20. I was unable to obtain sufficient appropriate audit evidence in relation to the performance information of the Commission, as I was unable to obtain access to the following records pertaining to the key performance indicators listed below:

- Whether complaints are assessed within 14 days.
- Whether capturing is performed within 14 days.
- Whether assessments are completed within 3 days.

Performance information not received in time

21. Performance information was not received in time. I only received the final information on 4 July 2008.

APPRECIATION

22. The assistance rendered by the staff of the Commission during the audit is sincerely appreciated.

Auditor-General

Pretoria
31 July 2008



Statement of Financial Position

as at 31 March 2008

	Notes	2008 R'000	2007 R'000
ASSETS			
Non-current assets		11,086	6,848
Property, plant and equipment	12	10,834	6,461
Intangible assets	13	252	387
Current assets		2,730	10,204
Inventories	11	141	111
Trade and other receivables from exchange transactions	9	144	237
SAHRC Trust	10	-	203
Cash and cash equivalents	8	2,445	9,653
Total assets		13,816	17,052
LIABILITIES			
Non-current liabilities		177	112
Finance lease liability	16	177	112
Current liabilities		4,555	9,097
Trade and other payables	14	3,665	6,635
Operating lease liability	15	192	874
Finance lease liability	16	277	306
Deferred revenue	17	421	725
Government Grant	22.2	-	557
Total liabilities		4,732	9,209
Total net assets		9,084	7,843
NET ASSETS			
Reserves			
Accumulated surplus		9,084	7,843
Net assets		9,084	7,843

Statement of Financial Performance for the year ended 31 March 2008

	Notes	2008 R'000	2007 R'000
Revenue		56,109	51,478
Non-exchange revenue	1	55,623	50,571
Exchange revenue	2	486	907
Expenditure		(55,064)	(49,412)
Personnel	3	31,572	26,498
Administrative	4	13,768	12,855
Depreciation, amortisation and impairment	5	2,366	2,685
Operating	6	6,866	6,964
Finance cost	7	492	410
Profit on disposal of assets		60	4
Surplus / (Deficit) for the year		1,105	2,070



Statement of Changes in Net Assets for the year ended 31 March 2008

	Notes	Accumulated Surplus 2008 R'000
<i>Balance at 1 April 2006</i>		6,466
Surplus for the year		2,070
		8,536
Repayments of surplus to National Treasury 2006/07		(557)
<i>Current year's surplus</i>		1,105
Balance at 31 March 2008		9,084

Cash Flow Statement

for the year ended 31 March 2008

	Notes	2008 R'000	2007 R'000
Cash flows from operating activities			
<i>Cash receipts</i>		56,109	51,478
Grants from the Department		55,281	49,220
Other grants		342	1,351
Interest income		481	690
Administrative fees		5	217
<i>Cash paid to suppliers and employees</i>		(56,670)	(44,706)
Personnel		31,572	26,498
Other suppliers		25,098	18,208
Cash generated from operations	19	(561)	6,772
Finance costs		(67)	(84)
Net cash flows from operating activities		(628)	6,688
Cash flows from investing activities			
Acquisition of property, plant and equipment		(6,096)	(3,056)
Proceeds on disposal of non current assets		60	107
Acquisition of Intangible assets		(62)	(387)
Net cash flows used in investing activities		(6,098)	(3,336)
Cash flows from financing activities			
Finance lease payments		(482)	(428)
Net cash flows from financing activities		(482)	(428)
Net decrease in cash and cash equivalents		(7,208)	2,924
Cash and cash equivalents at beginning of year	8	9,653	6,729
Cash and cash equivalents at end of year	8	2,445	9,653



Notes to the Annual Financial Statements

for the year ended 31 March 2008

1. ACCOUNTING POLICIES

1.1 Reporting institution

These financial statements are for the South African Human Rights Commission. The financial statements encompass the reporting as specified in the Public Finance Management Act, No.1 of 1999.

1.1.2 Currency and figures presented

The financial statements are presented in South African Rands and the figures have been rounded off to the nearest thousand.

1.2 Basis of preparation

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

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

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

1.2.1 Terminology differences:

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

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

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

- Receivables from non-exchange transactions, including taxes and transfers
- Taxes and transfers payable
- Trade and other payables from non-exchange transactions

Notes to the Annual Financial Statements

for the year ended 31 March 2008

1.2.4 Amount and nature of any restrictions on cash balances is required to be disclosed.

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

1.3 Accounting policies

The accounting policies applied are consistent in all material respects with those applied in the previous financial year except where stated otherwise.

1.4 Revenue recognition

Revenue is recognised when it is probable that future economic benefits will flow to the Commission and this benefit can be measured reliably. Revenue is measured at fair value of the consideration received or receivable and represents the amounts receivable for services to be provided in the normal course of business.

Revenue from non-exchange transactions

Government and other grants

Grants are recognised when there is reasonable assurance that:

- The Commission will comply with the conditions attached to them; and
- The grant will be received.

Conditional grants are recognised as income over the period necessary to match them with the related costs that they are intended to compensate.

Revenue from exchange transactions

Interest income is accrued on a timely basis, by reference to the principal outstanding and at the effective interest rate applicable, which is the rate that exactly discount the estimated future cash receipts through the expected life of the financial asset to that asset's net carrying amount.

Other income

Other income is recognised in accordance with the nature of the revenue, based on the probability and measurability of the revenue.

1.5 Irregular and fruitless and wasteful expenditure

Irregular expenditure means expenditure incurred in contravention of or not in accordance with a requirement of any applicable legislation. Fruitless and wasteful expenditure means an expenditure that was made in vain and would have been avoided had reasonable care been exercised. All irregular and fruitless and wasteful expenditure is recognised as expenditure in the statement of financial performance in the period in which they are incurred and disclosed separately.

1.6 Property, plant and equipment

Property, plant and equipment are tangible assets, sometimes called fixed assets, which are held for use by an organisation in the production or supply of goods and services or for administrative purposes and are expected to be used during more than one financial period.

An item of property, plant and equipment is recognised as an asset if it is probable that economic benefits associated with the item will flow to the entity and the cost can be measured reliably.



Notes to the Annual Financial Statements for the year ended 31 March 2008

Property, plant and equipment are stated in the statement of financial position at cost less any subsequent accumulated depreciation and impairment losses. These assets are depreciated on the straight-line basis at rates, which will result in each asset being written off over its useful life.

The useful life and residual values are reviewed at the end of each financial year.

The remaining useful lives of property, plant and equipment are:

<i>Class</i>	<i>Write-off period in years</i>
Computer Equipment	3 - 9
Office Equipment	4 - 8
Motor vehicles	5 - 9
Furniture and Fittings	8 - 9
Finance lease assets	3 - 5
Leaseholds improvements	3 - 5
Library material	Not depreciated

Library material is not depreciated as it is considered to have an indefinite useful life and the Commission does not have the intention to replace the books. Impairment is considered as with other assets.

Leasehold improvements are capitalised as the Commission controls the assets for the period of the lease.

1.7 Intangible assets

Intangible assets are recognised when it is probable that future economic benefits specifically attributable to the assets, will flow to the Commission and the cost of the intangible assets can be measured reliably.

Intangible assets are stated at its cost less any subsequent accumulated amortisation and any subsequent accumulated impairment losses. These assets are amortised on a straight-line basis over their useful lives.

Intangible assets with a definite useful lives are amortised on a straight line basis over their useful lives.

The amortisation period and the amortisation method for intangible assets are reviewed at the end of each reporting period.

Amortisation is provided to write down the intangible assets, on a straight-line basis, over their useful life as follows:

Item	Write-Off period in years
Computer software	3-5

1.8 Impairment of assets

The Commission assesses at each reporting date whether there is any indication that an asset may be impaired. If any such indication exists, the Commission estimates the recoverable amount of the asset.

If there is any indication that an asset may be impaired, the recoverable amount is estimated for the individual asset. The carrying value of property is reviewed for impairment when events or changes in circumstances indicate that the carrying amount may not be recoverable. If any such indication exists and where the carrying amount exceeds the estimated recoverable amount, the assets are written down to their recoverable amount.

Impairment losses and the reversal of impairment losses are recognised in the statement of financial performance.

Notes to the Annual Financial Statements

for the year ended 31 March 2008

1.9 Financial instruments

Recognition

Financial assets and liabilities are recognised on the statement of financial position when the Commission becomes a party to the contractual provisions of the instrument.

Measurement

Financial assets

The Commission's principle financial assets are trade and other receivables and cash and cash equivalents. Trade receivables are measured on initial recognition at fair value, and are subsequently measured at amortised cost using the effective interest rate method. The appropriate allowance for estimated irrecoverable amounts is recognised in surplus or deficit when there is objective evidence that the asset is impaired. The allowance recognised is measured as the difference between the asset's carrying amount and the present value of the estimated future cash flows discounted at the effective interest rate computed at initial recognition.

Financial liabilities

The Commission's principle financial liabilities are trade and other payables. Trade and other payables are initially measured at fair value, and are subsequently measured at amortised cost, using the effective interest rate method.

Fair value of financial instruments

The fair values of financial assets and financial liabilities are determined as follows:

Cash and cash equivalents

The carrying amount of cash and cash equivalent approximates fair value due to the relatively short-term maturity of these financial assets.

For the purpose of the cash flow statement, cash and cash equivalents comprise cash on hand, deposits held and other short-term investments.

Trade and other receivables

Trade and other receivables are measured at amortised cost using the effective interest method. At the end of each reporting period, the carrying amount of trade and other receivables are reviewed to determine whether there is any objective evidence that the amount is not recoverable. If so, an impairment loss is recognised immediately on the statement of financial performance.

Trade and other payables

The Commission's trade and other payables relates to the amount owed to the suppliers, leave and bonus accrual and other accruals. Trade and other payables are initially measured at fair value, and are subsequently measured at amortised cost, using the effective interest rate method.

The Commission's accrual amount represents goods and services that have been delivered, and an invoice has been received from the supplier but remain unpaid as at year-end.

1.10 Leases

Operating leases as the lessee

Leases of assets under which all the risks and rewards of ownership are effectively retained by the lessor are classified as operating leases. Payments made under operating lease are charged to statement of financial performance on a straight-line basis over the term of the relevant lease.



Notes to the Annual Financial Statements for the year ended 31 March 2008

Finance leases as the lessee

Leases are classified as finance leases whenever the terms of the lease transfer substantially all the risks and rewards of ownership to the lessee.

Assets held under finance leases are recognised as assets at their fair value at the inception of the lease or if lower at the present value of the minimum lease payments. The corresponding liability to the lessor is included in the statement of financial position as a finance lease obligation. Lease payments are apportioned between finance charges and reduction of the lease obligation so as to achieve a constant rate of interest on the remaining balance of the liability. Finance charges are charged to the statement of financial performance.

1.11 Inventories

Inventories are stated at the lower of cost or net realisable value. Net realisable value for consumables is assumed to approximate the cost price due to the relatively short period that these assets are held in stock.

1.12 Prior period errors

Prior period errors are omissions from, and misstatements in, the Commission's financial statements for one or more prior periods arising from a failure to use (or misuse of) reliable information that was available when the financial statements for those periods were authorised for issue and could reasonably be expected to have been obtained and taken into account in the preparation and presentation of those financial statements. Such errors include the effect of mistake in applying the accounting policy, oversight or misinterpretation of facts.

1.13 Related parties

Related party transactions are transactions that involve the transfer of resources, services or obligation between related parties, regardless of whether a price is charged. Implicit to the definition of related party, there are other government entity and joint ventures to have a significant influence on the South African Human Rights Commission and its activities.

