

WASHING ONE'S HANDS OF THE CONFLICT  
BETWEEN THE POWERFUL AND THE  
POWERLESS MEANS TO SIDE WITH  
THE POWERFUL NOT TO BE NEUTRAL.

— PAULO FREIRE

ANNUAL  
REPORT

20  
09



south african  
**human  
rights**  
commission



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*The SAHRC is a national institution established to entrench constitutional democracy through the promotion and protection of human rights by:*

- *Addressing human rights violations and seeking effective redress for such violations*
- *Monitoring and assessing the observance of human rights*
- *Raising awareness of human rights issues*
- *Educating and training on human rights*

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## INTRODUCTION BY THE CEO

*We are convinced that this evaluation is the foundation on which we can build as we endeavour to develop better ways through which to promote, protect and monitor the rights of all South African residents.*

It is with great pleasure that I submit the 2008/09 Annual Report of the South African Human Rights Commission (SAHRC or Commission) to the National Assembly. The annual report provides an overview of the Commission's performance in the 2008/09 financial year. The report outlines the performance achievements and challenges faced by the Commission in the past year, and gives an honest reflection on the performance gaps and opportunities for organisational development that the Commission can take advantage of in the coming year.

The report is an evaluation of both our shortcomings and our achievements in the pursuance of the constitutional mandate that we have been entrusted with. We are convinced that this evaluation is the foundation on which we can build as we endeavour to develop better ways through which to promote, protect and monitor the rights of all South African residents.

In its 2008/09 strategic plan, the Commission outlined its objective of embarking on a process of transformation based on an overall organisation review completed in 2006/07. The Commission has therefore continued to change and transform to meet existing institutional challenges. The challenges include but are not limited to:

- Underinvestment in information technology infrastructure, which has heavily affected the capacity of the Commission to implement some of its projects, including the e-Learning project that it embarked on in 2007/08;
- Limited funding, which has led to continued budget constraints that have negatively affected the implementation of our objectives; and
- A concerning trend of government departments not co-operating with the Commission, which has negatively affected the Commission's monitoring function.

In the 2008/09 financial period, our focus has, therefore, continued to be the improvement of our business processes and systems in an effort to improve service delivery. As an organisation, we recognised that to achieve our objectives, we needed not only to build on our competencies, but to transform our way of working.

Central to this transformation were the following key changes to our work:

- An introduction of a risk management charter signed by the Commission in July 2008 and an enterprise-wide risk management approach that was adopted at the same time;
- An expansion of the Internal Audit Activity that was introduced in 2007;
- More emphasis on engaging in collaborative partnerships and joint ventures as the Commission anticipated a global recession and, therefore, continued budgetary constraints;
- Investment in our information technology infrastructure that has seen the Commission implement a virtual private network solution to address key technology challenges; and
- The commencement of a nationwide audit of the complaints files of the Commission, in order to assess the extent of the backlog, as well as a restructuring of the Legal Services programme of the Commission, all in an effort to improve the Commission's capacity to deliver on its mandate to seek redress on behalf of complainants whose rights have been violated.



Despite the above challenges and working within a transformational environment, we are pleased that our staff continue to diligently work towards improving our delivery and remain proud of our contribution to improved democracy and the socio-economic development of our nation.

Nationally, some of our contributions include but are not limited to:

- Continued efforts by the Commission to seek redress in the violation of the rights of all South Africans;
- Consolidation and finalisation of the *Overcrowding in Schools Report* and the *Hate Speech Report*;
- Launching of the Anglo Platinum report, which was an analysis of the impact on human rights of an Anglo Platinum community resettlement project in Limpopo;
- Finalising a *Human Rights Oversight* manual for parliamentarians;
- Spearheading the response against xenophobia, in particular the development of a disaster early warning system; and
- Implementing a series of constitutional values dialogue workshops to engage with stakeholders on constitutional values in a fledgling democracy.

All of the above and more have hopefully had an impact in sustaining our democracy in the fulfilment of the Commission's constitutional mandate.

Finally, I would like to take this opportunity to thank our incumbent Commissioners, Jody Kollapen, Zonke Majodina, Tom Manthata, Leon Wessels and Karthy Govender, who will be leaving us just a few months into the new financial year, as their term comes to a close. I would like to thank them sincerely for their significant contributions to the Commission and wish them well in future endeavours.

**Tseliso Thipanyane**  
Chief Executive Officer



## FOREWORD BY CHAIRPERSON

**I**t is with a great sense of pride and duty that the Commission submits the 2008/09 Annual Report to the National Assembly.

The year has been significant and eventful, both on the national and international levels. Successful elections, a new administration and a vigorous commitment to improving the human condition must all augur well for the growth of the nascent culture of human rights we have put in place. Of particular significance for the Commission has been the creation in the office of the Deputy Speaker of a unit on Chapter 9 institutions, with which we look forward to interacting as a key stakeholder. We welcome the opportunity that this unit will facilitate for greater and more substantial interaction between the Chapter 9 institutions and Parliament.

Internationally, significant events include but are not limited to:

- The election of a new US president, which may see a new and different approach to human rights matters by that administration and which we hope will have a positive international impact;
- The global financial crisis, which is bound to create new challenges in the arena of economic and social rights – in particular how governments and other agencies do not decrease their commitments to social spending; and
- Climate change, which is likely to have a significant impact on the environment and access to food and migration.

Even in this eventful year, the Commission has made great strides in advancing the human rights mandate through key achievements that include:



- The monitoring of socio-economic rights – the process to ascertain South Africa’s progress in implementing the Millennium Development Goals will culminate in public hearings bringing together government, citizens and civil society;
- A report on access to healthcare services – which provides an analysis of the state of our health system and key recommendations thereof was launched and identified progress made and the significant challenges that face the public healthcare system;
- The SAHRC report on mining-related observations and recommendations: Anglo Platinum, affected communities and other stakeholders in and around the PPL Mine, Limpopo – which was a significant report in terms of its substantial engagement on key issues in the mining sector and in business and human rights; and
- The leadership role played by the Commission in responding to the xenophobic violence across the country from May to July, 2008.

These reports are particularly important taken in the context of the report by the Independent Panel Assessment of Parliament, which recommended more attention be given by Parliament to such reports in its oversight role.

The Commission, in continuing to deal with a wide and diverse mandate, has made significant contributions to the advancement of human rights and as most of the incumbent Commissioners take their leave, it would be appropriate to acknowledge the support of all those we have worked with and engaged in making the work of the Commission possible.

Special thanks to my colleagues on the Commission who have been part of a wonderful team tasked with an important mandate, and the CEO and staff of the Commission. As we take leave of an office we consider a singular privilege to have held, we welcome Commissioner Pregs Govender and wish her and the other incoming Commissioners that will be appointed continued success.

**Jody Kollapen**  
Chairperson – SAHRC



# I. GENERAL INFORMATION ON THE SAHRC

*The SAHRC is the national institution established to support constitutional democracy through the promotion and protection of human rights.*

## 1.1 Mission statement

The SAHRC is the national institution established to support constitutional democracy through the promotion and protection of human rights by:

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

## 1.2 SAHRC legislative mandate

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

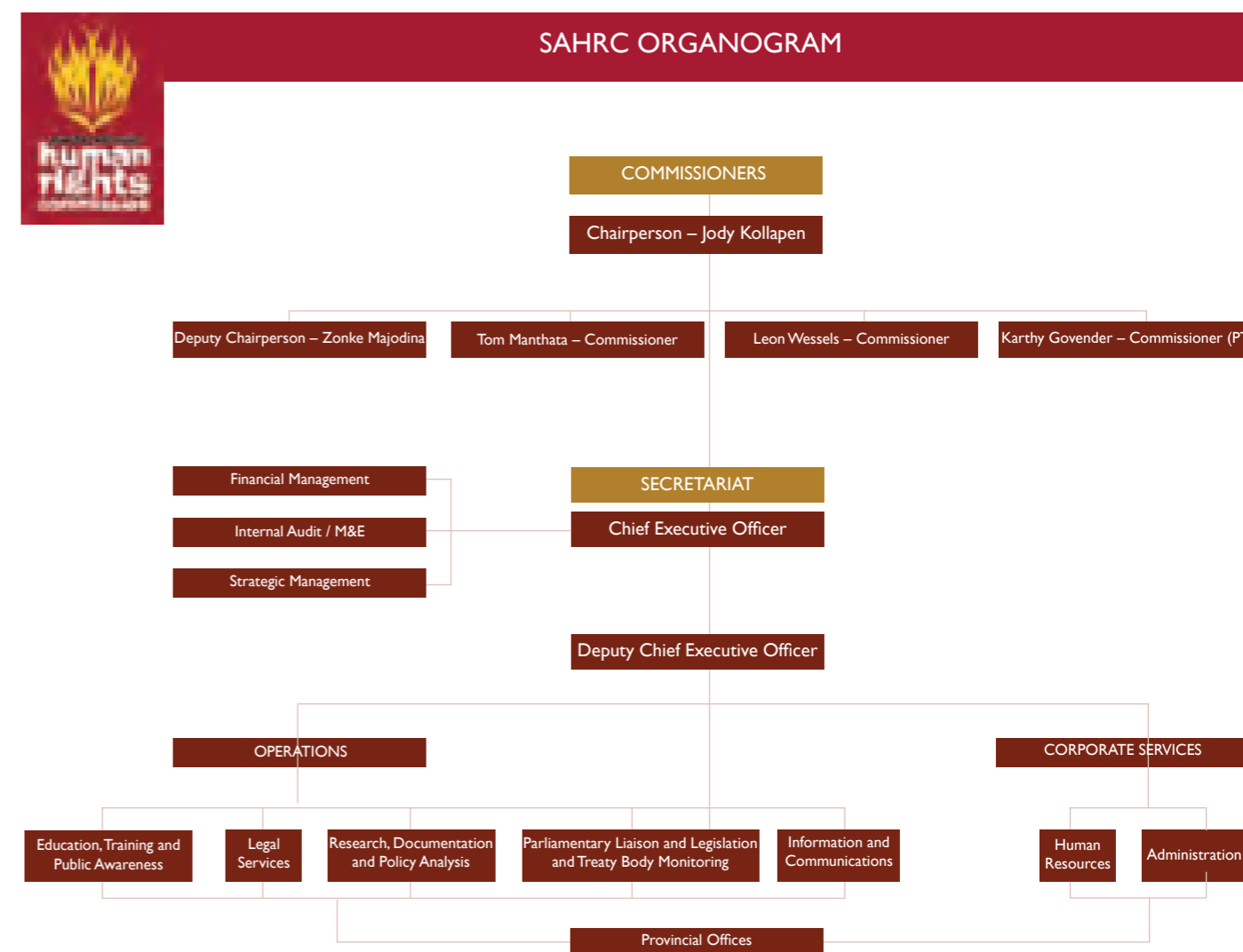
1. The SA Human Rights Commission must:
  - Promote respect for human rights and a culture of human rights;
  - Promote the protection, development and attainment of human rights; and
  - Monitor and assess the observance of human rights in the Republic.
2. The Commission has the powers, as regulated by national legislation, necessary to perform its functions, including the power to do the following:
  - Investigate and report on the observance of human rights through its Parliamentary Liaison and Legislation and Treaty Body Monitoring (PLLTBM) Programme, Research, Documentation and Policy Analysis Programme and Information and Communications Programme;
  - Take steps to secure appropriate redress where human rights have been violated through its Legal Services Programme;
  - Carry out research through the Research, Documentation and Policy Analysis Programme; and
  - Provide human rights education through the Education and Training Programme.
3. Each year, the Commission requires relevant organs of state to provide it with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, healthcare, food, water, social security, education and the environment.
4. The Commission has additional powers and functions prescribed by specific legislative obligations in terms of the Promotion of Access to Information Act No. 2 of 2000 (PAIA) and the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA). The Commission has to do the following:
  - Promote awareness of the statutes;
  - Report to Parliament in relation to these statutes; and
  - Develop recommendations on persisting challenges related to these statutes and any necessary reform.

## 1.3 Key measurable objectives

In order to be an effective institution for the promotion and protection of human rights, and to fulfil its mandate as laid out in the Constitution, the SAHRC pursued the following primary objectives in the 2008/09 financial year:

- The promotion of human rights and contribution to development of a sustainable human rights culture through education, training, community outreach and public awareness campaigns;
- The monitoring of human rights through the provision of comprehensive research and documentation mechanisms designed to advance and assess human rights, especially social and economic rights;
- The publication and conveyance of the role and work of the SAHRC to the general public via an integrated communications strategy;
- The promotion of a culture of accessibility, openness and transparency by promoting access to information, media engagements and establishing an integrated information management system;
- The advancement of human rights through monitoring legislation and assessing national compliance with regional and international human rights treaties;
- The protection of human rights by investigating individual and systemic complaints of human rights violations and providing appropriate redress;
- The entrenchment of the SAHRC as a major resource and primary focal point for human rights promotion, protection and monitoring in the country; and
- To be accessible and work in a collaborative manner with organs of state, civil society and other Chapter 9 institutions.

## 1.4 SAHRC organogram



## 1.5 Introduction of programmes

In order to meet the above primary objectives, the SAHRC is structured into ten programmes. The programmes are:

- 1. The Office of Commissioners** – The Commissioners lead in developing the vision of the institution, setting its priorities and ensuring that policies, programmes and resources allocated are consistent with the vision of the organisation. Commissioners act as public representatives of the SAHRC at national and international forums and are the organisation's interface with local communities and other stakeholders at national level.

It is through its Commissioners that the SAHRC has been able to develop relationships with State organs, civil society structures and Chapter 9 institutions. The Commissioners develop these relationships through extensive engagements and consultations with all stakeholders, including the media.

- 2. The Office of the CEO** – The Office of the CEO provides support to the CEO as the accounting officer of the Commission and integrates the strategic management function of the Commission. The Office of the CEO therefore oversees the implementation of the SAHRC's strategic plan, through the establishment and maintenance of a good governance framework in collaboration with Commissioners.

The Office of the CEO is responsible for ensuring compliance with the necessary legislative statutes and adherence to the provisions of the Public Finance Management Act (PFMA) of 1999 and relevant Treasury regulations.

The Office is also responsible for overall operations integration, including national/provincial co-ordination support to Heads of Programmes where necessary.

- 3. The Financial Management Programme** – Headed by the Chief Financial Officer (CFO/Head of Programme), the programme is

responsible for the budgeting process of the Commission, as well as all financial management aspects, including financial reporting. It is this programme's responsibility to ensure that financial controls are exercised and financial procedures followed throughout the organisation.

The programme renders financial management support to the organisation as a whole and makes sure that financial management processes are coalesced into regular reviews and assessment of the SAHRC's adherence to its strategic plan, resulting in an unqualified audit report by the Auditor-General.

- 4. The Administration and Supply Chain Management Programme** – The programme provides centralised travel and event management services, asset management services, procurement services and security management services to all programmes of the Commission, including provincial offices.

The programme is responsible for sourcing supplies required during the course of work of the Commission and is responsible for compliance with supply chain management prescripts and optimal utilisation and management of the Commission's resources.

- 5. The Human Resources Programme (HR)** – The programme's main function is to align the management of human resources to SAHRC strategic objectives. The programme is therefore responsible for the recruitment, selection and induction of all SAHRC staff. It is also responsible for the coordination of performance management and training and development of staff.

The programme is responsible for the drafting process and implementation of the SAHRC's policies and procedures as well.

- 6. The Information and Communications Programme (ICP)** – The programme serves as the SAHRC's information and communications hub. It was

established in order to respond to the need to consolidate all information and communications-related programmes within the SAHRC. Its functions range from providing strategic information, communications and ICT systems support to ensuring legislative compliance with the Promotion of Access to Information Act No. 2 of 2000 (PAIA) and the National Archives and Records Services Act No. 43 of 1996.

- 7. The Education and Training Programme (ETP)** – The programme conducts training workshops, seminars, presentations and capacity-building programmes on equality, economic and social rights, promotion of access to information, HIV and AIDS, children's rights, the rights of older persons, the rights of people with disabilities and other focus areas of the SAHRC. To assist in implementing the SAHRC's promotion mandate, a Centre of Excellence for Human Rights Education and Training has been established. The Centre exists as an online portal and hosts the customised, integrated e-Learning courseware and blueprint. The education programme also has a National Events sub-programme that aims to encourage public participation and dialogue on contemporary human rights issues as well as to document, publish and disseminate proceedings of the discussion, thereby contributing to the body of literature and jurisprudence on human rights.
- 8. The Research, Documentation and Policy Analysis Programme (RDP)** – The programme executes the research, monitoring and assessment mandates of the SAHRC and in doing so manages and implements most of the knowledge-generation processes within the SAHRC. This programme is responsible for the monitoring and assessment of economic and social rights, with specific emphasis on the environment, development, poverty, crime, business and equality. It is also responsible for knowledge management and houses the library and documentation function of the SAHRC.



- 9. Parliamentary Liaison and Legislature and Treaty Body Monitoring Programme (PLLTBM)** – This programme, which was previously a unit in the Commission, has been operational for one year now. It consists of three sub-programmes, International and Regional Treaty Body Monitoring, Parliamentary Liaison and Legislation Monitoring, and Provincial Parliamentary Liaison. The work of the programme has grown dramatically as it seeks to make an impact on the promotion and protection of human rights by engaging with policy and legislative developments through various advocacy activities and written submissions. The programme is based in Cape Town, in close proximity to Parliament, and is responsible for facilitating the Commission's parliamentary liaison. The programme also monitors and conducts research in relation to South Africa's international and, from this year onwards, regional treaty body obligations.
- 10. The Legal Services Programme (LSP)** – The programme implements the SAHRC'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. INFORMATION ON THE SAHRC

### 2.1 Indication of the Bills and related matters 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 2008/09 financial period:

ITEM	Bill/briefing	Government department/Parliamentary committee	Topic
1	Substance Abuse Bill [B12 – 2008]	Written submission to Portfolio Committee, Social Development, National Assembly (NA)	Substance abuse treatment and international obligations in terms of Torture Conventions' Optional Protocol (OPCAT).
2	Traditional Courts Bill [B15-2008]	Oral submission to Portfolio Committee, Justice and Constitutional Development	Constitutional rights and the Bill in relation to due process rights, permissible sanctions, children's rights etc. ...
3	SAHRC Strategic Plan and Budget presentation	Written and oral presentation to Select Committee, Security and Constitutional Affairs	Presentation of the SAHRC's Strategic Plan and Budget. General engagement about SAHRC work.
4	World Refugee Day Celebrations, Xenophobic crises	Statement delivered to Portfolio Committee, Home Affairs and International Affairs	Xenophobic violence, SAHRC response and challenges faced.
5	Draft Human Rights Commission Act Amendment Bill	Written comments to Department of Justice and Constitutional Development	Various matters relating to amendment of current Act.
6	South Africa's international obligations – Convention against Torture (CAT) and its Optional Protocol (OPCAT)	Briefing to Portfolio Committee, Justice and Constitutional Development	Briefing on South Africa's current status in respect of these international obligations, the Commission's work and proposals on steps that the State should consider to ensure full compliance.
7	Companies Amendment Bill [B61 – 2008]	Written submission to Trade and Industry Portfolio Committee, NA	Human rights and obligations in the application of the Companies Act.
8	Criminal Law (Forensic Procedures) Amendment Bill 2009	Written and oral submissions to Portfolio Committee, Correctional Services, NA	Rights issues in relation to DNA and fingerprinting.
9	Draft Marriage Amendment Bill 2009	Written Comments to Department of Home Affairs	The right to equality and the proposed Bill.

### 2.2 Official visits abroad, indicating the dates and purposes

Date	Place	Purpose
17 March to 4 April 2008	Geneva, Switzerland	92nd Session of the UN Human Rights Committee
28 May-2 June 2008	Boston, US	Harvard Law School meeting of national human rights institutions
28 June-26 July 2008	Geneva, Switzerland	93rd Session of the UN Human Rights Committee
9-10 July 2008	Paris, France	Informal policy-oriented meeting on monitoring democracy, human rights and governance by various stakeholders
26-29 August 2008	Abuja, Nigeria	Preparatory meeting for Durban review conference
27-30 August 2008	Dakar, Senegal	Conference on constitutionalism and conflict
28-29 August 2008	Vienna, Austria	Presentation at the 15th anniversary conference on human rights
3-5 September 2008	Kigali, Rwanda	Stakeholder conference on human rights in Africa
23-25 March 2009	Nairobi, Kenya	Presentation to Truth, Justice and Reconciliation Commission
25 March 2009	Maseru, Lesotho	Presentation on protection of civil and political rights to the Law Society of Lesotho
18-19 September 2009	Israel and Occupied Palestinian Territories	Fact-finding visit

### 2.3 Overview of the service delivery environment for 2008/09

**Corporate governance:** In an effort to entrench corporate governance principles, the Office of the CEO has continued to try to improve the assessment of the SAHRC's performance measurement against the strategic business plan of the Commission. In the year under review, the SAHRC complied with the Public Finance Management Act by holding monthly performance reporting meetings at senior management level and at executive level with Commissioners. Also, there has been a push by the organisation for monthly programme meetings to discuss operational issues which will be compulsory in the 2009/10 financial year as part of its governance framework.

**Civic Society Advocacy Programme (CSAP):** The project wound down in 2008 and the Community Outreach Programme that was funded by the project was incorporated into the Education and Training Programme's Community Outreach sub-programme. The Commission has been working closely with the Chief Executive Officer of CSAP, the other two Chapter 9 institutions involved in the project (the Gender Commission and the Public Protector) and the European Union to address disputes arising out of the contract.

**Review of Legal Services Programme:** The Legal Services Programme continues to be the most challenging of the Commission programmes,

particularly its complaints handling procedures and the efficacy of the programme as a whole. The Commission continued in the 2008/09 financial year to consider ways of addressing the challenges identified in provincial audits, which include a lack of common understanding of complaints handling procedures, the need for more relaxed complaints handling timeframes, and capacity challenges in view of the number of complaints lodged with the SAHRC.

The restructuring of the programme to address these challenges and provide support for provincial offices in the form of provincial coordinators based at head office also brought its own set of challenges as it required a redefinition of sub-programmes' functions, role clarification and a common understanding of reporting lines.

**Review of the research and monitoring function:** An in-depth review of the research and monitoring function of the Commission was completed in the 2007/08 financial year, with recommendations implemented in the 2008/09 financial year. This has meant growth of the Research, Documentation and Policy Analysis Programme into 12 portfolios addressing a wide spectrum of human rights issues.

**Xenophobia attacks:** The xenophobia crisis of May 2008 placed significant demands on the Commission, which had to suspend some of its planned activities in order to spearhead a response to the crisis. Annexure B of this report provides a more detailed report of the Commission's efforts in responding to the crisis.

## 2.4 Overview of the organisational environment for 2008/09

**Job evaluation:** The job evaluation committee met during the first quarter of the financial year to discuss employee submissions for consideration for evaluation of their positions. The committee could not proceed with the evaluation because of a view that such a process would undermine the Haygroup report and its recommendations, which had not been approved for implementation.

A joint meeting of Commissioners and the CEO's Office, with the attendance of Human Resources (HR), resolved the following:

- The report to be forwarded to the Office of the President on both the amendment of the Commission's salary structure and additional funding for implementation of the report; and
- That there must be a moratorium on the job evaluation process, until all legal requirements have been met and additional funding for the implementation of the report has been sourced.

By the fourth quarter of the financial year, the Office of the Presidency had yet to make a decision regarding the review of the SAHRC structure, and in a meeting on 16 February 2009, a joint meeting of Commissioners and the Office of the CEO resolved to implement the recommendations of the Haygroup report if after three months the Office of the Presidency had not resolved the matter to the satisfaction of the SAHRC.

**Risk management:** A risk management committee was successfully established and work on implementing the risk management charter has begun. Risk assessments were finalised in the second

quarter of the financial year and control assessments in the third quarter of the financial year. A series of meetings with programmes was also conducted to discuss the risk registers and implementation of the risk management plan.

**Information management systems:** The early half of this financial year was marked by increasing IT challenges, including server, internet, e-mail connection and networks being down frequently and for considerable periods of time. The Commission investigated the advantages of a network upgrade and a decision was made to implement a virtual private network in order to resolve the numerous IT challenges that the Commission was facing. Over the years, the Commission has not adequately invested in IT systems in alignment with the growth of the organisation, and this financial year, IT challenges heavily affected the operations of the Commission. The upgrade will improve the IT services and provide better management tools. The Commission will continue to invest heavily in IT infrastructure over the coming years in an effort to increase network operations and improve operational support.

**Monitoring and evaluation:** The monitoring and evaluation function of the Commission is delegated to all Heads of Programmes, who provide feedback relating to the strategic plan, the performance management system and programme workplans across the Commission. It should be noted that the unit that was planned to meet the objectives of establishing an M&E function, which was to fall under the Internal Audit Programme, did not materialise owing to a lack of capacity and targets were not met for providing an M&E framework and policy and assessing how programmes were implementing the M&E function across the organisation.



## 3.1 Programme: Office of Commissioners

### Overview of the programme

The Office of Commissioners serves as the decision-making body of the Commission, appointed by the President and reporting directly to the National Assembly. Currently there are five full-time Commissioners and one part-time Commissioner. Two of the Commissioners are based in KwaZulu-Natal and Cape Town respectively and the other four are based in Johannesburg.

Responsible for facilitating good corporate governance with the Commission, the Office of Commissioners works closely with the Office of the CEO to align the operational activities and strategic objectives of the Commission.

Regular meetings were held with the Office of the CEO on a bi-weekly basis until December 2008 and thereafter on a monthly basis to address strategic and operational issues arising out of the work of the Commission.

The Commissioners also raise the profile of the Commission through regular strategic interventions in the human rights portfolio areas of the Commission. These include the rights of children, people with disabilities, older persons, non-nationals and people with HIV and AIDS.

**Purpose:** To provide leadership and guidance to the professional work of the Commission through the facilitation of the South African human rights agenda at international, regional, national and provincial level.

### Measurable objectives:

- To raise the profile of the SAHRC 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 SAHRC and its interest in human rights initiatives;
- To develop human rights related and organisational policies; and
- To assist and support the work of the secretariat's programmes.

### Service delivery achievements

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  Percentage alignment of activities with strategic objectives	Full  100% alignment	<b>Achieved:</b> • Weekly meetings of Commissioners • Bi-weekly meetings with CEO • Monthly legal committee meetings • Visits to nine provincial offices of the Commission • Interviewed and appointed Commissioner's report writer
	Raising of the profile of the SAHRC	Number, quality and extent of strategic interventions	Monthly	<b>Achieved:</b> 25 strategic interventions completed. These include attendances and representation of the SAHRC at international and regional workshops and conferences
	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 and number	Meeting minimum requirements as per stated objectives  As requested	<b>Achieved:</b> Attended to all matters brought on appeal and provided feedback to the Legal Services Programme on trends and analysis with a view to improving complaints analysis





## Service delivery achievements

Programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Commissioners	Interventions (including media) on human rights focus areas	Number of interventions on child rights, disability, older persons, non-nationals, HIV and AIDS, crime, business and equality	Weekly	<b>Achieved:</b> 80 interventions completed. These included regular opinions and comments on topical issues as well as presentations on human rights issues given at national seminars, lectures, conferences and workshops
	Community interventions and monitoring of service delivery	Number of community visits Number of reports/notes submitted to relevant duty bearers	Fortnightly Fortnightly	<b>Achieved:</b> 19 interventions completed. These included attendance of public hearings, site visits and meetings with government agencies on service delivery issues
	Representing the SAHRC in international, regional and national forums	Speeches, articles and papers	Fortnightly	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>Two papers presented</li> <li>Three speeches/keynote addresses</li> <li>Other presentations made by a Commissioner, where the Commissioner was not a keynote speaker or presenting a written paper. This was considered a strategic intervention and is represented above as part of raising the profile of the SAHRC or under interventions on human rights focus areas</li> </ul>
	Human rights policy development	Number of adopted policies on agreed areas	One month after decision/agreement	<b>Not achieved:</b> The Commission, on an ongoing basis, takes policy positions on key topical human rights issues, however, work has begun on four written policy papers in support of some of the policy positions

### 3.2 Programme: Office of the CEO

#### Overview of the programme

The mandate of the Commission straddles all spheres of political, social, cultural and economic life in South Africa. This operational landscape provides challenges for service delivery that constantly require the Commission to explore innovative and unique methodological approaches, techniques and tools. The Office of the CEO integrates the work of different parts of the Commission and makes sure that this work follows the strategic business plan. It also manages requests and invitations from outside the Commission.

In the 2008/09 financial year, the programme reviewed management and governance obligations of the Commission in order to better oversee delivery across the organisation. This process culminated in streamlined targets for the 2009/10 financial year as articulated in its 2009/10 strategic plan.

This process means that the SAHRC will be better

able to manage its oversight role and should improve management of performance overall.

**Purpose:** To oversee and manage the central corporate governance and strategic framework of the Commission.

#### Measurable objectives:

- To ensure constitutional and legislative compliance with the operations of the SAHRC;
- To conduct strategic reviews in response to the internal and external environment;
- To ensure alignment of SAHRC programmes with its strategic objectives and national priorities;
- To manage effective accountability mechanisms and a quality assurance system;
- To ensure effective, efficient, economical and transparent use of resources in terms of the Public Finance Management Act; and
- To strategically position the SAHRC favourably within the human rights field, nationally, regionally and internationally.

## Service delivery achievements

Sub-programme	Outputs	Output performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Legislative and statutory compliance	<ul style="list-style-type: none"> <li>Audits</li> <li>Strategic reviews</li> <li>Performance management</li> </ul>	<ul style="list-style-type: none"> <li>Number of audits</li> <li>Level of compliance</li> <li>According to checklist</li> </ul>	Monthly reviews 100% compliance	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Weekly screening and approval of programmatic work</li> <li>Mid-term reviews undertaken with Heads of Programmes (HOPs)</li> <li>Provided oversight of strategic and operational planning processes – strategic plan adopted and operational plan completed</li> </ul>
Implementation of strategic business plan	<ul style="list-style-type: none"> <li>Meetings</li> <li>Reports</li> <li>Reviews</li> </ul>	<ul style="list-style-type: none"> <li>Number of meetings</li> <li>Scope of reports and reviews</li> </ul>	<ul style="list-style-type: none"> <li>Monthly reports</li> <li>Quarterly reports</li> <li>Ongoing reviews</li> </ul>	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Four plenary meetings and quarterly report submitted</li> <li>Monthly progress reports from programmes reviewed</li> <li>Monthly financial reports reviewed and signed off</li> <li>Mid-term reviews with HOPs conducted</li> <li>Hosted the annual secretariat strategic plan meeting</li> </ul>
Liaison with stakeholders	<ul style="list-style-type: none"> <li>Agreements</li> <li>Collaborative projects</li> <li>Funding</li> </ul>	Number or frequency of liaison activities	Monthly	<b>Achieved:</b> <ul style="list-style-type: none"> <li>MOUs and agreements with Raul Wallenberg Institute, Soul City and Freedom Park</li> <li>CSAP project wound down with a number of meetings undertaken between SAHRC, Public Protector and Commission for Gender Equality</li> </ul>



Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
National and provincial coordination	• Management and operational support interventions	Number of interventions	Monthly	<b>Achieved</b> <ul style="list-style-type: none"> <li>• Meeting with provincial managers to discuss performance management</li> <li>• Logistical support for all monthly senior management meetings</li> <li>• Quarterly reports submitted</li> <li>• Signed-off monthly financial statements and monthly projections</li> <li>• Attended bi-weekly meetings with Commissioners</li> <li>• Chaired bi-weekly meetings with HOPs</li> <li>• Monthly legal committee meetings attended</li> <li>• Planned and conducted provincial strategic visits with Commissioners to all SAHRC provincial offices</li> <li>• Chaired two staff meetings with provincial managers</li> </ul>
Strategic positioning of the SAHRC	• Speeches • Talks • Strategic interventions • Regional and international liaison • Media interventions	100% response to agreed-upon requests  Number of interventions	Respond to 80% of agreed upon requests  Monthly	<b>Achieved</b> <ul style="list-style-type: none"> <li>• Report to African National Human Rights Institutions secretariat</li> <li>• 82 interactions with international, regional and national stakeholders, including study tours, workshops and meetings</li> <li>• 27 media interventions undertaken</li> </ul>

### 3.3 Programme: Internal Audit Activity

#### Overview of the programme

The main function of the Internal Audit Activity Programme is to execute audits as per the Internal Audit Activity (IAA) charter, review the organisational risk strategy, and give advice and assurance to management on the attainment of its objectives. The Internal Audit Activity, which is a relatively new programme for the Commission, was focused on building the infrastructure required for the proper implementation of the IAA and risk management strategies in the first quarter of the 2008/09 financial year.

The second quarter of the financial year was focused on risk management awareness and risk identification, with the third quarter dedicated to the proper implementation of the risk and internal audit strategies. The fourth quarter was mainly focused on the effectiveness and efficiency of internal controls and planning for the 2009/10 financial year.

**Purpose:** To present performance results and identify corrective actions to meet programme sub-objectives as set out in the IAA 2008/09 business plan.

#### Measurable objectives:

- Assist in identifying risk and overseeing the implementation of risk management strategies;
- Review risk and management strategies, including audit execution;
- Establish and maintain the necessary strategic relationships with stakeholders, role players and colleagues;
- Allocate, manage and account for the usage of IAA

- resources; and
- Design, implement and monitor adherence to quality assurance programmes.

#### Service delivery objectives and indicators:

##### Risk management

The risk management software was acquired late and the risk assessment was therefore delayed and began only in the second quarter of the financial year. Risk assessments were completed for all programmes of the Commission and eight provinces, namely North West, Western Cape, KwaZulu-Natal, Gauteng, Limpopo, Eastern Cape, Free State and Northern Cape.

Follow-up registers were distributed and control assessment finalised with the Finance, Legal, Research, Documentation and Policy Analysis (RDP), Office of the CEO, ICP, Administration and Supply Chain Management, and Parliamentary Liaison and Legislation and Treaty Body Monitoring programmes.

The risk management strategy was implemented and the risk management committee was appointed in terms of the Risk Management Charter.

Finance, Legal, RDP, ICP and the Office of the CEO designed controls to mitigate risks as highlighted in their risk registers and Finance, Legal, RDP and the Office of the CEO set their risk appetites to enable them to manage their risk registers.

##### Audit execution

In the 2008/09 financial year, Internal Audit achieved the following:

- Reviewed the bank, cash and investment policy for management;

- Audited asset acquisition, management and disposal as per the approved audit plan;
- Reviewed and made input into the FlowCentric policy;
- Reviewed the IAA and the Audit Committee charters and tabled for approval;

#### Service delivery achievements

- Reviewed the IAA strategy and tabled for approval;
- Reviewed the fraud prevention strategy;
- Reviewed/audited Supply Chain Management process (findings forwarded to management for comment); and
- Reviewed the leave process.

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Internal Audit	Framework for legislative statutory compliance	Meeting statutory requirements Percentage compliance with PFMA checklist	100% compliance	<b>Achieved</b> <ul style="list-style-type: none"> <li>• Three-year rolling IAA plan developed</li> <li>• Annual IAA plan approved by audit committee</li> <li>• Quarterly reports made to the audit committee</li> </ul>
	Strategic review	Compliance with strategic business plan	80-100% compliance	<b>Achieved</b> <ul style="list-style-type: none"> <li>• Reviewed strategy and made submission into SAHRC strategic plan</li> <li>• Three-year IAA plan developed and approved</li> <li>• Annual plan for 2009/10 developed and approved by audit committee</li> </ul>
	Risk assessment and management	Effective risk assessment and management	Bi-annually	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>• Risk assessment undertaken once – risk management awareness low, therefore began with awareness</li> <li>• No infrastructure – set up infrastructure to enable effective risk assessment and management in future</li> </ul>
	Internal audit function	Functional internal audit	Regular audits	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Audit functional – audits have commenced with an audit of administration</li> <li>• Audit plan approved by audit committee for implementation</li> </ul>
	Functional audit committee	Number of meetings  Number of advisories	Four per year  As required	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Four audit committee meetings and two special meetings/ advisories held</li> </ul>
	External audit function	Unqualified audit report	As per the date of audit as determined by Auditor-General	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>• Internal Audit not fully functional and staffed at time of audit</li> </ul>
	Financial management and administration systems	Compliance with statutory requirements	Monthly/quarterly	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Reported monthly and attended senior management meetings</li> <li>• Submitted four plenary reports and tabled the plenary reports before the audit committee every quarter.</li> </ul>

### 3.4 Programme: Legal Services

#### Overview of the programme

The Legal Services Programme (LSP) implements the SAHRC's protection mandate. The LSP handles complaints of individual and systemic human rights violations and seeks appropriate redress.

In order to function more effectively, the LSP national office was restructured during this financial year so that it sets standards for and supports the LSP provincial components within the provincial offices.

A separate provincial office for Gauteng was established effective 1 April 2008 to deal with complaints emanating from that province, which had previously been handled

by LSP head office. The restructured national LSP office (head office) will deal with systemic and high-profile matters and provide coordination and support services through three newly established sub-programmes, namely: Litigation Coordination, Provincial Legal Coordination and Complaints Coordination.

**Purpose:** To carry out the protection mandate of the SAHRC, which is regulated by the Commission, as well as the SAHRC's founding statute, the Human Rights Commission Act. This protection function of the LSP mainly involves the handling and investigation of complaints and seeking appropriate redress regarding human rights violations.

### Measurable objectives:

The objectives of this programme are to:

- Investigate individual and systemic complaints (e.g. through public hearings) of human rights violations;
- Provide appropriate redress, through litigation and otherwise, to resolve disputes regarding violations;
- Initiate investigations into human violations; and
- Identify trends and patterns of human rights violations and produce reports which reflect these through the effective use of the workflow management software, FlowCentric.

### Service delivery environment

During the past year, the LSP operated in a political, social, cultural and economic climate characterised by the following features:

- Threats to political stability both regionally and nationally, resulting in the xenophobia crisis, as well as pre-election campaigning and threats of violence;
- Poverty, unemployment and the resultant impairment of human dignity;
- Unequal treatment and alleged discrimination on the basis of numerous grounds, predominantly race, given the historical context, e.g. allegations of hate speech;
- Inadequate delivery of social services including education, housing, social security, healthcare and water;
- The undermining of a human rights culture through crime and violence, e.g. school-based violence and hate crimes;
- The impact of the HIV and AIDS pandemic on all aspects of life in South Africa; and
- Globalisation and environmental issues, e.g. impact of mining developments.

The LSP's protection mandate was even more challenging than usual because of the large number of alleged human rights violations that were lodged with the SAHRC. The xenophobia crisis that erupted during the reporting period requires specific mention, as it caused some of the LSP's operations to cease for a period of time. It was also a challenge to consolidate the new LSP structure, consult affected staff regarding

deployments or internal transfers and re-negotiate performance agreements.

Staff turnover and a high number of staff vacancies in the LSP during the past year had an impact on the achievement of LSP outputs and targets. In spite of these challenges, the LSP managed to perform in terms of its overall key outputs. However, there is a need to revise operational systems and procedures to enhance effectiveness during the next financial year.

### Service delivery objectives and indicators:

#### Complaints management

Handling complaints remains the core work of the LSP. The total number of complaints recorded for the 2008/09 financial year is 8 556. Of the received complaints, 827 were rejected and 1 079 were referred to other agencies or institutions. As of the end of the financial year, 3 583 are current accepted complaints that are still to be processed. The xenophobia crisis resulted in a backlog of complaints because it placed all operations of the SAHRC on hold for some time.

In terms of section 9 (6) of the South African Human Rights Commission Act No. 54 of 1994, the Commission must determine the procedures to be followed in conducting an investigation. The Commission gazetted its revised Complaints Handling Procedures in terms of Government Gazette Notice 817 of 2007, No. 30022 on 6 July 2007 to assist the LSP in achieving and realising its mandate.

The high number of complaints lodged with the LSP poses a challenge and reputational risk to the Commission as there is relatively limited human capacity in the LSP. This, together with staff turnover and prolonged vacancies in certain key managerial and professional posts within the LSP, affects the timely handling of complaints and results in backlogs.

An audit of files in the LSP on a national basis to assess the extent of the backlog was commenced during this financial year and will be completed during the next financial year.

The LSP faced some challenges in achieving the full implementation of its electronic complaints management system, FlowCentric, as a result of factors relating to internal IT problems, negative user attitudes, lack of adequate user awareness and training and some remaining system gaps.

The Gauteng provincial office opened in Johannesburg in April 2008, bringing the total number of provincial offices to a full complement of nine, excluding the national office, which is based in Johannesburg. The LSP hopes to be able to respond better to the public in terms of being more accessible.

#### Functional call support centre for complainants

The head office has a switchboard and call centre

system linked to the Legal Services Programme and the Gauteng provincial office for purposes of making status enquiries, lodging complaints and seeking advice telephonically. This call centre gives the public access to the LSP to lodge complaints of human rights violations with the Commission.

#### Subpoenas issued

Its enabling legislation empowers the Commission with the power of subpoena to assist it in investigations of alleged human rights violations where respondents may be uncooperative or where they fail to respond to correspondence or requests for information or documentation from the Commission.

The LSP notes that there is a trend of government departments as respondents simply ignoring subpoenas. In such instances, the Commission has followed up with relevant Directors of Public Prosecutions regarding criminal prosecutions as provided for in the Commission's enabling legislation.

#### Litigation

Staff turnover and a number of vacancies, especially in key managerial positions in a few of the provincial offices (Western Cape, Eastern Cape and Mpumalanga) during the financial year have prevented the LSP from achieving its litigation targets. A policy document for the LSP which will assist in providing strategic direction regarding litigation has been drafted, and is expected to be finalised during the next financial year.

#### Redress/finalised complaints

The total number of finalised complaints (those that are not subjected to litigation or public hearings) is 1 663. Of the finalised complaints, 457 were resolved and 1 206 were closed.

During the period under review, the Commission received numerous complaints relating to PAIA. These requests related to requests for information to both public and private bodies.

#### Law clinic status for provincial offices

The LSP national office and the Limpopo and North West provincial offices of the Commission were either re-accredited or accredited upon application with law clinic status by the various relevant law societies during this period. The Western Cape provincial office had law clinic status for part of the financial year, however, no application for re-accreditation was made thereafter, as there was no provincial manager or admitted attorney in the office.

Only the national LSP office, as part of the candidate attorney pilot project, is certified for purposes of registering candidate attorneys as per the new structure and based on the principal attorney status of the attorneys employed at national office. All admitted attorneys employed within the LSP are required to register with relevant law societies.

### Liaison/collaboration with relevant organisations regarding training of candidate attorneys

The LSP has two candidate attorney positions at the national office law clinic as part of the second half of a two-year pilot project. The LSP has initiated various collaborations and informal strategic partnerships with various private law firms, organisations, the Law Society and the Legal Aid Board regarding the training of our candidate attorneys.