1.14 Unauthorised expenditure

When discovered unauthorised expenditure is recognised as an asset in the statement of financial position until such time as the expenditure is either approved by the relevant authority, recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

1.15 Commitments

Commitments represent the orders issued to the suppliers relating to the purchase of capital assets that have been approved, but where no delivery has taken place as at year end. Commitments are not recognised in the statement of financial position as a liability and assets but are included in the disclosure notes (refer to annexure A to the financial statements).

1.16 Contingent liabilities

A contingent liability is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events that are beyond the control of the Commission; or A contingent liability is a present obligation that arises from past events but is not recognised because:

- It is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or
- The amount of the obligation cannot be measured with sufficient reliability.

Contingent liabilities are included in the disclosure notes.

Notes to the Annual Financial Statements

for the year ended 31 March 2008

1.17 Employee benefit cost

Short-term employee benefits

The cost of the short-term employee benefits is expensed in the statement of financial performance in the reporting period that the payment is made.

Termination benefits

Termination benefits are recognised as expense and the actual payment to the employee is done when the employee resign, whereby the provisions for leave pay is reduced by the same amount of payment.

Retirement benefits

Defined contribution plans

The Commission operates defined contribution retirement benefit plans for its employees. The assets of the plans are held separately from those of the Commission under the control of trustees. Where employees leave the plans prior to full vesting of the contributions, the contributions payable by the Commission are reduced by the amount of forfeited contributions. Payments to defined contribution plan are charged as an expense as they fall due in the statement of financial performance and they represent the contribution paid to these plans by the Commission at a rate specified by the company policy.

Medical benefits

The Commission provides medical benefits for its employees through defined contribution plans. These benefits are funded by both employer and employee contributions at a rate specified in the rules of the plans.

1.18 Donor funded projects

In terms of donor requirements contained in financial agreements with benefactors, unexpended donor funds ring fenced for specific projects are reflected as current liabilities in circumstances where such funds are repayable to donors in the event of the funds not being utilised on the specific project. Unexpended donor funds that are not required to be repaid that relate to completed projects are treated as operating income in the year that the projects are deemed completed.

1.19 Comparative Figures

Where necessary, comparative figures have been adjusted to conform to changes in the presentation of the period under review. Refer to note 18 of the annual financial statements page 121 to 124 (Prior period errors) for further details.



Notes to the Annual Financial Statements for the year ended 31 March 2008

1.20 Effect of new GRAP standards

The following GRAP standards have been approved but are not yet effective:

- GRAP 4 - The Effects of changes in Foreign Exchange Rates
- GRAP 5 - Borrowing Costs
- GRAP 6 - Consolidated and Separate Financial Statements
- GRAP 7 - Investments in Associate
- GRAP 8 - Interest in Joint Ventures
- GRAP 9 - Revenue from Exchange Transactions
- GRAP 10 - Financial Reporting in Hyperinflationary Economies
- GRAP 11 - Construction Contracts
- GRAP 12 - Inventories
- GRAP 13 - Leases
- GRAP 14 - Events after the reporting date
- GRAP 16 - Investment Property
- GRAP 17 - Property Plant and Equipment
- GRAP 18 - Segment Reporting
- GRAP 19 - Provisions, Contingent Liabilities and Contingent Assets
- GRAP 23 - Revenue from Non-exchange Transactions (Taxes and Transfers)
- GRAP 24 - Presentation of Budget Information in Financial Statements
- GRAP 100 - Non-current Assets held for Sale and Discontinued Operations
- GRAP 101 - Agriculture
- GRAP 102 - Intangible Assets

The effective date of the above standards is 1 April 2009. The effect of adopting these GRAP Standards when they become effective is not expected to have a significant impact on the financial statements as the principles are similar to those already applied under the equivalent Statements of SA GAAP.

Notes to the Annual Financial Statements

for the year ended 31 March 2008

	2008	2007
	R'000	R'000
1. Non-exchange revenue		
Donations	-	30
SA Government grant	55,281	49,220
Conditional grants	342	1,321
	<u>55,623</u>	<u>50,571</u>
2. Exchange revenue		
Administrative fees	5	217
Interest revenue	481	690
	<u>486</u>	<u>907</u>
3. Personnel expenditure		
Basic salaries	24,069	19,997
Pension fund contribution	2,480	2,218
Travel allowance	2,086	1,581
Medical contribution	951	1,002
Housing allowance	686	459
Non-pension allowance	731	531
Other short term benefits	569	710
	<u>31,572</u>	<u>26,498</u>
4. Administrative expenditure		
Audit fees: External	591	448
Internal	576	531
Bad debts written-off	75	10
Impairment/provision for doubtful debts	(66)	66
Computer expenses	617	551
Consulting fees	230	79



Notes to the Annual Financial Statements for the year ended 31 March 2008

	2008	2007
	R'000	R'000
Courier and postage	120	93
Insurance	250	424
Lease and hire expenses	15	358
Motor vehicle expenses	291	201
Printing and stationery	246	307
Recruitment fees	477	255
Operating lease expenses: land and buildings	6,252	6,182
Repair and maintenance	97	122
Security and cleaning services	253	-
Staff development	709	277
Staff relocation	537	226
Subscriptions	176	16
Telephone, cell and fax	1,831	1,768
Theft and losses	85	12
Travel and accommodation	156	515
Other administrative expenditure	250	414
	13,768	12,855
5. Depreciation, amortisation and impairment		
Depreciation	2,169	1,577
Amortisation	197	-
Change in estimate - assets	-	408
Asset written off	-	700
	2,366	2,685
6. Operating expenditure		
Expensed surplus fund	1,395	1,984
Expensed donor funded project	309	1,315
Translation and project cost	4,211	3,271
Strategic planning	752	200
Internal and external liaison	199	194
	6,866	6,964

Notes to the Annual Financial Statements for the year ended 31 March 2008

	2008 R'000	2007 R'000
7. Finance cost		
Finance leases	67	83
Interest as a result of carrying purchases at fair value	425	326
Other interest	-	1
	492	410
8. Cash and cash equivalents		
Current account	556	1,520
Call account	1,858	8,109
Petty cash	31	24
	2,445	9,653
9. Trade and other receivables from exchange transactions		
Civil Society and Advocacy Programme	43	106
Staff loans	73	131
Sundry debtors	28	-
	144	237

The impairment provision relates to staff loans and advances not considered recoverable. All the amounts stated above are considered recoverable.

The impairment provision can be reconciled as follows:

Impairment/provision for doubtful debts

Opening balance	66	66
Amounts utilised	(66)	-
Changes in estimate		-
Closing balance	-	66

Maximum credit risk

The maximum credit risk was calculated adding back the provision for doubtful debt.

Amounts past due but not impaired

Some of the unimpaired amounts are past due as at the reporting date. Amounts past due but not impaired are recovered as follows:

Not more than 3 months	144	237
More than 3 months but not more than 6 months		
More than 6 months but not more than 1 year		
More than one year		
	144	237

Staff loans are in terms of a staff loan policy, and are approved as per policy. All amounts are considered recoverable.



Notes to the Annual Financial Statements for the year ended 31 March 2008

2008 **2007**
R'000 **R'000**

Receivables not impaired are considered to be of debtors with a high credit quality and management has no reason to doubt recoverability.

Trade and other receivables from exchange transactions have not been discounted at initial recognition as the impact of the time value of money on these receivables are considered to be immaterial.

		144	237
	Fair value		
	The fair value of trade and other receivables is approximating the current values as interest is based on market related rates.		
10.	SAHRC Trust	-	203
	Approval to dissolve SAHRC Trust was granted and the balance was transferred to the call account.		
11.	Inventories		
	Consumable stores	141	111

12. Property, plant and equipment
2007/08

	Balances as at 01 April 2007					Balances as at 31 March 2008				
	Gross carrying amount R'000	Accumulated depreciation and impairment R'000	Net carrying amount R'000	Additions R'000	Disposal R'000	Depreciation R'000	Change in estimate R'000	Gross carrying amount R'000	Accumulated depreciation and impairment R'000	Net carrying amount R'000
Own assets										
Computer equipment	3,837	(2,877)	960	1,619	(200)	(749)	-	4,650	(3,025)	1,625
Furniture and fittings	2,834	(1,819)	1,015	669	130	(301)	-	3,423	(1,910)	1,513
Library material	2,142	-	2,142	361	-	-	-	2,503	-	2,503
Motor vehicles	2,082	(447)	1,635	1,810	-	(275)	-	3,711	(541)	3,170
Office equipment	2,301	(2,057)	244	689	(15)	(287)	-	2,852	(2,220)	632
Leased assets										
Leasehold improvements	120	-	120	948	-	(96)	-	1,068	(96)	972
Finance lease assets	1,551	(1,206)	345	533	-	(462)	-	2,084	(1,665)	419
Total	14,867	(8,406)	6,461	6,629	(85)	(2,169)	-	20,291	(9,456)	10,834

2006/07

	Balances as at 01 April 2006					Balances as at 31 March 2007				
	Gross carrying amount R'000	Accumulated depreciation and impairment R'000	Net carrying amount R'000	Additions R'000	Disposal R'000	Depreciation R'000	Change in estimate R'000	Gross carrying amount R'000	Accumulated depreciation and impairment R'000	Net carrying amount R'000
Own assets										
Computer equipment	4,645	(3,808)	837	885	(335)	(321)	(106)	3,837	(2,877)	960
Furniture and fittings	3,493	(2,577)	916	281	148	(334)	4	2,834	(1,819)	1,015
Library material	1,805	-	1,805	337	-	-	-	2,142	-	2,142
Motor vehicles	1,027	(462)	565	1,024	269	(215)	(8)	2,082	447	1,635
Office equipment	2,765	(1,551)	1,214	409	(782)	(299)	(298)	2,301	(2,057)	244
Leased assets										
Leasehold improvements			-	120	-	-	-	120	-	120
Finance lease assets	1,551	(798)	753		-	(408)		1,551	(1,206)	345
Total	15,286	(9,196)	6,090	3,056	(700)	(1,577)	(408)	14,867	(8,406)	6,461

13. Intangible assets

2007/08

	Balances as at 01 April 2007					Balances as at 31 March 2008				
	Gross carrying amount R'000	Accumulated amortisation and impairment R'000	Net carrying amount R'000	Additions R'000	Disposal R'000	Amortisation R'000	Change in estimate R'000	Gross carrying amount R'000	Accumulated depreciation and impairment R'000	Net carrying amount R'000
Computer software	387	0	387	62		(197)		449	197	252
Total	387	0	387	62		(197)		449	197	252

Notes to the Annual Financial Statements

for the year ended 31 March 2008

	2008	2007
	R'000	R'000
14. Trade and other payables from exchange transactions		
Accounts payable	1,004	4,251
Leave accrual	36	1,325
13th Cheque	426	262
Unpaid salaries	909	106
Other accruals	1,290	691
	<u>3,665</u>	<u>6,635</u>

The Commission considered to discount the purchases in order to determine the time value for money in terms of circular 9/2006 using the effective interest rate applicable during the period under review.

Assumptions used:

Interest rate	13.67%	11.67%
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Fair value	<u>3,665</u>	<u>6,635</u>
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Trade creditors is assumed to approximate fair value as market related interest rates were used in calculating the financial liability.