### Comprehensive and integrated management and quality assurance systems

The donor-funded Norms and Standards Handbook for the LSP on complaints handling has been finalised but could not be implemented due to circumstances beyond the LSP's control. However, there are existing management and quality assurance systems and tools within the LSP such as standing reporting requirements, periodic standing meetings and discussion forums to review progress. The need to revise systems for purposes of enhancing uniformity in dealing with complaints throughout the Commission's provincial offices has already been identified and will be implemented during the new financial year.

### Complaints information management

The ongoing analysis of complaints and other legal services, and the collation of statistics, which is reported as an output under the LSP's national programme, fall under the portfolio of the Complaints Coordination sub-programme at LSP national office.

This sub-programme dealt with compilation and preparation of monthly, quarterly and annual report statistics and information regarding complaints handling, trends and patterns. It is also responsible for ensuring adherence to and the implementation of the FlowCentric system, user training, and liaison with IT and the service provider to ensure ongoing systems support. A FlowCentric user policy was approved for implementation during the reporting period. Further user training for staff took place during this period.

The sub-programme also convened and coordinated various meetings for the statistics committee, which is responsible for coordinating and considering all matters relating to complaints statistics and making recommendations regarding reporting templates. To this end, the national file audit that has commenced during the current financial year is being coordinated by this sub-programme and a full report with recommendations will be compiled once the audit is completed, in the 2009/10 financial year.

### Service delivery achievements:

#### Public inquiries and hearings

The Commission uses public inquiries as a tool to investigate systemic or widespread human rights violations. During the past financial year, this function, which was previously housed within the

LSP, was moved to the Research, Documentation and Policy Analysis Programme (RDP).

The carried-over report on the Public Hearing into Housing, Evictions and Repossessions (held 7-8 November 2007), which was initiated by the

programme in the previous financial year, was launched on 23 September 2008 and the report on the Public Hearing into the Right to Access to Health Care Services (held 30-31 May and 1 June 2007) was finalised and will be launched by the RDP in April 2009.

## Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Legal Services (National Programme)	Complaints management	Screening and response to complaints as per electronic complaints management system	Within seven days of receipt; FlowCentric capturing within 14 days of receipt	<b>Not achieved:</b> Limited capacity, high vacancy rates, staff turnover and high volume of complaints received
	Functional call support centre for complainants	Setting standards/ according to call support centre standards	According to call support centre standards	<b>Achieved:</b> Three call stations dedicated as direct access to LSP national office and Gauteng provincial office for lodging of complaints and telephonic enquiries. All provincial offices have direct telephone lines
	Subpoenas issued	All non-responses to correspondences to be followed up with issuing of subpoenas	According to complaints management procedures	<b>Not achieved:</b> Limited capacity, need for staff training in this area, high number of complaints and logistics involved in issuing subpoenas and arranging hearings
	Litigation	Number of Equality Court cases litigated	6-12 cases per province per annum	<b>Not achieved</b>
	Redress/finalised complaints	Number of successfully resolved complaints	90% of complaints not subjected to litigation or public hearings	<b>Not achieved:</b> Limited capacity, high vacancy rates, staff turnover and lack of consistent approach to complaints
	Law clinic status for provincial offices	Accredited law clinic status for provincial offices/ registration with Law Society/ training/ candidate attorneys	2-4 candidate attorneys/ national pilot	<b>Achieved:</b> As of financial year end, two offices (National Office and Limpopo) accredited with law clinic status; professional staff enrolled and registered with relevant law societies. Two candidate attorneys at national office as part of pilot project at national law clinic.
	Liaison/ collaboration with relevant organisations regarding training of candidate attorneys	Number of CAs registered/ MOUs with various external stakeholders regarding CA training	Roll-out to provinces; meetings with external stakeholders regarding CA training	<b>Achieved:</b> Two candidate attorneys at national office LSP law clinic, registered contracts of articles of clerkship entered into. Training attended with Webber Wentzel, the Legal Aid Board and Law Society
	Comprehensive and integrated management and quality assurance system	Adopted systems document/ norms and standards	June 2008	<b>Not achieved:</b> Norms and standards handbook still in draft form and cannot be implemented until contract issues are resolved
	Complaints Information and Management	Analysis of complaints and other legal services	Ongoing	<b>Not achieved:</b> Standards are being improved and timelines for submission are not met consistently

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
		Collating of statistics	Ongoing	<b>Not achieved:</b> Weekly, monthly and quarterly reports submitted
Provincial Legal Coordination	Developing and sourcing monthly reports on FlowCentric	Number of effective and efficient inter-office and programme collaborations and coordination	Monthly coordination activities	<b>Not achieved:</b> Still done on an ad hoc basis. In the process of improving overall coordination and efficacy
	Coordination of legal work of all LSP provincial offices and programmes Provincial	Effective inter-programmatic operations	Monthly coordination activities	<b>Not achieved:</b> Still done on an ad hoc basis. In the process of improving overall coordination and efficacy through a formalised protocol that is under development
	Provincial audits	QA compliance with norms and standards handbook etc (random sampling)	Quarterly	<b>Not achieved:</b> Terms of reference for audits finalised. Draft roll-out plan for provincial audit visits to provinces was finalised and approved for implementation
	Dealing with complaints against provinces ("in-house" complaints) in consultation with Heads of Programmes	Frequency / response time	Within seven days of receipt of complaint	<b>Not achieved:</b> Attended to numerous in-house complaints by providing inputs, guidance and advice
	Monitoring and evaluation (M&E)	As per M&E processes/ As per norms and standards handbook	As per M&E processes	<b>Partially Achieved:</b> Handbook still in draft format, cannot be implemented until CSAP contract issues are resolved
Litigation Coordination	Legal research, in-house legal training, research, legal opinions	Strategic litigation targets and policy for LSP/SAHRC developed	As per litigation strategy	<b>Not achieved:</b> Draft policy and strategy documents on litigation prepared
	Court appearances (nationally)	Trained and supported LSP professional staff	As per litigation strategy	<b>Not achieved:</b> Strategy in draft format, has not been implemented but training is already taking place
	In-house counsel/ litigator with right of appearance through South Africa	More impact litigation cases taken to court	As per litigation strategy	<b>Not achieved:</b> Cases taken on an ad hoc basis, as strategy is still in draft format
	Legal support to provincial offices	As and when requested	100% response to requests	<b>Not achieved:</b> Support is being provided although not standard until strategy is finalised
	Liaising with external stakeholders regarding pro bono work, amicus interventions, impact litigation etc.	Database of counsel/ pro bono legal services	As per litigation strategy	<b>Not achieved:</b> Two MOUs signed off: ProBono.Org and Deneys Reitz Inc; implementation plan for roll-out of pro bono strategic partnerships to provinces to be consolidated
	Developing strategic litigation policy	Adopted litigation policy	As per litigation policy	<b>Not achieved:</b> A draft policy and strategy document on litigation has been prepared for finalisation in next financial year
Complaints and Information Management (Complaints Coordination is one of three sub-programmes within LSP)	Analysis of complaints and other legal services	Ongoing	In accordance with reporting requirements	<b>Not achieved:</b> Revision of templates and reporting formats
	Collating of statistics	Ongoing	In accordance with reporting requirements	<b>Not achieved:</b> Weekly, monthly and quarterly reports submitted

### 3.5 Programme: Education and Training

#### Overview of the programme

The Education and Training Programme (ETP) is the Commission's public awareness arm and primary provider of human rights education to members of the public. It is tasked with discharging the Commission's promotion mandate and is responsible for promoting and contributing to the development of a sustainable human rights culture through human rights education and training, e-Learning and public participation and dialogues. The programme provides rural communities and professional groups with human rights education interventions such as training workshops, presentations, walkabouts, community outreach, exhibitions, and other educational interventions. During the period under review, the programme extended outreach and human rights education interventions to many remote areas of the country, reaching out to some audiences for the very first time. Through a community radio station programme in collaboration with the Commission's Community Outreach Programme (COMOUT) and the Institute for the Advancement of Journalism (IAJ), the programme extended human rights education to many audiences who would normally not have access to the Commission's services.

One of the highlights of the programme's performance during this reporting period is its coordination of the Commission's response efforts to the emergencies resulting from the May 2008 xenophobic attacks on non-nationals. The programme was given the overall responsibility of coordinating the SAHRC, Chapter 9 and civil society response team and, in that capacity, established various response committees to the emergency as well as conducting site visits of places of safety including police stations, community halls and later, displacement camps. The programme also coordinated all meetings of the response teams, and produced reports which guided the Commission and its partners' strategic interventions.

While the Commission had suspended its other operations to be able to focus on the xenophobic emergency, ETP remained the focal point on all matters related to the Commission's emergency response efforts. The programme, among others, provided human rights education interventions to the public, especially in affected areas as a means to curb further violence. The programme also used human rights education as a preventative mechanism in hot spot areas, particularly in the provinces of Gauteng, Limpopo, KwaZulu-Natal, Western Cape, North West and Mpumalanga. To round up the anti-xenophobia and human rights education interventions, the programme hosted a successful event in collaboration with Constitution Hill, the Office of the High Commissioner for Human Rights and the Programme for the Wellbeing of Children (a refugee organisation) to commemorate World Refugee Day

on 20 May 2008. The event was attended by about 300 non-nationals from various displacement camps in Gauteng, representatives of non-nationals in other parts of the province as well as South African nationals. The programme managed to secure the participation of the popular artist DJ Sbu, who gave a message of support to non-nationals affected by the xenophobia crisis.

Another highlight of the programme during this reporting period was the launch of a project on "Unity in Diversity: Promoting and Advancing Constitutional Values in South Africa". The Constitutional Values Project, as it is popularly referred to, hosted national and provincial seminars to stimulate debates and dialogue on constitutional values and the challenge of applying these values as interpreted by different interest groups in a highly contested political, cultural, religious and economic terrain. The project was supported by a generous donation from Nedbank. While the programme managed to reach and in many instances exceed its performance targets, there were challenges which hindered complete or overall execution of the programme's strategic objectives. Human resources were limited as a result of resignations of key staff members at both national and provincial levels, and support materials were inadequate as a result of limited financial resources. The xenophobia emergency also had its negative impact as the programme, like the rest of the Commission, had to suspend all other operations to focus on anti-xenophobia and related activities.

**Purpose:** The programme implements the promotional mandate of the Commission through education and training, community outreach, public awareness campaigns and advocacy initiatives. Implementation of the programme's strategic objectives takes place through three sub-programmes, namely: Outreach and Provincial Coordination; Seminars and National Training Events; 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 SAHRC's focus areas;
- To provide in-house capacity building for the Commission on the equality legislation, access to information and general human rights themes and methodologies;
- To ensure the institutionalisation of human rights education and provide a system of quality assurance in the education and training programme of the Commission;
- To implement human rights education projects in line with the strategic objectives of the SAHRC nationally and regionally;
- To conduct community outreach and awareness programmes;

- To develop appropriate human rights education and training materials;
- To respond to request for training from organisations and communities;
- To develop and implement an e-Learning blueprint for the SAHRC; and
- To develop and execute the SAHRC's e-Learning strategies in line with the strategic objectives and standards.

#### Service delivery objectives and indicators

The Education and Training Programme implemented the Commission's promotion mandate by providing a variety of human rights education interventions such as community outreach and workshops; seminars and community dialogues; conferences and human rights lectures; as well as e-Learning. The programme focuses primarily on communities in rural and peri-urban areas, as well as on professional groupings such as health workers, educators, government officials, civil society members, community development workers and other community leaders.

#### Outreach and provincial coordination

The objective of this sub-programme is to enhance the accessibility of the Commission's human rights education and training interventions in rural communities by conducting training workshops, presentations, community outreach, advocacy and other capacity-building interventions on the thematic areas of the Commission.

The activities of the Commission in this regard focused on poverty-stricken communities in rural and peri-urban areas. To achieve its strategic objective, the sub-programme continued to employ a three-fold implementation strategy focusing on Adopt-a-Community, Ambassadors for Human Rights and Human Rights Calendar Days. The strategy allowed the Commission to concentrate its interventions on one community for a period of time while conducting multiple human rights education interventions. An important aspect of the strategy is its emphasis on building local capacity in the form of human rights ambassadors, a core group of locally based people specifically trained to continue the human rights work when the Commission has moved to other areas. This also limits dependency on the Commission as a primary provider of human rights education, and shifts attention to communities to take greater responsibility for the fulfilment of their rights.

In addition, the sub-programme became more of a catalyst than an implementer by creating and sustaining partnerships with community-based structures such as traditional leaders, community development workers, community health workers, community policing forums, municipalities and the private sector. The partnership entailed sharing of resources as well as ensuring that human

rights issues are addressed holistically. Notable achievements in this regard were the roll-out of community dialogues on xenophobia in partnership with community policing forums in Alexandra, Germiston and Ennerdale in response to the May xenophobic attacks as well as community dialogues in Diepkloof in collaboration with Umthombo Wolwazi, a community-based organisation.

The sub-programme continued to offer its training support to other Ambassadors for Human Rights projects spearheaded by the Spousal Office of the Presidency. In that regard, the programme had opportunities to provide human rights education to school communities and build human rights capacities in various schools in the provinces of Western Cape, Eastern Cape and Gauteng.

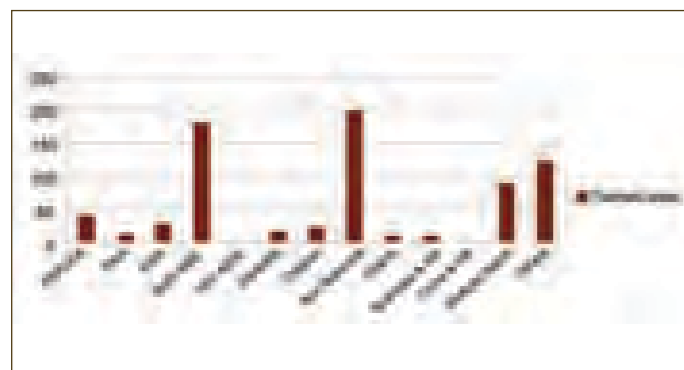
As part of quality assurance, the sub-programme coordinated and supported provincial offices in the following ways:

- Encouraged inter-provincial and inter-programme collaboration and created a platform for cross-pollination of skills by creating opportunities for education officers to tap into each other's expertise through co-facilitation;
- Organised in-house capacity-building for education officers on the Commission's thematic focus (e.g. training on equality legislation in collaboration with the Department of Justice and Constitutional Development and training on PAIA in collaboration with the Information and Communications Programme);
- Assisted education officers to implement their work according to the Commission's strategic business plan and programme strategic objectives by initiating one-on-one discussion sessions with education officers; and
- Consolidated annual and quarterly activity plans and monthly and quarterly reports.

The annual Human Rights Month (HRM) provincial outreach activities built up around Human Rights Day on 21 March continue to be convened and organised under the sub-programme. The 2009 Human Rights Month campaign focused on "Unity in Diversity: Promoting and Advancing Constitutional Values in South Africa". In addition to a two-day annual Human Rights Conference, provincial offices conducted workshops and presentations in rural and urban communities. The total number of the 2009 HRM outreach interventions is 14, excluding seminars, dialogues and roundtable discussions.

For the period under review, 714 outreach interventions were conducted and 15 793 people in rural and peri-urban communities were reached. These include rural community awareness initiatives, workshops and presentations, site visits, exhibitions and community radio interventions.

Figure 1: Human Rights Thematic Areas



### Seminars and national events

The main focus of the sub-programme for the period under review was the launch and rolling out of a national dialogue series on constitutional values. The main thrust and overall development objective of the seminar series was to facilitate dialogue among key stakeholders on the promotion of constitutional values to respond to human rights violations relating to, among others, crime, poverty, racism, discrimination, and economic development. An underlying objective of the seminar series was to mobilise communities and key role players for nation-building through advancement of constitutional values. It was hoped that through ongoing discussions and dialogues, dynamic inter-relations between stakeholders would be built and sustained.

During the period under review, the sub-programme has brought together audiences from various sectors to engage in dialogue and debate around current human rights issues. A number of prominent scholars, community leaders, public commentators and human rights activists in general, have shared a platform and thoroughly debated the state of human rights and constitutional values in South Africa. Topics that have been covered in the seminar series include human rights and gender, xenophobia, socio-economic rights and the state of our young democracy in South Africa. Some of the key activities in this regard were:

- A seminar to launch the constitutional values dialogue series;
- A community dialogue with the community of Alexandra to engage on the aftermath of the outbreak of xenophobic violence in and around Johannesburg;
- A seminar to engage on human rights in the continent on Africa Human Rights Day;
- A seminar to commemorate the 60th anniversary of the Universal Declaration of Human Rights;
- An Annual Human Rights Lecture on International Human Rights Day;
- A discussion on gender and leadership, especially within the context of national general elections looming late in April 2009;
- A national Annual Human Rights Conference;
- A seminar on race and diversity in KwaZulu-Natal;

- A seminar on the right to basic education in KwaZulu-Natal;
- A seminar on the role and duties of Chapter 9 institutions in Northern Cape province;
- An indaba on celebrating diversity and human dignity at the University of the Free State;
- A seminar on the rights of children and people with disabilities in Madibeng, North West province;
- A discussion on constitutional values and the supremacy of the Constitution in Orange Farm, Gauteng; and
- A discussion on peace, conflict and violence in Ntathemba, Eastern Cape.

The seminar series attracted a variety of strategic partners who collaborated in hosting both national and provincial seminars and dialogues. Some of the strategic partners who either supported or partnered with the sub-programme are: the University of the Free State; Africa Institute of South Africa; Centre for African Renaissance; Khulumani Support Group; Human Rights Institute of South Africa; Office of the Speaker, Gauteng Provincial Legislature; Alexandra Community Policing Forum; United Nations Information Centre; United Nations Office of the High Commissioner for Human Rights; Human Rights Sub-Directorate of the Department of Social Development; Gender Links; Mail & Guardian; Constitution Hill; Programme for the Wellbeing of Children; Freedom Park Trust; and Legal Aid Board. At provincial level, the Commission has worked with a number of local and district municipalities, government departments, community radio stations, schools and civil society organisations, including:

- KwaZulu-Natal – Gagasi FM, Sunshine community radio, Ethekewini Metro and the Office of the Premier;
- Limpopo – Office of the Premier, Provincial Department of Health, Capricorn District Municipality, Capricorn FM;
- Mpumalanga – Barberton farm prison, Enhlanzeni District Municipality, Provincial Department of Economic Affairs;
- Free State – University of Free State, Provincial Department of Social Development, Lesedi FM, Premier's Office;
- Gauteng – Modderbee prison, Radio Islam, Sedibeng District Municipality, City of Johannesburg, Ekurhuleni; and
- North West – South African Police Service, Department of Justice, North West University, Kgetleng Local Municipality.

Internal discussions have also taken place through the internal lekgotla series where staff members have been invited to share their views on topical human rights challenges and dynamics. Provincial offices have participated via the video-conference facility at head office. The discussions are part of a broader charge by the Commission to create a platform for a national

debate about constitutional values in a rapidly changing South Africa and where serious questions are beginning to emerge about the extent to which our new democracy can sustain and maintain itself amid a deteriorating social fabric, increasing levels of inequality, poverty and lawlessness as well as a somewhat tense political climate both within the ruling party and between the ruling party and the main opposition parties. Internal lekgotla discussions that took place during the reporting period were on: Zapiro's cartoon on Jacob Zuma and the limits of the right to freedom of expression; the state of political affairs in South Africa after the recalling of the President of the Republic; the state of the nation address by President Kgalema Motlanthe; and socio-economic rights and social transition in South Africa.

### e-Learning

The SAHRC's e-Learning portal hosts customised, integrated e-Learning courseware on human rights complementary to other more traditional modes of training already in use by the SAHRC. Courses blend self-directed learning and facilitated interventions and aim at creating content knowledge and awareness around best practice as well as serving as a catalyst for attitudinal and behavioural adjustments beneficial in a work and social context.

Notable achievements for the reporting period include access to the Learner Management System (LMS), to enable learners to register for e-Learning courses. Challenges associated with lack of access for most of the reporting period resulted in certain outputs of the sub-programme not being completely achieved, such as piloting courseware internally and externally as well as actualising partnerships for deployment of courseware. Proactive measures have been taken to deal with challenges of this nature in future and the programme has taken a decision to change to open source access to counter budgetary and human capital restraints. Options have been researched and contact with potential partners initiated. In addition, courseware conversion to disc format has been employed for use by stakeholders without internet access as well as to provide solutions should LMS access be a problem in future. Furthermore, all promotions, marketing and other supporting materials have been developed and piloting project plans are in place.

The sub-programme has fully embraced the SAHRC's

strategic objective of inter-programme collaboration and the forging of external partnerships. Notable achievements in this area include: working with the PAIA sub-programme during the Golden Key Awards and other training interventions; an initiative aimed at anti-racism in sport with the Research, and Documentation and Policy Analysis Programme's anti-racism coordinator together with external partners Human Rights Institute of South Africa (HURISA) and South African Depression and Anxiety Group (SADAG), and an equality training intervention with the Department of Justice and Constitutional Development.



In addition, contact has been initiated with the Department of Education's (DOE's) Race and Values Directorate for collaboration regarding anti-racism training and awareness-raising for educators and other stakeholders via e-Learning tools. The DOE's strategic and implementation plan for anti-racism has been acquired and the role that the SAHRC can play in its fruition has been identified. Relations have also been established with the Human Rights and Dialogue Directorate of the Western Cape Premier's Office. A presentation on e-Learning applications and the role of the SAHRC was delivered to 60 rural and urban community structures. An agreement in principle with the directorate is in place to make e-Learning applications available to this audience and all local and district municipalities that have recently acquired a human rights function.

## Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Outreach and Provincial Coordination	Rural community awareness initiatives (information sessions/meetings/presentations/workshops, etc)	<ul style="list-style-type: none"> <li>Number</li> <li>Extent of Rural Community Awareness Initiatives</li> <li>Reports</li> </ul>	<ul style="list-style-type: none"> <li>120 interventions focusing on rural communities national and provincial offices</li> <li>As per SAHRC requirement</li> </ul>	<p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>168 rural community interventions</li> <li>Complaints are recorded at every community outreach intervention and are referred to Legal Officers on a regular basis</li> <li>Reports are submitted on a monthly and quarterly basis as per strategic plan requirements. In addition, narrative reports of interventions are submitted with every new requisition.</li> </ul>
	Omnibus/3-5 day outreach/advocacy interventions on human rights including recording and referrals of complaints	<ul style="list-style-type: none"> <li>Number of omnibus/outreach activities</li> <li>Number of complaints recorded and referred to the Legal and Research programmes</li> <li>Reports</li> </ul>	<ul style="list-style-type: none"> <li>One per month per office</li> <li>Monthly referrals to Legal and Research Programmes</li> <li>80% completion of planned interventions</li> </ul>	<p><b>Not achieved:</b></p> <ul style="list-style-type: none"> <li>Three 3-day outreach/advocacy interventions</li> <li>This output is a duplication of output 1 above, as both target rural communities except that output 2 requires more days in the field and greater resources as well as extensive preparation, whereas output 1 can be delivered in a day or two. Hence provinces preferred to put more effort on output 1, but with reaching the same strategic objectives in mind</li> </ul>
	Training sessions and workshops	<ul style="list-style-type: none"> <li>Number and theme</li> <li>Extent of outreach weekly, monthly and quarterly reports</li> </ul>	<ul style="list-style-type: none"> <li>Two per month per office</li> <li>Reach 80% of target</li> <li>Satisfy 70% of criteria as per evaluation instrument</li> <li>As per SAHRC requirements</li> </ul>	<p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>217 including workshops and presentations</li> <li>SAHRC requirements are that all workshops and presentations be in agreed-upon human rights thematic areas – please see figure 1.</li> </ul>
	Responses to request for outreach and provincial activities	Number /timely and relevant response	Weekly/monthly / 100% responses to agreed upon projects	<p><b>Achieved:</b></p> <p>All requests positively attended to by ETP, COMOUT and RDP senior researchers</p>
	Education and training projects	Number of new projects	1 per office per quarter	<p><b>Achieved:</b></p> <p>New projects developed and completed include those associated with humanitarian assistance and emergency relief as a result of the xenophobic attacks in Gauteng, Western Cape, Limpopo, KwaZulu-Natal, North West and Mpumalanga, as well as floods in KZN; seminar on Africa Public Service Day; anti-racism festival, etc</p>
	<ul style="list-style-type: none"> <li>Campaigns</li> <li>Human Rights Month</li> </ul>	<ul style="list-style-type: none"> <li>Number of campaigns</li> <li>Annually</li> </ul>	<ul style="list-style-type: none"> <li>As per human rights calendar days</li> <li>As per project plan</li> </ul>	<p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>Nine interventions through awareness campaigns</li> <li>14 Human Rights Month outreach interventions</li> </ul>
	Community Radio Station Interventions/ Other media	Number of Interventions	1 per month per quarter	<p><b>Achieved:</b></p> <p>203 community radio station interventions</p>
	Partnership networks and collaborative interventions	Frequency of networking interventions	Monthly	<p><b>Achieved:</b></p> <p>460 collaborative interventions. Done twice a month due to numerous opportunities for collaboration</p>
	Comprehensive and integrated management and quality assurance system	Implementation of norms and standards handbook	From 01 May 2008	<p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>Annual work plans and quarterly activity schedules</li> <li>Norms and standards handbook developed</li> </ul>

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Seminars and National Events	Seminars, conferences and roundtable discussions	<ul style="list-style-type: none"> <li>Number and theme</li> <li>Extent of outreach</li> <li>Weekly, monthly and quarterly reports</li> </ul>	<ul style="list-style-type: none"> <li>6-10 per year</li> <li>Reach 80% of target</li> <li>Satisfy 70% of criteria as per evaluation form</li> </ul>	<p><b>Achieved:</b></p> <p>23 seminars/roundtable discussions/conferences at national and provincial levels</p>
	Annual conferences, Annual Human Rights Lecture, Human Rights Awards	<ul style="list-style-type: none"> <li>Number and theme</li> <li>Extent of outreach</li> <li>Reports</li> <li>Attendance register</li> </ul>	<ul style="list-style-type: none"> <li>2-4 per annum</li> <li>Reach 80% of target</li> <li>As per project plan</li> </ul>	<p><b>Not achieved:</b></p> <ul style="list-style-type: none"> <li>Annual Human Rights Lecture/ International Human Rights Day</li> <li>SA Human Rights Day 2009 Memorial Lecture</li> <li>3rd Annual Human Rights Conference</li> <li>The Human Rights Awards could not be held as financial resources were inadequate</li> </ul>
	Internal human rights dialogue forum/ lekgotla	<ul style="list-style-type: none"> <li>Number and theme</li> </ul>	Monthly	<p><b>Not achieved:</b></p> <p>Four internal human rights dialogues /lekgotlas were held:</p> <ul style="list-style-type: none"> <li>Zapiro's cartoon on Jacob Zuma and the limits of the right to freedom of expression</li> <li>The state of political affairs in South Africa after the recalling of the President of the Republic</li> <li>The state of the nation address by President Kgalema Motlanthe</li> <li>Socio-economic rights and social transition in South Africa</li> </ul> <p>The reason for the low output for this section is that the internal discussions were only initiated in August 2008 because of the high vacancy rate in the sub-programme and a very busy human rights calendar period in December and March</p>
	Development and publication of reports	Number and quality of reports	As per project plan	<p><b>Not achieved:</b></p> <p>Due to lack of capacity, priority was given to seminars, dialogues and conferences</p>
	Response to requests for national training and seminars	Number/timely and relevant responses	100% response to agreed-upon requests	<p><b>Not achieved:</b></p> <p>No requests received</p>
	Popular publications	Number	3 popular publications per annum	<p><b>Achieved:</b></p> <p>Contributed to the development of the pamphlet on the "Disability Convention" 2 <i>Kopanong</i> articles</p>
	Events (seminars/ conferences/ roundtable discussions)	Number and Theme	As per project plan	Human Rights Calendar Days
	Campaigns		Annually	
	Human Rights Month		Annually	
	Partnerships and collaborative interventions	Frequency of networking interventions	Monthly	<p><b>Achieved:</b></p> <p>79 external conferences and seminars attended</p>

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
e-Learning	Development of e-Learning training and education programmes and courses	<p>Development and implementation of e-Learning blueprint</p> <p>Fully developed e-Learning education courseware (PAIA; PEPUDA; PAJA; Induction Portal)</p>	<p>As per project plan</p> <p>Blueprint developed and implemented</p> <p>Fully developed e-Learning solutions (PAIA; PEPUDA; PAJA)</p> <p>Induction/Orientation Portal; Basic Human Rights Education)</p> <p>Development of additional courseware as determined by needs assessment survey of internal and external stakeholders</p> <p>Development of additional awareness-raising information segments on human rights issues for electronic media other than web-based learning</p>	<p><b>Achieved:</b> e-Learning blueprint fully developed and implemented</p> <p><b>Achieved:</b> Developed e-Learning courses on PAIA; PEPUDA; PAJA; Induction Portal on Basic Human Rights; Basic Human Rights Education</p> <p><b>Achieved:</b> Based on internal and external needs assessment surveys, a module on generic facilitation skills for anti-bias work has been developed and is currently with instructional designers for conversion</p> <p><b>Achieved:</b> Awareness-raising information segments on gender sensitivity, anti-racism and xenophobia have been developed for mobile learning application and will be deployed as soon as social media networks are operational</p>
	Piloting of e-Learning courseware	Implementation of pilot projects	<p>Piloting of Phases 4 and 5</p> <p>Piloting of specific courses with targeted groups of internal stakeholders</p> <p>Piloting of specific courses with targeted groups of external stakeholders</p>	<p><b>Not achieved:</b> Due to access challenges with Learner Management System</p> <p><b>Not achieved:</b></p> <ul style="list-style-type: none"> <li>Project plan has been developed for piloting of Orientation Portal; Basic Human Rights; PAIA; PEPUDA and PAJA with targeted groups of both internal and external stakeholders and will be implemented now that access challenges have been addressed</li> <li>Courseware conversion to disc format complete for use by stakeholders without internet access</li> <li>All promotions, marketing and other supporting material have been developed</li> </ul>
	Standardised electronic education tools	Number and quality of tools	As per project plan	<p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>Fully developed e-Learning solutions (PAIA; PEPUDA; PAJA; Induction/Orientation Portal; Basic Human Rights Education)</li> <li>Research on open source learner management systems has been conducted and a decision taken to pursue more cost-effective open source options in future</li> <li>Access mechanisms for e-forums, blogging, twittering, and podcasts being formulated</li> <li>Mobile learning possibilities and electronic billboard marketing are being investigated</li> </ul>

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	e-Learning partnerships	<ul style="list-style-type: none"> <li>Number of appropriate partnerships</li> <li>Equitable funding agreements</li> </ul>	Agreed-upon memoranda of understanding and/or implementation of project plan	<p><b>Not achieved:</b></p> <ul style="list-style-type: none"> <li>Partnership cultivation under way with role players from various sectors as per project plan. Memoranda of understanding and, where applicable, equitable funding agreements being negotiated. For example, preliminary negotiations complete with iCommons Africa for development of social media mechanisms.</li> <li>Proposal for partnership currently under discussion.</li> <li>Contact initiated with the Department of Education's Race and Values Directorate</li> </ul>
	Implementation of e-Learning Education and Training Projects	Number of projects	As per project plan	<b>Not achieved:</b> Due to LMS access challenges during the reporting period. However, this is currently underway since LMS is now fully operational.
	Institutionalisation of human rights education	Number of curriculum interventions/ forum meetings/ engagements with NQF processes/ registration of courses	As required in terms of national and provincial policy developments	<b>Not achieved:</b> Representation for accreditation has not been successful since the SAHRC does not meet the criteria for being an accredited provider of training. In addition, the SETAs do not yet have the systems, processes and procedures in place to accredit e-Learning courseware.
	Design of macro-curriculum for SAHRC staff development, inhouse capacity building and quality assurance	Development and implementation of Learner Management System (LMS); Number of meetings/ assessment sessions/ mentoring initiatives/ counselling/ capacity building initiatives	As required in terms of national and provincial policy developments	<b>Not achieved:</b> Representation for accreditation has not been successful since the SAHRC does not meet the criteria for being an accredited provider of training. In addition, the SETAs do not yet have the systems, processes and procedures in place to accredit e-Learning courseware.
	Standardised electronic education tools	Number and quality of tools	As per project plan	<p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>Learner Management System for web-based learning now functional after presenting numerous access challenges.</li> <li>Registration process for e-learning courses via Learner Management System finalised for both internal and external stakeholders.</li> <li>Final editing and evaluation of existing modules for quality assurance complete.</li> <li>Collaboration plans with other programmes being finalised including the completion of e-Learning courseware mandatory for all SAHRC staff and inductees and incorporated into performance management measures.</li> </ul>



### 3.6 Programme: Research, Documentation and Policy Analysis

#### Overview of the programme

##### Human resources

The programme continues to fill vacancies. The senior researchers for Economy and Environment commenced employment in September and November 2008 respectively. The Coordinator for Racism commenced employment in December 2008. The position of Coordinator for Human Rights and Business has been vacant since the end of May 2008. Recruitment procedures were followed, candidates were shortlisted and interviewed and the position was offered. The candidate unfortunately rejected the offer and a focused recruitment process continues, in accordance with policy, in the form of head-hunting.

##### Reports

Numerous reports were drafted, finalised and launched by the programme during the financial year. The reports of the public hearings on Housing, Evictions and Repossessions and Progress Made in Terms of Land Tenure Security, Safety and Labour Relations in Farming Communities Since 2003 were successfully launched on 23 and 30 September 2008 respectively. The investigation was undertaken and the report on Mining-related Observations and Recommendations: Anglo Platinum, Affected Communities and Other Stakeholders in and around the PPL Mine, Limpopo was drafted and launched on 4 November 2008; and the report on the Public Inquiry: Access to Health was drafted and finalised in March 2009 for launching on 16 April 2009. The Human Rights Development Report was launched on 22 May 2008 and the Human Rights Journal on 26 January 2009.

##### Measurable objectives:

The objectives of this programme are:

- To plan, design, conduct and manage research on the interpretation, promotion, and protection of human rights aimed at monitoring and assessing the developments with regard to economic and social rights, the advancement of equality and the realisation of human rights in general;
- To coordinate the activities of the SAHRC in relation to research on economic and social rights and the right to development;
- To devise methods and procedures for collecting and processing data, utilising knowledge of available sources of data to analyse the trends and patterns of human rights promotion and protection;
- To conduct and manage the research activities in respect of economic and public policy developments that have an impact on the enjoyment of human rights of the vulnerable and marginalised groups in the country;
- To implement the SAHRC's obligation in relation to

- the equality legislation;
- To organise information into palatable and innovative report formats – such as the Economic and Social Rights Report, the Annual Human Rights Development Report and the Human Rights Journal – and formulate recommendations, policies, or plans to respond to human rights challenges;
- To support knowledge generation and management activities through proper library, documentation and research services; and
- To promote human rights through advocacy activities.

#### Service delivery objectives and indicators

##### Library

The Library Unit's outputs according to the strategic plan for the 2008/2009 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.

Guided by these outputs, the library performed the following:

##### Acquisitions

The unit was allocated a budget of R402 293.00 to resource the library and update loose-leaf publications in provincial offices.

The unit has received material as follows:

- 189 journal issues
- 79 magazines/newsletters
- 61 books (21 purchased and 40 donated)
- 85 law reports
- 65 loose-leaf updates (42 for provinces and 23 for the library)
- 127 reports
- 36 annual reports
- 645 Government Gazettes (weekly, as published by the government printers)
- 15 CD ROMs/DVDs
- Newspapers (four daily, five weekend and two online)
- Online databases on legal products that provide 24-hour access to internet-based information resources.

##### Catalogue and classification

The purpose of this function is to create, organise, maintain and update the library holdings on the database based on cataloguing standards so as to make it accessible to users. Four hundred and forty-one records of journal articles, books and reports were catalogued. These help answer research queries and satisfy information requests.

##### Kardex maintenance

The Kardex database is the librarian's tool 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 the publisher, supplier or agent. The Kardex record, per title on subscription, records details of publication and consequently volumes and issues received. If there are any gaps, the librarian communicates with the supplier to supply the missing issues. This is an important asset management tool.

##### Support to library users

Between 1 April 2008 and 31 March 2009, 489 titles were borrowed from the library. The library made 79 copies for provincial offices. The library also trained staff on the usage of online databases and electronic journals. Twenty-three members of the public made 409 photocopies.

##### Stocktaking

As per performance agreements, librarians take stock to verify assets before the end of the financial year. The stocktaking was performed in January and February in the library and the provincial offices. The reports indicating process and findings were compiled and submitted to the RDP Head of Programme. The same documents were submitted to the Administration Head of Programme in line with asset verification requirements.

##### Economic and poverty studies

Progress in respect of the 7th Economic and Social Rights Report was grounded for more than two years as result of the restructuring of the RDP. Towards the end of March 2008, the ESR strategy document was approved and the appointment of the Head of Programme was made in June 2008. A further challenge is the lack of capacity within the programme, as the ESR Unit is incomplete and a vacancy still exists in the Business portfolio. Although providing some direction, the ESR strategy document was broad and challenges existed in respect of practical implementation guidance. Consequently, the operational timeframe for the various phases within the strategy document were unrealistic and overly ambitious.

Nonetheless, the ESR Unit successfully developed a discussion document on the Millennium Development Goals in the context of ESR. Terms of reference were also drafted and calls made for submissions from government and civil society in December 2008. The unit had to revise its project plan for the public hearings on ESR rights and the launch of the 7th report due to a lack of response from government for the initial scheduled hearings of March 2009. The closing date for submissions has been postponed to 12 May 2009, the hearings will now take place on 8-12 June 2009 and the launch date of the 7th ESR report has been revised to February 2010.

##### Human rights and economy

The senior researcher was appointed in September 2008 and contributed broadly to facilitation of the 2009/10 strategic plan of the Commission, which entailed presenting the requirements of the strategic plan in terms of the PFMA and Treasury regulations in a workshop.

The Commission was a partner in the hosting of national poverty hearings during August and September 2008. On the basis of those hearings a Poverty Report was compiled and finalised. The poverty hearings provided a platform for people living in poverty to share the daily challenges they face. They had the opportunity to share their stories through public testimonies, focus group interviews as well as written testimonies.

In May and June 2008 the Commission held public hearings on access to healthcare services. Government departments, civil society and the general public made submissions in accordance with terms of reference provided by the Commission. These submissions were rigorously analysed by the senior researcher in relation to progress made by government in the progressive realisation of the right to healthcare, with additional analytical perspective concerning budgetary processes and resource allocation. The process of analysis culminated in the production of a report, of which the senior researcher was one of the principal drafters. The report on the Public Inquiry: Access to Health Care Services was finalised in March 2009 and was launched on 16 April 2009.

##### Human rights and environment

The senior researcher commenced employment in November 2008 and was involved in the process of stakeholder mapping, contributed substantively to the ESR working document and liaised with stakeholders on the public hearings and the working document.

The senior researcher attended the launch of the Anglo Report and subsequently accompanied the Head of Programme to Limpopo for community forums and meetings with affected parties in December 2008. The senior researcher drafted and finalised a detailed report on the aforementioned for public distribution. Monitoring in this area continues. The senior researcher also began working on mining issues in Xolobeni and Mpumalanga.

The senior researcher was involved in the various initiatives with external stakeholders including consultations for the establishment of an environmental law clinic and a workshop on food security. The senior researcher also compiled a report on nuclear energy, stemming from a seminar in December 2008, contributed extensively to drafting of the Health Report and commenced drafting the "Environment" chapter of the Human Rights Development Report.

### Human rights and business

Within the context of further developing the Commission's relationship with the competition authorities and remaining at the forefront of related human rights concerns, the coordinator drafted a submission to the Competition Tribunal in the case of Adcock Ingram, a subsidiary of Tiger Brands, and also appeared before the Tribunal at the confirmation hearing. Furthermore, the mining sector remained a strategic focus area.

The senior researcher position of this portfolio has been vacant since the end of May 2008. However, the Head of Programme continues to carry out the strategically important responsibilities related to this portfolio. This included the drafting, amendment and finalisation of the report on Mining-related Observations and Recommendations: Anglo Platinum, Affected Communities and other Stakeholders in and around the PPL Mine, Limpopo. The report was launched on 4 November 2008 and received significant interest. The Head of Programme, the senior researcher for Environment, the editor and the Limpopo office then took the report to the communities and local stakeholders in December 2008 and held fruitful discussion forums. Interest in the matter is ongoing and the programme is actively involved in following up on the report, the recommendations and developments.

### Human rights and crime

The senior researcher for Crime responded to critical crime-related issues that had an impact upon the enjoyment of human rights in South Africa and engaged in more than 50 media interactions – radio, television and print media. In doing this, the senior researcher responded well to issues related to hate speech, xenophobic violence, deaths in prison, victim empowerment, corruption, rehabilitation of sexual offenders and police brutality.

Complementing the above, the senior researcher also actively participated in numerous forums addressing issues pertaining to the restructuring of the criminal justice system, and provided critical inputs to ensure that proposed restructuring initiatives do not happen at the expense of our commitment to honour and uphold the observance of human rights in South Africa. The senior researcher made a written and oral

submission to the Parliamentary Portfolio Committee on Correctional Services on the topic of deaths in prisons and medical parole, as well as a written and oral submission to an ad hoc Parliamentary Portfolio Committee on the Criminal Law (Forensic Procedures) Amendment Bill. The latter input was critical in Parliament's decision to hold the Bill over until the next Parliament convened owing to concerns about potential human rights violations inherent in the Bill. The senior researcher also completed eight research papers on crime, and published two articles.

### HIV and AIDS

In collaboration with the AIDS Law Project and the Legal Aid Board, the Commission had four Access to Justice workshops in Limpopo and Mpumalanga in the 2008/09 financial year. The purpose of the workshops was to inform lawyers and community members on issues of HIV and the law with the intention of establishing free legal clinics in those provinces.

Monitoring visits were undertaken to tuberculosis hospitals where people with multi-drug-resistant and extensive drug-resistant TB are kept in isolation. Issues of human rights for those patients were addressed with the institutions concerned, and a working relationship between those institutions and the Commission was established. About 13 monitoring visits were conducted in Gauteng, Limpopo, Mpumalanga and KwaZulu-Natal. More than 30 advocacy programmes were conducted where information on the rights of people living with HIV and AIDS were disseminated. This was done through workshops, presentations and media engagements.

There were cases of HIV discrimination which were dealt with by the Commission's legal department, but the number of those cases is not known, especially from provinces. One such case is that of the memorandum issued by the Department of Health in the Free State declaring that no new patients should be put on anti-retroviral (ARV) treatment until the new financial year, 1 April 2009, when the funds would be available. A case that the Commission is currently working on is that of the National Association of People Living with HIV and AIDS (NAPWA) regarding deregistration of people living with HIV and AIDS from receiving social grants by the Department of Social Development.

Programme	Workshops	Presentations	Seminars	Conference papers: national/international	Thematic area/topic
HIV and AIDS	4	14	0	1	HIV and AIDS and human rights

### Children's rights

#### Highlights: support to the Legal Services Programme

To date, the portfolio has handled a sizeable proportion of legally related matters, not only limited to complaints handling, but including value adding by sifting and attending to complaints that would have been otherwise referred to LSP. This has not only alleviated pressure on LSP, but it has also diminished the possibility of a high number of backlog complaints.