15. Operating lease commitments

Operating lease payments represent the rentals paid by the Commission for office building for head office and provinces

Operating lease expenditure recognised in the statement of financial performance on a straight line basis	<u>6,252</u>	<u>6,182</u>
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Amount deferred to the statement of financial position due to straight lining	<u>192</u>	<u>874</u>
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Terms and conditions:

- i) All the lease are operating for an agreed period i.e.12,36 or 60 Months, with an option to renew.
- ii) All operating leases are subject to an escalation rate ranging between 7% - 10%

At the reporting date the Commission has outstanding commitments under the operating leases which fall due as follows:

	9,843	6,114
Due within one year	8,793	4,880
Due within two to five years	1,050	1,234

16. Finance lease liability

Finance lease liability	454	418
Less: Current portion	(277)	(306)
	177	112



Notes to the Annual Financial Statements for the year ended 31 March 2008

The South African Human Rights Commission has during the period under review made a total contribution of R339,471.00 to finance leases as defined in IAS 17 and National Treasury RT3. This payments are irregular but condoned.

The finance lease liability are secured by office equipment. The interest rate implicit in the lease were estimated to be the prime bank rate at the inception of the lease. SAHRC leased photocopiers from Minolta and Cannon for both 36 month and 60 month periods.

Reconciliation between the minimum lease payments and the present value:

<i>Minimum lease payments</i>	454	417
Payable within 1 year	315	339
Payable within 1 - 5 years	220	116
Less interest portion	(81)	(38)
<i>Present value of minimum lease payments</i>	454	417
Payable within 1 year	277	306
Payable within 1 - 5 years	177	111

Terms and conditions

- i) All the leases are for an agreed period i.e.12,36 or 60 Months, with an option to renew.
- ii) The unit is installed (and installation fee paid) and then the contract will continue on a mothly basis until SAHRC decides to terminate the contract within one month's written notice.
- iii) Contract will be renewed for a period of 1 year if SAHRC does not give written notice of cancellation of contract.

		2008	2007
		R'000	R'000
17. Deferred revenue			
Deferred revenue relate to unspend amounts from conditional grants as follows:			
NCF	Roll back xenophobia project	171	326
New Zealand Government	Vryburg police project	-	87
Mott Foundation	Mott Foundation	-	30
Foundation for Human Rights	Foundation for Human Rights SER 2 (0941/021)	-	75
Foundation for Human Rights	Foundation for Human Rights SER 2 (0941/002)	-	34
Foundation for Human Rights	Foundation for Human Rights Reports	-	173
Australian Government	Australian Aid Grant	250	-
		421	725

Refer to note 25 for a detailed reconciliation of the projects relating to conditional grants.

Notes to the Annual Financial Statements

for the year ended 31 March 2008

	2008	2007
	R'000	R'000
18. Prior period error		
The financial statements were corrected with the following prior period errors:		
18.1 Financial instruments		
The correction of the prior period error relates to the discounting of the trade and other payables to fair value upon initial recognition to take the time value for money effect of the deferred settlement terms into account where the terms were not at fair value as per the requirements of AC133/IAS39, Recognition and Measurement of Financial Instruments.		
Previously the time value for money effect arising from the deferred settlement terms attached to trade and other payables was not taken into account. Periods before 2007 has not been restated as it is considered impracticable.		
<i>Effect of restatement:</i>		
Increase in surplus		84
Increase in finance cost		(324)
Decrease in administrative expenditure		408
Accumulated surplus at the end of the period		84
Decrease in trade payables		84
18.2 Finance leases		
Leases where significantly risks and rewards of ownership have been transferred to the Commission has erroneously been accounted for as operating leases.		
<i>Effect of restatement:</i>		
Accumulated surplus at the beginning of the period		(97)
Increase in surplus		24
Decrease in operating lease expenditure		515
Increase in finance charges on finance leases		(83)
Increase in depreciation on finance leased assets.		(408)
Accumulated surplus at the end of the period		(73)
Increase in finance lease liability		(418)
Increase in finance lease asset cost		1,551
Increase in finance lease asset accumulated depreciation		(1,206)



Notes to the Annual Financial Statements

for the year ended 31 March 2008

	2008 R'000	2007 R'000
18.3 Lease hold improvements		
The correction of the prior period error relates to the capitalisation of the leasehold improvements previously classified under repairs and maintenance.		
<i>Effect of restatement:</i>		
Increase in surplus		120
Decrease in repairs and maintenance	120	
Accumulated surplus at the end of the period		120
Increase in lease hold improvements	120	
18.4 Intangible assets		
The correction of the prior period error relates to the capitalisation of intangible assets previously classified under expense accounts.		
<i>Effect of restatement:</i>		
Increase in surplus		174
Decrease in repairs and maintenance	174	
Accumulated surplus at the end of the period		174
Increase in intangible asset at cost	174	
18.5 13th cheque accrual		
The correction of the prior period error relates to the accrual for bonus and leave previously not disclosed and provided for as per AC 130.		
<i>Effect of restatement:</i>		
Decrease in surplus		(262)
Increase in personnel expenditure	(262)	
Accumulated surplus at the end of the period		(262)
Increase in bonus accrual	(262)	
18. Prior period error (continue)		
18.6 Expenses relating to surplus funds		
Previously expenses incurred relating to surplus funds were credited directly to the statement of changes in net assets. The correction of prior period error relates to the reallocation of expenditure incurred using surplus fund. Due to the nature of the error, there is no effect on total reserves.		
<i>Effect of restatement:</i>		
Decrease in surplus		(1,984)
Increase in operating expenditure	(1,984)	
Accumulated surplus at the end of the period		(1,984)

Notes to the Annual Financial Statements

for the year ended 31 March 2008

	2008 R'000	2007 R'000
18.7 Inventories		
The correction of prior period error relates to the capitalisation of closing stock for inventories previously not capitalised in the statement of financial position. Due to the impracticability of performing retrospective stock counts, the opening accumulated reserves (2005/06) has not been restated.		
<i>Effect of restatement:</i>		
Increase in surplus		111
Decrease in administrative expenditure	111	
Accumulated surplus at the end of the period		111
Increase in inventory	111	
18.8 Property, plant and equipment		
The correction of prior period error relates to property, plant and equipment still in use, but fully depreciated in prior periods.		
<i>Effect of restatement:</i>		
Accumulated surplus at the beginning of the period		-
Increase in surplus		510
Decrease in depreciation	510	
Accumulated surplus at the end of the period		510
Decrease in accumulated depreciation: Office equipment	240	
Decrease in accumulated depreciation Computer equipment	254	
Decrease in accumulated depreciation Motor vehicles	16	
18.9 Property, plant and equipment		
The correction of prior period error relates to the asset written-off on the asset register for previous year but no adjustment was made on the general ledger.		
<i>Effect of restatement:</i>		
Decrease in surplus		(700)
Increase in loss on disposal of assets	(700)	
Accumulated surplus at the end of the period		(700)
Decrease in property, plant and equipment		(700)
Computer equipment	(335)	
Office equipment	(782)	
Furniture and fittings	148	
Motor vehicles	269	



Notes to the Annual Financial Statements for the year ended 31 March 2008

	2008	2007
	R'000	R'000
18.10 Donor-Funded project		
The correction of prior period error relates to the allocation Revenue and Expenditure for donor funded project previously not accounted for through the statement of financial performance.		
<i>Effect of restatement:</i>		
Revenue		
Decrease in surplus		(1,315)
Increase in donor funded project income		1,315
Expenditure		
Increase in surplus		1,315
Decrease in expensed donor funded project		(1,315)
The net effect on accumulated surplus for this prior period error is Zero.		-
18.11 Deffered lease liability		
The prior period error existed due to the incorrect calculation of the deferred lease liability in the previous year		
<i>Effect of restatement:</i>		
Decrease in surplus		(598)
Increase in deferred lease liability		(598)
<i>Total effect on reserves</i>		
Accumulated surplus at the beginning of the period		(97)
Decrease in surplus		(2,521)
Accumulated surplus at the end of the period		<u>(2,618)</u>

Notes to the Annual Financial Statements for the year ended 31 March 2008

	2008	2007
	R'000	R'000
19. Cashflow from operating activities		
Surplus / (Deficit) for the year	1,105	2,070
Adjusted for:	2,603	3,363
<i>Non-cash items</i>	<i>2,400</i>	<i>2,769</i>
Depreciation, amortisation and impairment	2,366	2,685
Bad debts written off	75	10
Provision for doubtful debts	(66)	66
Profit on disposal of assets	(60)	(4)
Impairment/losses of assets		
Theft and losses	85	12
<i>Separately disclosable items</i>	<i>203</i>	<i>594</i>
Interest income	(481)	(690)
Effect on deferred lease liability	192	874
Finance cost	492	410
Operating surplus before changes in working capital	3,708	5,433



Notes to the Annual Financial Statements

for the year ended 31 March 2008

	2008 R'000	2007 R'000
Changes in working capital	(4,269)	1,339
Changes in SAHRC Trust	203	-
Decrease / (Increase) in trade and other receivables	93	(14)
(Decrease)/increase in inventories	(29)	(111)
(Decrease)/increase in trade and other payables	(2,970)	2,658
(Decrease) / Increase in deferred revenue	(304)	(1,068)
Decrease / (Increase) in Finance lease liability	(23)	(705)
(Decrease) / Increase in government grant liability	(557)	-
(Decrease)/increase in operating lease liability	(682)	579
Cash generated from operations	(561)	6,772

20. Contingent liabilities

The nature of cases and the estimates of its financial effect are as follow:

Categories of contingent liability	Nature of Contingent liability	Estimated amount
Claims against SAHRC	CCMA	117
Guarantee issued to the bank	Rental deposit	476
Total		593

21. Subsequent events

There has been no facts or circumstances of material nature that have occurred between the accounting date and the date of this report.

22. Reclassification

22.1 An amount of R217,000.00 previously disclosed in the previous years annual report as other income has now been reclassified and disclosed as administrative fees in order to comply with GRAP1 (IAS1).

22.2 An amount of R557,434.00 which is the surplus for 2006/07 was previously disclosed as reserves in the statement of financial position, this has been reclassified and disclosed as Government Grant under current liabilities, the surplus was paid to National Revenue Fund during 2007/08 financial year.

Government Grant	-	557
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Notes to the Annual Financial Statements

for the year ended 31 March 2008

		2008	2007
		R'000	R'000
22.3	The opening balance for trade and other payables has changed due to the prior period error and the reclassification of leave accruals, unpaid salaries and other accruals.		
22.4	Deferred lease liability The opening balance for deferred lease liability has changed due to the prior period error.		
23.	Financial instruments		

Credit risk

Financial assets, which potentially subject the Commission to the risk of non-performance by counter parties and thereby subject the Commission to concentrations of credit risk, consist mainly of cash and cash equivalent and trade receivables. Credit risk with respect to trade receivables is limited due to the small number of customers comprising the Commission's customer base.

The Commission does not have any significant credit risk exposure to any counterparty or group of parties having similar characteristics.

Liquidity risk

The Commission is exposed to liquidity risk as it is dependant on the grant received from the Department of Justice and Constitutional Development to pay for its liabilities. The Commission minimise this risk by ensuring that enough cash reserves are available to cover its current liabilities.

Market rate risk

The Commission is mainly exposed to interest rate fluctuations. The Commission's financial assets and financial liabilities are managed in such a way that the fluctuations in variable rates do not have material impact on the surplus/ (deficit). Refer to the sensitivity analysis below to illustrate the possible effect of changes in the variable interest rate on the financial assets and liabilities.

Financial assets

2007/08	Through profit & loss	Loans and receivables	Total
	<i>R'000</i>	<i>R'000</i>	<i>R'000</i>
Opening balance	9,653	237	9,890
Net gains or losses recognised in profit or loss	-	75	75
Interest income	481	-	481
Impairments	-	(66)	(66)
<i>Net other movements</i>	(7,689)	(102)	(7,791)
Closing balance	<u>2,445</u>	<u>144</u>	<u>2,589</u>
<i>Maximum credit exposure</i>	<u>2,445</u>	<u>144</u>	<u>2,589</u>

Sensitivity analysis:

Effect of interest rate changes	242	8	250
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Notes to the Annual Financial Statements for the year ended 31 March 2008

23. Financial instruments (cont.)

2006/07	Through profit & loss R'000	Loans and Receivables R'000	Total R'000
Opening balance	6,729	222	6,951
Net gains or losses recognised in profit or loss		10	10
Interest income	690	-	690
Impairments		66	66
<i>Net other movements</i>	2,234	(61)	2,173
Closing balance	9,653	237	9,890

Financial liabilities

2007/08	Loans and payables R'000	Total R'000
Opening balance	6,635	6,635
Interest expense	425	425
<i>Net other movements</i>	(3,395)	(3,395)
Closing balance	3,665	3,665

Sensitivity analysis:

Effect of interest rate changes

206	206
-----	-----

2006/07	Loans and payables R'000	Total R'000
Opening balance	3,851	3,851
Interest expense	326	326
<i>Net other movements</i>	2,458	2,458
Closing balance	6,635	6,635

Assumptions:

The sensitivity analysis has been based on an change in interest rates of 2 basis points which is based on the change in prime rates for the period under review. The Commission is not materially exposed to other price risks.

Notes to the Annual Financial Statements for the year ended 31 March 2008

	2008 R'000	2007 R'000
24. Related parties		
Relationships		
<i>Controlling entity</i>		
 <i>Other organs of state contracted with</i>		
Civil Society and Advocacy Programme		
 Related party transactions		
Civil Society and Advocacy Programme	1,193	302
Amount paid to CSAP employees	1,150	302
Amount received from CSAP as a refund		
 Related balances		
Outstanding balance owed by CSAP as at 31 March 2008	43	-

Key management

Senior management emoluments	Basic salary	Bonuses and performance payments	Expense allow- ances	Pension contri- butions	Other benefits: termination leave payout		
	R'000	R'000	R'000	R'000	R'000		
Executive management							
Accounting Authority: Adv T Thipanyane	447	36	208	55		746	658
Deputy CEO: Dr A Keet	362	30	181	45		618	567
Deputy CEO: B Khumalo							540
CFO: A Ngwenya - March to April 07	25	8	13	3	31	80	482
CFO: F Moloji - Sep 07 to Jan 08	137	9	66	17		229	
Head of Human Resources: S Zulu	131	25	72	16		244	87
Head of Research & Documentation: P Gagai - Mar to Oct 07	176	21	88	22	16	323	494
Head of Legal: K Zweni - Mar to Oct 07	176	21	88	22	48	355	498
Head of Legal: D Franzman - Dec 07 to March 08	106		49	13		168	
Head of NACHRET: V Maloka	310	25	150	38		523	42
Head of Information & Communication: S Hatang	310	25	153	38		526	
Head of Parliamentary and Monitoring: J Cohen	307	25	153	38		523	
Head of Internal Audit: D Tshabalala	137	4	66	14		221	
	2,624	229	1,287	321	95	4,556	3,368
Non-executive management							
Other: Commissioners						-	
Chairperson: J Kollapen	494	35	213	53		795	696



Notes to the Annual Financial Statements for the year ended 31 March 2008

24. Related parties (cont.)

					2008	2007
					R'000	R'000
Deputy Chairperson: Z Majodina	419	30	180	45	674	443
Commissioner: L Wessels	384	27	161	42	614	548
Commissioner: T Manthata	384	27	166	42	619	541
Part-Time Commissioner: K Govender	160		8		168	129
					-	
	1,841	119	728	182	-	2,870
						2,357

Remuneration paid to audit committee members

Chairperson: D. Coovadia	19	7
Member: V Skosana	5	
	24	7



Annexure to the Annual Financial Statements for the year ended 31 March 2008

25. Projects

Conditional grants	Opening balance R'000	Amount Received R'000	Amount utilised R'000	Amount returned to the donor	Amount transferred to other income R'000	Closing balance R'000	2008	2007
							R'000	R'000
0941/014 UNHCR (Roll back Xenophobia)	326	-	155	-	-	171	171	326
0941/009 Vryburg police project (NZ)	87	-	-	87	-	-	-	87
0941/017 Mott foundation 200300731	30	-	20	-	10	-	-	30
0941/021 Foundation for Human rights SER 2	75	-	70	5	-	-	-	75
0941/002 Foundation for Human rights SER 2	34	-	23	11	-	-	-	34
0941/027 Foundation for Human rights reports	173	-	41	109	23	-	-	173
0941/030 Australian Aid Grant	-	250	-	-	-	250	250	-
Sub total	725	250	309	212	33	421	421	725
Transferred to rollover account	725	250	309	212	33	421	421	725
Total projects	725	250	309	212	33	421	421	725
Projects sub-total	725	250	309	212	33	421	421	725
Projects total	725	250	309	212	33	421	421	725

26. Significant estimates and judgement made by management

The Commission has in the period under review assessed the useful lives of the property plant and equipment.

The assumption used in determining the useful lives were based on the following:

- (i) Asset type and what it is made of:
- (ii) Asset special features.
- (iii) Asset condition i.e the physical condition and age of the assets.
- (iv) The rate of use of assets, number of users and location.

27. Irregular, fruitless and wasteful expenditure

In 2007/08 R 255,514.00 was paid for insuring the Commission's assets, this is inclusive of the finance cost as disclosed in the statement of financial performance, the Commission overspent by R5,514.00, a letter to seek condonation was sent to National Treasury

Other fruitless and wasteful expenditure incurred are as follows:

- (i) Staff loan granted to employees but not fully recovered when employee resigns 5
- (ii) Fruitless and wasteful expenditure as a result of negative balances of annual leave days 28

The Commission incurred fruitless and wasteful expenditure expenditure for an amount of R65,722.78, this is as a result of staff loan balances carried over from previous financial years (2004/05) this amount was written-off during the period under review.

28. Commitments schedule for the orders issued to the suppliers as at 31 March 2008	
The total amount of R 624,000.00 has been committed as follows:	
Computer Equipment	382
Office Equipment	225
Leasehold improvements	3
Library Materials	14
TOTAL	624



Part 5: Annexures

Annexure A – Legal Statistics

Primary Table: Total Number of Complaints Received												
			H/O	WC	EC	FS	NW	KZN	MP	NC	LP	Total
Carried over	Accepted		402	166	361	338	-	457	256	87	184	2,251
	Subtotal		402	166	361	338	-	457	256	87	184	2,251
Not Accepted	Rejected		203	208	153	98	16	78	179	16	155	1,106
	Referred		476	621	828	142	31	120	142	77	87	2,524
	Subtotal		679	829	981	240	47	198	321	93	242	3,630
Pending	Subtotal		288	323	27	-	-	36	8	113	12	807
Accepted	Current/Open complaints		270	660	535	390	258	169	162	115	265	2,824
	Finalised	Resolved	47	167	52	25	8	137	128	43	57	664
		Closed	228	762	13	64	2	21	191	17	31	1,329
		Subtotal	275	929	65	89	10	158	319	60	88	1,993
	Subtotal		545	1,589	600	479	268	327	481	175	353	4,817
Grandtotal		1,914	2,907	1,969	1,057	315	1,018	1,066	468	791	11,505	

(1) Complaints carried over into the next report financial year: (Pending and Current/open) = 3 631

(2) Actual complaints received current period under review: (Grand total less carried over) = 9 254

Terminology

Current/open complaints: Refers to complaints that have been accepted but not yet closed or resolved

Closed complaints: Refers to complaints that have been accepted and processed but are closed because the complainant does not wish to proceed with the complaint

Resolved complaints: Refers to complaints that have been accepted and processed and that have been brought to a conclusion through the active intervention of SAHRC. This intervention may take various forms such as mediation, final legal opinion and/or any other form of redress and/or resolution in terms of the complaints procedure of the SAHRC

Finalised complaints: Refers to the sum of the "closed" and "resolved" complaints

Accepted complaints: Refers to "Current", "Closed" and "Resolved" complaints

Referred complaints: Refers to complaints that have been referred to an agency or institution that may be better suited to deal with the complaint in question

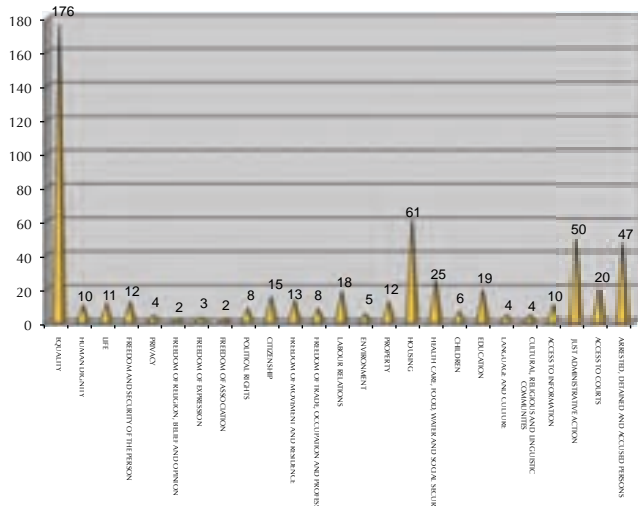
Rejected complaints: Refers to complaints that do not meet the requirements to be regarded as a "human rights violation" that can be dealt with by SAHRC or an associated agency or institution

Pending complaints: Refers to complaints that on the face of it will be accepted as a "human rights violation" but requires more information before it can be fully accepted. Pending complaints may become "accepted complaints", or are referred or rejected.

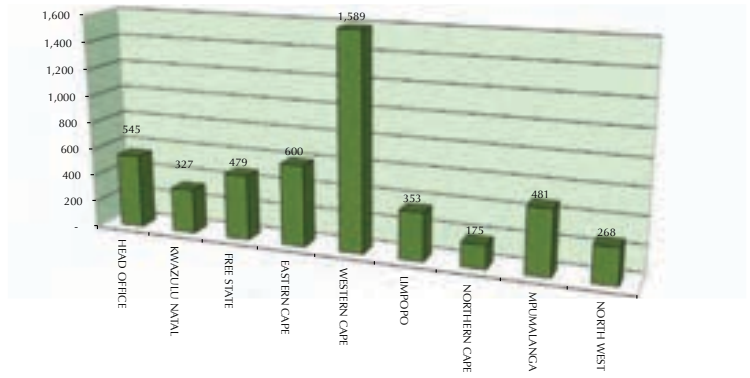
Once off advices

Telephonic complaints: 1,615 Interviews: 2,658

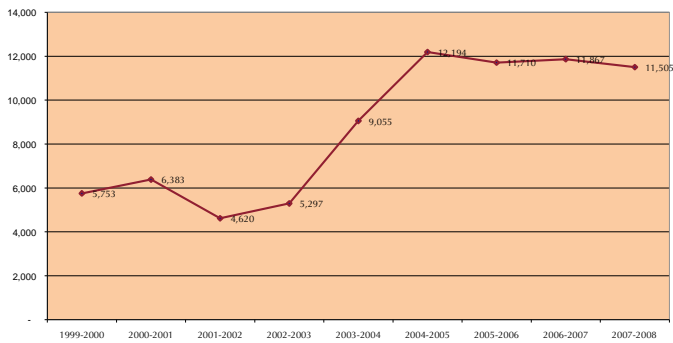
Accepted complaints investigated and handled by head office as human rights violations = 545
April 2007 to March 2008