#### Challenges

To this day, South African children are still not protected adequately. Crime against children continues unabated. In March 2009, staggering statistics on child rape were published. The official statistic for the province of Gauteng alone was pegged at 12 000. Despite legislation aimed at protecting the rights of children, there is ineffective implementation and monitoring regarding the impact of protective measures in a broad sense. There is inadequate policing and the justice system has failed many child victims and their families.

Child protection will yet again be compromised in 2010 when South Africa hosts the FIFA Soccer World Cup. Anti-trafficking legislation has not yet been enacted and many children are at risk of falling prey to paedophiles and drug and prostitution syndicates. A concerted multi-sectoral approach is urgently needed to lobby government and the FIFA Local Organising Committee to incorporate child protection mechanisms in their safety and security plans.

#### Non-nationals

The sub-programme on non-nationals continued to collaborate with other programmes of the SAHRC and other stakeholders in enhancing the rights of non-nationals.

#### Advocacy and public awareness

In May 2008, the country experienced an unprecedented level of intense and deadly violence against non-nationals. The violence started in Alexandra township but quickly spread to all the other provinces. The result of the violence was looting, theft and destruction of property; over 200 000 people were displaced and 62 deaths recorded. The SAHRC

Programme	Workshops	Presentations	Seminars	Conference papers: national/international	Thematic area/topic
Non-nationals	3 (internal training)	3 (commemorative events)	6 (stakeholders)	2 (Geneva and Zambia)	Migration and xenophobia

quickly responded by: engaging with and responding to the media; co-ordinating a forum for sharing information with other stakeholders; conducting site visits to monitor affected areas and displacement safety sites; and engaging government on the issues to enhance the protection offered to non-nationals. The Commission also intensified its public awareness mandate by engaging communities that experienced violence. It conducted community outreach seminars that also covered rural communities, listened to communities and sensitised them on their issues of concern in relation to non-nationals. The SAHRC continues to participate in various think tanks with other stakeholders to evaluate the overall response to the violence and plan for the future. The SAHRC is also currently undertaking an investigation into the violence to enable it to make recommendations to government.

#### Monitoring and policy analysis

In February 2009, the SAHRC conducted a follow-up visit to one that it had made in the previous year, as a monitoring and fact-finding mission to Musina near the port of entry from Zimbabwe. The aim of the visit was to investigate some of the migration-related challenges experienced by various categories of migrants, particularly those from Zimbabwe, and the responses by the various stakeholders in the area. The SAHRC issued an authoritative report into its findings on the critical issues it identified. These related to the magnitude of the unfolding humanitarian crisis signified by the deplorable living conditions of asylum seekers, the utilisation of the asylum system by non-nationals in attempt to regularise their stay, and irregularities with the deportation process. The SAHRC believes that its report and voice positively contributed to the significant progressive changes that the Department of Home Affairs is currently implementing, such as the special exemption process for Zimbabweans in terms of section 31 (2) (b) of the Immigration Act.

The main challenge encountered is the lack of a lead government department in coordinating efforts to deal with xenophobia. A comprehensive strategy is required from government in this regard, with other stakeholders playing a supportive role for a collective approach to the problem.

## Older persons

Two submissions were made by the coordinator relating to the recommendations of the Health Report and the Durban Review Conference. The coordinator also worked on the Human Rights Development Report and is working with the HSRC on an intergenerational relations research project. Several workshops were organised with Ekurhuleni Metro, including a workshop benefiting about 500 older persons in Boksburg, and the Commission was involved in several workshops organised by Johannesburg City Council. An intergenerational community dialogue was conducted in Limpopo and a number of older persons received information about their rights and received services such as identity documents and social grants on the site. Another dialogue took place in Krugersdorp and the community decided to form a forum that will assist them in dealing with different issues, such as crime, abuse and rape.

Several site inspections took place in old age homes in response to complaints that had been lodged at our office. One of the site inspections took place in Caroline Old Age Home where there were several maintenance problems. After a meeting with senior officials of the Johannesburg City Council, all the problems were fixed. Six reports were produced in relation to these site inspections.

A number of media interviews were conducted with radio stations and SABC television stations, and presentations on the rights of older persons were conducted in community workshops. The sub-programme was also involved in the formation of an SABC documentary that speaks about the abuse of older persons.

Section 5 committee meetings continued to take place and a suggestion was made to add to the members. The coordinator is also a committee member of the South African Gerontology Association (SAGA), an organisation whose sole purpose is to ensure there is relevant training on issues of ageing in South Africa. The coordinator is also a member of the coordinating structure which ensures that each department understands its role in implementing the Older Persons Act and the South African Plan of Action on Ageing.

Programme	Workshops	Presentations	Dialogues	Conference papers: national
Older persons	3	6	2	2

**Workshops:** Meadowlands, Boksburg, Bertrams  
**Presentations:** Old age homes and invitations from older persons' groups, International Day of Older Persons  
**Dialogues:** Limpopo, Krugersdorp

## Disability

### Highlights

The highlights for the year included partnering with disabled people's organisations individually and assisting with strategic complaints. The coordinator also undertook numerous media engagements. Presentations were made at a United Nations Convention workshop in Northern Cape and a sensitivity workshop on mental health for SAHRC staff was initiated in December 2008.

### Achievements

The coordinator assisted with complaints and responded to requests for information, as well as drafting the Sterkfontein Report relating to that site visit. Contributions were also made outside the coordinator's portfolio in drafting the report on the Human Rights and Business Conference.

### Challenges

A primary challenge in building capacity in civil society remains the lack of funding for training disabled people's organisations.

Programme	Workshops	Presentations	Seminars national/international	Conference papers: national	Roundtable discussion
Disability	4	12	2	2	0

## Racism

After commencing work at the beginning of December 2008, initially the coordinator focused on collating and reading through the relevant national legislation, as well as applicable international conventions and documents (e.g. Durban Declaration and Plan of Action). This was in preparation for the role as a portfolio holder and participation in the Durban Review Conference. Preparation for the SAHRC participation in the conference became a prominent activity, and included the coordinator's participation in an Intersessional Intergovernmental meeting in this regard, and correspondence including submissions and responses to submissions of others. This participation strengthened the role of the Commission in activities of the International coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Additionally, and in line with the Durban Review Conference, the coordinator corresponded with the Department of Justice, attending a meeting regarding the National Working Plan to combat racism, while compiling a written response to the National Action Plan draft that the Department of Justice had made available.

Further, the coordinator collaborated with colleagues from other programmes and from Gauteng province in preparing presentations and conducting workshops. The collaboration included responding to requests for interaction with the media, and providing information

on request from members of the public. Within the programme there was collaboration in responding to complaints and providing opinion on cases referred to the coordinator by the Legal Services Programme. The coordinator also presented at the first Iekgotla for 2009, organised by the Education and Training programme.

## Service delivery achievements

Sub-programme	Outputs	Output performance measures/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	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Material was received as follows: 189 journal issues, 76 magazines/newsletters, 21 books were purchased and 40 were donated, 85 law reports, 65 loose-leaf update (42 for provinces and 23 library), 645 Government Gazettes, 127 reports, 36 annual reports, 10 CD ROMs, Five DVDs, Four daily, two online and five weekend newspapers</li> <li>The budget allocated to the library in this financial year is R402 293.00</li> <li>An amount of R41 647.46 has been spent on loose-leaf updates for the provinces and nine books for the North West province. The total spent/committed is R438 309.00.</li> </ul>
		Cataloguing and classification: to create a systematic record, organise and update the library holdings on the information management system as material is received so as to satisfy research questions.  Kardex: for monitoring journal issues and law reports expected as per subscription agreements with publishers; Butterworths, Juta, EBSCO, UNISA, SAIIA, government printers and others. Claims or reminders are sent for issues not received as expected.	Quarterly reports	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Between 1 April 2008 and 31 March 2009, three journals, 253 journal articles, 86 reports, three law reports, 16 CD-ROMs and 64 books, five judgments, 86 reports, eight magazine articles, four papers, one thesis and one chapter were catalogued. The total number of records added to the database is 441.</li> <li>All journal issues, law reports and magazines received as above were recorded in the Kardex database-stock/asset register of all serial publications.</li> </ul>
	Support to library users	Number of requests for assistance	100% response to requests developments	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Between 1 April 2008 and 31 March 2009, 489 library materials were lent to customers.</li> <li>The library made 69 copies for the PLLTBM Programme, and 10 copies for the Eastern Cape office. The number of copies made was 79.</li> <li>Twenty three external users made 491 copies.</li> </ul>
	Library services of provincial offices	Adopted concept paper/system	July 2007 – implementation of system	<b>Achieved:</b> <ul style="list-style-type: none"> <li>In the 2008/09 financial year the provinces received 42 loose-leaf updates. They got photocopies on request and had access to databases that the library subscribes to.</li> </ul>
	Comprehensive and integrated management and quality assurance system	Adopted systems document/norms and standards	Quarterly QA reviews from June 2007	<b>Achieved:</b> <ul style="list-style-type: none"> <li>The library maintains the following databases: catalogue, serials and loans.</li> </ul>

Lastly, the coordinator attended a meeting in Skierlik, wrote a follow-up report, and was planning to produce a proposal that would aid in the SAHRC's response to the January 2008 Skierlik shooting, in which 18-year-old Johan Nel killed four people and wounded several others in an attack thought to be racially motivated.

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
	Stocktaking/ asset verification	Inventory of material in the library and in provincial offices	January to March 2009	<b>Achieved:</b> Records from provinces and the library, reports on process and outcome were compiled and submitted within target.
Economic and Poverty Studies	<i>Economic and Social Rights Report</i>	As per project plan	As per project plan	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Working document and terms of reference drafted and published</li> <li>Calls for submissions and communication with government and stakeholders</li> <li>Drafted project plan including planning of ESR public hearings</li> </ul> Public hearings postponed to June 2009 due to lack of government response
	Contribution to <i>Human Rights Development Report/Journal</i>	As per project plan	Launch date: February 2009	<b>Achieved:</b> <ul style="list-style-type: none"> <li><i>Human Rights Development Report</i> was launched on 22 May 2008</li> <li>Submitted chapter outline for 2009 HRDR</li> </ul>
	Quarterly reports	Frequency	Quarterly	<b>Achieved:</b> All four quarterly reports submitted for plenary
	Assist with outreach, awareness and training	As per request from education and training	80% response to request	<b>Achieved:</b> Conducted community radio interview on ESR awareness in February 2009
	Assist with complaints and mediation interventions	As per request from legal services	100% response to request	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>Finalised and submitted the <i>Farm Workers Report</i></li> <li>Submitted the <i>Over Crowding in Schools Report</i></li> <li>Consolidated the <i>Hate Speech Report</i></li> </ul>
	Strategic stakeholder collaboration and partnerships	Frequency of interactions	Weekly interactions	<b>Achieved:</b> Collaborated with Studies Poverty and Inequality Institute and other stakeholders in planning the Gauteng poverty hearings during July, August and September 2008. Ongoing collaboration with the Foundation on Human Rights on ESR baseline studies.
	Support to special projects	Ongoing	Ongoing	<b>Achieved:</b> <ul style="list-style-type: none"> <li>World Refugee Day Conference (CRL Commission).</li> <li>Assisted with the farming enquiry report.</li> </ul>

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
	Jurisprudence and advocacy	Number of publications and presentations	One publication and 12 presentations	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Conducted a presentation on chapter article on Human Rights and Development for the Centre for Conflict Resolution in August 2008. Developed a paper for presentation on Human Rights and Millennium Development Goals for the United Nations Dialogue for Action workshop in September 2008.</li> <li>Presentation at older persons' workshop organised by Joburg City. Developed a paper for presentation on the progressive realisation of Economic and Social Rights for Department of Social Development.</li> </ul>
	Coordinate research for public hearings	As per implementation plan	As per implementation plan	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Discussion document on ESR in the context of the Millennium Development Goals written and submitted to HOP and CEO.</li> <li>Public hearings scheduled for 2-12 March 2009. Public hearings postponed to June 2009 due to lack of government response.</li> </ul>
	Assist with public hearings	As per implementation plan	As per implementation plan	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Planning committee for the 10th anniversary poverty hearings</li> <li>Developing and designing literature review</li> <li>Amended the terms of reference for ESR public hearings, drafted a press statement on the postponement and conducted radio interviews on the postponement.</li> </ul>
Human Rights and Economy	<i>ESR Report</i>	As per project plan	As per project plan	<b>Not achieved:</b> ESR public hearings postponed to June 2009 due to lack of government response.
	Contribution to <i>Human Rights Development Report/Journal</i>	As per project plan	As per project plan Launch date: February 2009	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Analysis of the <i>Human Rights Development Report</i></li> <li>Analysis of the sixth <i>Economic and Social Rights Report</i></li> <li>Analysis of the SAHRC strategic plan, with emphasis on what the RDP unit must do Familiarisation with</li> <li>Constitution and SAHRC policy documents</li> <li>Research on economy and human rights and production of a first draft for publication in the <i>Human Rights Development Report</i></li> </ul>
	Quarterly reports	Frequency	Quarterly	<b>Achieved:</b> Quarterly submissions made for plenary

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
	Assist with outreach, awareness and training	As per request from education and training	80% response to request	No requests received
	Assist with complaints and mediation interventions	As per request from legal services	100% response to request	<b>Achieved:</b> No requests received
	Strategic stakeholder collaboration and partnerships	Frequency of interactions	Weekly interactions	<b>Not achieved:</b> None Researcher commenced employment in a newly established portfolio in September 2008, and commenced with the concept paper and mapping of stakeholders
	Support to special projects	Ongoing	Ongoing	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Participated in strategic planning meetings with the office of the CEO.</li> <li>Facilitated a two-day workshop on strategic planning.</li> <li>Discussed the strategic plan in the planning committee and HOP meetings.</li> <li>Participated in a final two-day workshop where the strategic plan was presented to Commissioners.</li> <li>Analysed poverty reports which emanated from poverty hearings.</li> <li>Compiled and circulated a poverty report to relevant individuals in the Commission.</li> <li>Analysed access to healthcare submissions from government and civil society organisations.</li> <li>Information gathered from the submissions was used to draft a health report.</li> <li>A final report has been produced and will be launched on 16 April 2009.</li> </ul>
	Jurisprudence and advocacy	Number of publications and presentations	One publication and 12 presentations	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>New appointment – prioritised finalisation of outstanding reports.</li> <li>Researcher commenced employment in a newly established portfolio in September 2008.</li> </ul>
	Coordinate research for public hearings	As per implementation plan	As per implementation plan	<b>Achieved:</b> Drafting and finalisation of the <i>Health Report</i>
	Assist with public hearings	As per implementation plan	As per implementation plan	<b>Achieved:</b> The HOP delegated the task of developing and refining the <i>Health Report</i> . In this process the following was undertaken: <ul style="list-style-type: none"> <li>Analysed the various public hearings submissions</li> <li>Collected literature to beef up certain portions of the report</li> <li>Conducted online research to add information to the report</li> <li>Internal discussion and dissemination</li> <li>Additional information based on discussions and critical scrutiny of the <i>Health Report</i></li> </ul>

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
Environment	<i>ESR Report</i>	As per project plan	As per project plan	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Stakeholder liaison on submissions</li> <li>Assistance with literature review</li> <li>Stakeholder collaboration</li> <li>Preparation for public hearings</li> <li>Liaised with stakeholders regarding submissions for the public hearings</li> <li>Public hearings postponed to June 2009 due to lack of government response</li> </ul>
	Contribution to <i>Human Rights Development Report/Journal</i>	As per project plan	As per project plan	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>Comments to project plan</li> <li>Outline of environment section</li> <li>Data collection</li> <li>Submitted comments on project plan and outline of "Environment" section to HOP</li> <li>Submitted final outline and draft for "Environment" chapter for 2009 <i>HRDR</i></li> </ul>
	Quarterly reports	Frequency	Quarterly	<b>Achieved:</b> Plenary reports – October to December 2009 and January to March 2009
	Assist with outreach, awareness and training	As per request from Education and Training	80% response to request	<b>Achieved:</b> No requests received Began consultation with the Wildlife and Environment Society of South Africa to develop education and training programme for the Northern Region
	Assist with complaints and mediation interventions	As per request from legal services	As per request from legal services	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Xolobeni committee participation</li> <li>Assisting with issue in the North West regarding proximity of a primary school to a domestic waste dump</li> <li>Provided information to Tokologo on regulations regarding impact assessments</li> <li>Met with multidisciplinary consultancy Gauge to assist/comment on Part S of the new South African National Standard 10400 on the Built Environment and access for the disabled</li> <li>Assisted Mpumalanga office with complaint regarding mining activities and related impacts on the local community</li> </ul>
	Strategic stakeholder collaboration and partnerships	Frequency of interaction	Weekly interactions	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Meeting on Environmental Law Centre</li> <li>Workshop on food security</li> <li>Department of Public Works: commented on proposed Garden Route National Park: identified portions of land and general development</li> <li>Energy seminar</li> <li>Anglo Platinum: interaction with all stakeholders</li> <li>Six other stakeholder interactions</li> </ul>

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
	Support to special projects	Ongoing	Ongoing	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Edited <i>Health Report</i>.</li> <li>• General monitoring of situation in Limpopo regarding mining</li> <li>• Monitoring: environmental impacts and issues relating to mining in Limpopo</li> <li>• Completed report on Limpopo stakeholder forum.</li> <li>• Completed report on energy seminar</li> <li>• Commented on Forensic Bill</li> </ul>
	Jurisprudence and advocacy	Number of publications and presentations	One publication and 12 presentations	<b>Not achieved:</b> Senior researcher commenced employment in newly established portfolio in November 2008
	Coordinate research for public hearings	As per implementation plan	As per implementation plan	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Assisted with information for panel selection for public hearings</li> <li>• Liaised with 12 stakeholders on economic and social rights</li> </ul>
	Assist in public hearings	As per implementation plan	As per implementation plan	<b>Not applicable:</b> No public hearings during period from November 2008 to March 2009
Human Rights and Business	Contribute to <i>ESR Report</i> specific to business	As per project plan	As per project plan	<b>Not achieved:</b> Position has been vacant since June 2008 and the HOP has been undertaking all strategic activities in relation to this portfolio
	Contribution to <i>Human Rights Development Report</i> specific to business	As per project plan	Launch date: February 2009	<b>Achieved:</b> Assisted in editing sections of the report
	Contribute to quarterly reports specific to business	Frequency	Quarterly	<b>Achieved:</b> Quarterly submissions for plenary report done
	Assist with outreach, awareness and training and assist to Commissioners specific to business	As per request from Education and Training	80% response to request	<b>Achieved:</b> Interactions: <ul style="list-style-type: none"> <li>• Anglo Platinum complaint: interaction with all stakeholders; investigation; drafting report; report presentation; follow up activities</li> <li>• Food price increases and Adcock Ingram submission to Competition Tribunal (drafting and presentation)</li> </ul>
	Assist with complaints and mediation interventions specific to business	As per request from legal services	100% response to request	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Anglo Platinum complaint and related stakeholders</li> <li>• Xolobeni matter</li> <li>• Anti-competitive activities</li> <li>• Response to requests for information</li> </ul>

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
	Strategic stakeholder collaboration and partnerships specific to business	Frequency of interactions	Weekly interactions	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Stakeholder communications: 44</li> <li>• Meetings: 13</li> <li>• Conferences and seminars: 12</li> <li>• Submissions at hearings: 1</li> </ul>
	Support to special projects specific to business	Ongoing	Ongoing	<b>Achieved:</b> No special projects allocated
	Contribute to jurisprudence and advocacy specific to business	Number of publications and presentations	One publication and 12 presentations	<b>Achieved:</b> Media presentations and engagements: <ul style="list-style-type: none"> <li>• Anglo Platinum: 10</li> <li>• Food prices: 6</li> <li>• Human rights and business: 2</li> </ul> Written contributions: <ul style="list-style-type: none"> <li>• Numerous written contributions to five-day online conference for New Tactics in Human Rights regarding discrimination</li> <li>• Written contribution to Business and Human Rights Resource Centre on accountability</li> <li>• Written and oral presentation to Kenyan National Commission on Human Rights for the International Consultation on Business and Human Rights Participation at ICC working group on human rights and business, Copenhagen, Denmark Presentation of Anglo Platinum report at launch Paper at South African Institute for Advanced Constitutional Public Human Rights and International Law conference</li> <li>• Lecture to University of Pretoria LLM students</li> <li>• Presentation on ISO 26000</li> <li>• Presentation at Competition Commission conference</li> </ul>
	Contribute to coordinate research for public hearings specific to business	As per implementation plan	As per implementation plan	<b>Achieved:</b> Commented on Housing Report draft
	Provide assistance to ESR public hearings specific to business	As per implementation plan	As per implementation plan	<b>Not achieved:</b> ESR public hearings postponed to June 2009 due to lack of government response
	Streamline strength, coordinate and drive activities relating to the business sector	Number and frequency of activities	Weekly/monthly activities	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Drafted policy document for human rights and business</li> <li>• LSP: three complaints; input and interaction ongoing; response to requests for information from public</li> <li>• ICP: one project re Anglo Platinum: input and interaction ongoing; drafted and made comments on poster and website special programme description</li> <li>• Limpopo office: one project re Anglo Platinum; input and interaction ongoing</li> <li>• ETP: Site visits to Jeppe and Cleveland police stations</li> </ul>

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
	Monitoring human rights developments in relation to business and human rights	Development of monitoring tools  Levels of compliance achieved in line with national and international standards  Legislative developments monitored	Input to the development of ESR monitoring tool  Output consisting of research as a monitoring tool  Ongoing	<b>Achieved:</b> Research and drafting of papers and documents: 20 topics
Child Rights	Establish and strengthen strategic partnerships	Number or frequency	80-100% response to requests	<b>Achieved:</b> 17 strategic initiatives involving major role players in the child rights sector
	Assist with complaints and mediation interventions	As per request from Legal Services	100% response to requests	<b>Achieved:</b> 62 interventions rendered on legal matters
	Strategy on the integration and coordination of portfolios	Completed and adopted strategy	Implementation as per adopted strategy	<b>Achieved:</b> 49 strategic interventions
	Position papers	Completed and revised position paper	Quarterly	<b>Achieved:</b> Five inputs were submitted
	Streamline, drive and coordinate activities relating to the various portfolios	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	<b>Achieved:</b> 25 coordination activities with other programmes and portfolios
	Monitor human rights developments relating to children	Number or frequency of monitoring activities	Monthly 100% of request	<b>Achieved:</b> 25 interventions undertaken
	Contribute to public hearings	As per implementation plan	As per implementation plan	<b>Achieved:</b> One intervention undertaken
HIV and AIDS	Strategy on integration and coordination of portfolios	Completed and adopted strategy	Implementation as per adopted strategy / March 2009	<b>Achieved:</b> 54 coordination interventions
	Position papers	Completed position papers	June 2008	<b>Achieved:</b> One position paper
	Streamline, drive and coordinate activities relating to people living with HIV and 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	<b>Achieved:</b> 16 interventions

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
HIV and AIDS	Assist with advocacy and public awareness	Number and extent of interventions	100% of requests	<b>Achieved:</b> 25 media interventions, four Access to Justice workshops in Mpumalanga and Limpopo and 14 presentations on HIV and human rights related topics
	Monitor human rights development	Number or frequency of monitoring activities	Proactive and reactive	<b>Achieved:</b> 13 monitoring visits conducted to specialised TB hospitals in Gauteng, Limpopo, Mpumalanga and KwaZulu-Natal
	Conduct research	Number or frequency	<ul style="list-style-type: none"> <li>Production of <i>Human Rights Development Report</i></li> <li>Annual and quarterly journal</li> <li>Occasional papers</li> </ul>	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Four research engagements</li> <li>Contributed to the annual <i>Human Rights Development Report</i>, the quarterly journal, half-yearly report and annual report</li> </ul>
	Establish and strengthen strategic partnerships	Number or frequency	80-100% response	<b>Achieved:</b> 35 stakeholder collaborations and networking interventions
	Implement donor funded projects	As per project plan	As per project plan	<b>Not applicable:</b> No donor funded project allocated
Non-nationals	Position papers	Completed and revised position papers	June 2008	<b>Achieved</b>
	Strategy on integration and coordination of portfolios	Completed and adopted strategy	Implementation as per adopted strategy / March 2008	<b>Achieved</b>
	Streamline, drive and coordinate 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	<b>Achieved:</b> All requests met – rendered assistance in 44 complaints from Legal
	Assist with advocacy, public awareness and legal services	Number and extent of interventions	100% of requests	<b>Achieved:</b> <ul style="list-style-type: none"> <li>30 media engagements done</li> <li>14 educational interventions done</li> <li>Assisted in 44 legal complaints</li> <li>Handled 42 legal queries</li> </ul>
	Monitor human rights development	Number or frequency of monitoring activities	Proactive and reactive	<b>Achieved:</b> 11 monitoring visits undertaken
	Conduct research	Number or frequency	Production of <i>Human Rights Development Report</i> Occasional papers	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Three research papers completed</li> <li>Two opinion pieces published</li> </ul>
	Establish and strengthen strategic partnerships	Number or frequency	80-100% response	<b>Achieved:</b> 70 engagements

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
Non-nationals	Implement donor funded projects	As per project plan	As per project plan	<b>Achieved:</b> All activities as per plan completed – Swiss Agency for Development and Cooperation donor funds used for two monitoring visits to Limpopo and two rural community outreach sessions in Limpopo
Older Persons	Publications	Section 28 equality report completed report in terms of equality legislation	February 2009, subject to the Regulations of Section 28 being in place	<b>Achieved:</b> • Two articles published • A draft copy of <i>Human Rights Development Report</i> has been submitted
		Completed <i>Human Rights Development Report</i>	As per project plan	
		Completed <i>Human Rights Journal</i>	As per project plan	
	Assist with complaints and mediation interventions	Per requests from legal services	100% response to requests	<b>Achieved:</b> 18 legal complaints
	Strategy on integration and coordination of portfolios	Completed and adopted strategy	Implementations as per adopted strategy / March 2008	<b>Achieved:</b> Strategy completed
	Position papers	Completed and revised position paper	June 2008	<b>Achieved:</b> Draft policy document submitted
	Streamline, drive and coordinate activities relating to the various portfolios	Number or frequency of activities.  Level of collaboration with programmes and provinces	Weekly / monthly activities	<b>Achieved:</b> 26 engagements
			60% of all activities to be concluded through programmes and provinces	
	Assist with advocacy, and public awareness	Number and extent of educational interventions  Production of training manuals	Monthly	<b>Achieved:</b> Nine public awareness activities
			September 2008	12 ICP interventions
ICP interventions  PLLTBM interventions		100% of request		
		100% of request		
Monitor human rights development	Number or frequency of monitoring activities	Monthly reports	<b>Achieved:</b> Six reports	
Contribute to public hearings	As per implementation plan	As per implementation plan	<b>Achieved:</b> Made inputs for the <i>Health Report</i>	
Establish and strengthen strategic partnerships	Number or frequency	80-100% response	<b>Achieved:</b> 33 strategic partnerships	
		As per project plan	<b>Not applicable:</b> No donor funded project allocated	
Disability	Internal coordination	Number of advices, inputs and meetings	Monthly	<b>Achieved:</b> 94 coordination interventions
	Legal Services	Successful resolution of complaints	As per request	<b>Achieved:</b> 61 legal interventions and advice

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target		
			Target	Actual	
	Public awareness and advocacy	Enhanced knowledge and visibility of the Commission	Monthly	<b>Achieved:</b> • 12 presentations • 19 media engagements • Four press releases • Drafted disability pamphlet • Circulated contacts for assistance with mental health issues • One training workshop and support role for other training workshops • Attended National Disability Summit	
			Monitoring	<b>Achieved:</b> • Contribution to <i>Health Report</i> • <i>Sterkfontein Report</i> • Two Equality Courts in the Northern Cape • Six site visits • Meeting with Director-General of Department of Education about inclusive education	
	Establish and strengthen strategic partnerships Stakeholder networking	Number or frequency	80- 100 response	<b>Achieved:</b> • Attended ACSA Disability Conference • Meeting with Amnesty International on training partnership • Consultation with Secretariat for African Decade • Informed DPOs of submission deadlines for ESR hearings – one submission from Disabled Children’s Action Group received. • Met with Down Syndrome SA, South African Federation for Mental Health, Section 5 Committee Meeting, Gauge, QuadPara Association of South Africa • National Business Initiative global compact advisory board meetings	
			Conduct research	<b>Achieved:</b> • Contribution to <i>Human Rights Development Report</i> • Desktop research on current affairs and papers • Development of monitoring tools • Disability strategy updated • First Draft of Business and Human Rights Conference Report	
	Racism	Publications	Section 28 equality report completed report in terms of equality legislation  Completed <i>Human Rights Development Report</i>  Completed <i>Human Rights Journal</i>	February 2009, subject to the Regulations of Section 28 being in place	<b>Achieved:</b> • Regulations not in place • Commenced drawing from Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) and Convention on the Elimination of Racial Discrimination relevant to publications • First draft of chapter for HRDR completed
				As per project plan  As per project plan	



Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
	Equality Courts monitoring	Number of courts monitored  Quality and utility of reports	Two per province per month  Quarterly reports	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>Coordinator commenced employment in new portfolio in December 2008</li> <li>Read through relevant cases being prepared for Equality Court, for information</li> <li>Provided opinion to LSP over the Kemp-UCT admission case</li> <li>Preliminary meeting with Gauteng PM regarding information about Equality Courts. Further meeting in the week of February 16-20</li> </ul>
	Assist with complaints and mediation interventions	Per requests from legal services	100% response to requests	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Research on hate speech and hate crimes and complaints lodged</li> <li>Dealt with a complaint from an Indian woman in Lenasia, who felt that she was being racially discriminated against by the Department of Social Development regarding food vouchers</li> <li>SABC TV programme on Human Rights Month and Sharpeville massacre</li> <li>SABC radio programme (x 2) on "Pulling the Race Card"</li> </ul>
	Position papers	Completed and revised position paper	June 2008	<b>Not achieved:</b> Commenced employment in December 2008
	Streamline, drive and coordinate activities relating to the various portfolios	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	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Working on Durban Review Conference (DRC) presentation, emphasising religious intolerance and rights of indigenous people (in addition to adding to the initial submission to the DRC process)</li> <li>Continued correspondence with ICC on National Human Rights Institutions parallel event, the German Institute for Human Rights' contribution / position paper on EU countries' participation, and working on the opening and closing speeches with the ICC senior representative, for the opening and closing of the DRC</li> <li>Completed submission to the Durban Review Process</li> <li>Submission focused on the rights of non-nationals, gay and lesbian rights, hate speech and hate crimes, religious intolerance and mechanisms to ensure the realisation of the right to equality</li> </ul>
	Assist with advocacy, and public awareness, PLLTBM and ICP	Number and extent of educational interventions  Production of training manuals  ICP interventions  PLLTBM interventions	Monthly  September 2008  100% of request  100% of request	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Information obtained from PLLTBM and LSP</li> <li>Durban Review (World Conference Against Racism): research; drafting submission; correspondence with ICC; preparation for working group meeting in January 2009</li> </ul>

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
	Assist with advocacy, and public awareness, PLLTBM and ICP	PLLTBM interventions	100% of request	<ul style="list-style-type: none"> <li>Attended Human Rights Conference, facilitating one session</li> <li>Work with Deputy Director for Children's Rights regarding collaboration between portfolios</li> <li>Same preliminary agreement to collaborate with DD for non-nationals</li> </ul>
	Monitor human rights developments	Number or frequency of monitoring activities	Monthly reports	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Conducted workshops in collaboration with the Gauteng education officer (x2) for the Gauteng Education Department</li> <li>Meetings and preparation for intervention requested by Golden Lions, with Commissioner Majodina and Nazli Howa (ETP)</li> <li>Meeting at Skierlik with Commissioner Manthata, education officer for North West and stakeholders – follow-up report and recommendations submitted</li> <li>Workshop with ETP and Gauteng province for Gauteng Education Department</li> <li>Compiled a presentation on racial integration at schools</li> </ul>
	Contribute to public hearings	As per implementation plan	As per implementation plan	<b>Not achieved:</b> No hearings took place during period December 2008 to March 2009
	Establish and strengthen strategic partnerships	Number or frequency	80-100% response	<b>Achieved:</b> <ul style="list-style-type: none"> <li>South African Institute of Race Relations (SAIRR) invited and delivered a presentation</li> <li>More work in regard to the ICC, strengthening the working relationship, particularly in view of DRC</li> <li>Contact, meeting and ongoing discussions with the Department of Justice around the National Action Plan</li> <li>Discussions with a view to sharing information: Wits (GALA); Centre for the Study of Violence and Reconciliation; Kick Racism (KZN)</li> <li>Wrote article for a Christian publication on freedom of speech and profanity</li> <li>Analysed the President's state of the nation address against the background of human rights</li> <li>Established contact with the Health Professions Council regarding racism allegations</li> </ul>
	Implement donor funded projects	As per project plan	As per project plan	<b>Not applicable:</b> No donor funded project allocated

Sub-programme	Outputs	Output performance measures/ service delivery indicator	Actual performance against target	
			Target	Actual
Crime	Position papers	Completed and revised position papers	June 2008	<b>Achieved:</b> Wrote 8 papers
	Strategy on integration and coordination of portfolios	Completed and adopted strategy	Implementation as per adopted strategy / March 2008	<b>Achieved</b>
	Streamline, drive and coordinate 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	<b>Achieved:</b> All requests met
	Assist with advocacy, public awareness and legal services	Number and extent of interventions	100% of requests	<b>Achieved:</b> • 37 radio interviews • 12 television interviews • 2 newspaper interviews • 1 magazine interview • 2 Parliamentary Portfolio • Committee presentations • Assisted with 25 legal complaints
	Monitor human rights development	Number / frequency of monitoring activities	Production of <i>Human Rights Development Report</i>  Occasional papers	<b>Achieved:</b> • 8 research papers completed • 2 opinion pieces • 2 published articles • 2 Parliamentary Portfolio • Committee submissions
	Establish and strengthen strategic partnerships	Number / frequency	80–100% response	<b>Achieved:</b> 80 engagements done
	Implement donor funded projects	As per project plan	As per project plan	<b>Not applicable:</b> No donor funded project allocated

### 3.6 Programme: Parliamentary Liaison and Legislation and Treaty Body Monitoring

#### Overview of the programme

As it was a pre-election year, Parliament progressively wound down in its activities as parliamentary committees moved towards finalising matters in preparation for the closure of the third Parliament. There was a significant decline in the number of committee meetings that were taking place at Parliament, especially towards the end of 2008 and in the early part of 2009. The Acts promulgated during 2008 indicate that many were of a technical or amendment nature. Thus, despite 65 Acts being promulgated during 2008 in comparison to 27 during 2007 and 28 during 2006, this did not necessarily translate into Bills that the Commission would necessarily engage with.

In May 2008, with the outbreak of the xenophobic violence in Cape Town, the Commission was called upon to play an active role in engaging with various

role players and activities. Details of this work are set out in the annexed report. As the provincial office in the Western Cape is one of the Commission's busier offices (see legal statistics – Annexure A), provincial office staff continued to carry out their duties so as not to compromise service delivery to the public, while staff with the Parliamentary Programme attended to the xenophobic crisis. The Parliamentary Programme expects that the experience gained and the information generated during this period will contribute towards the programme's work in the long term in relation to relevant treaty body work (e.g. Convention on the Elimination of All Forms of Racial Discrimination (CERD); Convention against Torture (CAT) and its Optional Protocol (OPCAT).)

The Commission continues to be called upon to participate in events that reinforce connections between international, regional and domestic human rights frameworks.

Two reports released during 2008 will undoubtedly influence the relationship between and operational conduct of Chapter 9 institutions and Parliament

(*Report of the Ad Hoc Committee on State Institutions Supporting Constitutional Democracy and Related Institutions and the Report of the Independent Assessment Panel of Parliament*). The programme looks forward to engaging further on these matters internally within the Commission and with other relevant stakeholders.

The programme was understaffed, with the senior researcher position being vacant for the entire year and the two South African intern positions remaining vacant for most of the year despite a number of actions to fill these positions. The Head of Programme remained the Acting Provincial Manager of the Western Cape for the year. The programme thus operated with a Head of Programme, two researchers, and an administrative secretary. Fortunately, the programme has become a popular choice for foreign interns from well-recognised universities such as Harvard, Stanford and Michigan. These students visit the programme for approximately three months at a time and were particularly valuable during the height of the xenophobic crisis.

The lack of anticipated human resources accounts for the budget virements and under-spending in the programme, particularly in the area of salaries and professional services. As positions were not filled there was a lack of capacity to carry out planned activities.

**Purpose:** This programme seeks to make an impact on the promotion and protection of human rights through engaging with policy and legislative developments, parliamentary oversight, advocacy and spearheading the Commission's engagement as a national human rights institution with the international and regional treaty body system.

#### Measurable objectives:

- To liaise with government and civil society concerning South Africa's international and regional treaty body obligations;
- To conduct research, develop reports and follow up on recommendations from treaty bodies;
- To facilitate interaction between the SAHRC and Parliament;
- To promote and protect human rights by providing input on proposed legislation that affects human rights, nationally and provincially;
- To support participative democracy through facilitating civil society's engagement with making legislation by conducting training, hosting workshops and seminars, and facilitating a civil society forum to obtain input on parliamentary and government liaison; and
- To promote oversight of economic and social rights through provincial parliaments.

#### Service delivery objectives and indicators International and regional treaty body monitoring

- The programme has been recognised for its work on the Universal Periodic Review (UPR) process. The innovative workshop, in which participants from Johannesburg, Cape Town and Durban were linked by video conferencing on the day of the review, 15 April 2008, followed by participants in Cape Town watching the live podcasting of the review, has been recognised as an example of best practice by a national human rights institution (NHRI). The programme has received a number of invitations to talk about its work in this area and also received inquiries from other African and South American countries which wish to replicate the activities of the SAHRC. The use of IT to transcend barriers created by lack of access to resources, thereby promoting transparency and accountability of governments, is an innovative method for NHRIs and civil society in the South to use to ensure that the international discourse reflects domestic discourses.
- The Commission was also pleased, upon receipt of the Human Rights Council UPR report and recommendations in June 2008, that a number of its recommendations had been accepted and incorporated into the report.
- This sub-programme has attracted attention at an international and regional level by co-hosting events with international partners. In April 2008 the SAHRC hosted a Children's Convention workshop in conjunction with the Norwegian Ombudsman and an African Regional Seminar on (OPCAT) co-hosted with Bristol University and other role players. The Commission gained much exposure at the latter seminar, being introduced to the UN sub-committee on Torture members who oversee the OPCAT. Work in the area of torture continued during the year with requests for presentations and the positive development of being provided with a draft Torture Bill to consider. The commission's relationship with APT also provided opportunities to train a diverse group of participants on detention monitoring. The Commission will continue its work in advocating for the ratification of the OPCAT, the criminalisation of torture and the establishment of a system of regular visits to places where persons are detained against their will.
- Following on from many years' work on the Children's Bill in which the SAHRC supported appropriate discipline for children and the abolishment of corporal punishment through an express legal prohibition accompanied with advocacy and awareness-raising for parents, a meeting of legal experts was held to discuss the alternative route of litigation to achieve this goal, given that the legislative route had failed. Further work will be done in this area in 2009 and it can be expected that this will be a long-term project for the Commission.
- The Disability Convention workshops that were to be carried out by provincial offices did not take

off for a number of reasons. For one, a number of education officer and provincial manager vacancies and performance agreements were not provided to provincial office staff in order to consolidate and stipulate expectations.

engagement with SALSA in the future.

The finalisation of an oversight manual, the corresponding workshops and briefings did not take place as planned. The programme began returning to its programmatic activities in September 2008 and by this stage it was too late in the year to achieve these targets as the provincial parliaments were already winding down in anticipation of the election. The impact of the briefings and workshops and the related expenditure had to be considered within the context of the elections taking place and whether the target audience of MPs and MPLs would be returning to Parliament after the election and putting into use the information that had been derived from these interventions. A strategic decision was thus taken to concentrate on other targets in the programme and to postpone these targets to the 2009/10 year and the new members of Parliament.

### Provincial parliamentary liaison

During June 2008 the programme received an invitation to present on the role of Chapter 9 institutions and the role of parliaments at the South African Legislative Secretaries Association (SALSA) Conference, which is attended by 35 participants from each provincial legislature and the national Parliament. The presentation took place on 2 July 2008 and it is anticipated that, given the shared interest in capacity building in provincial parliaments and the interest in the Commission and its provincial parliamentary sub-programme, this will lead to

### Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
International and Regional Treaty Body Monitoring	Policy development	Treaty body strategy documents	Eight completed treaty body strategy documents One regional strategy paper	<b>Achieved:</b> • Eight treaty body strategy documents completed  • The African human rights system and the role of NHRIs in disasters
	<i>Human Rights Development Report</i>	Treaty body chapter	Completed and published treaty body chapter	<b>Achieved:</b> The chapter was prepared to an advanced stage by mid-January 2009. Research Programme determined a new time framework in which printing will occur during the 2009/10 financial year.
	Internal information service	Number of treaty body updates	Quarterly treaty body update	<b>Achieved:</b> Four quarterly updates were drafted and distributed internally throughout the Commission as one consolidated document in December 2008
	Government and parliamentary liaison	Treaty body database  Liaison with government	Updated treaty body database, inclusion of regional bodies Meetings and liaison with government and parliament regarding treaty body obligations	<b>Achieved:</b> This is an ongoing project  <b>Achieved:</b> The SAHRC interacted with the Minister of Justice and Constitutional Development. Correspondence was sent to the Department of Foreign Affairs in relation to OPCAT and Convention on the Rights of Migrant Workers and their Families (CRMW).