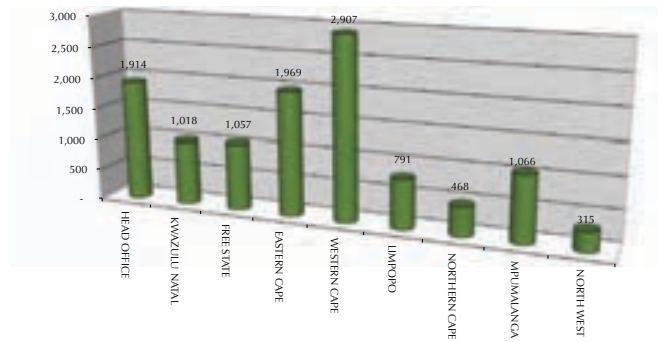
Complaints investigated and handled as human rights violations per provincial office
April 2007 to March 2008 = 4 817



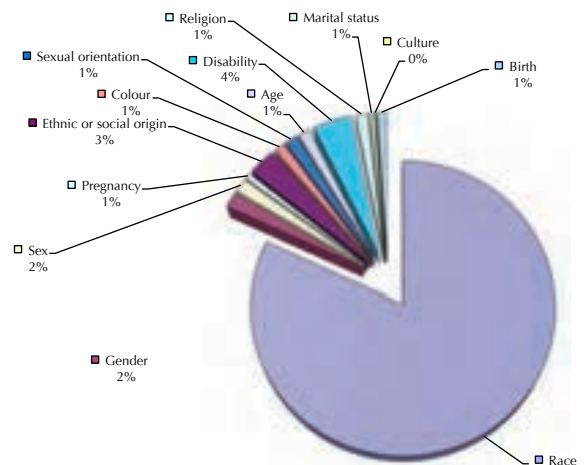
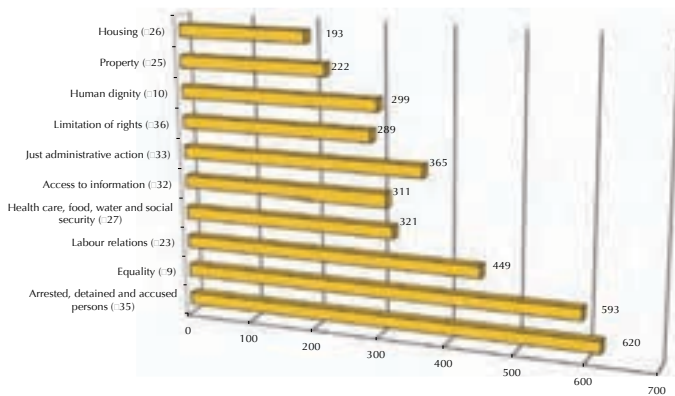
Total Number of Accepted complaints, Pending complaints, Rejections and Referrals handled for the last nine years (all Offices)
April 2007 to March 2008



Total Number of Accepted complaints, Pending complaints, Rejections and Referrals handled per Office
April 2007 to March 2008
Total: 11 505



Top 10 typical complaints as per the Bill of Rights (all offices)
April 2007 to March 2008



Breakdown on equality complaints
April 2007 to March 2008



Annexure B to the Annual Report

Introduction

The Promotion of Access to Information Act (PAIA) mandate tasks the South African Human Rights Commission (Commission) with specific obligations in the application of its provisions. This mandate may be divided into two components. The first of these is aligned with the broad mandate of the Commission. It encompasses the duty, in so far as resources permit, to develop material and conduct training to advance an understanding of the public, consult with, train, and make recommendations to public and private bodies, and assist the public in the assertion and application of their rights. The application of a guide on the use of PAIA is also stipulated in this component.

The second component centres primarily on the monitoring and custodial function in relation to reports which public and private bodies must submit to the Commission. Inherently connected to the custodial function is the monitoring of the reports submitted by public and private bodies under section 32 and section 51 respectively.

PAIA legislation is relatively new in South Africa. It has unique characteristics which set an international standard in terms of entrenching transparency, accountability and good governance practice for both public and private holders of information *vis a vis* citizens and the monitoring agent. In doing so the legislation has a broad reach resulting in implementation and interpretational difficulties across all sections in society.

In discharging its mandate the Commission has sought through the process of annual analysis and strategic planning to address severe resource limitations with the desired outcomes mandated under PAIA. (Specific output categories are delineated in the table on page 34). These strategies have resulted in interventions which are integrated into the programmatic framework of the Commission. An example of this is the integration of PAIA training initiatives in the programmes of the Commission's training arm, the Education and Training Programme.

The report below details the work conducted by the programme within the two broad components above. Public awareness, training, law reform and other interventions capture initiatives under the first component. The section 32 reports, monitoring and the Deputy Information Officers (DIOs) Forum Coordinating Committee details the second component.

The division of obligations and responsibilities, while necessary for the purposes of this report, is not an indication of the manner in which interventions and strategies are implemented. A number of factors impact on the capacity of the Commission to discharge its mandate. Strategic interventions have therefore largely been informed by these factors. The work of the Commission must perforce be reviewed in this context. The support lent to structures like the DIOs Co-ordinating Committee, consultations and work with relevant stakeholders and its own innovative spread of resources has been key to the substantive and quantitative work produced by the Commission in respect of PAIA.

Public Awareness and Training

The Commission undertook a review of its training, education and awareness raising outputs during 2007. The outcomes of the review were largely impacted on by the increasing demand for training by multiple institutions from all three spheres of government and by the limited resources of the Commission to service all departments nationally.

To address the increasing demand in training, the Commission

conducted a 'train the trainers' training session for its staff. Key participants were employees in the education and training component and education officers in the provinces. The training provided to staff significantly increases the capacity of the PAIA programme of the Commission to meet requests for training nationally.

The review has also resulted in the identification of priority areas for intervention. These are in general, vulnerable communities, and local and provincial government structures in rural areas. It is envisaged that apart from ongoing training, every effort will be made to also bring these structures on board for the annual Information Officers Forum (IO Forum)/Indaba and Golden Key Award Ceremony in the next financial year.

The Commission undertook approximately 36 training sessions (please see the detailed table on page 56, during this reporting period. Training sessions were delivered at all three tiers of government on request. Seminars were also conducted at the Commission's head-office. The seminar exploring privacy, public interest and public office attracted significant media interest and served as an excellent tool for media coverage on PAIA. Reports of the sessions and seminars are posted on the Commission's website.

The South African experience with PAIA was shared at a number of international fora. These included exploring the need for an Information Commissioner at a Forum in Ghana and subsequent participation at the International Information Commissioners' meeting in New Zealand. The Kenyan Law Reform delegation was also hosted by the Commission in the course of the year. Delegates expressed a keen interest in the discussions at the Information Officers Indaba and in subsequent meetings with the PAIA sub-programme at the Commission. The information legislation in South Africa will undoubtedly contribute to the development of the Kenyan information legislation currently underway.

Research, Publications and the Media

The monitoring of compliance in terms of section 32 and section 14 has resulted in the consolidation of vital empirical data for research. The programme relied on this data and that resulting from other interventions to report on the access to information legislation in a publication of the Commission: "The Human Rights Development Report" due for print early in the next financial year. Further publications include submissions to the media.

The Information Officers Forum/ Indaba and Golden Key Award Ceremony

The IO Forum and Golden Key Awards were launched in 2005. The motivation for the event is to reward best practice and to create a Forum which serves DIOs from all tiers of the public sector. The Forum itself is now overseen by an elected co-ordinating committee which works closely with the secretariat (the Commission) to ensure that the Forum provides an adequate platform for networking, information sharing and promoting the objectives of PAIA.

The Commission again for this financial year successfully hosted the event marked by over a hundred and twenty attendees. The event has been hailed as a welcomed and exciting innovation in providing civil servants coveted incentives for compliance with PAIA. The Indaba session saw enthusiastic responses to the presentations by key figures in records management and monitoring. The forum also revealed the common obstacles in

Annexure B to the Annual Report

implementation experienced by most national departments. The Commission's review has evidenced a need to increase participation in the forum. It is envisaged that provincial and Municipal DIOs be included in the Golden Key Award Ceremony next year. Resource constraints are to be overcome by engaging private sector funders for the hosting of the event and for the awards themselves. The publicity and prestige attached to the awards has added an increased competitive edge for DIOs participating. It has also seen several of the DIOs adopt commendable activism of their own initiative within their departments.

Stakeholder organisation, Open Democracy Advocacy Centre (ODAC) has consistently shared the hosting of the event since its inception. ODAC has contributed commendably and significantly in the field of PAIA based research and is a key role player in promoting PAIA nationally and internationally. It is envisaged that the efforts of the Commission and ODAC will continue to impact on levels of compliance, awareness and training of an increased number of DIOs in the next year. The DIO's award was jointly scooped by Ms Amelda Crooks of the

South Africa Police Services and Mr Eddie Laubscher of ESKOM. The runner-up award went to Limpopo Provincial Department of Health. Mr Mpho Ngoepe, of the Office of the Auditor-General (A-G) was given special recognition for his work in the field at the AG.

Criteria and Categories for Assessments

Merit assessments were made in the following categories:

Category 1: The Openness Award

These are institutions cited as implementing and representing 'best practice.' They have nurtured positive sentiment and have set up enabling organisational systems and procedures that promote proper compliance with the provisions of the Promotion of Access to Information Act. The organisations and individuals honoured with these awards would have shown conscious respect of the national aspiration for an open, transparent and people-centred democracy as embodied in section 32 and 33 of the Constitution as well as Principles 5 and 6 of Batho Pele.

The winner of this award is determined by consideration of the following criteria:

	Guiding question
Roadmap	<ol style="list-style-type: none"> 1. Is there a list of all documents which can be disclosed and those which cannot? 2. Is the process for submitting requests readily available to requestors? 3. Are contact details regarding the office which handles requests provided? Are there provisions for receiving requests using different methods?
Records management	<ol style="list-style-type: none"> 4. How are records organised and stored? 5. What are the rules governing the generation of information? 6. Is there a practice of automatic disclosure where records are disclosed as soon as they are generated?
Reporting	<ol style="list-style-type: none"> 7. Is there a system for recording and reporting on the number of requests received? 8. Does the report reflect open practice?
Internal Mechanisms	<ol style="list-style-type: none"> 9. Are requests recorded accurately? 10. What internal guidelines exist for frontline officials on how to handle requests? 11. What internal procedures exist for processing requests and communicating with requestors? 12. What is the procedure for assisting disadvantaged requestors? 13. Is there an implementation plan which operationalises the Act?
Resources	<ol style="list-style-type: none"> 14. What financial resources are allocated to implementing the Act? 15. What human capacity has been appointed / trained to facilitate access to information? 16. Is there a unit established to monitor and co-ordinate the implementation of the Act? 17. What incentives are in place to ensure that staff complies with the Act? 18. What sanctions are in place to ensure that staff complies with the Act?

Category 2: Deputy Information Officer of the Year Award

Criteria for Award:

There are no formal criteria for determination of the winner of this award but considerations listed below are taken into account in the assessment as guidelines.

Guidelines
Gives reasons for administrative decisions to those affected;
Release, in response to specific requests, information relating to their policies, actions and decisions and other matters related to their areas of responsibility.
Provision of Information at no cost to the requestor
Ensures that the organisation publishes in accordance with Section 15 of PAIA
Information is provided as soon as practicable. The target for response to simple requests for information is 30 days from the date of receipt.