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target		
			Target	Actual	
International and Regional Treaty Body Monitoring	Workshops and seminars	Number of workshops, seminars and presentations	18 Disability Convention workshops	<b>Not achieved:</b> One Northern Cape workshop  <b>Achieved:</b> “Norwegian South African Roundtable”, about 35 people, Johannesburg, 22 April 2008	
			One Children’s Convention workshop	<b>Achieved:</b> “African Regional Seminar on OPCAT”, co-hosted with Bristol University and others, +/- 90 people from the African continent, 3-4 April 2008	
			One regional OPCAT workshop	<b>Achieved:</b> Two workshops and nine presentations	
Parliamentary Liaison and Legislation Monitoring	Submissions on draft legislation	Number of submissions	Eight submissions	<b>Achieved:</b> Eight submissions made to Parliament <b>Not achieved:</b> Due to ongoing IT challenges <b>Not achieved:</b> Milestone to be reassessed as not all submissions attract media attention	
			Update website	Updated websites	
			Media statements	8 Media statements	
	Parliamentary and civil society liaison	Number of parliamentary meetings and functions attended	Attendance at 40 portfolio committee meetings	<b>Achieved:</b> 41 parliamentary committee meetings of relevance to Commission work attended.  <b>Not achieved:</b> 36 various workshops, meetings, teleconferences related to work of programme attended	
			Attendance at 40 civil society functions	<b>Not achieved:</b> (10 persons) This target is dependent on how busy Parliament is and the number of invitations which the Commission receives or initiates.	
	Workshops and seminars	Number of workshops, seminars and presentations	Four workshops, seminars and presentations	<b>Achieved:</b> • Two presentations and two workshops • Presentation: “Review of International and Constitutional Obligations with Regard to Corporal Punishment” • Presentation: “Infecting the City” presentation on xenophobia • SAHRC Torture Bill workshop, 19 people, 3 December 2008 • Corporal punishment strategic litigation meeting, 4 December 2008	
Coordination of think tank on legislation monitoring	Frequency of meetings per annum	Annually	<b>Achieved</b>		
Section 5 committee on parliamentary and government liaison	Coordination of committee	Two committee meetings per year; implementation of committee advice	<b>Not achieved:</b> Section 5 committee has been replaced with think tank on legislation monitoring		

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
Provincial Parliamentary Liaison	Policy development	Policy document	Awareness-raising internally of policy documents	<b>Achieved:</b> Briefings took place with five SAHRC provincial offices on the policy document and the code of good practice: Free State, Northern Cape, KwaZulu-Natal, Western Cape, North West
	Code of good practice	Roll out of code of good practice	In-house capacity training at provincial level	
	Briefings to provincial parliaments	Number of briefings	Four briefings	<b>Not achieved:</b> Briefings with provincial parliament were planned to take place at the same time as workshops on the newly developed oversight manual. As the manual was not developed and due to the various challenges of the programme, this did not occur.
	Provincial parliamentary liaison	Creation of database	Updated database of provincial parliaments	<b>Achieved:</b> Continuous
	Workshops and seminars	Number of workshops; development of oversight manuals	Four workshops	<b>Not achieved:</b> One presentation Presentation at South Africa Legislatures Secretaries Association (SALSA), 2 July 2008, 60 people  <b>Not achieved:</b> Oversight manual not finalised
Parliamentary newsletter	Number of editions of newsletters	Four parliamentary newsletters	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>One newsletter and two newsletter inserts in <i>Kopanong</i></li> <li>Achievement of fourth newsletter not possible due to ICP Programme not timeously publishing fourth annual edition of <i>Kopanong</i></li> </ul>	

### Summary of South Africa's international & regional treaty body obligations

Treaty Body	Ratification	Reports	Reports outstanding
ICCPR International Covenant on Civil and Political Rights	Ratified on 10 December 1998	SA has never appeared before the committee	Initial report overdue since March 2000
ICESCR International Covenant on Economic, Social and Cultural Rights	Signed on 4 October 1994  Not ratified	N/A	N/A
ICERD International Convention on the Elimination of All Forms of Racial Discrimination	Signed on 3 October 1994 Ratified on 10 December 1998	South Africa submitted all outstanding reports in 2004 SA appeared before the committee in August 2006	Supplementary report was due on 15 August 2007. Fourth periodic report was due on 9 January 2010.
CEDAW Convention on the Elimination of All Forms of Discrimination Against Women	Signed in January 1993 Ratified in December 1995	SA has not appeared before this committee	Second and third periodic reports overdue since 14 January 2001 and 14 January 2005 respectively
CAT Convention Against Torture and other Cruel, Inhuman or Degrading Treatment	CAT: Signed on 29 January 1993 Ratified on 10 December 1998	SA appeared before the committee in November 2006	SA's follow-up report overdue since 7 December 2007
OPCAT Optional Protocol to the Convention Against Torture	OPCAT: Signed on 20 September 2006 Not ratified		Second periodic report due 31 December 2009

Treaty Body	Ratification	Reports	Reports outstanding
CRC Committee on the Rights of the Child	Signed on 29 January 1993 Ratified on 16 June 1995	South Africa presented its initial report to the committee in December 1997. SA appeared before the committee in January 2000.	Second and third periodic reports overdue since 2002 and 2007 respectively
CRPD United Nations Convention on the Rights of Persons with Disabilities	Signed on 30 March 2007 Ratified on 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

### 3.7 Programme: Information and Communications

#### Overview of the programme

During the 2008/09 financial year the different sub-programmes within ICP focused on ensuring that the South African public benefited from and was informed of the work of the Commission through the various tools available. The official newsletter of the commission, *Kopanong*, was revamped and four issues were published. Efforts went into the Commission's web site ([www.sahrc.org.za](http://www.sahrc.org.za)) as well as the intranet to ensure they were accessible and user-friendly. Publications, training material and promotional material were produced.

The media relations sub-programme is responsible for maintaining the Commission's positive presence in the media. It continued to provide much-needed and effective media communications support to the Commission's activities, thereby contributing to the realisation of the mandate of the Commission. The sub-programme sought to generate media coverage for the Commission by influencing the news media agenda through proactive and reactive engagement with journalists and key newsroom personnel across the country.

The media has given the Commission the opportunity to educate the public about various human rights issues. Of the Chapter 9 institutions, the Commission continued to be most visible in the eyes of the public, and most of the media coverage has been positive. The Commission has also been able to generate coverage on issues seldom covered by the media.

To support compliance with PAIA, the sub-programme conducted training workshops, presentations and capacity-building programmes to diverse groups, but primarily within the multiple levels of government. A

number of randomly selected government departments were audited. The auditing processes were instrumental in monitoring compliance and identifying gaps and challenges in implementation of PAIA within the public sector. This resulted in an increase in compliance levels (see Annexure B for PAIA deliverables and statistics).

The records management sub-programme, charged with ensuring the proper management of records and other information sources in the Commission, has started work on getting the entire Commission to use the file plan. Budget constraints meant that only four provincial offices could be trained on the file plan and other records management practices. Old archival records were sorted and arranged to improve user access to the Commission's memory.

The sub-programmes within this programme form the backbone to the overall work output and identity of the Commission, and are a critical element of the institution's commitment to documented good governance.

**Purpose:** To serve as the SAHRC's information and communications hub by providing strategic information, communications and IT systems support, ensuring legislative compliance with the Promotion of Access to Information Act No. 2 of 2000 (PAIA) and the National Archives and Records Services Act No. 43 of 1996.

#### Measurable objectives:

The objectives of the Information and Communications Programme are to promote human rights, access to information and transparency by:

- Establishing a communication-friendly environment within the Commission and with stakeholders and role players;
- Developing corporate and educational 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; and
- Promoting proper records and information management internally and externally.

### Communications and publications

The objective of this sub-programme is to develop and implement the Commission's communication strategies in order to reach its internal and external stakeholders. This was achieved by using electronic (e.g. website) and other media. The sub-programme also provided quality assurance and consistency for all corporate, educational and other material in line with policy guidelines.

#### Publications

The Commission's newsletter, *Kopanong*, was re-launched and four issues published and distributed to provincial offices as well as stakeholders. A total of 16 000 copies were printed; 12 800 of these were distributed at provincial level and made available during various events. The sub-programme also managed production and distribution of the following reports: *2007/08 Annual Report*; the *Human Rights Development Report (HRDR)*; the *Human Rights Journal (HRJ)*; the *Golden Key Awards Booklet* and the following public inquiry reports: *Housing, Farming, Anglo Platinum*. Two new leaflets, on children's rights and disability, were produced in consultation with the respective coordinators on the subjects. The HRDR and the HRJ are considered the Commission's premier reports and were produced in difficult conditions ranging from contributors not meeting deadlines to service provider challenges. Through the sub-programme, the Commission has

developed the editorial policy and style guide. These are crucial in the improvement of the quality of publications.

#### Visitors committee

The committee hosted 17 institutions from around the world on fact-finding missions on various topics. They included delegations from the Uganda Network on Law, Ethics and HIV/AIDS; Tanzania Human Rights Commission; United Nations Security Council; Iraqi Business and Professional Leaders; Toledo University in Detroit; Nepalese members of parliament; Ministry of Foreign Affairs in Bahrain, Palestinian/Israeli Delegation; Ethiopia Human Rights Commission; Zimbabwe Lawyers for Human Rights; human rights lawyers from Egypt, Morocco and Algeria; and delegates from the National Commission for Human Rights and Freedom in Cameroon.

#### Support to special projects

The sub-programme continued to be involved in inter-programmatic activities, including the Commission's xenophobic intervention projects and the national poverty hearings.

The sub-programme also played a part in the preparation for the strategic conferences to shape the direction the Commission would take during the 2009/11, 2010/12 strategic period. It has been involved in tasks of representing the Commission in other interventions such as those relating to racism and xenophobic attacks in the North West and in Gauteng. It also played a leading role in preparations for the World Refugee Day events that took place at Constitution Hill on 20 June.

### Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
Publications and Communications	Implementation of communications strategy	As per project plan	As per project plan	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Material produced in consultation with staff as part of improved communications</li> <li>• As part of team-building exercise hosted Valentine's, Casual and Heritage Days for staff</li> </ul>
	Corporate image activities: Promoting DVD at strategic interventions	Number of DVD promotions	Monthly	<b>Not achieved:</b> Impact and extent unknown as reliance was placed on education officers and provincial offices during their interventions
	Ensuring compliance with corporate identity manual	Consistent application of brand	Ongoing	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• All material approved by brand manager as and when required.</li> <li>• Branding managed and executed for all events</li> </ul>

Sub-programme	Outputs	Output performance measures/ service delivery indicator	Actual performance against target	
			Target	Actual
Publications and Communications	Promoting and distributing promotional material	Amount of material distributed	100% response to requests	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Budget cuts prevented production of new material, but two new leaflets on disability and children were produced</li> <li>• Five vibrant outside banners put up</li> <li>• Material requested and distributed during the period under review: 53 693 from head office</li> <li>• 57 239 material sent to provincial offices</li> </ul>
	Annual and strategic reports	Professionally edited and published annual and other reports	As per treasury regulations	<b>Achieved:</b> Produced the <i>2007/08 Annual Report</i> as well as the <i>Strategic Plan document</i>
	Publications: corporate educational and thematic or programmatic	Number and quality of publications	As per strategic needs of other programmes	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Four issues of <i>Kopanong</i> produced</li> <li>• Two leaflets on children's rights and disability produced</li> <li>• Managed production of three public inquiry as well as two strategic reports</li> </ul>
	Website and intranet	Improved internal and external communications	Monthly	<b>Achieved:</b> <ul style="list-style-type: none"> <li>• Website and intranet updated weekly and as necessary</li> <li>• Intranet upgraded in June and staff trained on use</li> <li>• Web hits for the year: 2 060 215 (see statistics below)</li> </ul>

### Media Relations

#### Increasing coverage

Although this sub-programme operates with limited resources, it has managed to release 51 written media statements and received 919 media requests for interviews. This was as a result of complaints lodged with the Commission or the statements that the Commission issued. Statistics of the Commission's media coverage showed that it continued to grow, with the number of newspaper, magazine and internet articles and radio and TV broadcasts increasing from 800 in the 2007/08 financial year to a staggering 5 223 in the 2008/09 financial year. While the Commission enjoyed coverage from various media, most coverage came from the SABC. This could be attributed to its mandate as public broadcaster.

Coverage centred on human rights violations, which included racism, xenophobia, political intolerance, crime and public service delivery. The events leading up to and the Commission's decision regarding concerns about statements made by ANC Youth League president Julius Malema and Cosatu secretary general Zwelinzima Vavi received the most coverage. A human rights issue that is seldom covered is the right of access to information. The Commission,

through its PAAI sub-programme, engages with various stakeholders to promote this right and holds the Promotion of Access to Information (PAIA) annual information officers' forum to interrogate various issues related to this right. SABC TV and radio news covered this event. In addition, SABC International offered the Commission a studio-based live interview to discuss issues which some of the contributors had raised. SABC International aims to provide an African perspective. It broadcasts 24 hours a day to sub-Saharan Africa, parts of Europe and the US and has international bureaux in Kenya, Democratic Republic of Congo (DRC), Washington, Brussels, New York, Senegal and Nigeria. This provides the Commission with an opportunity to showcase its work to Africans in some parts of the Diaspora.

Furthermore, the Commission's relationship and engagements with community radio stations continue to grow as most of them approach the Commission to offer free slots with a view of educating their audiences about their rights. Relationships with these stations will be sustained and new ones established to increase awareness among various communities, particularly rural ones or those outside major towns and cities.

## Service delivery achievements

Sub-programme	Outputs	Output performance measures/ service delivery indicator	Actual performance against target	
			Target	Actual
Media Relations	Media strategy	Completed media strategy in line with the communication strategy	June 2008	<b>Achieved:</b> Strategy document submitted for approval
	Implementation of media strategy	As per project plan	As per project plan	<b>Achieved:</b> Media coverage of the Commission has grown significantly
	Media liaison, monitoring and coverage	Number of queries fielded, media analysis	100% response to requests  Monthly analysis of media	<b>Achieved:</b> Responded to 919 queries
	Proactive media interventions	Features, media statements and alerts, advertorials	Monthly, weekly, when required	<b>Achieved:</b> 51 media statements and advisories issued
	Conferences, seminars and workshops	Number and frequency	When required	<b>Not achieved:</b> Lack of resources

### Promotion of Access to Information

Strategically aligning the stipulated Promotion of Access to Information Act (PAIA) mandate to that of the broader mandate of the Commission has seen the integration of PAIA in the expansive work of the Commission. While this integration has provided fertile platforms for interventions, the PAIA mandate has been defined in terms of strategic output areas delineated in the table below.

PAIA outputs remain closely integrated to the common objectives of monitoring, compliance and educating and awareness-raising. The sub-programme has met its targets despite limited resources.

Projections and planning for the medium term reflected in the table below indicate elevated outputs, but these projections are premised on an increase of resources and operational and law reform measures being implemented, as recommended by the Commission.

More information on the monitoring and compliance outputs follows in the PAIA annexure B to this report. The annexure also tables compliance with the mandatory reporting requirements of section 32 by multiple levels of government. A separate table lists public bodies not in compliance with section 32.

## Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
Access to Information	Deputy information officer	Respond to request	100% response within the PAIA timeframes	<b>Achieved:</b> 190 deputy information officers assisted telephonically, electronically and in consultation
	Consolidation of Section 32 reports of the public bodies	Number of respondents for section 32 information	100% response	<b>Achieved:</b> • Awareness interventions through advertising, training and notification • Collated results listed in Annexure B of this report
	Assist with complaints and mediation interventions	As per request from legal services	100% response to request	<b>Achieved:</b> • 167 interventions responded to • Two pending NGOs launching litigation
	Expert panel/ research	Generate knowledge by publishing papers and opinions	Two per year	<b>Achieved:</b> • Four papers • Three articles for Commission newsletter

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
Access to Information	Study tours	Number of tours	Two per year	<b>Achieved:</b> • Golden Key Award research • Department of Justice recommendations, ministerial brief • Submissions to Parliamentary Justice Portfolio Committee • <i>Human Rights Development Report</i> and <i>Human Rights Journal</i>
				<b>Achieved:</b> • Record numbers participated • Heightened awareness • Coordinating committee meetings held • <i>PAIA Infoshare</i> newsletter developed and launched
	Information and Deputy Information Officers' Forum and Access to Information Indaba	Successful hosting of indaba and forum	Hosting annual meeting/ before December 2008	<b>Achieved:</b> • Record numbers participated • Heightened awareness • Coordinating committee meetings held • <i>PAIA Infoshare</i> newsletter developed and launched
	Support to special projects	As per request	100% response to request	<b>Achieved:</b> • 11 meetings; participation in seven events; participation at hearings and contribution to reports • Xenophobia steering committee – legal • Hotline, interventions with political leadership, site monitoring tool expanded • Hosting visiting delegations re access to information; HR support; SAHRC compliance with legislation
	Contribution to <i>Human Rights Development Report</i> and <i>Human Rights Journal</i>	As per project plan	As per project plan	<b>Achieved</b>
	Assist with public awareness, education and training	As per request from Education and Training	100% response to request	<b>Achieved:</b> • Training, education and popularising 24 interventions • Seminars: Four • Compliance audits: 10 • Toolkit: Section 14 manual developed; section 32 templates developed, scorecards • Case law studies developed
	Toolkit development	Training of information and deputy information officers	By September 2008	
	Legislation and jurisprudence monitoring and intervention	Number of interventions required	100% intervention	<b>Achieved:</b> • Submissions to Justice Portfolio Committee: The Protection of Information Bill; The Information Commissioner; Draft Magistrates Court Rules; article on the Protection of Personal Information • Watching brief Biowatch
Other interventions in response to SAHRC obligations under PAIA	Number of interventions required	100% intervention	<b>Achieved:</b> • Section 14 manual finalised • Requests responded to • Section 32 report submitted • Request and appeal forms translated and made available	
Comprehensive and integrated management and quality assurance system	Adopted systems document/ norms and standards	June 2008	<b>Achieved:</b> • Manual system in place • Registry for section 14 and section 51 manuals necessary	

## Records management

The records management component is responsible for the identification, classification, custody, care of and access to the records of the SAHRC. It also oversees the successful implementation and maintenance of the Information Management Systems Project. The sub-programme is constituted of an Archive to preserve the Commission's corporate and intellectual memory and to promote effective, accountable corporate governance, and a Registry.

### Ensuring user compliance with proper records management practices

Budgetary constraints hindered training in the provincial offices.

### Implementation of approved records classification systems

The approved file plan and the records management policy were implemented in the Commission. A records control schedule was compiled and endorsed by National Archives and Records Service (NARS).

### Establishment of registries and strong-rooms for the safe custody and care of records

Procedures for the security and access classification of records were developed to ensure the safe custody of information and regulate access to records.

Registry services were rolled out in order to regulate

the receipt and flow of documentation within the Commission, and to ensure the management, safe custody and care of records. The management of records at provincial levels, however, still relies on the functional personnel. There are no delicate records management personnel at provincial levels.

### Systematic disposal programme and preservation of archival records

Disposal authorities were obtained from the National Archives and Records Service for the financial, supply chain and personnel records. The disposal of records has been rolled out to ensure the regular clearance of ephemeral records and to ensure effective utilisation of records storage space.

The Archives of the Commission have been established to preserve the Commission's memory and use storage space effectively. Records of the Offices of the Chairperson and Commissioners were appraised, sorted, arranged, and described for archiving. A finding aid has been compiled. Categories of records for exiting Commissioners were developed for records to be retained and relieved by the Commission.

### Implementation of the Electronic Document and Records Management System (EDRMS)

Because training of users is incomplete, the system has not been effectively piloted and used. The costs of system maintenance continue to rise, making it expensive to train and license more users.

## Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
Records Management	Records management policy	Approved records management policy	As per policy	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>A registry procedure manual was developed to put into effect the principles of the policy for finalisation in the next financial year</li> <li>Categories of the Commission's records were compiled for classification, proper management and access to records</li> </ul>
	Records classification systems	Implement file plan  Compile records control schedule	Implement approved file plan	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>File plan has been rolled out to Commissioners and LSP. Some programmes are still to be trained on file plan use. Some provincial offices could not be trained due to financial limitations</li> </ul> <b>Achieved:</b> <ul style="list-style-type: none"> <li>Records control schedule for other records was compiled and submitted to NARS for approval</li> </ul>

Sub-programme	Outputs	Output performance measures/service delivery indicator	Actual performance against target	
			Target	Actual
Records Management	Retention/disposal schedule and procedures	Implement systematic disposal programme	Submit retention and disposal schedule and procedures for approval by NARS	<b>Achieved:</b> <ul style="list-style-type: none"> <li>A disposal authority was sought and received from NARS for the disposal of old records. Audited and terminated financial, supply chain matters and personnel records were disposed of</li> <li>Commissioner archival records were sorted, described and arranged to ensure preservation. Inventories were compiled to facilitate access. Retention procedures were compiled</li> </ul>
	Security and sensitivity classification scheme		Implement approved security and access classification scheme	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>Guidance was sought from NARS, with no response</li> </ul>
	Registry	Pilot registry services within two departments	Implement a registry system	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Registry services have been provided to the Commissioner and Legal Services Programme</li> <li>Registry facilities were sought for personnel functions</li> </ul>
	Electronic Document and Records Management System (EDRMS)	Pilot programme for EDRMS	Implement the EDRMS	<b>Not achieved:</b> <ul style="list-style-type: none"> <li>The service provider did not deliver the file plan load-up on the system and user training</li> <li>Financial constraints hindered seeking additional training for records clerk. There is only one records management clerk in the commission that provides support. Provincial offices and other head offices programmes do not have records management focal persons.</li> </ul>

## Information and communications technologies

This sub-programme provides strategic support to the Commission in order for it to achieve its organisational objectives. This is done by ensuring effective and efficient maintenance of infrastructure, improvement of IT operations and establishment of IT governance for information and communications technologies.

The sub-programme developed an understanding of key programmes and their objectives and identified

ways to support them through IT. It maintained and supported all ICT systems and infrastructure in terms of the Commission's master systems plan.

Virtual private network installation commenced in February 2009 and the rollout was done in March 2009.

A videoconferencing system was installed in the North West provincial office, and all the videoconference systems for other provincial offices were serviced and repaired where necessary.

## Service delivery achievements

Sub-programme	Outputs	Measure Indicator	Actual performance against target	
			Target	Actual
Information and 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 virtual private network (VPN))	December 2008	<b>Achieved</b>
		Back-up systems	December 2008	<b>Not achieved:</b> • Deployment of VPN and delivery of provincial servers was delayed • Budgeted for in 2009/10
		Infrastructure and exchange server upgrade	December 2008	<b>Not achieved:</b> Not budgeted for in the 2008/09 financial year; budgeted for in 2009/10. The requisition was approved and the process has started
		Functional internet monitoring	December 2008	<b>Achieved</b>
		Videoconferencing upgrade	December 2008	<b>Achieved:</b> MCT-CTS serviced all systems in all provincial offices and installed new system in Rustenburg
		Acquisition and implementation of help-desk system	December 2008	<b>Not achieved:</b> Need to rollout and train users on the system.
		IT policies review	December 2008	<b>Achieved:</b> Reviewed policy approved and signed
	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	<b>Achieved:</b> Systems deployed and ready for use
	Financial systems administration	Properly maintained and fully functional financial system	Ongoing	<b>Achieved:</b> Annual upgrades applied and backups performed
	Training of general and IT staff	As per needs assessment	100% response to request	<b>Achieved:</b> Identified training needs for IT staff, awaiting outcome of Performance Development Plan being conducted by HR

### 3.8 Programme: Administration and Supply Chain Management

#### Overview of the programme

The Administration and Supply Chain Management Programme came into effect on 1 April 2008. It was created to manage the supply chain and assets and to ensure the establishment and management of an integrated supply chain management, asset management and the coordination of all administrative functions of the Commission within defined regulatory frameworks.

The programme was de-linked from the former

Finance and Administration Programme and it moved with the staff who worked under the Administration function. Provincial administrative secretaries coordinate service delivery in the provincial offices. In sourcing service providers the programme ensured compliance with the prescripts of Broad-Based Black Economic Empowerment (BBBEE).

Among the services provided were local catering, interpretation and transcription, printing and stationery, cleaning, accommodation, repairs and maintenance. A total of 461 service providers provided services to the Commission at a total value of R19 958 888.79.

The programme operates as a support service to the operations of the Commission. During the period under review the Commission relocated Eastern Cape office from Cambridge Street in East London to Oxford Street to provide access to people living with disabilities. The new Gauteng provincial office was established and resourced. The video conference equipment at head office was upgraded for better communication with provincial offices. In addition the Commission's fixed asset register was updated to comply with accounting standards and all assets were verified and re-valued to determine their residual values and useful life. In response to numerous break-ins during the previous financial year, the Commission activated off-site CCTV monitoring and surveillance for the head office and provincial offices entered into armed response contracts. The xenophobia attacks resulted in increased expenditure against budget allocation on telephone usage. This resulted in virement of funds to cater for the over-expenditure in this area. This increase corresponds with an increase in our printing and stationery due to the increased work load.

**Purpose:** To establish and manage an integrated supply chain, asset management and coordination of all administrative functions of the Commission

## Service delivery achievements

Sub-programme	Outputs	Output performance measures/ service delivery indicator	Actual performance against target	
			Target	Actual
Administration and Supply Chain Management	Supply chain management	Compliance with relevant legislation on tenders, procurement and related regulations (PPPFA, BBBEE and PFMA)	Monthly reviews/ ongoing	<b>Achieved:</b> Policies developed and revised for supply chain management and telephone usage; appointment of bid adjudication committee; reporting to National Treasury; approved supplier database
	Building and facilities management	Well-equipped and functional offices	Weekly audits and processes	<b>Achieved:</b> • Acquired new office premises in East London and staff relocated in time without loss of work hours • Upgrade of head office video conference equipment to provide easy communication with provincial offices • Air conditioners and lifts maintained regularly and problems not resolved handed over to the landlord • Replaced printers and photocopiers in some offices after contracts expired • All plumbing and electrical work attended to timeously upon malfunction and reporting

within defined regulatory frameworks.

#### Measurable objectives:

- To manage the sourcing, procurement, inventory and distribution activities of the Commission, including supplier relationships, within the Preferential Procurement Policy Framework Act No. 5 of 2000, PFMA and BBBEE regulatory frameworks;
- To manage asset provision, operation and core activities of the Commission in order to improve physical asset performance in line with Generally Recognised Accounting Principles (GRAP) 17 and the PFMA;
- To inform management decisions on capital expenditure in compliance with GRAP 13;
- To efficiently and effectively coordinate travel and events of the Commission;
- To manage security, both physical and infrastructural, within the legislative framework of Minimum Information Security Standards (MISS) and appropriate national directives; and
- To manage the fleet management activities of the Commission, i.e. vehicle financing, maintenance, driver management and health and safety management.



Sub-programme	Outputs	Output performance measures/ service delivery indicator	Actual performance against target	
			Target	Actual
Administration and Supply Chain Management	Asset Management	Up-to-date fixed asset register	Monthly reviews/ ongoing	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Asset management policy revised to be in line with GRAP 17; obsolete assets removed from the fixed asset register after authorisation for disposal; residual values of assets determined; assessment of useful life undertaken and asset verification conducted with no loss of assets due to fraud. Assets bar-coded and tagged. Asset disposal committee appointed</li> <li>Vehicles serviced on time as per fleet management policy; monitored vehicle usage through service provider to determine negligent usage by staff</li> </ul>
	Management of capital expenditure	Well equipped and functional facilities	Monthly audits and reviews	Achieved as per available resources
	Security management	Compliance with legislation (SHE & MIS)	Monthly/ ongoing	<b>Not achieved:</b> Security manager resigned after two months and there have been challenges in finding a replacement. Process is ongoing. However, activated off-site CCTV monitoring at head office; armed response activated in all provincial offices and in-house security controls introduced
	Travel and events management	Well coordinated events and minimum travel complaints	Monthly audits and reviews	<b>Not achieved:</b> Travel and subsistence policy developed and implemented; service level agreement entered into with service provider; hotel group rates negotiated for staff while on business travel. Systems need further evaluation to avoid abuse of resources in not taking advantage of cheaper tickets through proper planning of trips and events

### 3.9 Programme: Financial Management

#### Overview of the programme

Financial management manages the SAHRC's budget and monitors the efficient use of financial resources and compliance with the PFMA and the Treasury regulations.

#### Measurable objectives

- To oversee the budgetary processes, implementation and budgetary control thereof in line with the PFMA section 39;
- To provide timely, accurate and reliable financial information, which will assist in determining the SAHRC's financial performance (PFMA section 40);
- To manage payment to suppliers and SAHRC staff; and
- To implement effective financial management internal controls (PFMA ) section 38 (1) (a).

#### Service delivery objectives and indicators

##### Framework for legislative statutory compliance

For the period under review a high level of compliance with the Public Finance Management Act and Treasury regulations was observed.

Monthly expenditure reports for April 2008-March 2009 were submitted to National Treasury.

##### Strategic reviews and compliance with strategic objectives

Monthly and quarterly reviews of programme expenditure against budget were conducted and this processes contributed to the regular strategic reviews to ensure adherence to the strategic plan.

Budget submission for the Medium Term Expenditure Framework (MTEF) period 2009/10-2011/12 was compiled and submitted to National Treasury. Additional funds for the MTEF period were as follows:

2009/10 R'000	2010/11 R'000	2011/12 R'000
20 199	16 603	17 935

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

- Social and economic conference and reports;
- Promotion and protection of human rights during the 2010 FIFA World Cup in South Africa;
- Information and communication technologies;
- Salary structure review; and
- PAIA.

SAHRC appeared before the Medium Term Expenditure Committee (MTEC) on 18 August 2008 for budget hearings, and additional funds of R2 million and R4 million were allocated respectively and this was earmarked for the improvements of Information Technology infrastructure.

The budget allocation letter received from National Treasury on 20 November 2008 had to be revised during January 2009 due to the global economic crisis. This resulted in a reduction of the budget allocated to the Commission by R481 000.00, R728 000.00 and R790 000.00 for the MTEF period 2009/10, 2010/11 and 2011/12 respectively.

The challenge that we continue to face is our failure to secure adequate MTEF funding, despite our motivations, to allow us to deal adequately with our mandate.

#### Risk assessment and management

The Financial Management Programme recognises the importance of risk management in ensuring that its objectives are achieved. A risk assessment in order to develop the financial management risk register was conducted during the 2008/09 financial year and controls were set up to mitigate risks.

##### Internal audit function

The Commission secured the services of a Chief Internal Auditor as from 1 November 2007 who assumed the responsibilities previously performed by PricewaterhouseCoopers and Xabiso.

##### Functioning audit committee

The SAHRC audit committee continues to function and met at least seven times during the period under review.



## Progress with addressing issues raised by the Auditor-General in his report for 2007/08 financial year

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

### SUMMARY OF AUDIT FINDINGS

Finding no.	Finding	Comments by management
MATTERS AFFECTING THE AUDIT REPORT (ANNEXURE A)		
PROPERTY, PLANT AND EQUIPMENT		
1	Non-compliance with IAS 16, residual values and useful life	The review of useful life and the residual values have been done for the financial year 2008/09.
PERFORMANCE INFORMATION		
2	Accessibility and verifiability of information. Performance information submitted late.	Performance information for the financial year 2008/09 has been submitted together with the annual financial statements.
OTHER IMPORTANT MATTERS (ANNEXURE B)		
EMPLOYEE COSTS		
1	Total amount per payroll does not agree with the amount in the financial statement	Reconciliation between payroll and general ledger is performed monthly.
FRUITLESS & WASTEFUL EXP.		
2	Loan amount not deducted from salary	The Commission recovered some of the monies owed by the employees. Employees who have resigned are being followed up. The Commission no longer grants loans to its employees, as from February 2008.
3	Loan should be repaid before employees resign	HR developed a clearance form that is used when the employee resigns from the Commission.
4	Amount written off with no supporting documentation	Internal control measures have been put in place to ensure that no journals are processed without the necessary supporting documentation. The Commission has a proper filing system.
INVENTORY		
5	Amount paid for goods not received	Control measures have been put in place and payments are only be made for goods received.
6	Inadequate prior period error on inventory	The Commission is in compliance with IAS 8; prior period errors are adjusted retrospectively.
PAYABLES		
7	No detailed schedule for accrued liabilities	Review of creditors' age analysis is done on a monthly basis.
8	Reconciling differences between suppliers' statements and creditors' reconciliation	Confirmation of outstanding balance has been done for the current financial year (2008/09) and all the outstanding balances have been accounted for in the annual financial statements.
PROPERTY, PLANT AND EQUIPMENT		
9	Variances between fixed asset additions listing and the financial statements	Reconciliations between the fixed asset register are prepared and reviewed by senior official monthly.
10	No fixed asset reconciliations were prepared	Fixed asset reconciliations are performed monthly.
RECEIVABLES		
11	Amount in the general ledger differs from the bank statement	All the interest received on our bank accounts is reviewed monthly by an independent official to determine the validity of the interest captured on general ledger against the bank statements.
12	Non-compliance with IAS 39	The Commission is in compliance with IAS 39. The discounting of receivables has been done in the current financial year 2008/09.

Finding no.	Finding	Comments by management
REVENUE		
13	The amount of revenue is understated	The income and expenditure on donor funded projects are currently recognised in the statement of financial performance in terms of IAS 18.
14	No supporting documents available for audit purposes	The Commission has a proper filing system.
15	No supporting documents	The Commission has a proper filing system.
16	No supporting documents available	The Commission has a proper filing system.
ADMINISTRATIVE MATTERS (ANNEXURE C) CASH AND CASH EQUIVALENTS		
1	No policy on cash and bank	The policy has been developed and adopted by the CEO.
EMPLOYEE COSTS		
2	No interest was charged on employees' loans	The Commission is currently charging interest on outstanding debts as per Treasury Regulations Section 11.5.1.
3	Employee cost – segregation of duties.	Segregation of duties on payroll matters has been initiated.
4	Negative annual leave days	HR has ensured through its existing system that employees without leave credit will not be loaned leave days. Leave reports are printed monthly and signed off by the Heads of Programmes.
5	Accounting Officer Performance Standards	The performance agreement of the CEO has been reviewed.
6	No exception reports from Pastel to monitor sick leave	Exception reports are now printed monthly and signed off by Heads of Programmes.
FRAUD RISK		
7	EFT Controls	HOP: Finance receives notification through cellphone for any transactions that need to be processed on the FNB Bankit system.
FRUITLESS & WASTEFUL EXP.		
8	Long outstanding debtors	Fruitless and wasteful expenditure is disclosed in the annual financial statements.
INVENTORY		
9	Absence of maintenance of inventory stock cards	The Commission currently makes use of bin cards.
10	Discrepancies noted during the inventory count	Inventory stock count template has been designed.
OTHER		
11	Budget, virement exceeding 8%	The 8% restriction is not applicable to the Commission as it is not a vote in itself.
13	No entity fee structure	The Commission does not offer any services for a fee.
PERFORMANCE INFORMATION		
14	No policy manual for FlowCentric	The policy has been developed and adopted by the CEO.
15	No policy manual for FlowCentric	An analysis of the knowledge, skills and abilities of relevant provincial and other staff needed to perform related tasks has been reviewed. Most provincial offices except the EC office have been trained on FlowCentric.
16	Performance information	Performance information for the current financial year has been prepared in a format prescribed by National Treasury.
17	Performance policy	The Commission has a performance management system in place that speaks to staff retention and recognition of skilled employees.
18	Accessibility and verifiability of information	Format of reporting on performance and programme information have been so as to align with strategic objectives and to be easily accessible and verifiable. And the reporting layout and method was reviewed to ensure that it is consistent with the treasury requirements.

Finding no.	Finding	Comments by management
PROPERTY, PLANT AND EQUIPMENT		
19	Absence of a requisition for asset additions	Requisitions are prepared for all asset additions, including the updates of library materials.
20	Authenticity of asset verification forms	A report is printed from the asset register and verified against the assets in the occupant's office.
RECEIVABLE		
21	No gap analysis was done in the HR plan	HR plan has been developed.

## Service delivery achievements

Sub-programme	Outputs	Measure/indicator	Actual performance against target	
			Target	Actual
Financial Management	Framework for legislative statutory compliance	Meeting statutory requirements % compliance with PFMA checklist	100% compliance	<b>Achieved:</b> Expenditure report for April 2008 – March 2009 submitted to National Treasury and management
	Strategic review	Compliance with strategic business plan	80-100% compliance	<b>Achieved:</b> <ul style="list-style-type: none"> <li>MTEF budget submission sent to National Treasury</li> <li>The Commission appeared before MTEC on 18 August 2008</li> <li>Estimates of National Expenditure (ENE) submitted to National Treasury and Department of Justice and Constitutional Development</li> <li>Received the revised budget allocation letter received from National Treasury in January 2009</li> <li>Revised the ENE and resubmitted to National Treasury and Department of Justice and Constitutional Development</li> <li>Strategic plan and budget were adopted and sent to National Treasury</li> </ul>
	Internal audit function	Functional internal audit	Regular audits	<b>Achieved:</b> Performed risk assessment and set controls to mitigate the risks identified for Financial Management Programme.
	Functioning audit committee	Number of meetings	Four per year As required	<b>Achieved:</b> Seven meetings held with the audit committee members.
	External audit function	Unqualified audit report	As per the date of audit as determined by the Auditor-General	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Audit for 2007/08 was completed end of July 2008, final audit report received 35 August 2008, with qualification on Property, Plant and Equipment</li> <li>Progress reports on matters raised on final management letter received from relevant programme managers</li> <li>Submitted progress report on final management letter to AG</li> <li>Attended the AG interim audit strategy meeting on 9 and 13 March 2009.</li> </ul>
	Financial management and administration systems	Compliance with statutory requirements	Monthly/quarterly	<b>Achieved:</b> <ul style="list-style-type: none"> <li>Monthly expenditure report for April 2008-March 2009 submitted to National Treasury and management.</li> </ul>

### 3.10 Programme: Human Resources

#### Overview of programme

This report notes the key strategic objectives and activities of the management of Human Resources during the period under review. The Human Resources 2008/09 strategy and programmes supported specific strategic objectives undertaken by the programmes and provincial offices.

In essence, the 2008/09 HR strategy aimed to capture “the people element” of what the Commission was hoping to achieve in the medium to long term, by ensuring that:

- It has the right people in place;
- It has the right mix of skills;
- Employees display the right attitudes and behaviours; and
- Employees are developed in the right way.

The HR strategy and outputs were intended to add value to the Commission by:

- Articulating more clearly some of the common themes which lie behind the achievement of other plans and strategies; and
- Identifying fundamental underlying issues and areas to be addressed by the Commission if its people were to be motivated and committed and operate effectively.

The first of these areas entailed a careful consideration of existing or developing plans and strategies, to identify and draw attention to common themes and implications that have not been made explicit previously.

The second area was about identifying which of these plans and strategies were so fundamental that clear plans were needed to address them before the Commission could achieve any of its goals. These were likely to include:

- Workforce planning issues;
- Succession planning;
- Workforce skills plans;
- Employment equity plans;
- Wider employment issues which have an impact on staff recruitment, retention, motivation, etc;
- A consistent performance management framework which was designed to meet the needs of all programmes of the Commission including its people;
- Career development to equip employees with “employability” so that they could cope with increasingly frequent changes in employer and employment patterns; and
- Policies and frameworks to ensure that people development issues were addressed systematically: competence frameworks, self-managed learning, etc.

**Purpose:** HR operations include coordination of staff management, leave administration, time and performance management, recruitment and selection, training and development in each programme and provincial office. HR serves to carry out the SAHRC’s strategy in partnership with line managers.

#### Measurable objectives:

There were no major shifts in strategic objectives and goals as these were part of HR’s three-year strategic plan (2007-2010). However, the following measurable objectives were to be achieved:

- To develop a comprehensive human resources service within the Commission;
- To align HR’s strategic objectives with the organisational planning process;
- To ensure that the SAHRC has an efficient compensation system;
- To implement staff development initiatives;
- To promote sound employee relations and ensure compliance with relevant labour legislation; and
- To promote efficient HR administration and management.

#### Outputs

There were minor modifications from the 2007/08 output as most of the activities were a continuation from the 2007/08 HR Operational Plan. The Programme performed differently to improve efficiency and effectiveness.

- Compensation management
- Staff training (external and internal training)
- Mentorship programme
- Team building/team development
- Employment equity plan
- Review of HR policies
- Workplace training on disciplinary procedures
- Safety, health and welfare
- Disciplinary matters and staff grievances
- Recruitment and selection strategy
- Performance management system
- Succession planning
- Employee assistance programme
- Financial management
- Reporting
- Programme-specific M&E strategy
- Comprehensive and integrated management and quality assurance system

#### Situation analysis

Given both organisational and operational challenges over the past year, the HR Programme has managed to put enough policies, structures and systems in place to create an enabling environment.

HR has further created a learning environment through development and training of staff from all categories of employment. Senior and middle managers benefited most from the training programme conducted, as HR wanted to provide expertise and skills at the level

where systems and programmes of the Commission would be managed.

Strategic interventions were based on decisions that have been qualitatively researched. For instance, most of HR’s programmes were guided by the recommendations of the Organisational Health Survey conducted in early 2007.

#### Challenges

##### Constraints and challenges

While HR has a strong foundation, it also faced a number of challenges both internally and externally, which, if not attended to, would have reduced its effectiveness and ultimately its sustainability. Some of these challenges were programmatic while others were organisational. These include policy matters, budgeting and systemic challenges. There was evidence to suggest that the HR strategies and other administrative practices needed to be reviewed. The inability to integrate HR into the Commission’s strategic objective was one major challenge that needed to be attended to urgently. The following operational deficiencies have affected HR’s ability to achieve its objectives:

##### Internal challenges

- **Lack of coordination between HR strategies and other administrative practices**  
HR’s administrative tools have not been aligned to its strategic objectives. For instance, the payroll system is unable to produce employment equity reports and performance management data.
- **Quality assurance**  
The Quality Assurance sub-programmes within HR have been tested by staff shortages and as a result certain processes were undermined or compromised. This affected service delivery. An improved quality assurance system will assist to eliminate risk.
- **Ineffective succession planning**  
A policy on succession planning was developed and implemented. However, its management has been a challenge due to lack of capacity.
- **Ineffective retention planning**  
A policy on retention was developed but has no implementation plan.

##### External challenges

- **No consistency in the application of HR practices**  
Lapses in the application of HR policies may be attributed to lack of understanding.
- **Unresolved issues regarding the job evaluation system**  
Since the Hay Group Report was tabled in 2007, HR has not been able to implement its recommendations. This was caused by delays in adoption and the fact that processes must comply

with a legal framework and obligations. This failure to implement the Hay Group Report’s recommendations has raised concerns around the implications for management and affected staff members as it has rendered the Commission’s job evaluation process dormant.

- **Cultural issues**  
Morale of staff has been low, largely due to unresolved job evaluation matters and the lack of an incentives scheme. Much of the Commission’s infrastructure and systems were designed to accommodate far smaller numbers of staff, and the lack of space has tended to affect morale.
- **Management**  
Management is often criticised as being overly centralised with little devolution of power to line and provincial managers. At the same time, line managers are criticised for not adhering to due process, planning and deadlines. It is difficult to attract and retain high-quality managers as they are lured by the private and public sectors, which offer lucrative incentives. Succession planning is not given sufficient attention either.
- **Accountability and performance**  
One of the key challenges the Commission faces is the culture of non-accountability and non-adherence to the performance management system.
- **The silo effect**  
While the size and diversity of the Commission can count as strengths, they can also work against good management, with increasing levels of management and wider spans of control. This can lead to a silo mentality.
- **Minimal employee participation**  
Some staff appear to be apathetic as they participate little, or not at all, in sharing ideas that seek to strengthen management structures. Also, participation in strategy brainstorming sessions has been minimal, and at times this indicates indifference and lack of interest in the day-to-day activities of the Commission.
- **Lack of monitoring and evaluation mechanism – organisational and programmatic performance**  
Lack of a monitoring and evaluation system for the Commission’s performance hampers any feedback with regard to achieving outputs, particularly the relationship between organisational performance and individual performance.
- Delays in disciplinary processes may be due to over-commitment of personnel or reluctance to take cases, or even lack of confidence to do so.

#### Human resources competitive advantage Strengths

- **Quality staff, capacities and resources**

The recruitment of all HR staff as per the programmatic design makes it possible to invest in innovation and development. HR has a full staff complement with a great deal of experience and an impressive understanding of HR strategic objectives.

- **Accessibility of HR staff**  
Turnaround time has been one of HR's challenges. Focusing on service has improved the programme's visibility and accessibility to all staff and, in particular, line managers and should address most of the risks that might have been of concern.
- **Consultation of staff and staff formations**  
HR has communicated regularly with all relevant stakeholders, in particular the trade union and general staff members. With specific reference to the trade union, we have arrangements to meet monthly, although at times this has not been possible. Nonetheless, this communication has helped HR anticipate challenges and devise ways to proactively minimise risks and misunderstanding.
- **Development of HR policies and procedures**  
The development and implementation of most HR policies and procedures has helped to standardise and synchronise our administration practices so that they are applied consistently. Policies and procedures will continue to be reviewed and improved.
- **Improved HR administrative system**  
HR's administrative systems have been a challenge which have received attention over the past two years. An audit has been conducted to identify gaps with regard to personal files and qualifications, as well as leave administration, and system have been put in place to fill the gaps, for example, verification of employee qualifications.

#### Opportunities

- **Training and development**  
Well-managed training and development programmes assist in the identification of potential and retention of competent staff members.
- **Integration of HR into strategy formulation processes**  
HR is a strategic tool in the realisation of the Commission's strategic objectives. HR has a plan to assist programmes and provincial offices with staffing, recruitment and employment equity.
- **Assessment tools**  
In conjunction with the development of a talent and human capital engagement strategy, HR is working towards putting an assessment tool in place that will ensure a fair and objective selection process.
- **Competencies**

The non-existence of competency profiles was one of many challenges facing the recruitment and selection process. In 2008, HR designed these profiles so as to translate the organisation's strategic vision and goals into employee behaviours. This will improve transparency during the selection process by clearly communicating the behaviours employees must display. It can also be used to assess on-the-job performance.

#### Areas of emphasis

- Ability to align HR strategic objectives with business and organisational planning process; and
- Good HR administration practices.

#### Service delivery objectives and indicators

- **Accurate management of payroll input, which includes**
  - Salaries and salary adjustments;
  - Provident fund;
  - Medical aid;
  - Leave accruals; and
  - New appointments.
- **Attractive staff benefits**
  - Increased medical aid benefit from R1 014 to R2 020 in April 2008;
  - Introduced workplace banking, a special relationship with Absa to provide products at a reasonable rate; and
  - Introduced expenditure on new school books, uniforms and related costs to compensate transferred and newly appointed employees. The amount is R793.00.
- **Skills development plan aimed at addressing skills deficiencies**
  - Consolidated training needs using Personal Development Plan and performance appraisals;
  - Adopted training delivery plan for 2008/09;
  - Developed mentorship tools as part of mentorship programme;
  - Conducted workshops to familiarise staff and interns with the programme; and
  - Conducted team building/team development programmes to assist in the development and implementation of culture change programme, including the following activities:
    - Women's Day
    - Wellness Day
    - Secretaries' Day
    - Bosses' Day
    - World AIDS Day
- **Employment relations**
  - Developed and adopted an employment equity plan for the Commission;
  - Submitted employment equity report to the Department of Labour;
  - Reviewed HR policies to ensure that they were in

full compliance with labour legislation and bargaining forum resolutions;

- Conducted workplace training on disciplinary procedures through HR roadshows; and
- Conducted a safety and health audit with a view to improve working environment of staff.
- **Recruitment, selection and retention strategy**
  - Adoption of strategy;
  - Effective implementation of succession planning; and
  - Conduct workshop on talent and human capital engagement.
- **Employee assistance programme**
  - A new contract with Independent Counsel and Advisory Service (ICAS).
- **Contribution to the overall strategic management of the SAHRC**
  - Developed and implemented HR strategic plan; and
  - Developed and implemented stakeholder management strategy.
- **Financial management**
  - Implementing programme of budget and budget variance.
- **Reporting**
  - Level of compliance with reporting cycles; and
  - Submit plenary reports and monthly reports for senior management meeting.
- **Programme-specific monitoring and evaluation strategy**
  - Adopted and began to implement strategy.
- **Comprehensive and integrated management and quality assurance systems**
  - Implementing Quality Assurance system.

#### Service delivery achievements

##### Staff training

During the period under review, the programmes developed a plan for 2008/09 to address training needs through personal development plans, performance agreements and performance appraisals. Due to financial constraints, focus was placed on the following critical needs:

- Training needs identified as a result of the restructuring which affected the Research, Documentation and Policy Analysis Programme and the Legal Services Programme;
- Training needs identified as a result of the audit report; and
- The staff trained were at the following levels (adding up to 100%):
  - o Senior management: 16%
  - Professionals and middle management: 44%
  - Support staff: 38%

• Elementary: 2%.

#### Mentorship programme

A mentorship programme with tools was developed. This was followed up by workshops for mentors and the people they are guiding.

#### Talent and human capital engagement strategy

As part of the talent and human capital engagement implementation strategy, the following workshops were held:

- Two workshops for both senior and middle management, as the first and second phase of implementation;
- Workshop for middle management on competency profiling; and
- Workshop for union representatives on talent and human capital engagement strategy and competency profiling.

#### New reference checks system

As part of its talent and human capital engagement strategy, HR has put a system in place through Nexis Risk Management to verify the qualifications, criminal records and performance reports of candidates before they are appointed.

#### Recruitment of staff between April 2008 and March 2009

Period	Vacancy Rates
April 2008 – June 2008	28.25%
July 2008 – September 2008	13.42%
October 2008 – December 2008	10.6%
January 2009 – March 2009	9.6%

#### Recruitment and selection administrative tools

The following recruitment and selection administrative tools were developed to assist line managers:

- Personnel requisition; and
- Checklist for recruitment of staff.

#### Competency mapping

Since the implementation of the talent and human capital engagement strategy, competency mapping has been done for all vacant positions as the first part of the recruitment and selection process. This is done to establish core competencies, behavioural competencies and job-specific competencies.

The competency assessment has been implemented and some assessments have already been done.

All new positions go through a "competency-based mapping" process, followed by the developing of a competency-based interview guide. As part of the selection process, psychometric assessments are included to ensure that suitable candidates are appointed who match the job.

#### Team building/development

Two events were held during the period under review as part of culture change programme and employee assistance programme (EAP):

**Wellness Day**

- The Commission dedicated Friday, 10 October 2008 as Wellness Day for all staff members. The event covered a wide range of wellness-promoting activities, which included:
- Basic health screens, voluntary counselling and testing, and fun walks and picnics;
  - Talks by professionals on HIV and AIDS, diabetes, cancer, and financial and debt counselling; and
  - An exhibition of EAP, physical training, Weigh-Less, skin and beauty, cancer, medical and health products and services.

The programme included the following visits:

- Charlotte Maxeke Hospital – head office staff;
- Job Shimankana Tabane Hospital – North West staff; and
- Batho location Orphanage – Free State staff.

The event was supported by the following providers:

- Right to Care;
- Tshepo-Themba Clinic;
- Bonitas;
- Fedhealth;
- ICAS;
- Centre for Diabetes;
- Vision on Site;
- Absa Bank;
- National Credit Regulator; and
- Avon.

Participation at head office attracted 65 staff members, of which 25 also took part in voluntary counselling and testing.

**World AIDS Day**

- On 1 December 2008, the Commission marked World AIDS Day with an event that was well supported by the majority of staff members. This was a joint venture by the Human Resources Programme, Information and Communication and Research. Activities included:
- National moment of silence;
  - Prayer session; and
  - Guest speaker.

Voluntary HIV testing was available and 13 staff members were tested.

**Employee relations**

The following disciplinary checklist tools were developed to assist line managers in dealing with disciplinary matters:

- Checklist for issuing a verbal or first written

- warning; and
- Checklist for grievance procedure

The following HR policy was processed and approved:

- Disciplinary code and procedures

The following HR policies were amended:

- The policy on the declaration of interests was amended to specify the value of gifts to be declared by staff members; and
- The policy on relocation was amended to introduce expenditure on new school books, uniforms and related costs to compensate transferred employees. The amount is R793.00.

Human Resources roadshows: HR conducted roadshows on the following:

- Organisational health survey;
- Talent and human capital engagement strategy; and
- Disciplinary code and procedure.

**Health and safety programme**

In South Africa the health and safety of workers in the workplace is protected by the Occupational Health and Safety Act (OHS Act), No. 85 of 1993. Its aim is to promote a healthy, safe and satisfactory work environment and a healthy, active and productive workforce.

Section 8 (1) of the OHS Act states that “every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees.” Every employer is therefore compelled to implement a workplace health and safety policy and regulations, in consultation with the employees.

It is against this background that the SAHRC commissioned Umtha Consultancy, in association with IR-Online, to establish its level of legal compliance with the OSH Act.

In a process that took about two months to complete, Umtha consultants submitted the report and made a presentation to the health and safety committee as well as a number of managers on 11 December 2008.

**Employment Equity Report**

The report was submitted on 1 October 2008 in compliance with the Employment Equity Act. Further, the employment equity plan has been approved, and HR is in communication with managers in an effort to simplify the process.

**Workplace banking**

This product was negotiated by the HR Programme following the cancellation of the loan facility at the Commission. A contract between the Commission and Absa Bank has been signed. The product offers personal loans, car finance and housing loans to employees at rates from prime minus 1% to prime

minus 1.8%, as well as general personal financial management, including budgeting. Also, employees will be advised on how to manage debt and how to deal with indebtedness. While this facility from Absa is geared towards building a sense of financial confidence among colleagues, HR links it to the retention strategy of the Commission. Further, it is seen as playing a part in boosting the morale of employees. Employees will qualify for these benefits only as long as they are still employed by the Commission.

**Provident fund roadshows**

Provident fund roadshows were conducted to all nine provincial offices, including head office, to educate

staff. The election process for the Board of Directors was also explained.

**Medical benefits**

The medical aid benefit was increased from R1 014 to R2 020 in April 2008.

**Stakeholder management strategy**

To improve HR stakeholder management, HR will be represented in all programmatic and provincial office meetings and meet union representatives regularly.

**Service delivery achievements**

Sub-programme	Outputs	Measure/indicator	Actual performance against target	
			Target	Actual
HR Administration	Compensation management	Effective management of compensation system	Monthly processes	<p><b>Not achieved:</b></p> <ul style="list-style-type: none"> <li>Systems reviewed</li> <li>Staff benefits reviewed and adjusted accordingly:</li> <li>Increase medical aid benefit from R1 014 to R2 020 – April 2008</li> <li>Introduced workplace banking – This was a special relationship with Absa to provide its products at a reasonable rate</li> <li>Introduced expenditure on new school books, uniform and related costs to compensate transferred employees. The amount is R793.00.</li> </ul>
	Staff benefits			
HR Administration	Skills development plan	Adopted skills development plan	Adopted plan by April 2008	<p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>Training needs identified as a result of the restructuring and the 2007/08 audit report, affecting the Research, Documentation and Policy Analysis Programme and the Legal Services Programme</li> <li>The staff trained are as follows:</li> <li>Senior management: 16%</li> <li>Professionals and middle management: 44%</li> <li>Support staff: 38%</li> <li>Elementary: 2%</li> <li>Conducted team building and development programmes that assisted in the development and implementation of the culture change programme, including the following activities: <ul style="list-style-type: none"> <li>Women’s Day</li> <li>Wellness Day</li> <li>Secretaries’ Day</li> <li>Bosses’ Day</li> <li>World AIDS Day</li> </ul> </li> </ul>
	Staff training (external and internal training)	Frequency/number	Quarterly	
	Mentorship and coaching programme	Adopted and implemented programme	01 May 2008	
	Team building/ team development	Adopted and implemented programme	01 May 2008	

Sub-programme	Outputs	Measure/indicator	Actual performance against target	
			Target	Actual
HR Administration	Employee relations	<p>Employment equity plan</p> <p>Review of HR policy manual</p> <p>Workplace training on disciplinary procedures</p> <p>Safety, health and welfare</p> <p>Disciplinary matters and staff grievances</p>	% compliance with legislation	<p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>Developed and adopted an employment equity plan for the Commission</li> <li>Submitted employment equity report to the Department of Labour</li> <li>The following policy was developed and approved:</li> <li>Disciplinary code and procedure</li> <li>The following policies were reviewed and approved:</li> <li>Job evaluation policy</li> <li>Relocation policy</li> <li>Declaration of interest policy</li> <li>HR conducted roadshows to the following programmes and provincial offices: <ul style="list-style-type: none"> <li>Finance</li> <li>Administration</li> <li>Information and Communication</li> <li>Human Resources</li> <li>Legal Services</li> <li>Research and Documentation</li> <li>Eastern Cape</li> <li>KwaZulu-Natal</li> <li>Northern Cape</li> <li>Limpopo</li> <li>North West</li> </ul> </li> </ul> <p>The purpose of these roadshows was to familiarise staff members with HR policies and procedures and to discuss the findings and recommendations of the organisational health survey</p>
	HR engagement	<p>Recruitment, selection and retention strategy</p> <p>Performance management system</p> <p>Succession planning</p> <p>Employee assistance programme</p>	<p>April 2008</p> <p>Quarterly</p> <p>Reviews as per policy</p>	<p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>Competency assessment process has been implemented</li> <li>Implemented new reference checks through Nexis Lexis</li> <li>Had three workshops on talent and human capital engagement for: <ul style="list-style-type: none"> <li>Heads of Programmes</li> <li>Provincial managers</li> <li>Deputy directors</li> <li>Union representatives</li> </ul> </li> <li>HR workshop was conducted to familiarise employees with the following: <ul style="list-style-type: none"> <li>Newly approved selection process</li> <li>Competency assessment process</li> <li>Employment equity processes</li> </ul> </li> <li>Sixty staff members submitted performance appraisals</li> <li>Forty-five staff members submitted performance agreements</li> <li>A programme was developed which included psychometric and competency assessment of senior and middle management</li> <li>A new contract with ICAS was signed in May 2008</li> <li>In an effort to reinforce awareness and utilisation of the ICAS Employee Assistance Programme (EAP), HR has requested ICAS to provide staff with regular health and wellness information online, on a weekly basis. In terms of the contract with ICAS, staff can access this service without any extra cost.</li> </ul>

Sub-programme	Outputs	Measure/Indicator	Actual performance against target	
			Target	Actual
Management	Contribution to the overall strategic management of the SAHRC	As per questionnaire responses from senior managers	80% rating per questionnaire	<p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>Developed and adopted HR strategic plan</li> <li>Developed and implemented stakeholder management strategy where meeting of various programmes and provincial offices attended</li> </ul> <p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>From April to October 2008 HR was supposed to have spent 50% of its budget but overspent by 1%. See attachment. As at February 2009, HR had utilised 87% of its budget without taking into account commitments for March 2009.</li> </ul> <p><b>Achieved:</b></p> <ul style="list-style-type: none"> <li>Submitted plenary reports and monthly reports for senior management meeting</li> </ul>
	Financial management	Implementing programme budget/ budget variance	90% implementation of budget 5% variance of budget	
	Human resources management	Skills audit plan	August 2008	
	Reporting	Staff development initiatives	August 2008	
		Performance management system/ activities Levels of ethics, discipline and accountability	One per month with HR	
		Levels of compliance with reporting cycle Quality of report	Quarterly As per code of ethics /and performance management system 100% adherence to weekly, fortnightly, monthly and quarterly reporting. Reasonable level of analysis.	
Internal Audit	Implement as per internal audit roll-out plan	As per internal audit roll-out plan	As per internal audit roll-out plan	<b>Achieved:</b> Conducted HR risk audit and submitted risk assessment report
Monitoring and Evaluation(M&E)	Programme specific M&E strategy	Adopted programme-specific M&E strategy	April 2008	<b>Achieved:</b> Conducted HR personal file audit to verify information contained on staff files and improve HR administration paper trail
		Implementing M&E strategy	Commencement date: 1 May 2008	
	Comprehensive and integrated management and quality assurance system	Adopted revised systems norms and standard/ QA manual	April 2008	
		Implementing Q&A system	Commencement date: 1 May 2008	



# 4. HUMAN RESOURCE MANAGEMENT REPORT

## 4.1 Personnel expenditure

Departments budget in terms of clearly defined programmes. The following tables summarise final audited expenditure by programme (Table 4.1.1) and by salary band (Table 4.1.2). In particular, they provide an indication of the amount spent on personnel costs in terms of each of the programmes or salary bands within the department.

Table 4.1.1 – Personnel costs by programme 2008/09

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services expenditure	Personnel cost as a % of total	Average personnel cost per employee
Commissioners	5 002	4 329	0	678	7%	541
CEO	2 714	1 866	0	848	3%	373
Financial Management	4 000	1 865	0	2 135	3%	266
Internal Audit/ Monitoring and Evaluation	1 361	1 176	0	185	2%	295
Human Resources	13 329	11 874	217	1 238	19%	252
Administration and Supply Chain Management	17 823	2 402	0	15 422	4%	200
Education and Training	3 112	2 282	0	830	4%	285
Legal Services	3 270	3 082	0	188	5%	342
Research, Documentation and Policy Programme	6 041	4 755	0	1 286	8%	317
Parliamentary Liaison and Legislation and Treaty Body Monitoring	1 248	1 211	0	37	2%	302
Information and Communication	5 083	4 129	0	954	7%	318
<b>Total</b>	<b>62 983</b>	<b>38 966</b>	<b>217</b>	<b>23 801</b>	<b>62%</b>	<b>295</b>

Table 4.1.2 – Personnel costs by salary band, 2008/09

Salary band	Personnel expenditure (R'000)	Percentage of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (Levels 1-2)	61	0	61
Skilled (Levels 3-5)	1 493	4	100
Highly skilled production (Levels 6-8)	6 768	17	193
Highly skilled supervision (Levels 9-12)	21 494	55	331
Senior management (Levels 13-16)	9 150	24	572
<b>Total</b>	<b>38 966</b>	<b>100%</b>	<b>295</b>

The following tables provide a summary per programme (Table 4.1.3) and salary band (Table 4.1.4) of expenditure incurred as a result of salaries, overtime, home owner's 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 4.1.3 – Salaries, overtime, home owner's allowance and medical assistance by programme, 2008/09

Programme	Salaries		Overtime		Home owner's all		Medical assistanc	
	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	4 163	11	0	0	31	0.08	130	0.3
CEO	1 791	5	0	0	28	0.07	47	0.1
Financial Management	1 718	4	14	0.03	35	0.09	98	0.3
Internal Audit/ Monitoring and Evaluation	1 133	3	0	0	9	0.02	34	0.1
Human Resources	11 192	29	4	0.01	234	0.60	444	1.1
Administration and Supply Chain Management	2 119	5	11	0.03	136	0.35	143	0.4
Education and Training	2 160	6	2	0.01	57	0.15	63	0.2
Legal Services	2 890	7	2	0.01	86	0.22	104	0.3
Research, Documentation and Policy Programme	4 583	12	1	0	65	0.17	106	0.3
Parliamentary Liaison and Legislation and Treaty Body Monitoring	1 129	3	0	0	56	0.14	26	0.1
Information and Communication	3 925	10	9	0.02	70	0.18	125	0.3
<b>Total</b>	<b>36 796</b>	<b>95%</b>	<b>43</b>	<b>0.11%</b>	<b>807</b>	<b>2.07%</b>	<b>1 320</b>	<b>3.5 %</b>



Table 4.1.4 – Salaries, overtime, home owner's allowance and medical assistance by salary band, 2008/09

Programme	Salaries		Overtime		Home owner's all		Medical assistanc	
	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)	54	0	0	0	6	0	1	0
Skilled (Levels 3-5)	1 285	3	4	0	87	0	117	0
Highly skilled production (Levels 6-8)	6 078	16	37	0	170	0	483	1
Highly skilled supervision (Levels 9-12)	20 608	52	2	0	317	1	567	1
Senior management (Levels 13-16)	8771	23	0	0	227	1	152	0
	36 796	94%	43	0	807	2	1 320	2%

## 4.2 Employment and vacancies

The following tables summarise the number of posts in 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 4.2.1), salary band (Table 4.2.2) and critical occupations (Table 4.2.3). Departments have identified critical occupations that need to be monitored. Table 4.2.3 provides establishment and vacancy information for the key critical occupations of the department.

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

Table 4.2.1 – Employment and vacancies by programme, 31 March 2009

Programme	Number of vacant posts	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Commissioners	1	9	8	11%	1
Human Resources	0	8	8	0%	0
ICP	2	15	13	13.3%	0
Legal Services	0	9	9	0%	0
Research	1	16	15	6.25%	0
Education	1	9	8	11.11%	0
Provinces	6	45	39	13.33%	0
Finance	1	8	7	12.5%	1
Parliament	1	5	4	20%	0
Admin	1	13	12	7.7%	0
CEO's Office	1	5	4	20%	0
<b>Total</b>	<b>15</b>	<b>142</b>	<b>127</b>	<b>10.56%</b>	<b>2</b>

Table 4.2.2 – Employment and vacancies by salary band, 31 March 2009

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%	0
Skilled (Levels 3-5)	15	15	0%	0
Highly skilled production(Levels 6-8)	32	29	9.57%	0
Highly skilled supervision (Levels 9-12)	82	71	13.41%	0
Senior management (Levels 13-16)	16	15	6.25%	0
<b>Total</b>	<b>146</b>	<b>131</b>	<b>10.27%</b>	<b>0</b>

Table 4.2.3 – Employment and vacancies by critical occupation, 31 March 2009

Critical occupations	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Legal	21	19	9.52%	0
Training	13	11	15.38%	0
Research	13	11	15.38%	0
<b>Total</b>	<b>47</b>	<b>41</b>	<b>12.76%</b>	<b>0</b>

The information in each case reflects the situation as at 31 March 2009. For an indication of changes in staffing patterns during the year under review, please refer to section part 4.3 of this section.

## 4.3 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 their 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 Public Service and Administration that all senior management service jobs must be evaluated before 31 December 2002.

Total number of employees whose salaries exceeded the grades determined by job evaluation in 2008/09	0
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## 4.4 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 4.4.1) and by critical occupations (Table 4.4.2). (These critical occupations should be the same as those listed in Table 4.2.3).

**Table 4.4.1 – Annual turnover rates by salary band for the period 1 April 2008 to 31 March 2009**

Salary band	Number of employees per band as on 1 April 2008	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (Levels 1-2)	1	0	0	0
Skilled (Levels 3-5)	13	1	0	0
Highly skilled production (Levels 6-8)	31	8	4	12.9%
Highly skilled supervision (Levels 9-12)	61	21	15	24.59%
Senior management service band A	11	1	2	18.18%
Senior management service band B	2	1	1	50%
Senior management service band C	2	0	0	0
Senior management service band D	0	0	0	0
<b>Total</b>	<b>121</b>	<b>32</b>	<b>22</b>	<b>18.18%</b>

Note: The statistics above do not reflect the fixed-term contract employees and interns

**Table 4.4.2 – Annual turnover rates by critical occupation for the period 1 April 2008 to 31 March 2009**

Occupation:	Number of employees per occupation as on 1 April 2008	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Legal Services	14	2	6	42.85%
Education	14	4	5	35.71%
Research	16	3	1	6.25%
<b>Total</b>	<b>44</b>	<b>9</b>	<b>12</b>	<b>27.27%</b>

Note: The statistics above do not reflect the fixed-term contract employees and interns

**Table 4.4.3 – Reasons why staff are leaving the department**

Termination type	Number	% of total
Death	0	0
Resignation	21	17.35%
Expiry of contract	0	0
Dismissal – operational changes	0	0
Dismissal – misconduct	0	0
Dismissal – inefficiency	0	0
Discharged due to ill-health	0	0
Retirement	0	0
Transfers to other public service departments	0	0
Other	1	0.82%
<b>Total</b>	<b>22</b>	<b>18.18%</b>

**Table 4.4.4 – Promotions by critical occupation**

Occupation:	Employees as at 1 April 2008	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	14	1	7.14%	4	28.57%
Education	14	0	0	5	35.71%
Research	16	1	6.25%	5	31.25%
<b>Total</b>	<b>44</b>	<b>2</b>	<b>4.54%</b>	<b>14</b>	<b>31.81%</b>

**Table 4.4.5 – Promotions by salary band**

Salary band	Employees 1 April 2008	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
Legal	1	0	0	0	0
Skilled (Levels 3-5)	13	0	0	10	76.92%
Highly skilled production (Levels 6-8)	31	0	0	17	54.83%
Highly skilled production (Levels 9-12)	61	1	1.63%	28	45.9%
Highly skilled production (Levels 13-16)	15	3	20%	3	20%
<b>Total</b>	<b>121</b>	<b>4</b>	<b>3.3%</b>	<b>58</b>	<b>47.93%</b>

## 4.5 Employment equity

The tables in this section are based on the formats prescribed by the Employment Equity Act No. 55 of 1998.

**Table 4.5.1 – Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2009**

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	4	0	2	1	4	2	1	2	16
Professionals	15	1	1	2	18	2	3	1	43
Technicians and associate professionals	21	1	0	1	17	3	4	0	46
Clerks	24	0	0	0	32	1	0	3	60
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	5	0	0	0	9	1	1	1	59
<b>Total</b>	<b>69</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>80</b>	<b>9</b>	<b>8</b>	<b>6</b>	<b>180</b>
Employees with disabilities	1	0	0	0	0	0	1	1	3

**Table 4.5.2 – Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2009**

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	1	0	2	1	1	0	1	0	6
Senior management	3	0	0	0	3	2	0	2	10
Professionally qualified and experienced specialists and mid-management	15	1	1	2	18	2	3	1	43
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	21	0	0	1	17	3	4	0	46
Semi-skilled and discretionary decision making	24	0	0	0	32	1	0	3	60
Unskilled and defined decision making	5	0	0	0	9	1	1	1	15
<b>Total</b>	<b>69</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>80</b>	<b>9</b>	<b>8</b>	<b>6</b>	<b>180</b>

**Table 4.5.3 – Recruitment for the period 1 April 2008 to 31 March 2009**

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	1	0	0	0	0	0	1	0	2
Senior management	0	0	0	0	0	0	0	0	0
Professionally qualified and experienced specialists and mid-management	6	0	1	0	1	0	1	1	10
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	6	0	1	0	3	1	1	0	12
Semi-skilled and discretionary decision making	1	0	0	0	6	0	0	0	7
Unskilled and defined decision making	0	0	0	0	1	0	0	0	1
<b>Total</b>	<b>14</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>11</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>32</b>

**Table 4.5.4 – Promotions for the period 1 April 2008 to 31 March 2009**

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	0	0	0	0	0	0	0	1	3
Professionally qualified and experienced specialists and mid-management	1	0	0	0	0	0	0	0	1
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	0	0	0	0	1	0	0	0	0
Semi-skilled and discretionary decision making	0	0	0	0	0	1	0	0	0
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>0</b>
Employees with disabilities	0	0	0	0	0	0	0	0	0

**Table 4.5.5 – Terminations for the period 1 April 2008 to 31 March 2009**

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	1	0	0	0	0	0	0	0	1
Professionally qualified and experienced specialists and mid-management	6	1	0	0	4	2	2	0	15
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	1	0	0	0	3	0	0	0	4
Semi-skilled and discretionary decision making	0	0	0	0	0	0	0	0	0
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>20</b>
Employees with disabilities	0	0	0	0	0	0	0	0	0

#### 4.5.6 – Disciplinary action for the period 1 April 2008 to 31 March 2009

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	2	0	0	0	1	0	0	0	3

#### 4.5.7 – Skills development for the period 1 April 2008 to 31 March 2009

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	1	0	0	0	2	0	0	0	3
Professionals	5	0	0	0	3	0	0	1	9
Technicians and associate professionals	9	0	0	0	11	0	1	0	21
Clerks	0	0	0	0	22	0	0	0	22
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	1	0	0	0	1	0	0	0	2
<b>Total</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>39</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>57</b>
Employees with disabilities	1	0	0	0	0	0	0	0	1

## 4.6 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 4.6.1), salary bands (Table 4.6.2) and critical occupations (Table 4.6.3).

Table 4.6.1 – Performance rewards by race, gender, and disability, 1 April 2008 to 31 March 2009

Beneficiary profile	Number of beneficiaries	Total number of employees in group	% of total within group	Cost	
				Cost (R)	Average cost per employee
<b>African</b>	52	96	54.17%	295 619.70	
Male	14	41	0	68 863.28	
Female	38	55	0	226 756.24	
<b>Asian</b>	2	8	25%	4 913.25	
Male	0	1	0	0	
Female	2	7	0	4 913.25	
<b>Coloured</b>	3	13	23.08%	2 625.00	
Male	1	3	0	1 620.75	
Female	2	10	0	1 004.25	
<b>White</b>	5	7	71.43%	57 423.98	
Male	1	3	0	20 987.35	
Female	4	4	0	36 436.63	
<b>Employees with a disability</b>	1	3	33.33%	1 923.00	
<b>Total</b>	<b>63</b>	<b>127</b>	<b>49.6%</b>	<b>362 504.93</b>	

Table 4.6.2 – Performance rewards by salary bands for personnel below senior management service, 1 April 2008 to 31 March 2009

Salary band	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total cost (R)	Average cost per employee	Total cost as a % of total personnel expenditure
Lower skilled (Levels 1-2)	0	1	0	0	0	
Skilled (Levels 3-5)	10	13	76.92%	36 499.60	3 649.96	
Highly skilled production (Levels 6-8)	18	33	54.55%	133 448.24	7 413.79	
Highly skilled supervision (Levels 9-12)	25	63	39.68%	329 695.80	13 187.83	
<b>Total</b>	<b>53</b>	<b>110</b>	<b>48.18%</b>	<b>499 643.64</b>	<b>24 251.58</b>	

Table 4.6.3 – Performance rewards by critical occupations, 1 April 2008 to 31 March 2009

Critical occupations	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within salary bands	Total cost (R)	Average cost per employee
Legal	10	19	52.63%	41 643.30	4 164.33
Research	5	11	45.45%	13 047.00	2 609.40
Education and training	2	11	18.18%	5 946.00	2 973.00
<b>Total</b>	<b>17</b>	<b>41</b>	<b>36.2%</b>	<b>60 636.30</b>	<b>9 746.8</b>

Table 4.6.4 – Performance-related rewards (cash bonus), by salary band, for senior management service

Salary band	Beneficiary profile			Total cost (R)	Average cost per employee	Average cost per employee
	Number of beneficiaries	Number of employees	% of total within band			
Band A	13	18	72.22%	40 036.20	3 079.71	
Band B	3	11	27.27%	12 069.00	4 023.00	
Band C	0	1	0	0	0	
Band D	1	2	50%	7 163.76	7 163.76	
<b>Total</b>	<b>17</b>	<b>32</b>	<b>60%</b>	<b>59 268.96</b>	<b>14 266.47</b>	

#### 4.7 Foreign workers

Foreign workers within the SAHRC in 2008/09	0
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#### 4.8 Leave utilisation for the period 1 January 2008 to 31 December 2008

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 4.8.1) and disability leave (Table 4.8.2).

Table 4.8.1 – Sick leave, 1 January 2008 to 31 December 2008

Salary band	Total days	% days with medical certification	Number of employees using sick leave	% of total employees using sick leave	Average cost per employee	Average days per employee
Lower skilled (Levels 1-2)	1		1	100%		
Skilled (Levels 3-5)	74		11	84.62%	5.69	
Highly skilled production (Levels 6-8)	79		20	60.61%	2.39	
Highly skilled supervision (Levels 9-12)	214		44	69.84%	3.39	
Senior management (Levels 13-16)	43		9	60%	2.86	
<b>Total</b>	<b>411</b>		<b>85</b>	<b>68%</b>	<b>3.29</b>	

Table 4.8.2 – Disability leave (temporary and permanent), 1 January 2008 to 31 December 2008

Salary band	Total days	% days with medical certification	Number of employees using sick leave	% of total employees using disability leave	Average cost per employee	Average days per employee
Lower skilled (Levels 1-2)	0	0	0	0	0	0
Skilled (Levels 3-5)	0	0	0	0	0	0
Highly skilled production (Levels 6-8)	0	0	0	0	0	0
Highly skilled supervision (Levels 9-12)	30	100%	1	0.8%	0.24	20 229.93
Senior management (Levels 13-16)	0	0	0	0	0	0
<b>Total</b>	<b>30</b>	<b>100%</b>	<b>1</b>	<b>0.8%</b>	<b>0.24</b>	<b>20 229.93</b>

Table 4.8.3 summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the Public Service Coordinating Bargaining Council (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 4.8.3 – Annual leave, 1 January 2008 to 31 December 2008

Salary bands	Total days taken	Average per employee
Lower skilled (Levels 1-2)	7	7
Skilled (Levels 3-5)	241	18.54
Highly skilled production (Levels 6-8)	460.4	13.95
Highly skilled supervision (Levels 9-12)	912.71	14.48
Senior management (Levels 13-16)	332.33	22.15
<b>Total</b>	<b>1 953.44</b>	<b>15.63</b>

Table 4.8.4 – Capped leave, 1 January 2008 to 31 December 2008

Capped leave in 2008	0
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The following table summarises payments made to employees as a result of leave that was not taken.

Table 4.8.5 – Leave payouts, 1 April 2008 to 31 March 2009

Reason	Total days taken	Total days taken	Average 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 2006/07	0	0	0
Current leave payout on termination of service for 2008/09	218 453.01	20	10 922.65
<b>Total</b>	<b>218 453.01</b>	<b>20</b>	<b>10 922.65</b>

#### HIV and AIDS and health promotion programmes

Table 4.8.6 – Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV and related diseases (if any)	Key steps taken to reduce the risk
-	-

**Table 4.8.7 – Details of health promotion and HIV and AIDS programmes**

Question	Yes	No	Details, if yes
1. Has the department designated a member of the senior management service 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.		✓	
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing 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.	✓		Employee Relations Manager in place. No special budgetary allocation.
3. Has the department introduced an employee assistance or health promotion programme for your employees? If so, indicate the key elements/services of this programme.	✓		ICAS Health Awareness Day
4. Has the department 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.		✓	
5. Has the department 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.	✓		HIV/ AIDS policy in place
6. Has the department 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.	✓		HIV/ AIDS policy in place Health Awareness Day campaign
7. Does the department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have achieved.	✓		24 employees underwent voluntary testing
8. Has the department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.	✓	✓	Quarterly reports and appointment of health and safety representatives in all offices.

#### 4.9 Labour relations

The following collective agreements were entered into with trade unions within the department.

**Table 4.9.1 – Collective agreements, 1 April 2008 to 31 March 2009**

Total collective agreements	0
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The following table summarises the outcome of disciplinary hearings conducted within the department for the year under review.

**Table 4.9.2 – Misconduct and disciplinary hearings finalised, 1 April 2008 to 31 March 2009**

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	0	0
Written warning	0	0
Final written warning	0	0
Suspended without pay	1	33.33%
Fine	0	0
Demotion	0	0
Dismissal	2	66.67%
Not guilty	0	0
Case withdrawn	0	0
<b>Total</b>	<b>3</b>	<b>100%</b>

**Table 4.9.3 – Types of misconduct addressed at disciplinary hearings**

Type of misconduct	Number	% of total
Poor performance	1	33.33%
Unfair labour practice	0	0
Absconding	0	0
Insubordination and insolence	0	0
Unauthorised use of commission vehicle	2	66.67%
Absent without reason	0	0
<b>Total</b>	<b>3</b>	<b>100%</b>

**Table 4.9.4 – Grievances lodged for the period 1 April 2008 to 31 March 2009**

	Number	% of total
Number of grievances resolved	2	66.7%
Number of grievances not resolved	1	33.3%
<b>Total number of grievances lodged</b>	<b>3</b>	<b>100%</b>

Table 4.9.5 – Disputes lodged with councils for the period 1 April 2008 to 31 March 2009

	Number	% of total
Number of disputes upheld	1	25%
Number of disputes dismissed	3	75%
<b>Total number of disputes lodged</b>	<b>4</b>	<b>100%</b>

Table 4.9.6 – Strike actions for the period 1 April 2006 to 31 March 2007

Number of working days lost	0
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Table 4.9.7 – Precautionary suspensions for the period 1 April 2008 to 31 March 2009

Number of people suspended	1
Number of people whose suspension exceeded 30 days	0
Average number of days suspended	30
Cost of suspensions	R31 250

## 4.10 Skills development

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

Table 4.10.1 – Training needs identified 1 April 2008 to 31 March 2009

Occupational categories	Gender	Number of employees as at 1 April 2008	Training provided within the reporting period			Total
			Learnerships	Skills programmes and other short courses	Other forms of training	
Legislators, senior officials and managers	Female	9	0	0	0	0
	Male	7	0	0	0	0
Professionals	Female	18	0	12	0	12
	Male	18	0	8	0	8
Technicians and associate professionals	Female	14	0	9	0	9
	Male	18	0	10	0	10
Clerks	Female	29	0	20	0	20
	Male	3	0	1	0	1
Service and sales workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Skilled agriculture and fishery workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Craft and related trades workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Elementary occupations	Female	27	0	18	0	18
	Male	32	0	25	0	25
Subtotal	Female	97	0	59	0	59
	Male	78	0	44	0	44
<b>Total</b>		<b>175</b>	<b>0</b>	<b>103</b>	<b>0</b>	<b>103</b>

Table 4.10.2 – Training provided 1 April 2008 to 31 March 2009

Occupational categories	Gender	Number of employees as at 1 April 2008	Training provided within the reporting period			Total
			Learnerships	Skills programmes and other short courses	Other forms of training	
Legislators, senior officials and managers	Female	9	0	2	0	2
	Male	7	0	1	0	1
Professionals	Female	18	0	4	0	4
	Male	18	0	6	0	6
Technicians and associate professionals	Female	14	0	12	0	12
	Male	18	0	9	0	9
Clerks	Female	29	0	22	0	22
	Male	3	0	0	0	0
Service and sales workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Skilled agriculture and fishery workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Craft and related trades workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Elementary occupations	Female	27	0	1	0	1
	Male	32	0	1	0	1
Subtotal	Female	97	0	41	0	41
	Male	78	0	17	0	17
<b>Total</b>		<b>175</b>	<b>0</b>	<b>58</b>	<b>0</b>	<b>58</b>

## 4.11 Injury on duty

The following tables provide basic information on injury on duty.

Table 4.11.1 – Injury on duty, 1 April 2006 to 31 March 2007

Injuries on duty	0
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## 4.12 Utilisation of consultants

Utilisation of consultants	0
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## 5. FINANCIALS

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### REPORT OF THE CHIEF EXECUTIVE OFFICER FOR THE YEAR ENDED 31 MARCH 2009

The Chief Executive Officer presents his report for the year ended 31 March 2009.

#### 1. Spending trends 2005/06 to 2008/09 as per standard items

Programme	Expenditure Income			Actual
	Audited	Audited	Audited	Expenditure
	R'000	R'000	R'000	R'000
	2005/06	2006/07	2007/08	2008/09
Personnel	25 073	26 498	31 659	38 966
Administrative	6 105	6 673	8 876	8 989
Inventories	756	307	246	309
Land and buildings	5 403	6 182	6 109	7 432
Professional services	4 986	9 752	10 036	7 287
<b>Total</b>	<b>42 322</b>	<b>49 412</b>	<b>56 926</b>	<b>62 983</b>
<b>Baseline allocation</b>	<b>41 774</b>	<b>49 220</b>	<b>55 281</b>	<b>60 603</b>
<b>Additional (OSD)</b>				<b>585</b>
<b>Donor funds (conditional)</b>		<b>1 315</b>	<b>309</b>	<b>395</b>
<b>Donor funds (unconditional)</b>				<b>100</b>

The expenditure trend in the table above reflects the results for the past three years, and the results of the financial year 2008/09.

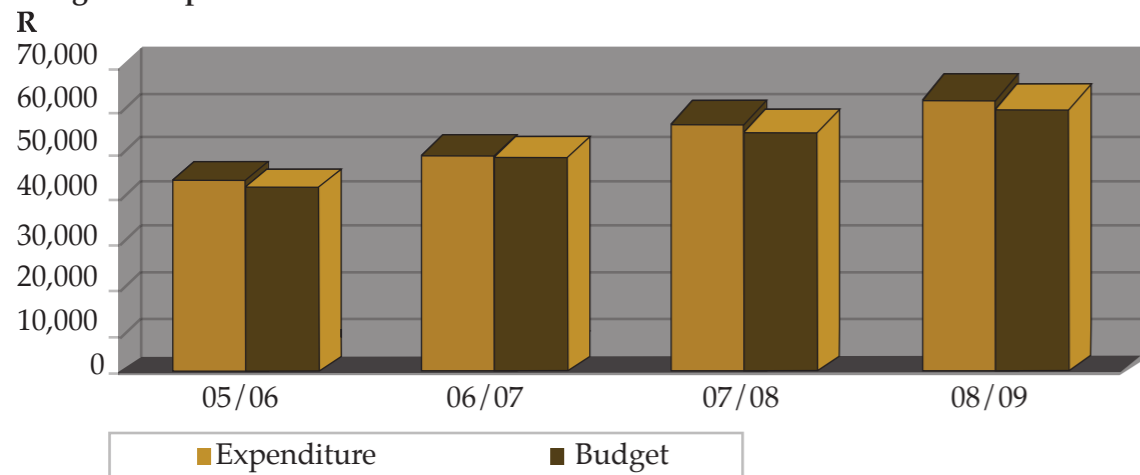
The Medium-Term Expenditure Framework (MTEF) baseline allocation comprised an average increase of 14% for the past three years and the period under review.

The actual expenditure for 2008/09 is R63 million, which includes R946 068 for straightlining operating leases and R2 245 000 for depreciation of assets. The total amount of commitment for which no provision was raised is R361 000 (see Annexure A to the annual financial statements).

For the period under review the Commission accrued an amount of R440 000 for the rental of office space for the Bloemfontein and Northern Cape offices, which was paid by the Department of Public Works on behalf of the Commission. The invoices for the above amount had not been received at year-end and the accruals were raised using the lease agreements.



## Budget vs expenditure



The graph illustrates the grant received against the total expenditure for the past three years and the 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:

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

- promote respect for human rights and a culture of human rights;
- promote the protection, development and attainment of human rights; and
- 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 investigate and to report on the observance of human rights;
- to take steps to secure appropriate redress where human rights have been violated;
- to carry out research; and
- 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

In the period under review the Commission received and utilised donor funding as follows:

### a. Roll Back Xenophobia

The closing balance as at 31 March 2008 was R171 086.21. As at 31 March 2009 only R149 719.00 had been utilised; the remaining balance is R21 281.00. The project expired on 31 March 2009.

### b. Australian Aid grant

The closing balance as at 31 March 2008 was R249 615.00. A total of R247 850.29 was spent during the financial year; the balance of R1 765.16 was transferred to the Income Statement. The project expired on 30 October 2008.

### c. Nedbank grant

An amount of R240 570.50 was received from Nedbank. These funds, together with the related expenditure, were transferred to the Income Statement and form part of the income and expenditure for the year under review. As at 31 March 2009 only R100 000.00 had been utilised.