Annexure B to the Annual Report

Transfers requests to relevant institutions where necessary and informs the requestor, in writing, of the transfer
Does not require a PAIA form for every single request even if it relates to records which should be available in terms of Section 15
Has acted a 'champion of access to information' within his/her institution
When s/he couldn't find the records requested, s/he has compiled an affidavit detailing efforts that have been made to find the document and the affidavit was given to the requestor.
Has assisted a requestor fill in the form correctly, when occasion called for it

Category 3: Right to Know Activist of the Year Award

Criteria for Award:

There are no formal criteria for determination of the winner of this award but the decision shall be made through discretion of the Award Committee/Panel.

Category 4: The Best Media Coverage of PAIA Award

Criteria for Award:

There are no formal criteria for determination of the winner of this award but the decision shall be made through discretion of the Award Committee/Panel.

Additional considerations for deciding on winners <i>(in the case of a tie in the results after application of the criteria envisaged in Categories 1 & 2 or to guide selection of winners based of strategic advocacy objectives)</i>
Publishes facts and analysis of the facts which the Government considers relevant and important in framing major policy proposals and decisions
Information normally made available when policies and decisions are announced
Make available explanatory material on departments' dealings with the public (including such rules, procedures, internal guidance to officials and similar administrative manuals as will assist better understanding of departmental action in dealing with the public)
Publish Section 15 Notices
Officials are aware of PAIA
Officials are aware of the Principles of Batho Pele
Publishing of information consistent with Principles 5 and 6 of Batho Pele
Has established an effective system and policy guidelines for dealing with requests
Has published public service material to advise the public of their right to know
Annual submission of Section 21 Reports to the Commission

Law Reform

The Commission submits recommendations for legislative reform to the Department of Justice and Constitutional Development on an annual basis. During this reporting period, the Commission sought to address reform on a number of levels relating in particular to enforcement and implementation of PAIA.

In terms of the PAIA provisions, the courts have sole jurisdiction to make final and binding orders on PAIA matters. The Commission has repeatedly submitted that this type of adversarial framework is impractical and inaccessible for the majority of South Africans, with particular reference to the costs and length of time associated with court processes.

Based on comparative research, the Commission has recommended the establishing of an intermediary functionary, to resolve PAIA disputes. Such an office will assist in enforcement of the right for South Africans, and present a less adversarial framework for dispute resolution, and divert pressure on the existing justice system.

These recommendations have been cited commendably in the

findings of the erstwhile Asmal Committee on the Review of Chapter 9 and Associated Institutions. The Department of Justice and Constitutional Development has been requested to convene a task team to address this issue with relevant stakeholders such as the Commission. Further issues recommended for consideration to the department included the need for Magistrates Court PAIA Rules to be finalised expeditiously, and section 51. The Commission urged the department to finalise a further amendment to PAIA on the latter provision. It based its recommendation on the rationale that sole and informal traders and small private entities be excluded from compliance with the provisions of PAIA on the basis of undue burden on such groups.

Apart from interventions seeking formal legislative reform, the Commission also monitors related legislative developments for its impact on PAIA on an ongoing basis. The Commission has tendered submissions in this regard to the Ministerial Review Committee on Intelligence, the Protection of Personal Information legislation and the Key Installations Bill.

Included in the monitoring function is the monitoring of jurisprudential developments both nationally and internationally.

Annexure B to the Annual Report

Case law is analysed and posted on the Commission's - PAIA web page for reference purposes. In the course of this reporting period a number of key pronouncements were made by the courts. The most public of these was the case of *Tshabalala-Msimang and Another v Makhanya and Others*. The case engaged a number of issues materially connected to PAIA. Media, public and academic scrutiny was acutely drawn to the matter.

The Commission responded to the interest by constituting a delegation of high profile stakeholders at a seminar hosted during this time. The seminar drew significant media attention to PAIA, freedom of expression, the media and privacy. In this way it contributed to information sharing and for implementation of PAIA and drew scrutiny to the broad ambit of the PAIA legislation in other spheres of life.

Private Bodies

The Commission receives requests for assistance from private bodies on a daily basis. These requests focus primarily on the compiling of section 51 manuals and obligations in terms of section 52 of PAIA. The confusion and lack of understanding surrounding these requirements under PAIA is indicative of the need to reach and train private bodies on PAIA.

Despite the moratorium granted to small private bodies until 31st December 2011 many exempted private bodies continue to submit their section 51 manuals to the Commission. Resource constraints however, have made it impossible to monitor private bodies closely. These constraints have also impacted on the

capacity of the Commission to electronically manage data for these registries.

The Commission does, however, respond to training requests by the private sector. These requests do not mirror those of public bodies in number. Attempts are being made to increase the representivity of Information Officers from private bodies at all training, awareness raising and education interventions of the Commission. A small number of private body representatives were included in the I O Forum and Golden Key Awards event due to resource constraints. It is also anticipated that more Information Officers from the private sector will participate in the Indaba and Golden Key Awards in the future.

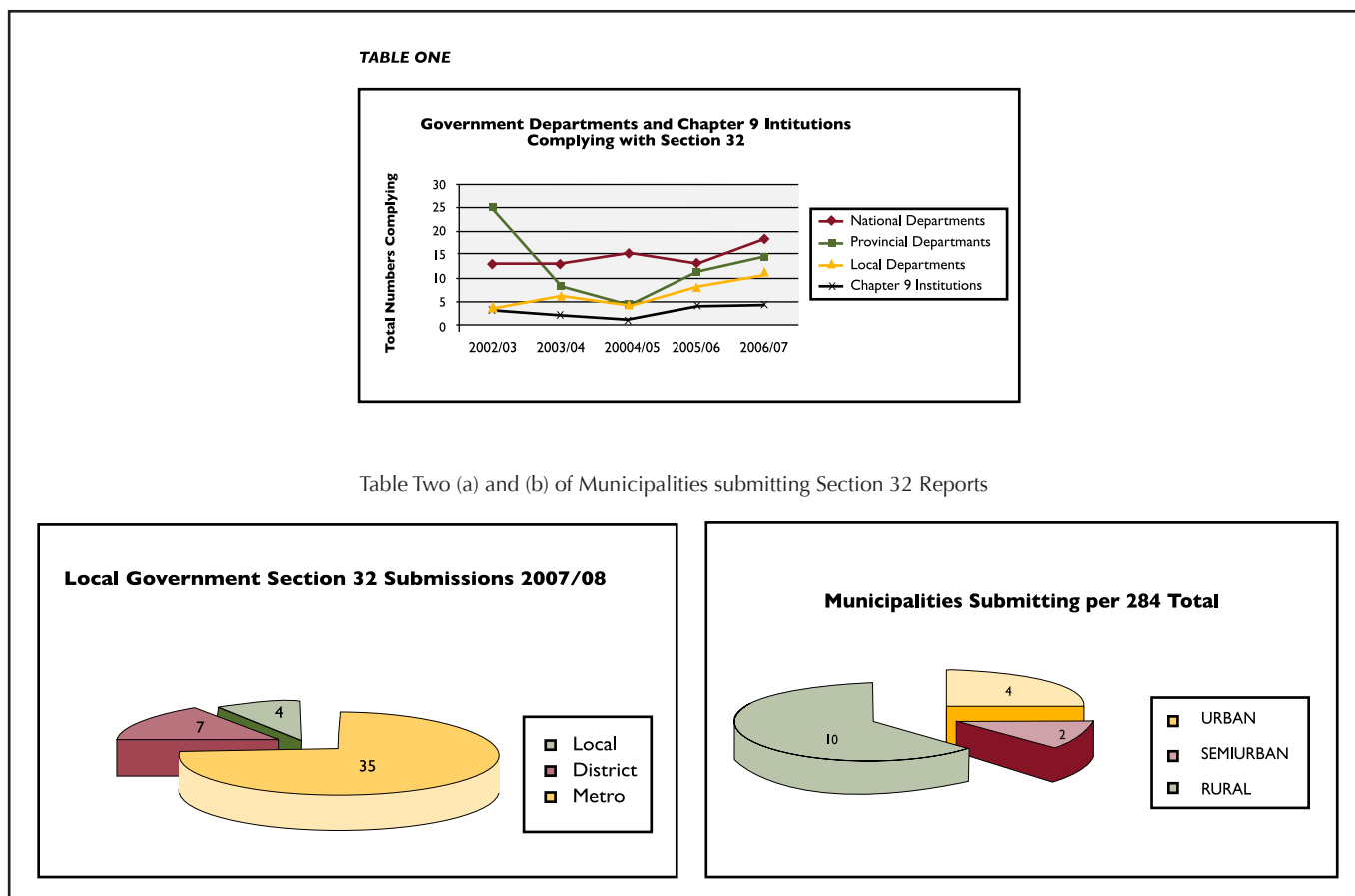
Section 32 Reports

Submissions:

The submission of section 32 reports over a five year period has revealed worrying trends in relation to the implementation of PAIA. These trends are evidenced throughout the public sector. Worth mentioning is the inclusion of non-complying public bodies as per request from Parliament.

Compliance with section 32 for all levels of public bodies has been consistently low. The illustrated graph below tables the percentage of public bodies reporting in terms of section 32 for three tiers of government.

Breakdown of public bodies submitting section 32 Reports



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Marginal increases in reporting is evidenced at the national level, but provincial government reporting has declined by approximately 50% since the 2002/03 reporting period. Statistics reveal that only 20% of the 89 provincial government department complied with section 32 during this reporting period.

Local government structures have notably and consistently underreported since 2002. Statistics indicate that Municipal reports have not increased beyond 5% of the 284 Municipalities during the period under review (see table two). Compliance from Municipalities is concentrated primarily in Metropolitan Municipalities. District Municipalities fall in the middle range. Local Municipalities constitute the chunk of government structures not reporting.

The latter incidence of non-compliance in terms of section 32 is cause for particular concern for the Commission. Local government in general usually forms the first interface between the South African public and government whether for service delivery or otherwise. The widespread non-compliance with section 32 in this sector therefore raises grave concern when monitoring implementation.

In addressing the widespread non compliance, the Commission has intensified other interventions within provinces and municipalities. Local Municipalities and remote municipalities have as a result been accorded priority status for all interventions. Closely connected with the focus on municipalities is the drive to increase stakeholder participation in reaching vulnerable communities, in particular through their CBOs and NGOs.

Section 32 compliance will also be driven through the media and direct communiqués to Information Officers and DIOs. The processes impose serious cost implications on resources, diverting them from priority and direct gain areas.

Strategies to Accelerate Compliance

The implementation of the strategic plan for PAIA will see an increased co ordination and integration of the work of the Commission with regard to PAIA. This will have the effect of distributing scarce resources over a larger area. The Commission's provincial offices will now be able to undertake training in Municipalities and rural areas.

Some of the initiatives embarked on to accelerate compliance will include the following:

- Active partnerships with stakeholders which will contribute significantly to the Commission's own initiatives with regard to communities and public awareness efforts.
- Increased participation of DIOs from all levels of public bodies in the DIO's Forum facilitated by support from the private sector.
- The distribution of the guide to all public entities if possible, and the development of other educational material for training purposes like the PAIA toolkit.
- Continued monitoring and scrutiny of legislative and judicial developments both locally and internationally.
- Continued lobbying and advocacy for law reform, in particular the passing of the Magistrates Courts Rules for PAIA and for the establishing of the office of the Information Commissioner.

PAIA Audits

Ongoing monitoring of compliance has resulted in a clear need for focused scrutiny of the challenges impeding implementation in the public sector. The need for an audit of the three levels of government was agreed on to facilitate and enhance existing

efforts to accelerate implementation.

During November 2007, the programme conducted a tour of the Australian freedom of information structures in several states, which was funded by the Australian Agency for Development. The tour included insightful meetings with academics such as Professors Moira Paterson, Johan Lidberg, Diane Nicol and Slobe. The Sydney leg of the programme comprised of meetings with the Office of the Information Ombudsman and Records Management personnel. These meetings were instrumental as a model for the audits which were subsequently developed for the public sector audits undertaken by the Commission in South Africa.