### d. Civil Society and Advocacy Support Programme (CSAP) funded by the European Union (EU)

The Commission and two other Chapter 9 institutions (Commission for Gender Equality and Office of the Public Protector) encountered challenges in the implementation of the EU programme. This resulted in service providers as well as the EU threatening legal action against all three Chapter 9 institutions. The Chapter 9 institutions have responded and are awaiting further correspondence from the EU.

## 4. Capacity constraints

Due to budgetary constraints the positions of Deputy Director: Finance and Deputy Director: Administration were vacant for the period under review.

## 5. Trading entities/public entities

There are no trading entities and public entities under the control of the Commission.

## 6. Other organisations to whom transfer payments have been made

None.

## 7. Public-private partnerships

The Commission has not entered into any such agreements.

## 8. Discontinued activities and new activities

None.

## 9. Events 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 there is no reason to believe that the Commission will not be able to continue its operations in the foreseeable future, based on the forecasts and available cash resources. These annual financial statements support the viability of the Commission.

## 11. Performance information

The implementation of the Public Finance Management Act (PFMA) 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, No. 1 of 1999 (as amended by Act 29 of 1999), the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act, and the Statement of Generally Recognised Accounting Practices (GRAP)

including any interpretations of such statement issued by the Accounting Practices Board.

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:

Name	Capacity	From	To
N Kollapen	Chairperson	1 April 2009	31 March 2009
Z Majodina	Deputy Chairperson	1 April 2009	31 March 2009
T Manthata	Commissioner	1 April 2009	31 March 2009
L Wessels	Commissioner	1 April 2009	31 March 2009
K Govender	Part-time Commissioner	1 April 2009	31 March 2009
P Govender	Commissioner	27 January 2009	31 March 2009

### 13. Role and function

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

#### Functioning audit committee

The SAHRC audit committee continues to function and has met seven times during the period under review.

The audit committee is responsible for improving management reporting by overseeing the audit functions, internal controls and financial reporting process.

#### Risk management

The Commission recognises the importance of risk management in ensuring that its objectives are achieved. A risk assessment has been undertaken and ensures that risks are appropriately mitigated by designing and implementing appropriate controls or other appropriate action. The risk management committee was appointed and has been delegated to play an oversight role in the enterprise-wide risk management activities.

The risk assessment covers financial, operational, compliance and reputation risks and adherence to good governance principles. A key consideration in the risk assessment is compliance with laws and regulations. These include the PFMA, any regulations issued in terms of the PFMA, the Preferential Procurement Policy Act, the Promotion of Access to Information Act, and various pieces of legislation related to labour issues.

#### Internal control

The Commission has ultimate responsibility for establishing a framework for internal controls, including an appropriate procurement and provisioning system. The controls throughout the Commission focus on those critical risk areas identified by operational risk management, confirmed by management and assessed by the auditors.

The controls are designed to provide cost-effective assurance that assets are safeguarded and that the available working capital is managed efficiently and economically.

Organisational policies, procedures and the delegation of authority provide direction, accountability and division of responsibilities and contain self-monitoring mechanisms. The designed internal controls are closely monitored by both management and internal audit and actions are taken to correct deficiencies identified.

#### Internal audit

For the period under review the internal audit activity for 2008/09 was performed by our in-house internal auditors.

In line with the PFMA 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 objective appraisal and evaluation of the risk management processes, internal controls and governance processes, as well as identifying corrective action and suggested enhancements to the controls and processes. The audit plan is responsive to the Commission's risk profile.

The internal audit activity is fully supported by management, Commissioners and the audit committee, and has full, unrestricted access to all organisational activities, records, property and personnel.

### 14. Approval of finances

The financial statements fairly represent the state of affairs of the Commission as at 31 March 2009. These statements are the responsibility of the Commission, while the auditors are responsible for reporting on the fair presentation of these financial statements.

The annual financial statements reflect appropriate accounting policies and adhere to applicable accounting standards.

The annual financial statements for the year ended 31 March 2009 were submitted to the Accounting Officer for approval on 29 May 2009, 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 109 to 146 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

The Audit Committee is pleased to present its report for the financial year ended 31 March 2009.

### Audit Committee members and attendance

The SAHRC Audit Committee consists of the members listed hereunder and meets four times per annum as per its approved terms of reference. During the current year, seven meetings were held.

Name of member	Number of meetings attended
Mr D Coovadia (Chairperson)	7
Ms TV Ndou	5
Mr AV Skosana	4
Mr L Radzuma (appointed 2 June 2008)	4

### Audit Committee responsibility

The Audit Committee reports that it has adopted appropriate formal terms of reference as its Audit Committee Charter, 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 Public Finance Management Act (PFMA) of 1999 and the King II Report on Corporate Governance requirements, Internal Audit provides the Audit Committee and management with assurance that the internal controls are appropriate and effective. This is achieved by means of the risk management process, as well as the identification of corrective actions and suggested enhancements to the controls and processes.

From the various reports of the internal auditors, the Audit Report on the Annual Financial Statements and management letter of the Auditor-General, it was noted that several non-compliances with prescribed policies and procedures have been reported. During the current year, a formal updated risk management assessment was not completed and the annual audit plan was not executed. Accordingly, we can report that the systems of internal control for the period under review were partially effective and efficient.

### The quality of in-year management and quarterly reports submitted in terms of the PFMA

The Audit Committee has noted and is satisfied with the content and quality of the Quarterly Reports prepared and issued by the Accounting Officer during the year under review. Suggestions were made and implemented by management to improve on the reports.

### Evaluation of annual financial statements

The Audit Committee has:

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



D Coovadia, Chairperson of the Audit Committee

Date: 19 August 2009

## REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS AND PERFORMANCE INFORMATION OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION FOR THE YEAR ENDED 31 MARCH 2009

### REPORT ON THE FINANCIAL STATEMENTS

#### Introduction

1. I have audited the accompanying financial statements of the South African Human Rights Commission, which comprise the statement of financial position as at 31 March 2009, and the statement of financial performance, the statement of changes in net assets and the cash flow statement for the year then ended, a summary of significant accounting policies and other explanatory notes, as set out on pages 105 to 142.

#### The accounting officer's responsibility for the financial statements

2. The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with the basis of accounting determined by the National Treasury, as set out in accounting policy note 1.1 to the financial statements and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA), and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### The Auditor-General's responsibility

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 read with 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 about 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, 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. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### Opinion

7. In my opinion the financial statements present fairly, in all material respects, the financial position of the South African Human Rights Commission as at 31 March 2009 and its financial performance and its 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

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

#### Basis of accounting

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

#### Restatement of corresponding figures

10. As disclosed in note 18 to the financial statements, the corresponding figures for 31 March 2008 have been restated as a result of an error discovered during the year ended 31 March 2009 in the financial statements of the South African Human Rights Commission at, and for the year ended, 31 March 2008.

#### Other matters

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

#### Governance framework

12. The governance principles that impact the auditor's opinion on the financial statements are related to the responsibilities and practices exercised by the accounting officer and executive management and are reflected in the key governance responsibilities addressed below:

#### Key governance responsibilities

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 key governance responsibilities, which I have assessed as follows:

No.	Matter	Y	N
<b>Clear trail of supporting documentation that is easily available and provided in a timely manner</b>			
1	No significant difficulties were experienced during the audit concerning delays or the availability of requested information.	Y	
<b>Quality of financial statements and related management information</b>			
2	The financial statements were not subject to any material amendments resulting from the audit.	Y	
3	The annual report was submitted for consideration prior to the tabling of the auditor's report.	Y	
<b>Timeliness of financial statements and management information</b>			
4	The annual financial statements were submitted for auditing as per the legislated deadlines in section 40 of the PFMA.	Y	
<b>Availability of key officials during audit</b>			
5	Key officials were available throughout the audit process.	Y	
<b>Development and compliance with risk management, effective internal control and governance practices</b>			
6	Audit committee	Y	
	• The South African Human Rights Commission had an audit committee in operation throughout the financial year.	Y	
	• The audit committee operates in accordance with approved, written terms of reference.	Y	
	• 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	Y	
7	Internal audit	Y	
	• The South African Human Rights Commission had an internal audit function in operation throughout the financial year.	Y	
	• The internal audit function operates in terms of an approved internal audit plan.	Y	
	• The internal audit function substantially fulfilled its responsibilities for the year, as set out in Treasury Regulation 3.2.	Y	
8	There are no significant deficiencies in the design and implementation of internal control in respect of financial and risk management.	Y	
9	There are no significant deficiencies in the design and implementation of internal control in respect of compliance with applicable laws and regulations.	Y	

No.	Matter	Y	N
10	The information systems were appropriate to facilitate the preparation of the financial statements.	Y	
11	A risk assessment was conducted on a regular basis and a risk management strategy, which includes a fraud prevention plan, is documented and used as set out in Treasury Regulation 3.2.	Y	
12	Powers and duties have been assigned, as set out in section 44 of the PFMA.	Y	
<b>Follow-up of audit findings</b>			
13	The prior year's audit findings have been substantially addressed.	Y	
14	Standing Committee on Public Accounts (SCOPA) resolutions have been substantially implemented.	N/A	
<b>Issues relating to the reporting of performance information</b>			
15	The information systems were appropriate to facilitate the preparation of a performance report that is accurate and complete.	Y	
16	Adequate control processes and procedures are designed and implemented to ensure the accuracy and completeness of reported performance information.	Y	
17	A strategic plan was prepared and approved for the financial year under review for purposes of monitoring the performance in relation to the budget and delivery by the entity against its mandate, predetermined objectives, outputs, indicators and targets as per Treasury Regulation 29.1.	Y	
18	There is a functioning performance management system and performance bonuses are only paid after proper assessment and approval by those charged with governance.	Y	

## REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

### Report on performance information

14. I have reviewed the performance information as set out on pages 15 to 81.

### The accounting officer's responsibility 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 South African Human Rights Commission.

### The Auditor-General's responsibility

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.

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

### Findings on performance information

#### Reported performance information not relevant

19. Certain targets with regard to the South African Human Rights Commission programme on education and training, and legal services are not:

- Specific in clearly identifying the nature and the required level of performance;
- Measurable in identifying the required performance; and
- Time-bound in specifying the time period or deadline for delivery.

20. The following are details of targets not meeting the criteria as described above:

- **Education and training**
  - Campaigns, site visits, exhibition and human rights month – target as per project plan;
  - E-learning partnerships – target as per implementation of project plan; and
  - Standardised electronic tools – target as per project plan.
- **Legal**
  - Legal research, in-house legal training, research, legal opinion – target as per litigation strategy; and
  - Developing strategic litigation policy – target as per litigation strategy.

#### Information not accurate and complete

21. With regard to the evidence provided to support the reported performance information within the Legal Services Programme, the number of complaints handled did not adequately support the accuracy and completeness of the facts. The number of complaints was changed subsequent to the audit, and as a result this was not audited.

#### APPRECIATION

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

*Auditor-General*

Pretoria

19 August 2009



**AUDITOR-GENERAL  
SOUTH AFRICA**

*Auditing to build public confidence*

## SOUTH AFRICAN HUMAN RIGHTS COMMISSION

### STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2009

	Notes	2009 R'000	2008 R'000
<b>ASSETS</b>			
<b>Non-current assets</b>			
Property, plant and equipment	12	11,609	11,476
Intangible assets	13	511	304
<b>Current assets</b>		<b>2,196</b>	<b>2,719</b>
Inventories	11	315	141
Trade and other receivables	10	681	133
Cash and cash equivalents	9	1,200	2,445
<b>Total assets</b>		<b>14,316</b>	<b>14,500</b>
<b>LIABILITIES</b>			
<b>Non-current liabilities</b>			
Finance lease liability	16	424	235
<b>Current liabilities</b>		<b>5,433</b>	<b>5,057</b>
Trade and other payables	14	2,374	2,939
Employee benefits due	14.1.	1,889	1,371
Operating lease liability	15	823	49
Finance lease liability	16	326	277
Deferred revenue	17	21	421
<b>Total liabilities</b>		<b>5,857</b>	<b>5,292</b>
<b>Total net assets</b>		<b>8,459</b>	<b>9,208</b>
<b>NET ASSETS</b>			
<b>Reserves</b>			
Accumulated surplus		8,459	9,208
<b>Net assets</b>		<b>8,459</b>	<b>9,208</b>

## STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 31 MARCH 2009

	Notes	2009 R'000	2008 R'000
<b>Revenue</b>		<b>62,234</b>	<b>56,109</b>
Non-exchange revenue	2	61,933	55,623
Exchange revenue	3	301	486
<b>Expenditure</b>		<b>(62,915)</b>	<b>(56,926)</b>
Personnel	4	38,966	31,659
Administrative	5	16,872	13,852
Depreciation, amortisation and impairment	6	2,245	3,483
Operating	7	4,588	7,424
Finance cost	8	244	508
Profit/(loss) on disposal of assets	5	(68)	60
<b>Surplus/(deficit) for the year</b>		<b>(749)</b>	<b>(757)</b>
Net asset holders of the controlling entity		(749)	(757)
<b>Surplus/(deficit) for the year</b>		<b>(749)</b>	<b>(757)</b>

## STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 31 MARCH 2009

	Notes	Accumulated Surplus 2009 R'000
<i>Balance at 1 April 2007</i>		8,536
<i>Prior period error</i>	18	1,986
Repayments of surplus to National Treasury 2006/07		(557)
<b>Restated accumulated surplus 01 April 2007</b>		<b>9,965</b>
Restated (deficit)/surplus for the year		(757)
<b>Restated accumulated surplus 01 April 2008</b>		<b>9,208</b>
<i>Deficit for the year</i>		(749)
<b>Balance at 31 March 2009</b>		<b>8,459</b>

## CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2009

	Notes	2009 R'000	2008 R'000
<b>Cash flows from operating activities</b>			
<i>Cash receipts</i>			
Grants from the Department		61,645	56,109
Other income		60,603	55,281
Interest income		745	342
Administrative fees		293	481
		4	5
<i>Cash paid to suppliers and employees</i>			
Personnel		(60,428)	(56,642)
Other suppliers		38,333	31,572
		22,095	25,070
Cash generated from operations	19	1,217	(533)
Finance costs		(94)	(72)
<b>Net cash flows from operating activities</b>		<b>1,123</b>	<b>(605)</b>
<b>Cash flows from investing activities</b>			
Acquisition of property, plant and equipment		(1,525)	(5,940)
Proceeds on disposal of non-current assets		-	60
Acquisition of intangible assets		(401)	(218)
<b>Net cash flows used in investing activities</b>		<b>(1,926)</b>	<b>(6,098)</b>
<b>Cash flows from financing activities</b>			
Finance lease payments		(442)	(505)
<b>Net cash flows from financing activities</b>		<b>(442)</b>	<b>(505)</b>
<b>Net decrease in cash and cash equivalents</b>		<b>(1,245)</b>	<b>(7,208)</b>
Cash and cash equivalents at beginning of year	9	2,445	9,653
<b>Cash and cash equivalents at end of year</b>	<b>9</b>	<b>1,200</b>	<b>2,445</b>

**1. Accounting Policies**

The following are the principal accounting policies of the Commission, which are in all material respects consistent with those applied in the previous year. The historical cost convention has been used, except where indicated otherwise. Management has used assessments and estimates in preparing the annual financial statements. These are based on the best information available at the time of preparation. The financial statements have been prepared on a going concern basis.

**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 Functional and presentation currency**

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 and 3 has resulted in the following changes in the presentation of the financial statements:

**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

- The cash flow statement can only be prepared in accordance with the direct method.
- 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
- Amount and nature of any restrictions on cash balances are required.

Paragraphs 11-15 of GRAP 1 have not been implemented because 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 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 provided in the normal course of business.

#### Revenue from non-exchange transactions

Non-exchange transactions are not exchange transactions and include government grants and donations.

##### Government 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

An exchange transaction is one in which the Commission receives assets or services and gives approximate equal value in assets or services.

#### Finance income, gains and losses

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

### 1.4 Finance cost

Finance cost comprises interest expense on borrowings, unwinding of the discount on provisions, changes in fair value of financial assets at fair value through profit or loss and impairment losses recognised on financial assets. All borrowing costs are recognised in surplus or deficit using the effective interest method.

### 1.5 Irregular and fruitless and wasteful expenditure

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

### 1.6 Property, plant and equipment

Property, plant and equipment are tangible 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. Cost includes expenditure that is directly attributable to the acquisition of the asset.

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 that will result in each asset being written off over its useful life. When parts of an item of property, plant and equipment have different useful lives, they are accounted for as separate items (major components) of property, plant and equipment.

Gains and losses on disposal of an item of property, plant and equipment are determined by comparing the proceeds from disposal with the carrying amount of property, plant and equipment, and are recognised within surplus or deficit.

Depreciation is recognised in surplus or deficit on a straight-line basis over the estimated useful lives of each part of an item of property, plant and equipment.

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

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

<i>Class</i>	<i>Estimated useful life in years</i>
Computer equipment	5-14
Office equipment	5-13
Motor vehicles	5-10
Furniture and fittings	8-14
Finance lease assets	3-5
Leaseholds improvements	3-5
Library material	3-14

#### Subsequent cost

The cost of replacing part of an item of property, plant and equipment is recognised in the carrying amount of the item if it is probable that the future economic benefits embodied within the part will flow to the Commission and its cost can be measured reliably. The carrying amount of the replaced part is derecognised. The costs of the day-to-day servicing of property, plant and equipment are recognised in profit or loss as incurred.

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

Intangible assets with finite 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 lives from the date that they are available for use, as follows:

<i>Item</i>	<i>Estimated useful life in years</i>
Computer software	3-5

### 1.8 Impairment of assets

#### Non-financial non-cash-generating assets

The Commission assesses at each reporting date whether there is any indication that non-financial non-cash-generating assets may be impaired. If any such indication exists, the Commission estimates the recoverable service amount of the individual non-cash-generating assets as the higher of fair value less costs to sell and value in use. An impairment loss is then recognised, where the carrying amount exceeds the estimated recoverable service amount, for the amount by which the carrying amount exceeds the recoverable service amount. The carrying amount of the asset is written down to its recoverable service amount.

The Commission assesses at each reporting date whether there is any indication that an asset impairment loss



recognised in prior periods may have decreased or may have ceased to exist. If any such indication exists, the Commission estimates the recoverable service amount of the individual non-cash-generating asset.

Only if the estimates used in the determination of the non-cash-generating asset's recoverable service amount have changed since the last recognition of an impairment loss, the previously recognised impairment loss on the related asset is reversed by the Commission.

The carrying amount of the related asset will be increased to its recoverable service amount or the carrying amount (i.e. after amortisation or depreciation) that would have been applicable if no impairment losses had been applicable to the assets in prior period, if lower.

Impairment losses and the reversal of impairment losses are recognised in net surplus or deficit immediately.

#### **Financial assets**

The Commission assesses at each reporting date whether there is any indication that a financial asset may be impaired. A financial asset is considered to be impaired if objective evidence indicates that one or more events have had a negative effect on the estimated future cash flows of that asset.

The appropriate impairment loss is recognised in surplus or deficit and 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.

The carrying amounts of the impaired assets are reduced via an allowance account. Individually significant financial assets are tested for impairment on an individual basis.

The remaining financial assets are assessed collectively in groups that share similar credit risk characteristics.

An impairment loss is reversed if the reversal can be related objectively to an event occurring after the impairment loss was recognised. For financial assets measured at amortised cost, the reversal is recognised in surplus or deficit.

#### **Non-financial assets**

The carrying amounts of the Commission's non-financial assets, other than biological assets, investment property and inventories, are reviewed at each reporting date to determine whether there is any indication of impairment. If any such indication exists, then the asset's recoverable amount is estimated.

The recoverable amount of an asset or cash-generating unit is the greater of its value in use and its fair value less costs to sell. In assessing value in use, the estimated future cash flows are discounted to their present value using a discount rate that reflects current market assessments of the time value of money and the risks specific to the asset. For the purpose of impairment testing, assets are grouped together into the smallest group of assets that generates cash inflows from continuing use that are largely independent of the cash inflows of other assets or groups of assets (the "cash-generating unit").

An impairment loss is recognised if the carrying amount of an asset or its cash-generating unit exceeds its estimated recoverable amount. Impairment losses are recognised in profit or loss.

An impairment loss in respect of goodwill is not reversed. In respect of other assets, impairment losses recognised in prior periods are assessed at each reporting date for any indications that the loss has decreased or no longer exists. An impairment loss is reversed if there has been a change in the estimates used to determine the recoverable amount. An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

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.

#### **Taxation**

No provision is made for taxation as the Commission is exempt from tax in terms of section 10 (1) (CA) of the Income Tax Act.

### **1.9 Financial instruments**

The Commission's financial assets comprise trade and other receivables and cash and cash equivalents.

#### **Initial recognition**

Financial assets and liabilities are recognised in the statement of financial position only when the Commission becomes a party to the contractual provisions of the instrument. Financial instruments are initially recognised at fair value plus, for instruments not at fair value through profit or loss, any directly attributable transaction costs.

#### **Measurement**

##### *Financial assets*

Subsequent to initial recognition, non-derivative financial assets are measured as described below:

##### *Trade and other receivables*

Trade and other receivables originated by the Commission are stated at amortised cost using the effective interest method, less any impairment losses.

##### *Cash and cash equivalents*

For purposes of the cash flow statement as well as the statement of financial position, cash and cash equivalents comprise cash on hand, deposits held and other short-term investments. Cash and cash equivalents are stated at amortised cost.

##### *Financial liabilities*

The Commission's financial liabilities comprise trade and other payables and finance lease liabilities.

Trade and other payables are initially measured at fair value plus any directly attributable transaction costs, and are subsequently measured at amortised cost, using the effective interest method.

Finance lease liabilities are initially recognised at the commencement of the lease term at the fair value of the leased asset, or the present value of the minimum lease payments (if lower). If it is not practicable to determine the interest rate implicit in the lease payments, the incremental borrowing rate of the Commission will be used in the calculation.

Subsequent to initial measurement, the outstanding lease liability is periodically reduced over the lease term by that portion of the minimum lease payments that will result in finance charges being allocated over the lease term at a constant periodic interest rate on the remaining balance of the liability.

#### **Method and significant assumptions in determining fair value**

Fair values of financial assets, non-financial assets and liabilities have been determined for measurements and/or disclosure purposes based on the methods indicated below. When applicable, further information about the assumptions made in determining fair values is disclosed in the notes specific to that asset or liability.

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

The fair value of trade and other receivables is calculated as the present value of future cash flows, discounted at a market rate of interest at the reporting date.

Fair value of non-derivative financial liabilities is calculated based on the present value of future principal and interest cash flows, discounted at the market rate of interest at the reporting date. For finance leases the market rate of interest is determined by reference to similar lease agreements.

#### *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 are 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, 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 remains unpaid as at year-end.

#### *Finance income, gains and losses*

Finance income is recognised using the effective interest method with gains and losses recognised in the statement of financial performance (surplus or deficit).

Finance income includes interest earned on deposits and short-term investments. Finance cost includes interest on discounting of payables and on finance lease liabilities.

#### **Derecognition of financial instruments**

Financial assets are derecognised when the Commission loses control of the contractual rights that comprise the financial assets. The Commission loses control if the right to benefits specified in the contract are realised, the rights expire or the organisation surrenders those rights.

Financial liabilities are derecognised when the obligation is discharged, cancelled or expires.

### **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 leases are charged to the statement of financial performance on a straight-line basis over the term of the relevant lease.

#### **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 measured at the lower of cost or net realisable value. The cost of inventories is based on the

first-in, first-out principle, and includes expenditure incurred in acquiring the inventories and other costs incurred in bringing them to their existing location and condition.

Net realisable value is the estimated selling price in the ordinary course of business, less the estimated costs of completion and selling expenses. 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 period 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 in the definition of related party, there are other government entity and joint ventures that have a significant influence on the South African Human Rights Commission and its activities.

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the Commission directly or indirectly.

### **1.14 Unauthorised expenditure**

When unauthorised expenditure is discovered, it 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 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 liabilities 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 note 27.

### **1.17 Employee benefit cost**

#### **Short-term employee benefits**

Short-term employee benefits are measured on an undiscounted basis and are expensed in the statement of financial performance in the reporting period that the payment is made.

## Termination benefits

Termination benefits are recognised as expense when the entity is demonstrably committed, without realistic possibility of withdrawal, to a formal detailed plan either to terminate employment before the normal retirement date, or to provide termination benefits as a result of an offer made to encourage voluntary redundancy. Termination benefits for voluntary redundancies are recognised as an expense if the Commission has made an offer of voluntary redundancy, it is probable that the offer will be accepted and the number of acceptances can be estimated reliably.

## Retirement benefits

### *Defined contribution plans*

A defined contribution plan is a post-employment benefit plan under which an entity pays fixed contributions into a separate entity and will have no legal or constructive obligation to pay further amounts.

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 the 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 a defined contribution plan. These benefits are funded by both employer and employee contributions at a rate specified in the rules of the plans.

## Accrual for leave pay

Employee entitlements to annual leave are recognised when they accrue to employees. A provision based on the basic salary is raised for estimated liabilities as a result of services rendered by employees up to the balance sheet date.

## 1.18 Donor-funded projects

In terms of donor requirements contained in financial agreements with benefactors, unexpended donor funds ringfenced 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 30-32 (Prior period errors) for further details.

## 1.20 Effect of new GRAP standards

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

- GRAP 18: Segment Reporting
- GRAP 23: Revenue from Non-exchange (Taxes and Transfers)
- GRAP 21: Impairments of Non-cash-generating Assets
- GRAP 24: Presentation of Budget Information in Financial Statements

GRAP 26: Impairments of Cash-generating Assets

GRAP 103: Heritage Assets

The effective date of the above standards is not yet determined. The adoption of 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.

The following GRAP standards have been approved.

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 Associates

GRAP 8 Investment 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 19 Provisions, Contingent Liabilities and Contingent Assets

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 standards is not expected to have a significant impact on the financial statements as the principles are similar to those already applied under the equivalent statement of SAGAAP.

	2009 R'000	2008 R'000
<b>2. Non-exchange revenue</b>		
SA government grant	61,188	55,281
Other income	745	342
	<b>61,933</b>	<b>55,623</b>
<b>3. Exchange revenue</b>		
Administrative fees	4	5
Interest revenue	293	481
Interest charged on outstanding debt	4	-
	<b>301</b>	<b>486</b>
<b>4. Personnel expenditure</b>		
Basic salaries	29,803	24,069
Pension fund contribution	2,927	2,480
Travel allowance	2,452	2,086
Medical contribution	1,320	1,038
Housing allowance	807	686
Non-pension allowance	1,091	731
Other short-term benefits	566	569
	<b>38,966</b>	<b>31,659</b>
<b>5. Administrative expenditure</b>		
Audit fees: External	786	591
Internal	138	576
Bad debts written off	37	75
Impairment for doubtful debts	16	(66)
Impairment of debtors	6	-
Computer expenses	55	617
Consulting fees	955	230
Courier and postage	122	120
Insurance	246	250
Lease and hire expenses	31	(4)
Motor vehicle expenses	323	291
Printing and stationery	309	246
Recruitment fees	760	477
Operating lease expenses: land and buildings	7,432	6,109
Rental: municipal services	1,482	-
Rental: parking Western Cape	35	-
Repair and maintenance	246	97
Security and cleaning services	496	253
Staff development	216	709
Staff relocation	79	537
Subscriptions	98	289
3G subscriptions	249	-
Telephone, cell and fax	1,898	1,831
IT upgrades, licences and maintenance	368	-
Theft and losses	38	218
Travel and accommodation	169	156
Other administrative expenditure	282	250
	<b>16,872</b>	<b>13,852</b>

**Profit/(loss) on disposal of assets**

	2009 R'000	2008 R'000
Gain/loss – derec of computer equipment	4	-
Gain/loss – derec of furniture	3	-
Gain/loss – derec of library material	1	-
Gain/loss – derec of motor vehicle	60	(60)
	<b>68</b>	<b>(60)</b>

**6. Depreciation, amortisation and impairment**

	2009 R'000	2008 R'000
<b>Depreciation</b>	<b>2,051</b>	<b>3,269</b>
Normal depreciation	2,101	3,269
Change in estimate – assets	(50)	-
<b>Amortisation</b>	<b>194</b>	<b>214</b>
Normal amortisation	183	214
Change in estimate – assets	11	0
	<b>2,245</b>	<b>3,483</b>

**7. Operating expenditure**

	2009 R'000	2008 R'000
Expensed surplus fund	-	1,395
Expensed donor-funded project	495	309
Translation and project cost	3,627	4,769
Strategic planning	236	752
Internal and external liaison	190	199
Plenary, bosberaads, meetings	40	-
	<b>4,588</b>	<b>7,424</b>

**8. Finance cost**

	2009 R'000	2008 R'000
Finance leases	93	72
Interest as a result of carrying purchases at fair value	143	425
Other interest	1	-
Interest as a result of carrying revenue at fair value	7	11
	<b>244</b>	<b>508</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2009

	2009 R'000	2008 R'000
<b>9. Cash and cash equivalents</b>		
Current account	412	556
Call account	748	1,858
Petty cash	40	31
	<b>1,200</b>	<b>2,445</b>

**10. Trade and other receivables from exchange transactions**

Receivable income (ex-employees' debt)	61	5
CSAP (Civil Society and Advocacy Programme)	-	43
Staff loans	(3)	65
Sundry debtors	623	20
	<b>681</b>	<b>133</b>

**Age analysis of trade receivables**

	2009			2008	
	Gross R'000	Impairment R'000	Discounting R'000	Gross R'000	Impairment R'000
Not past due	628	-	-	133	(66)
Past due for less than one month	-	-	-	-	-
Past due for longer than one month but for less than one year	87	22	12	-	-
Past due for longer than one year	-	-	-	-	-
<b>Total</b>	<b>715</b>	<b>22</b>	<b>12</b>	<b>133</b>	<b>(66)</b>

The Commission assesses at each reporting date whether there is any indication that a financial asset may be impaired. A financial asset is considered to be impaired if objective evidence indicates that one or more events have had a negative effect on the estimated future cash flows of that asset.

The Commission referred all the ex-employees debt to the State Attorney to consider recovery of the debts through legal processes. Should this process fail to achieve the objective to recover the outstanding amounts, the debt will be impaired.

The impairment relates to staff loans and advances not considered recoverable. The impairment can be reconciled as follows:

	2009 R'000	2008 R'000
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**Impairment of trade and other receivables**

Opening balance	-	66
Impairment added during the year	59	-
Amounts utilised	(37)	(66)
Closing balance	<b>22</b>	<b>0</b>
<b>Maximum credit risk</b>	<b>681</b>	<b>133</b>

The maximum credit risk was calculated by deducting the allowance from the gross carrying amount. For the period under review the amount exposed to maximum credit risk is for ex-employees' debt of R78,000.00.

**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	-	-
More than 3 months but not more than 6 months	-	-
More than 6 months but not more than 1 year	-	-
More than one year	-	-
	<b>0</b>	<b>0</b>

Staff loans are in terms of a staff loan policy, and are approved as per policy. All amounts are considered recoverable. Receivables not impaired are considered to be of debtors with a high credit quality and management has no reason to doubt recoverability.

<b>Fair value</b>	<b>681</b>	<b>133</b>
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The fair value of trade and other receivables is approximating the current values as interest is based on market-related rates.

<b>11. Inventories</b>		
Consumable stores	<b>315</b>	<b>141</b>

12. Property, plant and equipment  
2008/09

Balances as at 1 April 2008		Balances as at 31 March 2009								
	Gross carrying amount R'000	Accumulated depreciation and impairment R'000	Net carrying amount R'000	Additions R'000	Reclassification R'000	Disposal R'000	Depreciation R'000	Gross carrying amount R'000	Accumulated depreciation and impairment R'000	Net carrying amount R'000
<b>Own assets</b>										
Computer equipment	4,278	(2,042)	2,236	464	-	(42)	(424)	4,125	(1,891)	2,234
Furniture and fittings	3,432	(1,731)	1,701	91	-	(4)	(240)	3,479	(1,931)	1,548
Library material	2,367	(296)	2,071	368	-	(1)	(214)	2,733	(510)	2,223
Motor vehicles	3,711	(850)	2,861	104	-	(61)	(241)	3,666	(1,003)	2,663
Office equipment	2,852	(1,397)	1,455	450	-	-	(351)	3,223	(1,667)	1,556
<b>Leased assets</b>										
Leasehold improvements	1,068	(127)	941	48	-	-	(322)	1,116	(449)	667
Finance lease assets	1,391	(1,180)	211	775	-	(10)	(259)	1,020	(303)	717
<b>Total</b>	<b>19,099</b>	<b>(7,622)</b>	<b>11,476</b>	<b>2,300</b>	<b>-</b>	<b>(118)</b>	<b>(2,051)</b>	<b>19,362</b>	<b>(7,753)</b>	<b>11,609</b>

13. Intangible assets  
2008/09

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	Reclassification R'000	Disposal R'000	Depreciation R'000	Gross carrying amount R'000	Accumulated depreciation and impairment R'000	Net carrying amount R'000
<b>Own assets</b>										
Computer equipment	3,819	(1,976)	1,843	1,619	(156)	(337)	(889)	4,278	(2,042)	2,236
Furniture and fittings	2,834	(1,554)	1,280	669	9	130	(387)	3,432	(1,731)	1,701
Library material	2,015	(139)	1,876	361	(9)	-	(157)	2,367	(296)	2,071
Motor vehicles	2,082	(516)	1,566	1,810	-	-	(515)	3,711	(850)	2,861
Office equipment	2,301	(1,061)	1,240	689	-	(15)	(460)	2,852	(1,397)	1,455
<b>Leased assets</b>										
Leasehold improvements	120	-	120	948	-	-	(127)	1,068	(127)	941
Finance lease assets	1,551	(933)	618	533	-	(208)	(735)	1,391	(1,180)	211
<b>Total</b>	<b>14,722</b>	<b>(6,179)</b>	<b>8,543</b>	<b>6,629</b>	<b>(156)</b>	<b>(430)</b>	<b>(3,269)</b>	<b>19,099</b>	<b>(7,622)</b>	<b>11,476</b>

13. Computer software

Balances as at 1 April 2008		Balances as at 31 March 2009	
Gross carrying amount R'000	Accumulated depreciation and impairment R'000	Gross carrying amount R'000	Accumulated depreciation and impairment R'000
547	(243)	948	(437)
<b>547</b>	<b>(243)</b>	<b>948</b>	<b>(437)</b>

14. Trade and other payables from exchange transactions

Balances as at 1 April 2007		Balances as at 31 March 2008	
Gross carrying amount R'000	Accumulated depreciation and impairment R'000	Gross carrying amount R'000	Accumulated depreciation and impairment R'000
387	17	605	(301)
<b>387</b>	<b>17</b>	<b>605</b>	<b>(301)</b>

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2009

	2009 R'000	2008 R'000
14. Trade and other payables from exchange transactions		
Accounts payable	2,374	2,939
14.1. Employee benefits due	1,889	1,371
Leave accrual	-	36
13th cheque	469	426
Accrual for unpaid leave	1,209	909
Accrual for unpaid salaries	211	-
<b>Total trade and other payables</b>	<b>4,263</b>	<b>4,310</b>

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

Assumptions used:

Interest rate	2009 6.55%	2008 13.67%
The interest rate as at 31 March was used to discount the purchases.		

For the period under review the Commission changed its assumption of the interest rate used to discount the purchases. The interest rate as at 31 March 2009 was used whereas in the previous financial year an average of 12 months was used to discount purchases.

Fair value

Trade creditors are 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 buildings for head office and provinces.

Operating lease expenditure recognised in the statement of financial performance on a straight-line basis

	2009 7,432	2008 6,109
Amount deferred to the statement of financial position due to straight-lining	823	49

Terms and conditions:

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

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

	2009 8,686	2008 8,793
Due within one year	13,172	1,050
Due within two to five years	<b>21,858</b>	<b>9,843</b>

16. Finance lease liability

	2009 750	2008 512
Finance lease liability	(326)	(277)
Less: Current portion	<b>424</b>	<b>235</b>

The South African Human Rights Commission has, during the period under review, made a total contribution of R527,325.25 to finance leases as defined in IAS 17 and National Treasury RT3. These payments are irregular but condoned.

The finance lease liability is secured by office equipment. The interest rate implicit in the lease was estimated to be the prime bank rate at the inception of the lease. The Commission leased photocopiers from both Minolta and Canon for 12, 36 and 60 month periods.

Reconciliation between the minimum lease payments and the present value:

	2009 R'000	2008 R'000
<i>Minimum lease payments</i>	750	512
Payable within 1 year	412	373
Payable within 1-5 years	489	220
Less interest portion	(151)	(81)
<i>Present value of minimum lease payments</i>	750	512
Payable within 1 year	326	277
Payable within 1-5 years	424	235

*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 monthly basis until the SAHRC decides to terminate the contract with one month's written notice.
- iii) Contract will be renewed for a period of one year if the SAHRC does not give written notice of cancellation of contract.

17. **Deferred revenue**

Deferred revenue relates to unspent amounts from conditional grants as follows:

NCF	Roll Back Xenophobia project	21	171
Australian Government	Australian Aid grant	-	250
		<u>21</u>	<u>421</u>

Refer to note 24 for a detailed reconciliation of the projects relating to conditional grants.

18. **Prior period error**

18.1. **Property, plant and equipment**

The financial statements were corrected with the following prior period errors:

The correction of prior period errors relates to the reversal of incorrect calculations of the residual values for Motor Vehicles and Furniture and Fittings during 2007/08 financial year.

The effect of the prior period is as follows:

	2008 R'000
The effect in accumulated surplus 1 April 2007	-
<b>Decrease in accumulated surplus 1 April 2007</b>	<b>(801)</b>
Increase in accumulated depreciation: Motor Vehicles	669
Increase in accumulated depreciation: Furniture and Fittings	132
Impact on accumulated surplus at the end of the period March 2008	<u>801</u>
Decrease in accumulated depreciation	<b>(801)</b>

18.2. **Accrual for unpaid accounts**

The financial statements were corrected with the following prior period errors:

The correction of prior period error relates to the unpaid accounts relating to previous financial year

2007/08 that were not accounted for as at year-end 2007/08.

The effect of the prior period error is as follows

	2008 R'000
The effect in accumulated surplus 1 April 2007	-
Increase in conferences and workshops	558
Increase in accrual for unpaid accounts	558
The impact on accumulated surplus as at 31 March 2008	<u>558</u>
<b>Decrease in accumulated surplus</b>	<b>(558)</b>

18.3. **Rental office space**

The correction of prior period error relates to the rental for April 2008 that was paid in March 2008 (North West office)

The effect of the prior period error is as follows:

The effect in accumulated surplus 1 April 2007	-
Decrease in rental expenses	(20)
Decrease in deferred lease liability	20
The impact on accumulated surplus as at 31 March 2008	<u>20</u>
<b>Increase in accumulated surplus</b>	<b>20</b>

18.4. **Finance lease liability**

The correction of prior period error relates to the rental for April 2008 that was paid in March 2008 (North West office)

The effect of the prior period error is as follows:

The effect in accumulated surplus 1 April 2007	(7)
Decrease in operating lease expenses	(7)
Decrease in finance lease liability	7
The impact on accumulated surplus as at 31 March 2008	<u>7</u>
<b>Increase in accumulated surplus</b>	<b>7</b>

18.5. **Library material**

The correction of prior period error relates to the reversal of online subscriptions previously recognised as assets in the statement of financial position

The effect of the prior period error is as follows:

The effect in accumulated surplus 1 April 2007	-
Increase in subscription expense library material	113
Decrease in library materials	(113)
The impact on accumulated surplus as at 31 March 2008	<u>(113)</u>
<b>Decrease in accumulated surplus</b>	<b>(113)</b>

18.6. **Ex-employees' debt**

The correction of prior period error relates to the retrospective adjustment of interest implicit in extended payment terms

The effect of the prior period error is as follows:

	2008 R'000
The effect in accumulated surplus 1 April 2007	-
Decrease in ex-employees' debt	(8)
Increase in interest as a result of carrying receivables at fair value	8
The impact on accumulated surplus as at 31 March 2008	<u>(8)</u>
<b>Decrease in accumulated surplus</b>	<b><u>(8)</u></b>
<b>18.7. Staff loans</b>	
The correction of prior period error relates to the retrospective adjustment of interest implicit in extended payment terms	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Increase in interest as a result of carrying receivables at fair value	3
Decrease in staff loan as a result of carrying receivables at fair value	3
The impact on accumulated surplus as at 31 March 2008	<u>(3)</u>
<b>Decrease in accumulated surplus</b>	<b><u>(3)</u></b>
<b>18.8. Deferred lease liability</b>	
The correction of prior period error relates to the reversal of a liability raised in the previous financial year of which the Commission is not liable for:	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Decrease in operating leases expenditure	(123)
Decrease in deferred lease liability	123
The impact on accumulated surplus as at 31 March 2008	<u>123</u>
<b>Increase in accumulated surplus</b>	<b><u>123</u></b>
<b>18.9. Leasehold improvements</b>	
The correction of prior period error relates to the incorrect calculation of the depreciable amount for the leasehold improvements that was not calculated according to the lease agreements.	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Increase in depreciation	31
Increase in accumulated depreciation 31 March 2008	31
The impact on accumulated surplus as at 31 March 2008	<u>(31)</u>
<b>Decrease in accumulated surplus</b>	<b><u>(31)</u></b>
<b>18.10. Library materials</b>	
The Commission had in the previous financial years recognised library materials without depreciating them. For the period under review the review of useful life was performed and the depreciable amount was allocated for each book.	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	(139)
Increase in accumulated depreciation 1 April 2007	139

	2008 R'000
Increase in depreciation	157
The impact on accumulated surplus as at 31 March 2008	<u>(296)</u>
<b>Decrease in accumulated surplus</b>	<b><u>(296)</u></b>
<b>18.11. Computer equipment</b>	
The correction of prior period error relates to the review of useful life for assets that were fully depreciated in the previous financial year but were still in use	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	618
Decrease in accumulated depreciation 1 April 2007	(618)
Increase in depreciation	140
The impact on accumulated surplus as at 31 March 2008	<u>758</u>
<b>Increase in accumulated surplus</b>	<b><u>758</u></b>
<b>18.12. Intangible assets</b>	
The correction of prior period error relates to the review of useful life for assets that were fully depreciated in the previous financial year but were still in use	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	35
Decrease in accumulated depreciation 1 April 2007	(35)
Increase in depreciation	17
The impact on accumulated surplus as at 31 March 2008	<u>52</u>
<b>Increase in accumulated surplus</b>	<b><u>52</u></b>
<b>18.13. Furniture and fittings</b>	
The correction of prior period error relates to the review of useful life for assets that were fully depreciated in the previous financial year but were still in use	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	229
Decrease in accumulated depreciation 1 April 2007	(229)
Increase in depreciation	86
The impact on accumulated surplus as at 31 March 2008	<u>315</u>
<b>Increase in accumulated surplus</b>	<b><u>315</u></b>
<b>18.14. Office equipment</b>	
The correction of prior period error relates to the review of useful life for assets that were fully depreciated in the previous financial year but were still in use	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	599
Decrease in accumulated depreciation 1 April 2007	(599)
Increase in depreciation	173
The impact on accumulated surplus as at 31 March 2008	<u>772</u>
<b>Increase in accumulated surplus</b>	<b><u>772</u></b>



	2008 R'000
<b>18.15. Motor vehicles</b>	
The correction of prior period error relates to the review of useful life for assets that were fully depreciated in the previous financial year but were still in use	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	120
Decrease in accumulated depreciation 1 April 2007	(120)
Decrease in depreciation	240
The impact on accumulated surplus as at 31 March 2008 _____	
<b>Increase in accumulated surplus</b>	<b><u>360</u></b>
<b>18.16. Furniture &amp; fittings</b>	
The correction of prior period error relates to the understatement of the accumulated depreciation in the previous financial years	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Decrease in accumulated surplus 1 April 2007	(4)
Increase in accumulated depreciation 1 April 2007	4
The impact on accumulated surplus as at 31 March 2008 _____	
<b>Decrease in accumulated surplus</b>	<b><u>(4)</u></b>
<b>18.17. Office equipment</b>	
The correction of prior period error relates to the overstatement of the accumulated depreciation in the previous financial years	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Increase in accumulated surplus 1 April 2007	51
Decrease in accumulated depreciation 1 April 2007	(51)
The impact on accumulated surplus as at 31 March 2008 _____	
<b>Increase in accumulated surplus</b>	<b><u>51</u></b>
<b>18.18. Finance leases</b>	
The correction of prior period error relates to the understatement of the accumulated depreciation in the previous financial years	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	(273)
Increase in accumulated depreciation 1 April 2007	273
Increase in depreciation	273
The impact on accumulated surplus as at 31 March 2008 _____	
<b>Decrease in accumulated surplus</b>	<b><u>(273)</u></b>

	2008 R'000
<b>18.19. Computer equipment</b>	
The correction of prior period error relates to the overstatement of the cost price in the previous financial years	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Decrease in accumulated surplus 1 April 2007	(17)
Decrease in computer equipment at cost	(17)
The impact on accumulated surplus as at 31 March 2008 _____	
<b>Decrease in accumulated surplus</b>	<b><u>(17)</u></b>
<b>18.20. Computer equipment</b>	
The correction of prior period error relates to the overstatement of the accumulated depreciation in the previous financial years	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Increase in accumulated surplus 1 April 2007	4
Decrease in accumulated depreciation 1 April 2007	4
The impact on accumulated surplus as at 31 March 2008 _____	
<b>Increase in accumulated surplus</b>	<b><u>4</u></b>
<b>18.21. Library materials</b>	
The correction of prior period error relates to the overstatement of library material at cost in the previous financial years	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Decrease in accumulated surplus 1 April 2007	(14)
Decrease in library material at cost	(14)
The impact on accumulated surplus as at 31 March 2008 _____	
<b>Decrease in accumulated surplus</b>	<b><u>(14)</u></b>
<b>18.22. Finance leased assets</b>	
The correction of prior period error relates to the understatement of the leased assets in the previous financial year	
The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Increase in accumulated surplus 1 April 2007	65
Increase in finance leased assets	65
The impact on accumulated surplus as at 31 March 2008 _____	
<b>Increase in accumulated surplus</b>	<b><u>65</u></b>

	2008 R'000
<b>18.22. Finance lease liability</b>	
The correction of prior period error relates to the understatement of the finance lease liability in the previous financial year The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Decrease in accumulated surplus 1 April 2007	(65)
Increase in finance lease liability	(65)
The impact on accumulated surplus as at 31 March 2008	_____
<b>Decrease in accumulated surplus</b>	<b><u><u>(65)</u></u></b>
<b>18.23. Fedhealth medical aid</b>	
The correction of prior period error relates to the debit order payment relating to March 2008 incorrectly allocated in April 2008. The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Increase in medical aid allowance	87
Increase in accruals	(87)
The impact on accumulated surplus as at 31 March 2008	_____
<b>Decrease in accumulated surplus</b>	<b><u><u>(87)</u></u></b>
<b>18.24. Finance leased assets</b>	
The correction of prior period error relates to the finance leased assets that were supposed to be written off after the expiry of the contract. The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Decrease in accumulated surplus 1 April 2007	(758)
Decrease in finance leased assets at cost	(758)
The impact on accumulated surplus as at 31 March 2008	_____
<b>Decrease in accumulated surplus</b>	<b><u><u>(758)</u></u></b>
<b>18.25. Finance leased assets</b>	
The effect in accumulated surplus 1 April 2007	
Increase in accumulated surplus 1 April 2007	758
Decrease in accumulated depreciation 1 April 2007	758
The impact on accumulated surplus as at 31 March 2008	_____
<b>Increase in accumulated surplus</b>	<b><u><u>758</u></u></b>

	2008 R'000
<b>18.26. Computer equipment</b>	
The correction of prior period error relates to the assets that were supposed to be removed from the fixed asset register in the prior year after being stolen. The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Decrease in computer equipment at cost	(198)
Decrease in accumulated surplus 1 April 2007	(198)
The impact on accumulated surplus as at 31 March 2008	_____
<b>Decrease in accumulated surplus</b>	<b><u><u>(198)</u></u></b>
<b>Computer equipment</b>	
The correction of prior period error relates to the assets that were supposed to be removed from the fixed asset register in the prior year after being stolen. The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Decrease in accumulated depreciation 31 March 2008	65
Increase in accumulated surplus	65
The impact on accumulated surplus as at 31 March 2008	_____
<b>Increase in accumulated surplus</b>	<b><u><u>65</u></u></b>
<b>18.27. Theft and losses</b>	
The correction of prior period error relates to the assets that were supposed to be removed from the fixed asset register in the prior year after being stolen.	
The effect in accumulated surplus 1 April 2007	-
Increase in theft and losses	133
Decrease in accumulated surplus 1 April 2007	133
The impact on accumulated surplus as at 31 March 2008	_____
<b>Decrease in accumulated surplus</b>	<b><u><u>(133)</u></u></b>
<b>18.28. Finance leases</b>	
The correction of prior period error relates to the recognition of payment not accounted for in the previous financial year The effect of the prior period error is as follows:	
The effect in accumulated surplus 1 April 2007	-
Decrease in operating leases expenses	(12)
Increase in finance lease interest	5
The impact on accumulated surplus as at 31 March 2008	_____
<b>Increase in accumulated surplus</b>	<b><u><u>7</u></u></b>
<i>Total effect on reserves</i>	
Accumulated surplus at the beginning of the period	7,979
Increase in accumulated surplus at the end of the period 31 March 2008	1,986
Total effect on income statement	1,862
Total effect on balance sheet	124
<b>Closing accumulated surplus at the end of the period 31 March 2008</b>	<b><u><u>9,965</u></u></b>

	2009 R'000	2008 R'000
<b>19. Cash flow from operating activities</b>		
<b>Surplus/(deficit) for the year</b>	(749)	(757)
<b>Adjusted for:</b>		
<i>Non-cash items</i>		
Depreciation, amortisation and impairment	2,410	3,650
Bad debts written off	2,245	3,483
Provision for doubtful debts	37	75
(Profit)/loss on disposal of assets	16	(66)
Impairment of debtors	68	(60)
Theft and losses	6	-
<i>Separately disclosable items</i>		
Interest income	38	218
Finance cost	(49)	27
	(293)	481
	244	508
<b>Operating surplus before changes in working capital</b>	<b>1,612</b>	<b>2,920</b>
<b>Changes in working capital</b>	(395)	(3,453)
Changes in SAHRC Trust	-	203
Decrease/(increase) in trade and other receivables	(548)	93
Decrease/(increase) in inventories	(174)	(29)
(Decrease)/increase in trade and other payables	(565)	(2,134)
Increase/decrease in employee benefits	518	(235)
(Increase)/decrease in deferred revenue	(400)	(304)
(Decrease)/increase in government grant liability	-	(557)
Increase/(decrease) in operating lease liability	774	(490)
<b>Cash generated from operations</b>	<b>1,217</b>	<b>(533)</b>

20. **Subsequent events**  
There have been no facts or circumstances of a material nature that have occurred between the accounting date and the date of this report.

21. **Financial instruments**

**Introduction and overview**

This note represents information about the Commission's exposure to each of the above risks, the Commission's objectives, policies and processes for measuring and managing risk, and the Commission's management of capital. Further quantitative disclosures are included throughout these financial statements.

The following are definitions of terms used for the note on financial instruments:

*Credit risk* is the risk of financial loss to the Commission if a counterparty to a financial instrument fails to meet its contractual obligations.

*Liquidity risk* is the risk that the Commission will not be able to meet its financial obligations as they fall due.

*Market risk* is the risk that changes in market prices, such as interest rates, will affect the Commission's income or the value of its holdings of financial instruments.

*Market risk comprises interest rate risk, currency risk and other price risk.*

The Commission has exposure to the following risks from its use of financial instruments:

*Credit risk*

*Liquidity risk*

*Market risk*

The Chief Executive Officer has the overall responsibility for managing and monitoring the financial risks to which the Commission is exposed and how financial risks in general are managed and monitored.

**Exposure to risks: Credit risk**

Financial assets, which potentially subject the Commission to the risk of non-performance by counterparties 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 relates to the ex-employees' debt and the outstanding amount owed by the Department of Justice and Constitutional Development.

Credit risk associated with current and call accounts is limited due to all accounts being held at reputable banking institutions in South Africa. Given that these institutions are likely to have high credit ratings, management does not expect any counterparty to fail to meet its obligations.

The relationship with CSAP was of such a nature that the Commission would pay salaries for CSAP employees using its budget and invoice CSAP on a monthly basis for CSAP to refund the amount paid to its employees.

The relationship with the ex-employees of the Commission is of such a nature that the Commission would raise a debt for employees who damaged the Commission's vehicle due to negligence, and all the employees who left the employ of the Commission before the expiry of the period as stated in the relocation policy. A pro rata portion amount paid by the Commission in respect of the unexpired period is raised as debt.

**Payment terms**

All debtors are requested to settle their accounts within 30 days. Debts are also recovered in instalments at the request of a debtor.

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

**Exposure to risks: Liquidity risk**

The Commission is exposed to liquidity risk as it is dependent on the grant received from the Department of Justice and Constitutional Development. Receipt of grant amounts is necessary for the Commission to be able to make payments as and when required in terms of its financial liabilities.

The Commission minimises this risk by ensuring that enough cash reserves are available to cover its current liabilities through the analysis of the commitments against the cash available in our current and call accounts.

**Exposure to risk: Market risk**

*Interest rate risk*

The Commission's exposure to market risk (in the form of interest rates risk) arises as a result of the following:

- Possible interest on late payment by the Commission.
- Interest income linked to rates prescribed by National Treasury.
- Interest on accounts held at banking institutions.
- Discounting of financial instruments.

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) as the Commission settles its outstanding obligation within 30 days and interest on outstanding debts is charged monthly using the applicable interest rates. Refer to the sensitivity analysis below to illustrate the possible effect of changes in the variable interest rate on the financial assets and liabilities.

**Concentration of market risk**

	2009 R'000	2008 R'000
<b>Variable rate instruments</b>		
Financial assets	-	-
Financial liabilities (accounts payable)	2,374	2,939
<b>Total</b>	<b>2,374</b>	<b>2,939</b>

Amortisation for the year by R105,000.00.

The effect on future periods is an increase in depreciation expenses of R105,000.00

#### Fixed rate instruments

Financial liabilities	-	-
Financial assets (accounts receivable)	681	681
<b>Total</b>	<b>681</b>	<b>681</b>

#### Financial assets

2008/09	Loans and receivables R'000	Total R'000
<b>Opening balance</b>	1,881	1,881
Net gains or losses recognised in profit or loss	-	-
Interest income	293	293
Impairments	-	-
Net other movements	(293)	(293)
<b>Closing balance</b>	<b>1,881</b>	<b>1,881</b>
<i>Maximum credit exposure</i>	<i>1,881</i>	<i>1,881</i>
<i>Sensitivity analysis:</i>		
Effect of interest rate changes	56	56

#### Financial assets

2007/08	Loans and receivables R'000	Total R'000
<b>Opening balance</b>	9,653	9,653
Net gains or losses recognised in profit or loss	75	75
Interest income	481	481
Impairments	(66)	(66)
Net other movements	(7,565)	(7,565)
<b>Closing balance</b>	<b>2,578</b>	<b>2,578</b>
<i>Maximum credit exposure</i>	<i>2,578</i>	<i>2,578</i>
<i>Sensitivity analysis:</i>		
Effect of interest rate changes	245	245

#### Financial liabilities

2008/09	Financial liabilities at amortised cost R'000	Total R'000
<b>Opening balance</b>	2,939	2,939
Interest expense	-	-
Net other movements	(565)	(565)
<b>Closing balance</b>	<b>2,374</b>	<b>2,374</b>

#### Sensitivity analysis:

Effect of interest rate changes (80) (80)

2007/08	Loans and payables R'000	Total R'000
<b>Opening balance</b>	6,635	6,635
Interest expense	425	425
Net other movements	(4,121)	(4,121)
<b>Closing balance</b>	<b>2,939</b>	<b>2,939</b>

#### Sensitivity analysis:

Effect of interest rate changes 191 191

#### Assumptions:

The sensitivity analysis has been based on a decrease in interest rates of 1.50 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.

#### 21. Financial instruments continued

Line item	Note	Loans and receivables R'000	Financial liabilities at amortised cost R'000	Total carrying amount R'000
<b>31 March 2009</b>				
Trade and other receivables	10	681	-	681
Cash and cash equivalent	9	1,200	-	1,200
Trade and other payables	14	-	(2,374)	(2,374)
Employee benefit due	14.1	-	(1,889)	(1,889)
Finance lease liability (current)	16	-	(326)	(326)
Finance lease liability (non-current)	16	-	(424)	(424)
Deferred revenue	17	-	(21)	(21)
<b>Total</b>		<b>1,881</b>	<b>(5,034)</b>	<b>(3,153)</b>
<b>31 March 2008</b>				
Trade and other receivables		133	-	133
Cash and cash equivalent		2,445	-	2,445
Trade and other payables	14	-	(2,939)	(2,939)
Employee benefit due	14.1	-	(1,371)	(1,371)
Finance lease liability (current)	16	-	(277)	(277)
Finance lease liability (non-current)	16	-	(235)	(235)
Deferred revenue	17	-	(421)	(421)
<b>Total</b>		<b>2,578</b>	<b>(5,243)</b>	<b>(2,665)</b>

#### Fair value sensitivity analysis for fixed rate instruments

The Commission does not account for any fixed rate for financial assets and liabilities at fair value through profit and loss. Therefore a change in interest rates at the reporting date would not affect the profit and loss.

#### Cash flow sensitivity analysis

A change of 50 basis points in interest rates at the reporting date would have increased (decreased) surplus or deficit by the amounts shown below. This analysis assumes that all other variables remain constant.

	2009	2008
50 basis point increase	(4)	(4)

The following changes in prime overdraft rates of banks (as determined by the SA Reserve Bank) occurred between 1 April 2008 and 31 March 2009

#### 2008/09

Date of change	Interest rates	Change in basis points (from previous rates)
12/7/2007	14.50	
4/11/2008	15.00	0.50
6/13/2008	15.50	0.50
12/12/2008	15.00	(0.50)
2/6/2009	14.00	(1.00)
3/25/2009	13.00	(1.00)
<b>Total</b>		<b>(1.50)</b>

#### 2007/08

Date of change	Interest rates	Changes in basis points (from previous rates)
12/8/2006	12.50	
6/8/2007	13.00	0.50
8/17/2007	13.50	0.50
10/12/2007	14.00	0.50
12/7/2007	14.50	0.50
<b>Total</b>		<b>2.00</b>

Maturity analysis and data about exposure to liquidity risk.

	Carrying amount	Total contractual cash flows	Not later than one year	2-5 years	>5years
	R'000	R'000	R'000	R'000	R'000
31 March 2009					
Finance lease liabilities	750	901	412	489	-
Trade and other payables	2,374	2,374	2,374	-	-
Employee benefit due	1,889	1,889	1,889	-	-
Deferred revenue	21	21	21	-	-
<b>Total</b>	<b>5,034</b>	<b>5,185</b>	<b>4,696</b>	<b>489</b>	<b>-</b>

#### 31 March 2008

	2009	2008
Finance lease liabilities	512	593
Trade and other payables	2,939	2,939
Employee benefit due	1,371	1,371
Deferred revenue	421	421
<b>Total</b>	<b>5,243</b>	<b>5,243</b>

#### Age analysis of trade receivables

	Gross 2009 R'000	Impairment 2009 R'000	Discounting 2009 R'000	Gross 2008 R'000	Impairment 2008 R'000
Not past due	628	-	0	133	(66)
Past due for less than one month	-	-	-	-	-
Past due for longer than one month but for less than one year	87	22	12	-	-
Past due for longer than one year	-	-	-	-	-
<b>Total</b>	<b>715</b>	<b>22</b>	<b>12</b>	<b>133</b>	<b>(66)</b>

#### 22. Related parties

##### Relationships

Other organs of state contracted with Civil Society and Advocacy Programme

##### Related party transactions

Civil Society and Advocacy Programme  
Amount paid to CSAP employees 498 1,193  
Amount received from CSAP as a refund 504 1,150

##### Related party balances

Outstanding balance owed by CSAP as at 31 March - 43

#### Senior management emoluments

	Basic salary	Bonuses and performance	Expense allowances	Pension contributions payments	Other benefits: termination leave payout	Total amount paid	Total amount paid
	R'000	R'000	R'000	R'000	R'000	R'000	R'000
<b>Executive management</b>							
Accounting Officer: Adv T Thipanyane	515	42	217	61	-	835	746
Deputy CEO: Dr A Keet April-May 2008	64	13	30	8	36	151	618
Deputy CEO: N Mukwevho (March 2009)	37	-	20	5	-	62	-
Head of Finance & Administration: A Ngwenya ( March-April 2007)							80
Head of Finance: F Moloji (March-April 2007)							229
Head of Finance: F Muvhulawa	342	32	174	42	-	590	-
Head of Administration & SCM: A Price	342	32	152	42	-	568	-

			2009	2008			
	Basic salary	Bonuses and performance	Expense allowances	Pension contributions payments	Other benefits: termination leave payout	Total amount paid	Total amount paid
	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Head of Human Resources: Dr S Zulu	342	-	198	41	-	581	244
Head of Research & Documentation: C Jesseman	331	-	175	42	-	548	-
Head of Research & Documentation: P Gagai (March-Oct 2007)	-	-	-	-	-	-	323
Head of Legal: K Zweni (March-Oct 2007)	-	-	-	-	-	-	355
Head of Legal: D Franzman	342	28	170	42	-	582	168
Head of Training & Education: V Maloka	362	28	226	42	-	658	523
Head of Information & Communication: S Hatang	279	30	125	34	16	484	526
Head of Parliamentary & Monitoring: J Cohen	350	28	170	42	-	590	523
Head of Internal Audit: D Tshabalala	361	33	183	43	9	629	221
	<b>3,667</b>	<b>266</b>	<b>1,840</b>	<b>444</b>	<b>61</b>	<b>6,278</b>	<b>4,556</b>
<b>Non-executive management</b>							
<b>Other: Commissioners</b>							
Chairperson: J Kollapen	449	37	229	56	-	771	795
Deputy Chairperson: Z Majodina	382	32	194	48	-	656	674
Commissioner: L Wessels	349	29	185	44	-	607	614
Commissioner: T Manthata	349	29	176	44	-	598	619
Commissioner: P Govender	67	-	30	7	-	104	
Part-time Commissioner: K Govender	136	-	-	-	-	136	168
	<b>1,732</b>	<b>127</b>	<b>814</b>	<b>199</b>	<b>0</b>	<b>2,872</b>	<b>2,870</b>

**Remuneration paid to audit committee members**

Chairperson: D Coovadia	41	19
Member: V Skosana	2	5
	43	24

			2009	2008		
			R'000	R'000		
23. Projects						
Conditional grants						
<b>Name of project</b>	<b>Opening balance</b>	<b>Amount utilised to the donor</b>	<b>Amount returned</b>	<b>Amount transferred to other income</b>	<b>Closing balance</b>	
	R'000	R'000	R'000	R'000	R'000	
0941/014 UNHCR (Roll Back Xenophobia)	171	150	-	-	21	171
0941/030 Australian Aid Grant	250	248	-	2	-	250
<b>Sub-total</b>	<b>421</b>	<b>398</b>	<b>-</b>	<b>2</b>	<b>21</b>	<b>421</b>
<b>Transferred to rollover account</b>	<b>421</b>	<b>398</b>	<b>-</b>	<b>2</b>	<b>21</b>	<b>421</b>
<b>Total projects</b>						
Projects sub-total	421	398	-	2	21	421
<b>Projects total</b>	<b>421</b>	<b>398</b>	<b>-</b>	<b>2</b>	<b>21</b>	<b>421</b>

24. **Significant estimates and judgement made by management**

The Commission has in the period under review assessed the useful lives of property plant and equipment. The assumption used in determining the useful lives and residual values 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
- (v) The residual value for vehicles was set at the industry norm of 30%

The assumption used regarding interest rates in the calculations of the fair value of the financial instruments:

Fair value of non-derivative financial liabilities is calculated based on the present value of future principal and interest cash flows, discounted at the market rate of interest at the reporting date. For finance leases the market rate of interest is determined by reference to similar lease agreements.

	2009 R'000	2008 R'000
<b>25. Irregular, fruitless and wasteful expenditure</b>		
Other fruitless and wasteful expenditure incurred is as follows:		
(i) Staff loan granted to employees but not fully recovered when employee resigns		5
<b>Reconciliation of irregular expenditure</b>		
<b>Opening balance</b>	33	-
Add irregular, wasteful expenditure current year	584	444
less amount condoned/reversed	65	72
Finance lease payments	527	339
Amount of negative leave days reversed during the year	28	
Amount written off	37	66
Insurance costs	-	6
<b>Closing balance</b>	<b>25</b>	<b>33</b>
<b>No disciplinary steps taken taken for the above wasteful expenditure</b>		
<b>26. Reclassification</b>		
<b>Ex-employees</b>		
An amount of R5,000.00 incorrectly classified under staff loan has now been reclassified as ex-employees' debts.		5
<b>Computer equipment to intangible assets</b>		
An amount of R156,000.00 incorrectly classified under computer equipment in the prior years has now been classified as intangible assets.		156
<b>Furniture and fittings</b>		
An amount of R9,390.57 incorrectly classified as library materials in the prior year has now been classified as furniture & fittings.		9
<b>Other accruals</b>		
An amount of R1,290,000.00 previously disclosed as other accruals under note 14 has been reclassified as accounts payable.		

**27. Contingent liabilities**

*The nature of cases and the estimates of their financial effect are as follows:*

Categories of contingent liability	Nature of contingent liability	Estimated amount R'000 2009
Claims against ex-employee	Damage to the Commission's vehicle caused by ex-employee	54
Guarantee issued to the bank	Guarantee issued to the bank to serve as a deposit to the rental deposit for office space for head office and Eastern Cape office	543
Claims against SAHRC (CSAP)	Payments of short-term contracts for work performed by consultants	342
<b>Total</b>		<b>939</b>

For the contingent liability raised above, as at year-end the Commission was uncertain as to the timing of any outflow and the possibility of any reimbursement.

**28. Change in estimates**

For the period under review the Commission changed the accounting estimates in respect of the depreciation for computer equipment, office equipment, furniture, motor vehicles and intangible assets, since the previous pattern of depreciation differs from the actual pattern of economic benefits from depreciable assets. This resulted in a decrease in depreciation/amortisation for the year by R39,000.00. The effect on future periods is an increase in depreciation expenses of R2,098,000.00

## ANNEXURE A TO THE ANNUAL FINANCIAL STATEMENTS

Commitments schedule for the orders issued to the suppliers as at 31 March 2009

	2009 R'000
Moloi Translators	188
Khanani Catering cc	11
Shitangani Catering Services	11
Thathimvuyo Caterers & Project	13
Gambu Catering	13
Shitangani Catering Services	24
Church Square Stationers	2
Hotel Grand-Pre	8
Juta & Co Ltd	35
Lexis Nexis	56
<b>TOTAL</b>	<b>361</b>



## 6. ANNEXURES TO THE REPORT

### 6.1 Annexure 1: Legal statistics

Total number of complaints handled, all provinces, 1 April 2008-31 March 2009

			Head Office	Western Cape	Eastern Cape	Free State	North West	KwaZulu-Natal	Mpumalanga	Northern Cape	Limpopo	Gauteng	Total
Not accepted	Rejected		17	100	61	162	107	89	25	31	105	130	827
	Referred		21	301	106	112	134	105	31	415	31	453	1,709
	<b>Sub-total</b>		<b>38</b>	<b>401</b>	<b>167</b>	<b>274</b>	<b>241</b>	<b>194</b>	<b>56</b>	<b>446</b>	<b>136</b>	<b>583</b>	<b>2,536</b>
Pending	<b>Sub-total</b>		<b>18</b>	<b>641</b>	<b>50</b>	<b>25</b>	<b>-</b>	<b>17</b>	<b>-</b>	<b>-</b>	<b>14</b>	<b>9</b>	<b>774</b>
Accepted	Current		103	1,464	85	678	129	219	73	54	434	344	3,583
	Finalised	Resolved	10	61	46	72	44	34	7	105	31	47	457
		Closed	91	91	327	139	144	15	39	161	141	58	1,206
	<b>Sub-total</b>		<b>101</b>	<b>152</b>	<b>373</b>	<b>211</b>	<b>188</b>	<b>49</b>	<b>46</b>	<b>266</b>	<b>172</b>	<b>105</b>	<b>1,663</b>
<b>Sub-total</b>		<b>204</b>	<b>1,616</b>	<b>458</b>	<b>889</b>	<b>317</b>	<b>268</b>	<b>119</b>	<b>320</b>	<b>606</b>	<b>449</b>	<b>5,246</b>	
<b>Total</b>			<b>260</b>	<b>2,658</b>	<b>675</b>	<b>1,188</b>	<b>558</b>	<b>479</b>	<b>175</b>	<b>766</b>	<b>756</b>	<b>1,041</b>	<b>8,556</b>

#### 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 the 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", finalised complaints

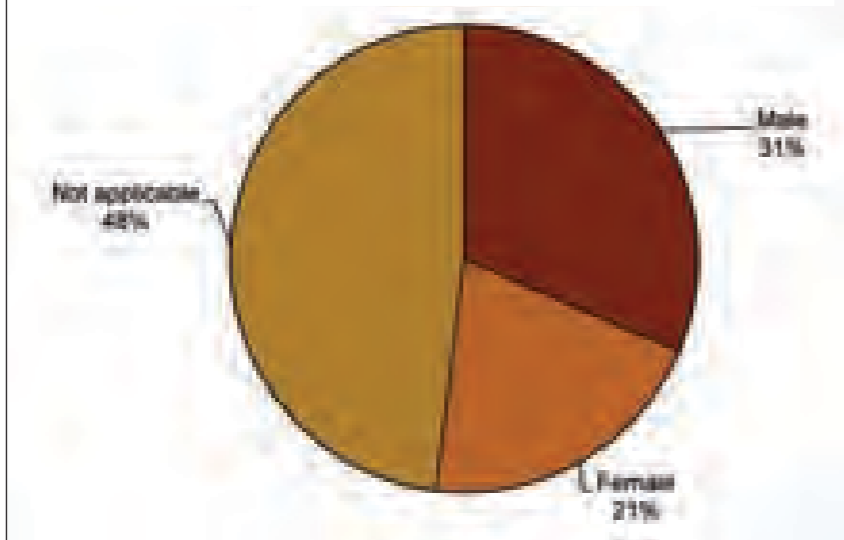
**Referred complaints:** Refers to complaints that have been referred to an agency or institution that may be better suited to deal with the complaint in question

**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

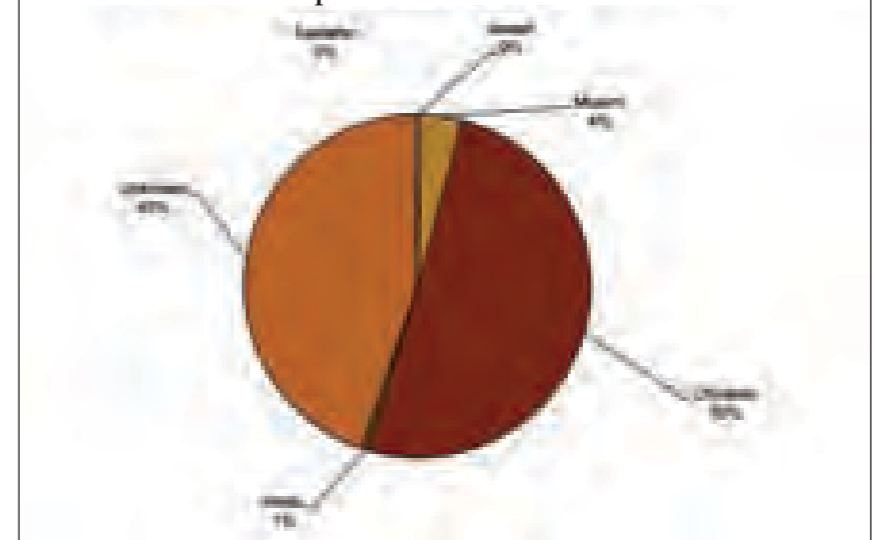
**Pending complaints:** Refers to complaints that, on the face of it, will be accepted as alleged "human rights violation" but require further investigation more information before they can be accepted. Pending complaints may become "accepted complaints" or are referred or rejected



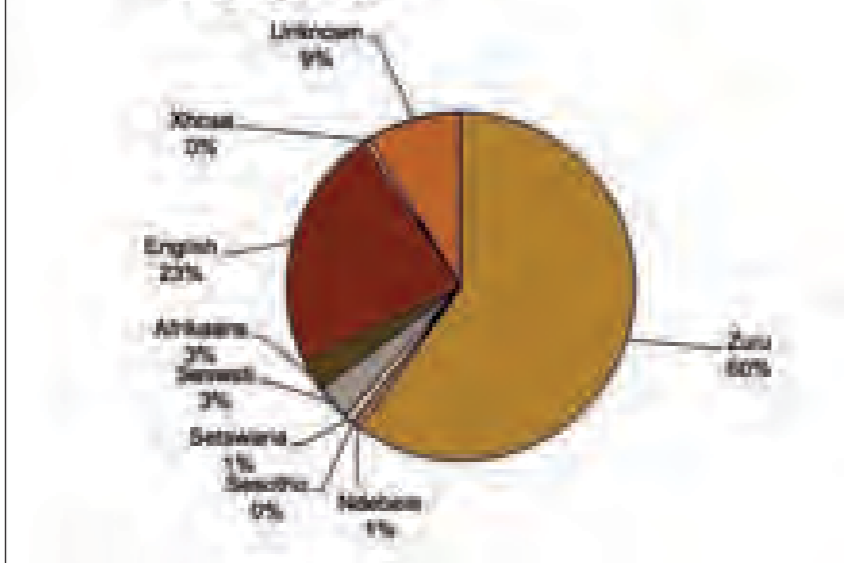
Sex of complainants (all provinces, including head office),  
1 April 2008-31 March 2009



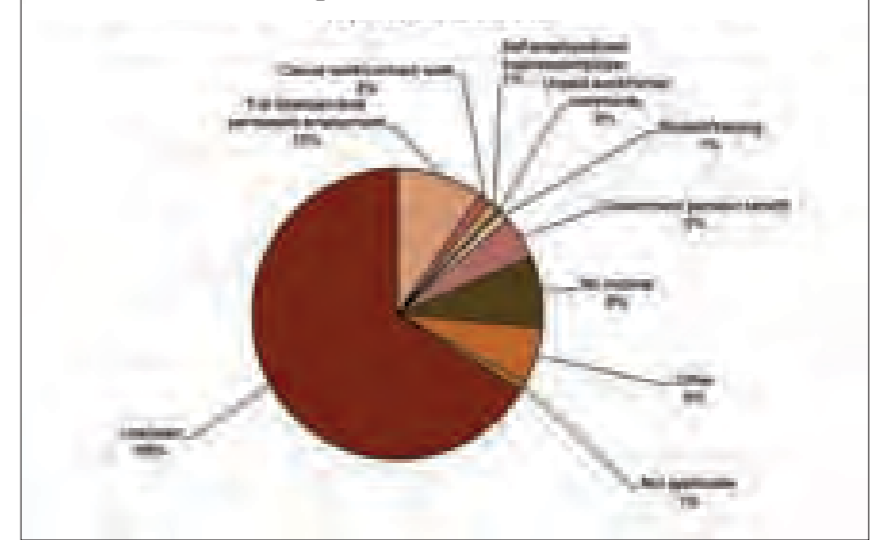
Religious group of complainants  
(all provinces, including head office),  
1 April 2008-31 March 2009



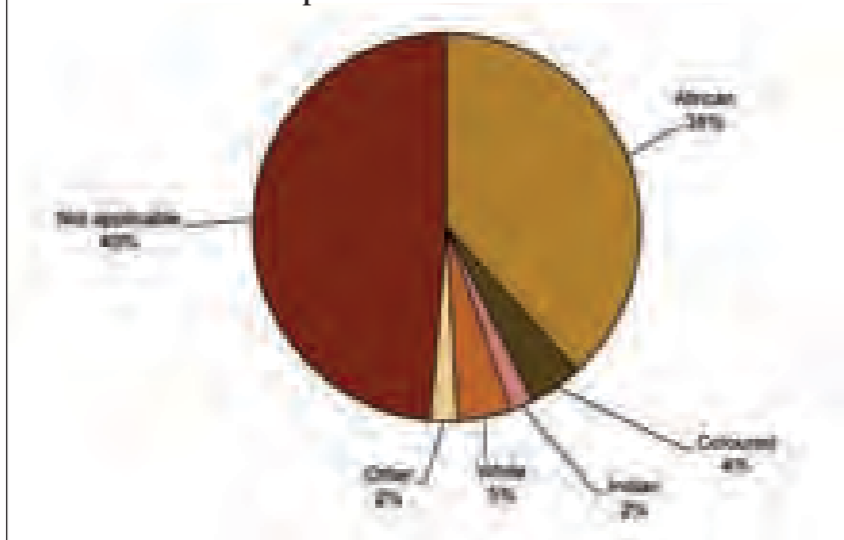
Language of complainants (all provinces, including head office),  
1 April 2008-31 March 2009



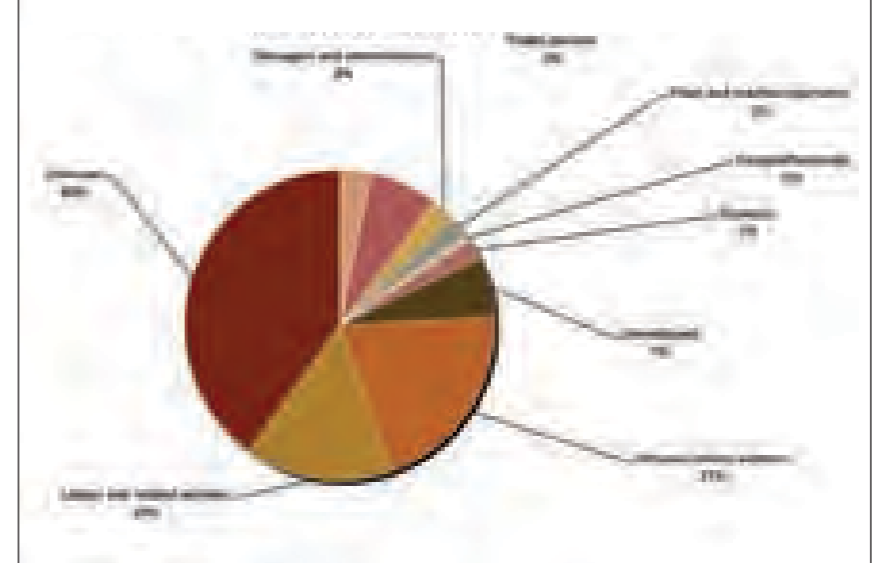
Socio-economic status of complainants  
(all provinces, including head office),  
1 April 2008-31 March 2009



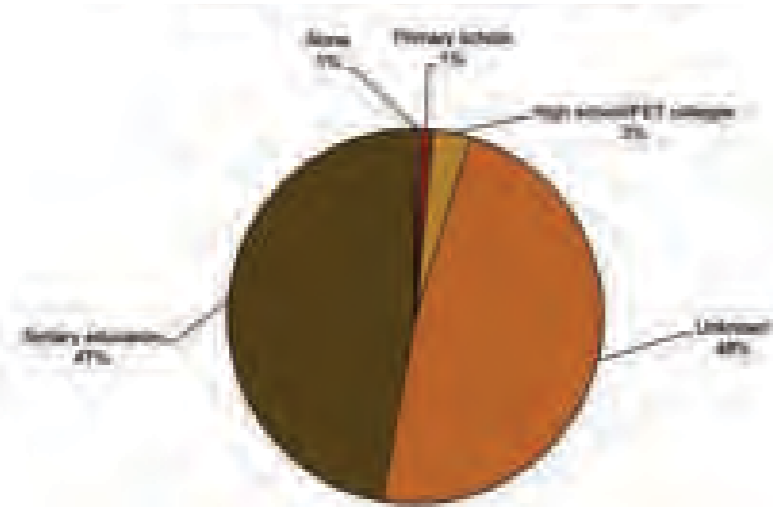
Racial group of complainants  
(all provinces, including head office),  
1 April 2008-31 March 2009



Profession of complainants (all provinces, including head office),  
1 April 2008-31 March 2009



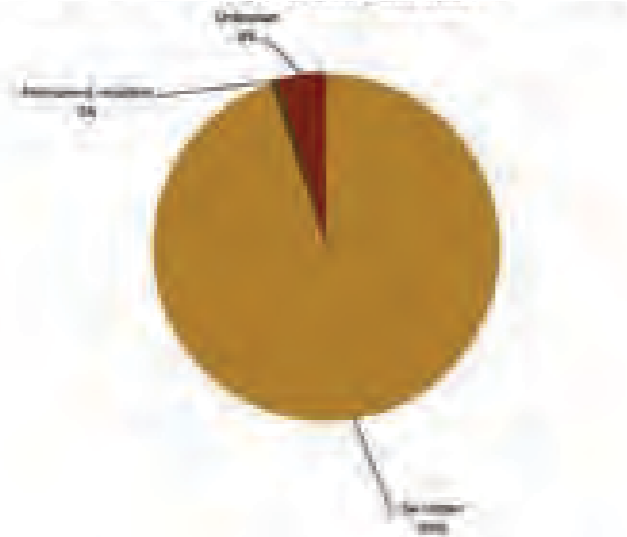
Level of education of complainants (all provinces, including head office), 1 April 2008-31 March 2009



Literacy levels of complainants (all provinces, including head office), 1 April 2008-31 March 2009



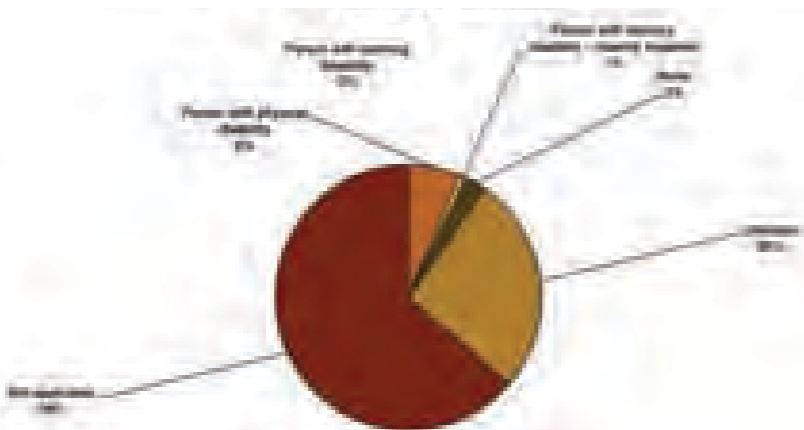
Nationality of complainants (all provinces, including head office), 1 April 2008-31 March 2009



Age groups of complainants (all provinces, including head office), 1 April 2008-31 March 2009



Disability of complainants (all provinces, including head office), 1 April 2008-31 March 2009



Sex of complainants

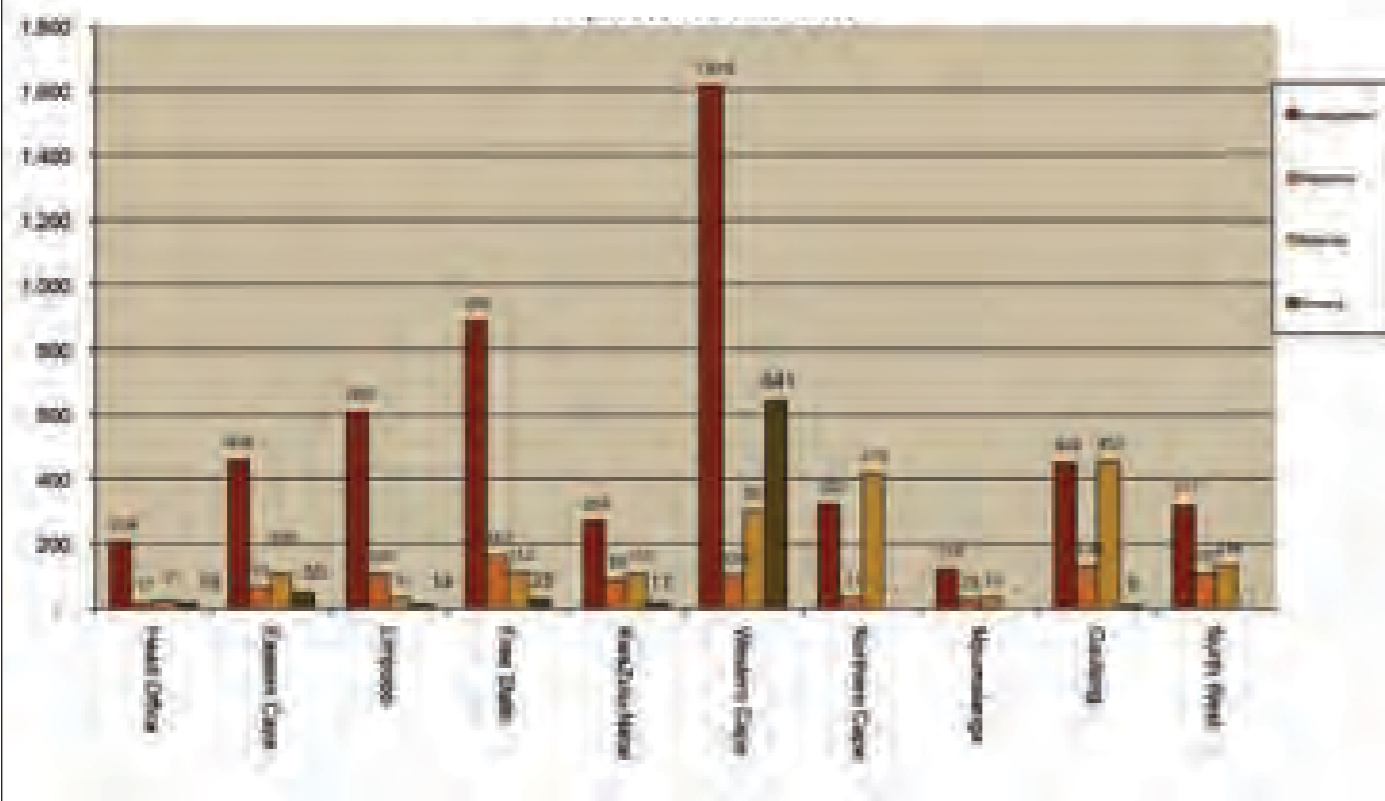
	Total	Head office	Eastern Cape	Free State	Gauteng	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape	Unknown
Male	726		142	233				77			274
Female	471		221	127			24				129
Not specified	118	128	47								
Total	2307	128	410	360	0	0	0	101	0	103	186