A framework for the audit was conceptualised and developed along the lines of what was learnt in Australia. Eight public entities constituted the initial sample of public bodies to be drawn. Amongst these were two entities which have consistently complied with reporting obligations. The latter two were included in the sample on the basis of their potential to evidence 'best practice'. Questionnaires focusing on DIO competencies, systems and processes, application, compliance, budgetary allocations and records management were administered to DIOs in advance of the audit. A delegation of Commission personnel, including Commissioner Leon Wessels, then consulted with the respective entities.

Findings

The overall findings of the audit confirmed the initial premise that implementation of PAIA in the public sector is far from optimal. In as much as anticipated outcomes were confirmed, the face-to-face interaction with DIOs and department heads revealed other worrying challenges. Key amongst these is the low level of priority accorded to PAIA. Most local government structures appear to be spreading thin financial and human resources to consolidation efforts heralded by the legislation governing these issues. The consolidation itself has redirected operations and priorities for the municipalities.

The general observation conclusively demonstrates that in all levels of government, PAIA is not accorded an independent operational status. All DIOs interviewed indicated that PAIA was addressed on an *ad-hoc* basis in existing performance areas. The concomitant difficulty in measuring performance was exacerbated by the lack of a clear understanding of their roles and responsibilities in terms of PAIA.

Systems and processes fared equally poorly in the audit. Most entities do not have basic tracking and monitoring systems. Almost all engage in manual monitoring, and a few do not track, monitor or report on implementation at all. Interestingly one of the latter entities is a key service delivery national department. In general, the majority revealed non-existent budgets allocated specifically for implementation and non-integration of PAIA in their key outputs. Also emerging from the audits was an identifiable need for training and awareness interventions within the sector.

Efforts for the next financial year

In essence therefore, the audits confirmed anticipated challenges, highlighted new challenges, including the need for increased community awareness and demonstrated the need for a co-ordinated and intensified national audit.

A broad national audit will require a massive injection of substantial human and financial resources for the Commission. In an attempt to overcome this, the office of the Auditor-General

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has been approached to include PAIA as component on which public entities will be audited in the course of traditional A-G audits. The outcomes of the semester audit discussed above will significantly inform this process.

The completion of the A-G audit will inform the substance of the Commission's research and recommendations for implementation within the public sector.

Other Interventions

Increased accessibility has resulted in a marked increase in the number of requesters the Commission has assisted in terms of PAIA. In this reporting period, the Commission has processed 372 requests via email, referrals from its legal arm and DIOs. These requests usually entail complex issues of interpretation and application with which DIOs are seized.

The Commission has also engaged dispute resolution through mediation interventions. The mediatory services, despite not processing high volumes of requests, assists requesters in complex matters that usually involve voluminous records. Key mediation requests have involved service delivery issues and requests by CBOs for sensitive records. Mediation is rapidly gaining support as a non-adversarial and inexpensive mechanism in the resolution of PAIA matters.

The Commission was also pleased to launch the PAIA handbook. The much needed handbook was eagerly received by DIOs. Demand has necessitated increased prints of these books in four

of the official languages.

The e-Learning programme was launched internally in February 2008. Significant progress in the development of the final component of the three part PAIA module was attained prior to the launch. This module may therefore require further refinement on the completion of a pilot test for usability. The Commission's education and training arm will oversee the launch of the e-Learning initiative during the 2008/09 period.

Conclusion

The Commission is steadily increasing its outputs in line with the mandate conferred to it under PAIA. In as much as resource constraints continue to plague the desired optimal outputs, it has attempted through monitoring and evaluation to overcome these impediments through integration with other programmes and through strategic stakeholder partnerships.

The focus in the coming year will emphasise key areas for intervention, informed by the audits the Commission will undertake. Coupled with these initiatives will be the ongoing training and promotion of PAIA nationally. Increased compliance in terms of section 32, substantive work in the creation of an office of the Information Commissioner and increased public awareness are the necessary yardsticks for successful implementation of PAIA at this point. It remains to be seen whether the endeavours of the Commission will realise tangible reform to the implementation and application of PAIA in the 2008/09 period.



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The Schedule of Section 32 Reports

PUBLIC BODIES NOT COMPLYING WITH SECTION 32 OF PAIA

National Government Departments

National	
Department of Arts and Culture	Department of Labour
Department of Environmental Affairs and Tourism	Department of Water Affairs and Forestry
Department of Education	Statistics South Africa
Department of Health	South African Secret Services
Department of Public Works	National Intelligence Agency
Department of Labour	Independent Complaints Directorate
Department of Minerals and Energy	Public Administration Leadership and Management Academy
Department of Provincial and Local Government	Secretariat for Safety and Security
Department of Science and Technology	

Provincial Departments				
Eastern Cape	Free sate	Gauteng	KwaZulu-Natal	Limpopo
Office of the Premier	Office of the Premier	Office of the Premier	Office of the Premier	Safety and Security Liaison
Agriculture	Agriculture	Public Transport, Roads and Works	Agriculture and Environmental Affairs	Sport, Arts and Culture
Finance, Economic Development and Environmental Affairs	Education	Local Government	Arts, Culture and Tourism	
Education	Health	Community Safety	Education	
Roads and Transport	Local Government and Housing	Education	Finance and Economic Development	
Health	Provincial Treasury	Finance and Economic Affairs	Transport and Community Safety and Liaison	
Local Government, and Traditional Affairs	Public Safety and Liaison	Social Development	Health	
Public Works	Public Works, Roads and Transport	Health	Housing, Local Government and Traditional Affairs	
Housing and Safety Liaison	Social Development	Housing	Public Works	
Social Development	Sport, Arts and Culture	Provincial Legislature	Social Services and Population Development	
Sport, Recreation, Arts and Culture	Tourism, Environmental and Economic Affairs		Sport and Recreation	

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Mpumalanga	North West	Northern Cape	Western Cape
Office of the Premier	Office of the Premier	Office of the Premier	Office of the Premier
Agriculture and Land Administration	Agriculture, Conservation and Environment	Agriculture and Land Reform	Agriculture
Cultural Affairs, Sport and Recreation	Economic Development and Tourism	Economic Affairs, Tourism, Environment and Conservation	Community Safety
Economic Development and Planning	Education	Education	Education
Education	Finance	Finance	Finance, Economic Development and Tourism
Finance	Health	Health	Environmental Planning, and Economic Development
Health and Social Development	Local Government and Housing	Housing and Local Government	Transport and Public Works
Local Government and Housing	Public Works	Safety and Liaison	Health
Public Works	Transport, Roads and Community Safety	Social Development	Social Development
Roads and Public Transport	Social Development	Sport, Arts and Culture	Sport and Cultural Affairs
Safety and Security	Sport, Arts and Culture	Transport, Roads and Public Works	
	Provincial Legislature		

Local Government

Western Cape	North West	Limpopo	Mpumalanga
Breede Valley Local	Mafikeng Local	Mogalakwena Local	Mkhondo Local
Breede Rivier / Winelands Local	Kgetleng River Local	Aganang Local	Msukaligwa Local
Cape Agulhas Local	Moretele Local	Blouberg Local	Emalahleni Local
Matzikama Local	Moses Kotane Local	Lepelle – Nkumpi Local	Delmas Local
Cederberg Local	Ramotshere Moiloa local	Molemole Local	DR JS Moroka Local
Overstrand Local	Greater Taung Local	Polokwane Local	Emakhazeni Local
Stellenbosh Local	Kagisano Local	Mookgophong Local	Thembisile Local
Swellendam Local	Mamusa Local	Fetakgomo Local	Lekwa Local
Witzenberg Local	Molopo Local	Groblersdal Local	Bushbuckridge Local
Beaufort West Local	Naledi local	Greater Marble Hall Local	Nkomazi Local
Laingsburg Local	Ratlou Local	Tubatse Local	Thabo Chweu Local
Prince Albert Local	Ditsobotla Local	Makhudutamaga Local	Govan Mbeki Local
Bitou Local	Tswaing Local	BA-Phalaborwa Local	
George local	Ventersdorp Local	Greater Giyani Local	
Kannaland Local	City of Matlosana Local	Greater Letaba Local	
Knysna Local	Maquassi Hills Local	Greater Tzaneen Local	
Oudtshoorn Local	Merafong Local	Maruleng Local	
	Albert Luthuli Local	Modimolle Local	
	Depaleseng Local	Makhado Local	
	Msukaligwa Local	Thabazimbi Local	
	Govan Mbeki Local	Mutale Local	
		Thulamela Local	



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Northern Cape	Free State	KwaZulu-Natal	Eastern Cape
Thembelihle Local	Mohokare Local	Nkandla Local	Ntabankulu Local
Tsantsabe Local	Setsoto Local	Dannhausser Local	Matatiele Local
Mier Local	Mafube Local	Newcastle Local	Umzimvubu Local
KA Garib Local	Metsimaholo Local	Emadlangeni Local	Nyandeni Local
Kgatelopele Local	Moqhaka Local	Hibiscus Coast Local	Maletwai Local
Khara Hais Local	Ngwathe Local	Ezingoloni Local	Buffalo city Local
Kheis Local	Phumelela Local	Umziwabantu Local	Great Kei Local
Dikgatlong Local	Masilonyana Local	Mthonjaneni Local	Mbhashe Local
Magareng Local	Matjhabeng Local	Mandeni Local	Mnquma Local
Phokwane Local	Tokologo Local	Kwadukuza Local	Ngqushwa Local
GA Segonyana Local	Xhariep Local	Maphumulo Local	Nkonkobe Local
Moshaweng Local	Mangaung	Ndwendwe Local	Nxuba Local
Karoo Hoogland Local	Mantsopa local	Mbonambi Local	Port St Johns Local
Khai – Ma Local	Naledi Local	Greater Kokstad Local	Baviaans Local
Kamiesberg Local	Letsemeng Local	Ingwe Local	Blue Crane Reute Local
Richtersveld Local	Dihlabeng Local	Kwasane Local	Camdeboo Local
Kareeberg Local	Kopanong Local	Ubuhlebezwe Local	iKhwezi Local
Renosterberg Local	Nketoana Local	Umzimkhulu Local	Kouga Local
Siyancuma Local		Ntambanana Local	Kou Kamma Local
Gamagara Local		Umdoni Local	Makana Local
Elundini Local		Umzumbe Local	Ndlambe Local
King Sabatha Dalindyebo Local		Vulamehlo Local	Sunday's River Valley Local
Mbizana Local		uMlalazi Local	Ingquza Hill Local
Mhlonto Local		Impendle Local	Engcobo Local
		Endumeni Local	Senqu Local
		Msinga local	Inkwanca Local
		Nquthu Local	Intsika Yethu Local
		Umvoti Local	Sakhisizwe Local
		Mkhambathini Local	Tsolwana Local
		Mpofana Local	Cacadu Local
		Msunduzi local	
Gauteng		Richmond Local	
Kungwini Local		Umngeni Local	
Nokeng Tsa Taemane Local		Umshwati Local	
Emfuleni Local		Nongoma Local	
Lesedi Local		Hlabisa /Impala Local	
Westonaria Local		Jozini Local	
Randfontein Local		Mtubatuba Local	
Midvaal Local		Umhlabuyalingana Local	
		The Big Five False bay local	... KwaZulu-Natal
		Abaqulusi Local	Indaka Local
		Edumbe local	Okhahlamba Local
		Emnambithi- Ladysmith Local	Umtshezi Local
		Imbabazane Local	Uphongolo local

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District Municipalities per Province	District Municipalities per Province	Metropolitan Municipalities Per Province
Western Cape	KwaZulu-Natal	Western Cape
Eeden District	Amajuba District	
Overberg District	Ilembe District	
West Coast District	Sisonke District	Northern Cape - N/A
	Zululand District	
Northern Cape	Uthukela District	North West - N/A
Frances Baard District	Umzinyathi District	
Kgalagadi District	Umkhanyakude District	Mpumalanga - N/A
Namakwa District	Umgungundlovu District	
	Ugu District	Limpopo - N/A
North West		
Bojanala District	Gauteng	Gauteng
Bophirima District	Metsweding District	City of Tshwane Metro
Southern District	West Rand District	
Central District		
	Free State	Eastern Cape
Mpumalanga	Thabo Mofutsanyane District	Nelson Mandela Metro
Nkangala District	Lejweleputswa District	KwaZulu-Natal
Ehlanzeni District	Motheo District	
Gert Sibande District	Fezile Dabi District	
Limpopo	Eastern Cape	
Capricorn District	Ukhahlamba District	
Sekhukhune District	Amathole District	
Waterberg District	OR Tambo District	
	Chris Hani District	
	Alfred Nzo District	
	Cacadu District	

Chapter 9 institutions

Chapter 9
Commission for Gender Equality
Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
Independent Electoral Commission
Youth Commission



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PUBLIC BODIES COMPLYING WITH SECTION 32 OF PAIA

01 April 2007 – 31 March 2008

National Government Departments

National Gov Department	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access refused (a) in full, (b) refused partially, (c) number of times each provision of the Act was relied on to refuse access in full or partially			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) s32(e)	Number of internal appeals (a) lodged with the relevant authority (b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 s32 (g)	Number of applications to a court which were lodged on the ground that internal appeal was regarded as having been dismissed in terms of s 77 (7) s32 (h)	Other information
				(a)	(b)	(c)					
GCIS	0	0	0	0	0	0	0	0	0	0	
DTI	7	4	0	2	1	2	1	2	0	0	
DoJ	53	25	0	14	0	14	36	4	0	0	
DPSA	4	2	0	0	1	1	0	0	0	0	
DEAT	100	53	0	0	0	21	2	5	1	0	
Land Affairs	11	11	0	0	0	0	0	0	0	0	
Parliament	1	0	0	1	0	0	0	0	0		
Foreign Affairs	13	5	0	0	0	1	4	1	1	0	
Agriculture	22	18	0	3	3	3	1	1	0	0	
Defence	20	10	0	0	0	0	20	0	0	0	
Home Affairs	85	33	0	18	20	16	16	2	0	10	
Correctional Services	29	18	1	2	2	0	0	3	2	0	
Presidency	6	0	0	1	3	4	1	2	2	0	
Housing	3	2	0	1	0	0	0	0	0	0	
Transport	2	2	0	0	0	0	0	0	0	0	
Communications	0	0	0	0	0	0	0	0	0	0	
Public Enterprises	2	0	0	0	0	0	0	0	0	0	
Social Development	1	1	0	0	0	0	0	0	0	0	
Sport and Recreation	0	0	0	0	0	0	0	0	0	0	
SAPS	23 702	17 492	543	207	123	330	1808	6	1	0	
National Treasury	2	0	0	2	2	0	0	0	0	0	
SARS	5	2	0	2	1	0	1	0	0	0	

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Provincial Government Departments

Provincial Gov	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(c)	Number of requests refused			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32(e)	Number of internal appeals (a) lodged with the relevant authority (b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				a) in full in terms	b) Number of requests refused partially	c) Number of times each provision of the Act was relied on to refuse a request fully or partially in terms of s32(d)					
Limpopo				(a)	(b)	(c)					
Office of the Premier	1	1	0	0	0	1	0	0	0	0	
Economic Development, Environment and Tourism	7	3	0	1	0	1	2	0	0	0	
Education	0	0	0	0	0	0	0	0	0	0	
Agriculture	2	0	0	0	1	0	0	0	0	0	
Road and Transport	1	1	0	0	0	0	0	0	0	0	
Treasury	0	0	0	0	0	0	0	0	0	0	
Health and Social Development	17	12	0	1	1	3	0	0	0	0	
Public Works	2	1	0	0	0	0	0	0	0	0	
Department of Local Government and Housing	0	0	0	0	0	0	0	0	0	0	
KwaZulu-Natal											
Treasury	0	0	0	0	0	0	0	0	0	0	
Western Cape											
Local Government and Housing	6	4	0	2	1	0	0	0	0	0	
Gauteng											
Agriculture, Conservation and Environment	22	14	0	0	1	0	3	2	0	0	
Sports, Arts, Culture and Recreation	250	250	0	0	0	0	0	0	0	0	



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Local Government

Municipalities	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access:(a) refusal in full (b) refused partially (c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32(e)	Number of internal appeals (a) lodged with the relevant authority (b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				a)	b)	c)					
GAUTENG											
City of Johannesburg	105	79	0	10	1	2	4	2	1	0	
Mogale City	0	0	0	0	0	0	0	0	0	0	
Ekurhuleni	51	46	31	2	0	0	1	0	0	1	
Sedibeng	0	0	0	0	0	0	0	0	0	0	
KWAZULU-NATAL											
Ethekwini	51	40	1	1	0	3	8	4	0	0	
Uthungulu	1	1	0	0	0	0	0	0	0	0	
Ulundi	1	1	0	0	0	0	0	0	0	0	
City of uMhlathuza	3	2	0	1	0	0	0	0	0	0	
LIMPOPO											
Bela Bela	1	1	0	0	1	0	0	0	0	0	
Musina	0	0	0	0	0	0	0	0	0	0	
Lephalale	0	0	0	0	0	0	0	0	0	0	
Mopani	2	1	1	-	-	-	2	1	0	0	
MPUMALANGA											
Steve Tshwete	8	8	0	0	0	0	0	0	0	0	
Umjindi	1	0	0	1	1	1	0	0	0	0	
Mbombela	4	3	0	-	-	0	1	1	0	0	
Pixley Ka Seme	0	0	0	0	0	0	0	0	0	0	
Elias Motsoaledi	0	0	0	0	0	0	0	0	0	0	
NORTHERN CAPE											
Nama Koi	2	0	0	0	0	0	0	0	0	0	2 abandoned
Siyanda	0	0	0	0	0	0	0	0	0	0	
Umsobomvu	0	0	0	0	0	0	0	0	0	0	
Pixley Ka Seme	0	0	0	0	0	0	0	0	0	0	

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Municipalities	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access:(a) refusal in full (b) refused partially (c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32(e)	Number of internal appeals (a) lodged with the relevant authority (b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				1	0	0					
Emthanjeni	10	8	2	1	0	0	0	0	0	0	
Ubuntu	1	1	0	0	0	0	0	0	0	0	
Siyathemba	0	0	0	0	0	0	0	0	0	0	
Sol Plaatjie	1	1	0	0	0	0	0	0	0	0	
Hantam	0	0	0	0	0	0	0	0	0	0	
EASTERN CAPE											
Amahlathi	1	1	0	0	0	0	0	0	1	1	
Lukhanji	1	1	0	0	0	0	0	0	0	0	
Gariiep	0	0	0	0	0	0	0	0	0	0	
Inxuba Yethu	2	2	0	0	0	0	0	0	0	0	
Emalahleni	0	0	0	0	0	0	0	0	0	0	
WESTERN CAPE											
Theewaterskloof	14	13	0	0	0	1	0	0	0	0	
Hessequa	0	0	0	0	0	0	0	0	0	0	
Cape Winelands	2	1	0	1	1	1	0	1	1	1	
Mossel Bay	16	8	0	0	0	0	0	0	0	0	
Central Karoo	0	0	0	0	0	0	0	0	0	0	
Bergriver	0	0	0	0	0	0	0	0	0	0	
Swartland	19	19	0	1	0	0	0	1	0	0	
Saldanha Bay	7	5	0	2	0	0	0	0	0	0	
Drakenstein	4	4	0	0	0	0	0	0	0	0	
City of Cape Town	66	64	0	1	0	1	2	1	0	0	
NORTH WEST											
Lekwa Teemane	0	0	0	0	0	0	0	0	0	0	
Rustenburg	4	3	0	1	0	0	0	0	0	0	
Madibeng	5	4	0	0	0	0	0	1	0	0	
Tlokwe	25	24	0	1	0	1	1	0	0	0	
FREE STATE											
Tswelopele	0	0	0	0	0	0	0	0	0	0	
Maluthi	2	2	0	0	0	0	0	0	0	0	
Nala	0	0	0	0	0	0	0	0	0	0	



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Chapter 9 Institutions

Chapter 9 Institutions	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access:(a) refusal in full (b) refused partially (c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)		Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32(e)	Number of internal appeals (a) lodged with the relevant authority (b) number of cases in which as a result of an internal appeal access was given s32(f)		Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				a)	b)		c)	a)			
SAHRC	2	1		-	-	-	-	-	0	0	1 request withdrawn
Auditor General	2	1	0	a)	b)	0	0	0	0	0	1 Requester withdrew
Public Protector	2	1	0	a)	b)1	0	0	0	0	0	

Annexure B to the Annual Report

Other Public Bodies

Other bodies	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access:(a) refusal in full (b) refused partially (c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32(e)	Number of internal appeals (a) lodged with the relevant authority (b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				(a)	(b)	(c)					
Gauteng Gambling Board	3	3	3	1	1	0	0	0	0	0	
Magistrate Commission	12	7	0	0	5	5	5	0	0	0	
Accounting Standards Board	0	0	0	0	0	0	0	0	0	0	
Manufacturing, Engineering and Related Services SETA	0	0	0	0	0	0	0	0	0	0	
Telkom	0	0	0	0	0	0	0	0	0	0	
Armaments Corporation of South Africa	4	1	0	0	0	0	0	0	0	0	
Financial Services Board	14	9	0	0	0	0	5	0	0	0	
Government Employee Pension Fund	1535	1495	0	1	2	3	3	12	22	0	
South African Civil Aviation of South Africa	7	6	0	1	0	1	0	0	0	0	
Special Investigating Unit	1	1	0	0	1	0	0	1	0	0	
South African Social Security Agency	72	72	0	0	0	0	0	0	0	0	
SA Veterinary Council	0	0	0	0	0	0	0	0	0	0	



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SA Management Development Institute	0	0	0	0	0	0	0	0	0	0	
Council for Medical Schemes	64	61	0	3	0	3	2	0	0	0	
University of Pretoria	2	1	0	1	0	0	0	0	0	0	
Central University of Technology, Free State	7	2	0	5	-	-	0	0	0	0	
South African Reserve Bank	5	2	0	0	0	2	0	0	0		1 appeal was noted but was abandoned
Public Service Commission	2	1	0	0	0	0	0	0	0	0	1 request was referred to the relevant Department
The Market Theatre Foundation	0	0	0	0	0	0	0	0	0	0	
ESKOM	32	14	0	12	6	0	12	a)5 b)4	0	1	4 requests in process
Radio Kansel/Pulpit	0	0	0	0	0	0	0	0	0	0	

The Section 83(3)(h) Report : Office of the Public Protector

	Information Required	Information Submitted
Section 83 (3)(h)(i)	The number of complaints lodged (including complaints received the previous reporting year that were not finalised in that year) with the Public Protector in respect of a right conferred or duty imposed by this Act.	0 Complaints carried forward from 08 March 2007; 1 Complaint lodged with the Public Protector during the reporting year.
Section 83 (3)(h)(ii)	The outcome of those complaints	0 Complaints were finalised; 1 complaint still under investigation