Language of complainants

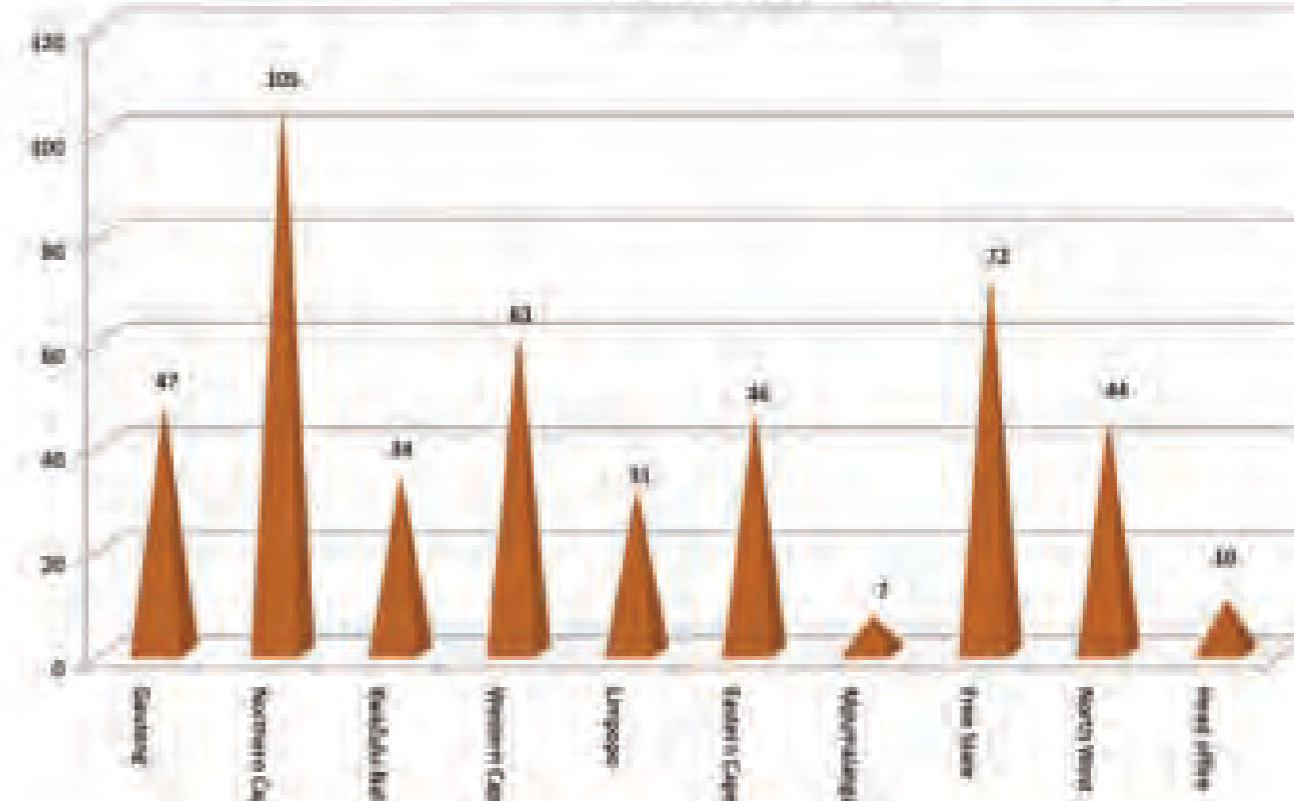
	Total	Head office	Eastern Cape	Free State	Gauteng	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape	Unknown
Zulu	1428		102	112							198
Xhosa	14			1							12
Other	27		7								20
English	108							75			33
Other languages	68		4								64
Not specified	864		291	277				108			188
Unknown	12										12
Total	2307	128	410	360	0	0	0	101	0	103	186



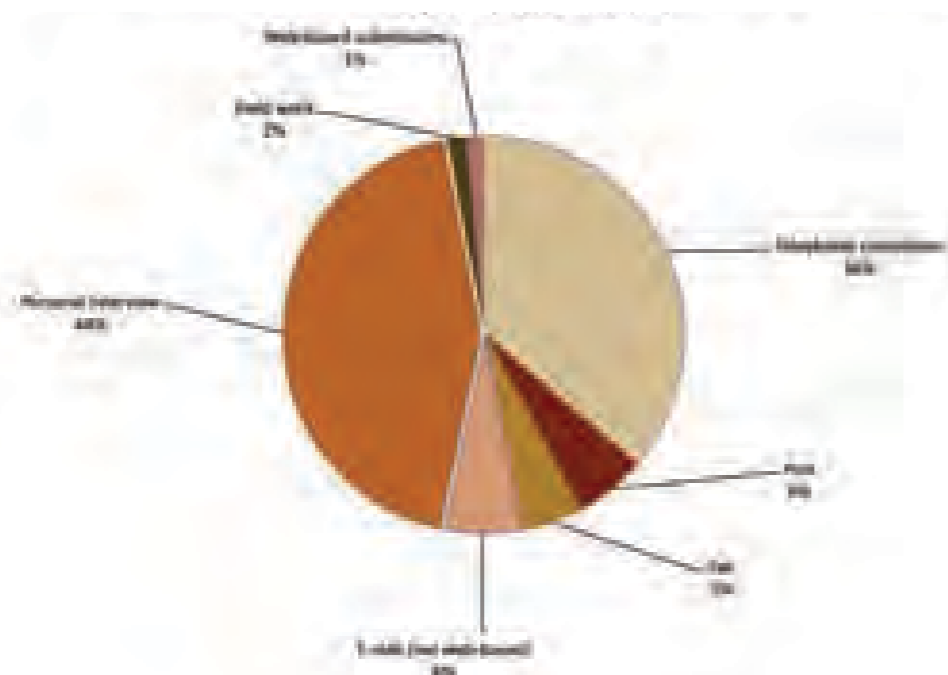
Complaints awaiting further particulars, accepted complaints, rejections and referrals (all provinces, including head office = 8 556), 1 April 2008-31 March 2009



Resolved complaints (from all provinces, including head office), 1 April 2008-31 March 2009



Mode of submission of complaints (from all provinces, including head office), 1 April 2008-31 March 2009



### 6.2 Annexure 2 – Access to Information Statistics/Report

The Promotion of Access to Information Act No. 2 of 2000 (PAIA) confers on the South African Human Rights Commission (SAHRC or Commission) a mandate that can, for the most part, be located within its broad constitutional mandate. Exceptionally, however, the legislation expands the mandate of the Commission through two specified directives.

The first of these requires both public and private bodies to submit their section 14 and 51 manuals to the Commission. In this instance, the Commission’s monitoring function is expanded to include compliance monitoring, with consequent sanctions for non-compliance, and repository or custodial functions over the manuals.

The second imperative directs public bodies to submit section 32 reports to the Commission annually. These reports form one of the key means of monitoring compliance with PAIA in the public sector. Section 32 compliance is discussed at some length in this report.

The report below also includes work that was undertaken by the sub-programme in discharging

its duties in terms of the aligned mandate. These outputs focus on education and raising awareness about the legislation through workshops, training sessions, presentations and seminars. Key focus interventions related to these outputs include the ever-popular Information Officers Forum and Golden Key Award initiatives.

Though separation of outputs is informed by monitoring, evaluating and reporting imperatives, they remain closely interrelated for the purposes of substantive delivery. Thus, while section 32 reports remain a useful barometer of formal compliance with the Act, the Commission has devised other strategies to test and enhance implementation and delivery. These include: auditing of public bodies; influencing law reform through research; providing support to deputy information officers (DIOs) and private individuals; and creating a structure to facilitate implementation at the coalface.

These interventions significantly inform the “lessons learnt” and shape the Commission’s evolving responses to barriers in optimal delivery on PAIA. The range of interventions has also contributed to the data encompassed in the publications of the Commission, such as the *Human Rights Development Report*, that have become useful reference resources for diverse users.

## Awareness, training and education

Training sessions on request from various levels of government, public bodies and the private sector continue to remain the Commission's key means of increasing awareness of the PAIA legislation. Requests for training have also provided a critical means through which supportive partnerships with public-sector bodies have been forged. These have consequently resulted in frank and candid disclosures by public bodies on the challenges they face and the state of implementation of PAIA within their operational structures.

However, training interventions need to be significantly increased in communities. In this regard, the Commission has initiated a process of engaging with community development workers (CDWs) to accelerate and inform the exercise of access to information rights in Gauteng and the Western Cape. The Commission's engagement with CDW structures is directed at training CDWs in the use of PAIA in communities, with an emphasis on the connection between PAIA and service delivery at local government level.

Workshops and training sessions show recurring challenges in the application and implementation of PAIA in both the public and private sectors. Impediments to responsiveness, transparency and accountability in multiple levels of government continue to point to a lack of commitment in implementation and poor awareness by senior and executive management in the sector. High staff turnovers, complexity of procedure, and inadequate systems, resources and implementation also continue to thwart legislative good governance objectives significantly.

Twenty-four PAIA training sessions were undertaken during 2008, reaching 723 people. Training was delivered at multiple tiers of government and the private sector. The Presidency and Offices of the Premier in Gauteng and KwaZulu-Natal were included. Metros and district municipalities were also targeted as lead institutions to set implementation standards. These sessions were supported by needs assessments and enhanced by operational recommendations made to participants in the course of training. Personnel were encouraged to compile and update staff training manuals to ensure that learning and skills gained through training interventions were not lost in the course of staff mobility.

The Commission has focused on providing training to a number of lead agencies, such as Offices of the Premier, the Presidency and metro municipalities in the course of the year. It is envisaged that these agencies will develop best practice models, which may be used as benchmarks within the regions.

## Seminars

Supplementary to training interventions, the Commission also hosts and convenes seminars and roundtable discussions on critical and topical issues relating to PAIA. Programme development for these events is informed by the Commission's own monitoring activities on legislative developments, public interest issues and law reform issues.

Three seminars and one roundtable discussion were convened during 2008, one of which included the internationally renowned access to information personality David Banisar. Seminars were well attended and continued to provide a stimulating platform through which academics, legislators, deputy information officers and businesses could fruitfully engage, network and learn.

The roundtable discussions hosted for key stakeholders on the creation of an Office of Information Commissioner provided shared rationale for increased lobbying of Parliament and the Department of Justice and Constitutional Development to accelerate the creation of such an office. The report of this roundtable is available on the Commission's website.

## PAIA mailbox and e-Learning

The creation of the PAIA mailbox and e-Learning portal has increased accessibility of the Commission significantly. Members of the public who have access to e-mail are now more easily able to access the PAIA help desk. To date, the sub-programme has provided PAIA support and assistance to more than 320 requesters through the e-mail facility. Requesters' statistics show a diverse group of users, including local and international individuals, private-sector requesters and attorneys. The Commission unfortunately provides only basic assistance to the latter group, on account of the means test it applies.

The e-Learning portal is also an exciting platform for PAIA learning and awareness. PAIA material for e-Learning has had preliminary testing on a pilot group of Commission personnel. During the official launch, the Commission will issue a directive for specific personnel to take the course for certification. Resources remain a challenge to expanding learner licenses to all users in the short term.

The awareness and training outputs have allowed for a diverse range of interventions and opportunities. The sub-programme has been able to engage with national and community radio stations, executive management of public and private bodies, and communities in its quest to popularise the Act. These interventions have resulted in an increase in the number of self-prompted requests the sub-programme receives for training at the national, regional and local levels.

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The sub-programme also engaged with a number of international and regional visiting delegations of human rights experts and legal teams, including delegations from Uganda, Zimbabwe, Yemen and the US.

## Information Officers (IO) Forum and Golden Key Awards

Launched in 2005, the general forum of information and deputy information officers takes special cognisance of the international "Right to Know Day" celebrated on 28 September. In South Africa the Commission partners with the Open Democracy Advice Centre (ODAC) to heighten awareness and knowledge, and to reward best practice through convening the forum and presenting the Golden Key

Awards.

The forum is served by a coordinating committee (CC) of representatives elected from the DIO membership, with the SAHRC serving as the secretariat. This framework allows the CC to inform and participate in the interventions of the SAHRC in matters related to PAIA. The forum itself provides a multi-functional platform for engagement between members of the information community. It permits DIOs to network with each other and with those showcasing best practice for a focused consideration of models and resources. Academics and experts also provide insight and material on local, regional and international developments in information regimes.

In 2008, the sub-programme successfully hosted the IO Forum. Robust discussions highlighted challenges and impediments to PAIA implementation in the sector. These discussions echoed the findings of the Commission with regard to training, awareness, attitudes and structure within public bodies as barriers to adequate implementation in the public sector. While the Commission aspires to increase participation at the Forum, significant budget constraints will affect its capacity to subsidise participation of under-resourced local municipalities in 2009.



The winners of awards are (from left): Superintendent Hein Schultz (South African Police Service – SAPS); Captain Kabe (SAPS); Senior Superintendent A Crooks (SAPS); M Faul (Theewaterskloof Local Municipality); C Young (South African History Archives); R Makhuvela and Advocate Raphahlelo (Office of the Premier, Limpopo); Mrs Makhafola and RM Mshole (Limpopo Department of Public Works); and J Van Straaten (City of Johannesburg Metropolitan Municipality).

The Golden Key Awards leg of the ceremony brings the Right to Know Day to a close. Awards are accorded on merit to individuals and organisations that have best implemented PAIA in their organisations, thereby heightening responsiveness, openness and accountability. A number of other awards are also conferred. These decisions are informed by the findings of an expert panel and research undertaken by ODAC and the Commission. The criteria for selection and categories of awards are tabled below.

The Commission actively supports the IO Forum and was instrumental in the launching of the *PAIA Info-share* newsletter by the CC last year. The newsletter has been well received and will, in future, be expanded to provide DIOs with substantive information, news and related developments. Both the IO Forum report and *PAIA Info-share* are available on the Commission's website.

The SAHRC and the Open Democracy Advice Centre also produce the *Golden Key Awards Booklet* after the awards as a resource and inspirational tool (the publication is only available in hard copy at present). The booklet has, in a sense, served as a yardstick for contenders in enhancing PAIA implementation in their organisations.

### Criteria and category 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 PAIA. 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, and in principles 5 and 6 of Batho Pele.

*The winner of the Openness and Responsiveness Award* DIO Joe van Straaten received the award for the City of Johannesburg Metropolitan Municipality, for driving it to optimal levels of openness, responsiveness and commitment to information sharing.

The following criteria informed the findings of the panel:

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

#### • Category 2: Deputy Information Officer of the Year Award

The accolade of the Golden Key Award for best performing DIO for 2008 was awarded to Senior Superintendent Amelda Crooks from the South African Police Service (SAPS). Her award included a cash prize of R10 000.

There are no formal criteria for determining the winner of this award, but considerations listed below are taken into account:

Guidelines
Gives reasons for administrative decisions to those affected;
Releases, in response to specific requests, information relating to their policies, actions and decisions, and other matters related to their areas of responsibility;
Provides information at no cost to the requester;
Ensures that the organisation publishes in accordance with section 15 of PAIA;
Provides information as soon as possible. The target for response to simple requests for information is 30 days from the date of receipt;
Transfers requests to relevant institutions where necessary and informs the requester, 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 as a "champion of access to information" within his/her institution;
When s/he cannot find the records requested, s/he compiles an affidavit detailing efforts made to find the document and gives the affidavit to the requester; and
Has assisted a requester fill in the form correctly, when occasion has called for it.

#### • Category 3: Right to Know Activist of the Year Award

*Requester Award (Organisation/Individual)*

Requester Awards were made to the South African History Archive (SAHA) and Biowatch South Africa.

#### • Category 4: The Best Media Coverage of PAIA Award

There are no formal criteria for determination of the winner of this award, but the decision is made at the discretion of the award committee or panel.

Additional considerations for deciding on winners (in the case of a tie in the results after application of the criteria envisaged in categories one and two, or to guide selection of winners based on strategic advocacy objectives)
Publishes facts and analysis of the facts that government considers relevant and important in framing major policy proposals and decisions;
Usually makes information available when policies and decisions are announced;
Makes 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);
Publishes section 15 notices;
Is aware of PAIA;
Is aware of the principles of Batho Pele;
Publishes information consistent with principles five and six 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; and
Makes an annual submission of section 21 reports to the Commission.

#### • Special recognition certificates and trophies

Certificates and trophies were given in special recognition of the following:

- Eskom – Best Practice by a Parastatal;
- Limpopo Department of Public Works – Best

- Practice by a Provincial Department;
- Limpopo Premier's Office – Best Practice by a Provincial Department; and
- Theewaterskloof Local Municipality – Best Practice by a Local Municipality.

## Audits

The model for audits undertaken during the 2007 audit continued to form the basis of random audits of multiple levels of public bodies during 2008. Four national departments, three provincial departments and seven municipalities were audited. These audits were based on responses to questionnaires submitted to public entities prior to a meeting with relevant personnel on the agreed date of the audit.

The questionnaire focused on both records management and PAIA within the organisation. Delineated discussion fields drew on an analysis of systems, policies, processes, personnel capacity and accountability, personnel performance, compliance, budgetary allocations, reporting, awareness, information-sharing mechanisms and known information-sharing frameworks such as the IDPs, *imbizos*, internal communiqués, promotional material and organisational commitment to PAIA implementation.

The audit is premised on the inextricable link between sound records management procedures and practice, information management, PAIA and effective or good corporate governance.

## Findings

In the course of the audits it became abundantly clear that, while a perfunctory knowledge and awareness of the legislation was evident, findings remained largely true to the 2007 findings.

PAIA remains a deliverable that is responded to on an ad hoc basis by personnel who are insufficiently trained to apply the provisions with any degree of

confidence. Most PAIA personnel have other primary portfolios to which PAIA has been added without necessarily being reflected in their key performance agreements. Performance accountability is therefore extremely difficult to monitor. The fact that personnel lack capacity also influences their responses to time-bound requests and compliance.

Most organisations indicated that they were seriously challenged with the development of section 14 manuals. Many cited poor records management practices as the key reason for being unable to compile their manuals. Translation of the manual into official languages and accessibility of manuals were also cited as concerns.

The overwhelming majority of personnel indicated that the most significant impediment to PAIA implementation and delivery was the lack of executive and senior management “buy-in”. The primary reason cited for the lack of buy-in was an acute lack of awareness. Most managers were cited as being appeased by formal compliance only and contributed

minimally to an enabling environment for effective PAIA delivery. The lack of reporting obligations and budgetary allocations were also attributed to the lack of meaningful management commitment to PAIA implementation.

The Commission’s findings on the audit interventions continue to emphasise the need for value changes and shifts to increased transparency in the sector. Automatic information sharing remains key only to limited categories of information within certain clusters.

However, most believe that sharing information, particularly at the community and private individual level, creates a risk and vulnerability for their employer. Despite these concerning patterns of poor implementation, pockets of excellent practice do exist. The Gauteng Department of Agriculture has met all the queries posed by the audit positively and the Johannesburg Metro, too, has demonstrated commitment by deploying R3 million towards a tracking and monitoring system for PAIA.

The models cited for best practice were showcased at the national IO Forum in September. Detailed discussion on this follows below.

The Commission will continue the auditing process through 2009 and envisages revising audits of entities conducted in 2008 to test implementation of its recommendations.

While a nationwide audit would be feasible, the Commission lacks the capacity and resources to undertake this on an expansive scale. It is envisaged that some collaboration with the offices of the Auditor-General on PAIA and records management will spread scarce resources to increased effect in the future.

The full audit report is available on the Commission’s website.

## Law reform, legislation and case law monitoring

A number of interventions directed at law reform were initiated during 2008. These included briefs to the Minister of Justice and Constitutional Development, recommendations to the Department of Justice and Constitutional Development, and submissions to the Justice Portfolio Committee on the need for an Information Commissioner, the Protection of Information Bill and Magistrate’s Courts Rules (these submissions are available on request).

The common trend in these submissions goes to the heart of access to justice and access to rights assertion mechanisms. Supported fully by comparative research, the findings of the Asmal Committee on the Review of Chapter 9 and Associated Institutions, academics, and advocacy, lobbying and other interest groups, the Commission yet again repeated the call

for the creation of an intermediary office to adjudicate and or mediate PAIA matters. While accepting the near-ready status of the Magistrate’s Courts Rules, the Commission has stoically maintained that increasing the jurisdiction of magistrate’s courts will not address the rights assertion challenges apparent in the current PAIA framework adequately enough to cure the legislation of its defective rights assertion framework.

Substantive criticism of the exclusive jurisdiction of the courts over rights assertion and vindication remain without impact because lengthy time frames, complex legal processes and costly representation are still necessary at magistrate’s court level for rights vindication. If anything, expeditious access to justice may be more significantly thwarted because information holders will be able to delay proceedings through their practitioners, with very little on the side of ordinary South Africans to balance this power. Court rolls at present are in many instances approximately one to 18 months behind, with certain High Courts showing backlogs of as much as two years. These factors can only frustrate the realisation of the right for South Africans and cause a concomitant waste of public resources for public entities.

The Commission also submitted recommendations to the Portfolio Committee on the Protection of Information Bill. The breadth of its provisions, in particular those defining national interest, the dispute resolution framework recommended in the Bill and the increase in timeframes for decisions to 90 days require some scrutiny. It is common cause among a number of interested parties, such as the National Intelligence Agency, that the recommendation for the Commission and itself to execute certain mandates were rejected by both agencies.

The Commission affirmed the need for realistic resources to be deployed to all institutions concerned for the Bill to be accepted and, in particular, to urge the committee to consider the need for an intermediary body such as that of an Information Commissioner to mediate disputes, and promote and provide guidance for and awareness of the legislation.

Other recommendations to the Department of Justice and Constitutional Development concerned the following issues: imposition of fees for requests; exemptions of certain private bodies; and classification and definitions of public entities falling within the ambit of PAIA. The department was also urged to consider the pressing issue of resource allocation for adequate monitoring, promoting and protecting of access rights, and custody and management of the records it must administer from all public entities and the private sector.

While proposed legislation such as the Protection of Information Bill and the Protection of Personal Information Bill received focused scrutiny, the

coverage and monitoring of international developments with regard to privacy and cyber protection of information remains inadequately monitored due to a lack of resources.

## Case law

Case law monitored during the course of the year continues to be a gauge of the costs, complexity and time engaged by PAIA litigants. Monitoring has revealed that most litigants tend to be sophisticated requesters. The group of litigants funded primarily by interest groups and donors is set apart from this category.

The costs application heard in the Constitutional Court at the end of the year in the Biowatch appeal to the full court aptly demonstrates the excessive time spent on litigation – in this case, about nine years. Significant costs were also incurred for all parties in engaging senior counsel in each stage of the appeal proceedings. The final matter of the year mirrored all of the access to justice points elaborated above. Funded by an NGO, the matter saw section 78 (2) of PAIA declared unconstitutional in the Cape High Court. The matter on the substance of the case, after a two-year process before that court, may yet go on appeal on the merits, but the declaration of unconstitutionality will also remain for confirmation before the Constitutional Court. This case, too, involved time, significant costs and complex processes, which compounded efforts to expedite access to justice.

## Human Rights Development Report (HRDR) and journal

The HRDR details the development and status of PAIA in South Africa during 2007/08. The report tabulates statistics and findings supported by data obtained through monitoring and research undertaken by the Commission. The HRDR has been well received and is fast being cited as an authority on PAIA developments by academics, commentators and interest groups.

The programme was also pleased to include a chapter on PAIA and public participation in the launch of its journal, *African Perspective*. In the chapter, access to information was contextualised as a catalyst to service delivery and the key to informed public participation and community self-realisation.

The second volume of the HRDR is scheduled for publication in the second half of the year.

## Monitoring compliance

The monitoring of compliance in terms of sections 32 and 14 of PAIA, together with auditing and training interventions, has yielded vital empirical data for research. The publications of the Commission that relate to and include PAIA have placed a heavy reliance on this data.

Monitoring compliance through both practical and formal methods has resulted in data that point to tangible solutions. The Commission, unfortunately, does not possess the financial or human capital to undertake these initiatives in the range and quantity it considers desirable, nor can it adequately take action to decisively change the levels of commitment to implementation and delivery in the sector.

However, compliance with sections 32 and 14 and audits remain an integral framework through which monitoring and evaluation of the right can occur in the formal sense.

Analysis of reports provides clear evidence of stasis with regard to access to information in the public sector on a very elementary level. Most public bodies have been hounded into compliance with section 32 and some only comply well after deadlines for submission have passed. This type of response provides clear evidence of the lack of awareness and commitment within the sector to deliver on access rights, and begs questions of service delivery, transparency and commitment to the laudable Batho Pele principles, eight years after the enactment of the PAIA legislation.

#### Section 14 and 51 compliance

PAIA places mandatory compliance obligations for both public and private bodies in terms of sections 14 and 51.

The monitoring of compliance requires dedicated administrative staff to peruse manuals and provide guidance to organisations that comply by submission. The need for such a support service is heightened by the lack of capacity within public bodies to develop their own manuals – a situation often compounded by poor records management processes and practices. The capacity of the Commission to provide adequate support and responses to these needs are critically limited. The processing and administering of the manuals received during 2008 has therefore been superficial, at best.

Increased resources are also necessary for adequate physical housing and electronic management of registries and administration of the voluminous records submitted to the Commission. Adequate support, physical storage capacity, administration and support personnel are basic requirements to meet the section 14 and 51 mandates. This massive injection of human and financial capital will significantly enhance compliance delivery and accessibility of information dictated by PAIA and the Constitution.

The administrative authority on PAIA needs to urgently provide clear definitional terms to enable private bodies to assess their compliance obligations. The moratorium expiring in December 2011 also warrants consideration, as private entities are

reporting great unease with the lack of any clear decision on the reporting obligations of the bodies currently exempted under the moratorium.

#### Section 32 compliance

The PAIA provisions create mandatory obligations for both the public and private sector to submit manuals on an annual basis. Public bodies must also submit annual returns to the Commission in terms of section 32 of PAIA. These section 32 reports are largely statistical in content and provide a snapshot of the numbers of requests submitted to public bodies.

Section 32 reporting is plagued by a number of challenges. The Commission itself has been allocated meagre resources to adequately drive compliance within the sector. It may be argued that mandatory compliance with section 32 should provide adequate impetus for the sector to comply with legal obligations in the legislation. However, compliance rates have been so low that the Commission has assumed some responsibility for reporting rates. As such, it has shifted its focus to securing submission for the purposes of section 32, as opposed to dedicating resources for substantive monitoring and evaluation.

Despite its potential as a tool for monitoring and evaluation, section 32 reports carry other substantive limitations. Some of these vulnerabilities are evident in the potential for inaccurate or deliberately misleading information. The report also does not reflect requests processed telephonically. Though these requests are not formal requests, they do account for a number of requests for access to information.

The accuracy of reports can be affected by the unavailability of resources and the adequacy of systems to record data. The lack of formal mechanisms to enable the testing of the veracity of these reports makes recorded information additionally vulnerable.

These problems are exacerbated by the fact that, in as much as PAIA requires public bodies to submit section 32 reports to the Commission, the Act imposes no sanction on public bodies that do not submit reports. Submissions are therefore based largely on cooperation between the public body or entity and the Commission.

The graphs tabled below reflect compliance rates with section 32 per tier of government from 2002. Local government structures are reflected separately in Graph 6.2.2, with projections for each type of local government reflected for the 2008/09 period. Total numbers of requests received, granted and declined are also projected over the seven-year period of monitoring. Section 32 statistics are considered together with information obtained through audits, training sessions and the monitoring of section 14 to provide some insight into the challenges experienced in implementation of PAIA in the sector.

#### Section 32 statistics

While statistics continue to indicate widespread non-compliance with section 32 reporting obligations, the high incidence of non-compliance at the provincial and local government levels are of particular concern. Offices of the Premier within each province could easily have set the standard in their provincial departments, but non-compliance by several of these offices is disappointing.

Similar leadership roles could reasonably have been anticipated from all metropolitan councils, which also serve as lead institutions in metropolitan cities and district municipalities. Despite other awareness-raising interventions undertaken with Offices of the Premier and metros, there has been no significant increase in compliance with section 32 in the past two years.

A 100% compliance rate from departments in Limpopo provided stark contrast to other provinces. Successful compliance from this province was attributed largely to the degree of political leadership and support to access to information by the premier of the province and personnel tasked with PAIA implementation in the various departments. Driven through an organised structure from the Office of the Premier, all PAIA and records management personnel are regularly trained and accorded supportive internal environments in which to deliver on PAIA. This model has shown success may be attained through commitment by leadership and executive management in the public sector.

Provincial compliance for the rest of the country is concentrated in three of the most densely-populated provinces. The Western Cape accounted for six submissions, with Gauteng and KwaZulu-Natal submitting five each. North West did not comply with section 32 reporting obligations at all. Only the provincial treasury submitted a section 32 report in the Northern Cape. Compliance with Section 14 mirrors these trends in the provinces.

*Note that section 32 reports received after the 30 April extension are not reflected in this report.*

#### Request statistics

Graph 6.2.3 illustrates the total numbers of requests received, granted in full and declined. The empirical data in these graphs are composite statistics from 2002 to 2008 for all three tiers of government.

Interestingly, statistics show that local government and provincial departments are granting more requests than previously, while national departments have shown a slight drop in the numbers of requests to which they have given full access. The average number of requests per department at national and provincial levels totals about 45 per year. These

averages would drop considerably if SAPS statistics were excluded from the calculation. The low levels are worrying and raise concern about the levels of awareness within civil society and whether the right is being asserted sufficiently frequently by the public.

Zero returns posted by key agencies such as the departments of Land Affairs, Provincial and Local Government, Social Development, Public Enterprises and Labour is of grave concern. No salient justification for these returns can be submitted, particularly in light of the critical role they play on key areas of service delivery.

#### Local government

Most metros engaged with audit and training interventions demonstrate sufficient financial resources available for sophisticated systems and processes with which to implement PAIA. Despite this availability, however, many do not have adequate systems or processes to ensure timeous and effective responses. The poor operational environments in other local government structures have consistently been raised, together with a lack of financial resources and a lack of senior management buy-in, as key impediments to delivery on PAIA.

More than 80% of local government structures remain non-compliant. Significantly, reports from local government also reveal a worrying trend of reports indicating zero requests. There are a number of conclusions to be drawn from this. The most obvious is that members of the public are not using the legislation enough and that local government is not contributing to increasing community awareness through its integrated development planning initiatives – designed with this objective in mind – or that zero returns are simply a form of malicious compliance. Both of these conclusions warrant concern, particularly because local government remains the first interface between communities and government.

The key tenets of participatory democracy require active communities and mutually constructive relationships between key service delivery agencies and government. If local government is not able to fully embrace the objectives of PAIA, service delivery, which is its mainstay, will continue to be critically impeded.

Key areas for accelerating compliance and implementation of PAIA at local government level that merit urgent attention include: measures to sustain fully capacitated personnel, including frontline staff and staff at customer care service centres; improved records and document management systems; adequate budgetary allocations; reporting and accountability on PAIA delivery; improved systems and processes to administer requests; monitoring and evaluation of specific requirements to address impediments to delivery; increased commitment from senior management contextualising

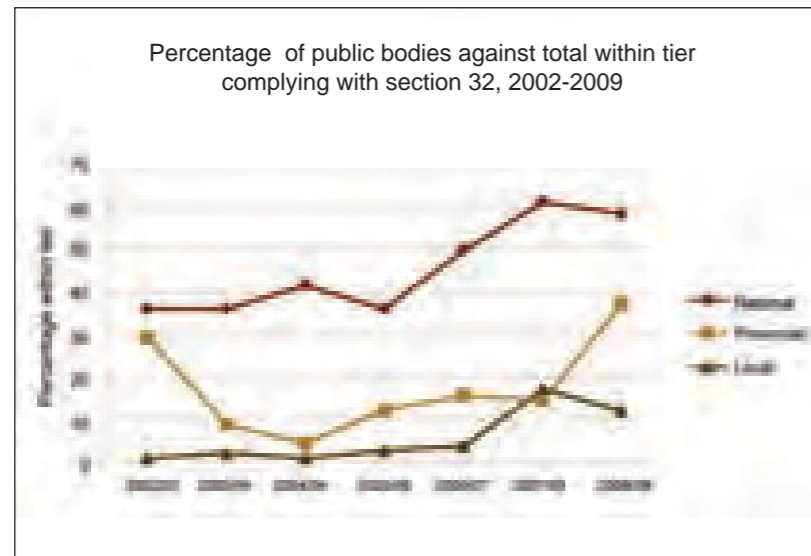


PAIA within service delivery priorities and standards; and the integration of PAIA into the IDP process and community structures within each geographic area. These changes address both operational and

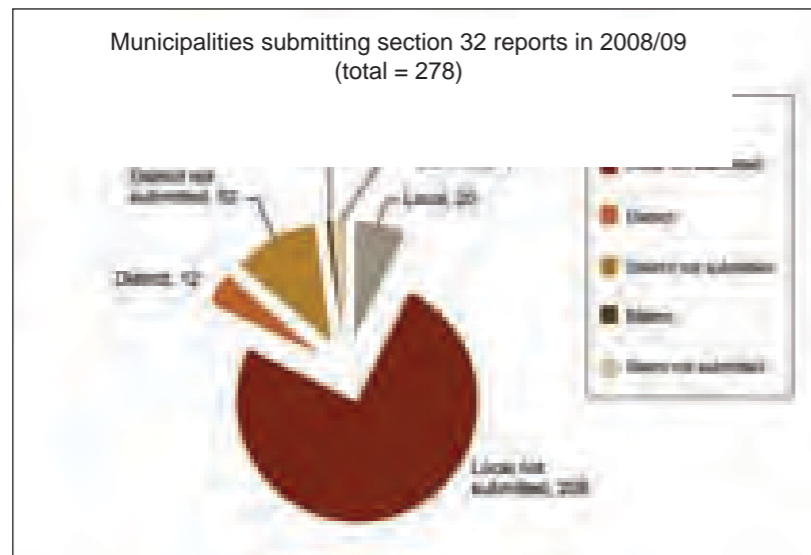
orientation needs to enhance PAIA compliance and implementation, but need to be addressed urgently to overcome entrenched patterns of behaviour within local government structures.

Number of public bodies submitting section 32 reports, 2002-2007:							
Department	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
National	13	13	15	13	18	22	22
Provincial	26	8	4	11	14	13	33
Local	3	6	4	8	11	48	33

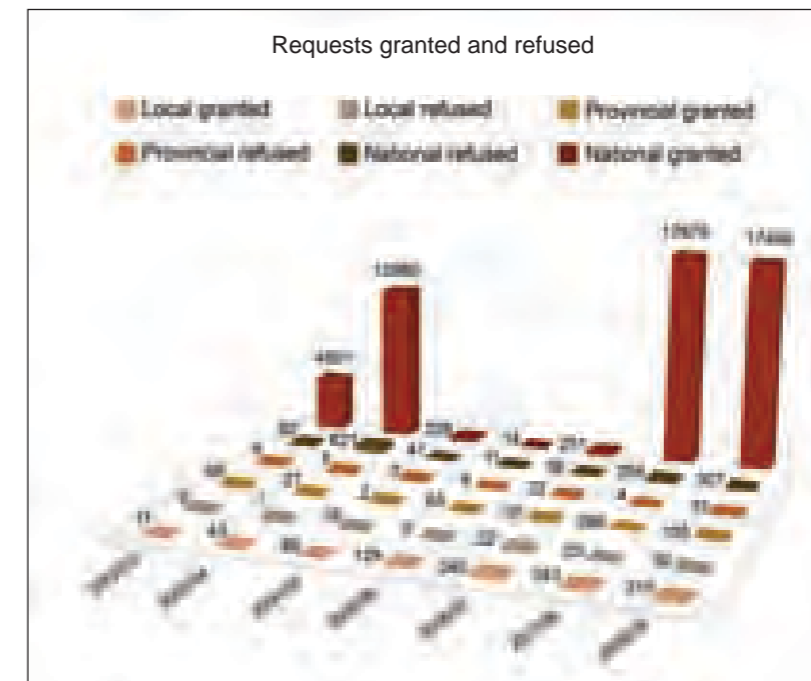
Graph 6.2.1



Graph 6.2.2



Graph 6.2.3



**Public bodies not complying with section 32 of PAIA**

*National government departments*

Department of Transport	Department of Minerals and Energy
Department of Health	Department of Public Works
Department of Foreign Affairs	Department of Defence
Department of Home Affairs	Department of Water Affairs and Forestry
Department of Housing	Independent Complaints Directorate

*Provincial departments*

Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Mpumalanga	Northern Cape	North West	Western Cape
Office of the Premier	Tourism, Environmental and Economic Affairs	Sport, Arts, Culture and Recreation	Office of the Premier	Office of the Premier	Office of the Premier	Office of the Premier	Office of the Premier
Agriculture	Agriculture	Housing	Social Services and Population Development	Agriculture and Land Administration	Agriculture and Land Reform	Agriculture, Conservation and Environment	Education
Economic Affairs, Environment and Tourism	Education	Health	Sport and Recreation	Cultural Affairs, Sport and Recreation	Economic Affairs, Tourism, Environment and Conservation	Economic Development	Health
Education	Health	Community Safety	Education	Economic Development and Planning	Education	Education	Social Development
Finance	Social Development	Finance	Finance and Economic Development	Education	Finance	Finance	Sport and Cultural Affairs
Health	Provincial Treasury	Finance and Economic Affairs	Transport and Community Safety and Liaison	Finance	Health	Health	Transport and Public Works
Local Government, Housing and Traditional Affairs	Public Safety and Liaison	Social Development	Health	Health and Social Development	Housing and Local Government	Local Government and Housing	
Public Works	Public Works, Roads and Transport		Public Works	Safety and Security	Safety and Liaison	Public Works	
Safety, Security, Liaison and Transport				Public Works Roads and Public Transport	Social Development	Transport, Roads and Community Safety	
Social Development					Sport, Arts and Culture	Social Development	
Sport, Recreation, Arts and Culture					Transport, Roads and Public Works	Sport, Arts and Culture	

*Local municipalities per province*

Eastern Cape				
Ntabankulu	Mbhashe Local	Baviaans	Ndlambe	Sakhisizwe
Matatiele	Mnquma Local	Blue Crane Route	Sunday's River Valley	Tsolwana
Umzimvubu	Ngqushwa	Camdeboo	Ingquza Hill	Nelson Mandela Bay
Nyandeni	Nkonkobe	Ikwezi	Engcobo	Elundini
Maletswai	Nxuba	Kouga	Senqu	King Sabata Dalindyebo
Buffalo city	Port St Johns	Kou-Kamma	Inkwanca	Mbizana
Great Kei	Mhlontlo	Makana	Intsika Yethu	
Free State				
Mohokare	Ngwathe	Mangaung	Letsemeng	Kopanong
Setsoto	Phumelela	Naledi	Dihlabeng	Nketoana
Mafube	Masilonyana Local	Matjhabeng Local	Moqhaka	Tokologo
Metsimaholo				
Gauteng				
Kungwini	Emfuleni	Emfuleni	Randfontein	Westonaria
Nokeng Tsa Taemane	Lesedi L			
KwaZulu-Natal				
Nkandla	Ndwedwe	Impendle	The Big Five False Bay	Umtshezi
Dannhauser	Mbonambi	Mkhambathini	Abaqulusi	Imbabazane
Indaka	Greater Kokstad	Mpofana	Endumeni	Umhlabuyalingana
Emadlangeni	Okhahlamba	Msunduzi	Msinga	Ndwedwe
Hibiscus Coast	Kwasani	Richmond	Nquthu	KwaDukuza
Ezinqoleni	Ubuhlebezwe	uMngeni	uMvoti	Jozini
uMuziwabantu	Umzimkhulu	uMshwathi	eDumbe	Mtubatuba
Mthonjaneni Local	Ntambanana	Nongoma	Emnambithi- Ladysmith	Umzumbe
Mandeni Local	Umdoni	Hlabisa / Impala	Maphumulo	Vulamehlo
Limpopo				
Mogalakwena	Molemole	Groblersdal	Makhudutamaga	Maruleng
Aganang	Polokwane	Greater Marble	Ba-Phalaborwa	Makhado
Blouberg	Mookgophong	Hall	Greater Giyani	Thabazimbi
Lepelle-Nkumpi	Fetakgomo	Tubatse	Greater Letaba	Mutale
Thulamela	Modimolle			

Mpumalanga				
Mkhondo	Delmas	Dr JS Moroka	Lekwa	Thaba Chweu
Msukaligwa	Dr JS Moroka	Emakhazeni	Bushbuckridge	Govan Mbeki
Emalaheni	Emakhazeni	Thembisile Hani	Nkomazi	Albert Luthuli
Dipaleseng				
North West				
Mafikeng	Moses Kotane	Kagisano	Naledi	Tswaing
Kgetleng River	Ramotshere Moiloa	Mamusa	Ratlou	Ventersdorp
Moretele	Greater Taung	Molopo	Ditsobotla	City of Matlosana
Maquassi	Merafong			
Northern Cape				
Thembelihle	Gariep	Kheis	Phokwane	Hoogland
Tsantsabane	Kgatelopele	Dikgatlong	Sol Plaatje	Khai-Ma
Mier	Khara Hais	Magareng	Karoo	Kamiesberg
Richtersveld	Renosterberg	Siyancuma	Gamagara	Ga-Segonyana
Kareeberg	Moshaweng			
Western Cape				
Breede Valley	Drakenstein	Swellendam	Laingsburg	Kannaland
Breede Rivier/ Winelands	Knysna	Witzenberg	Prince Albert	Cederberg
Cape Agulhas	Stellenbosh	Beaufort West	Bitou	Matzikama

#### District municipalities per province

Eastern Cape		Free State	KwaZulu-Natal	
Amathole		Thabo Mofutsanyane	Amajuba	
OR Thambo		Lejweleputswa	iLembe	
Chris Hani		Motheo	Sisonke	
Alfred Nzo		Fezile	Uthukela	
Cacadu		Xhariep	Umkhanyakude	
Ukhahlamba			Umgungundlovu	
			Ugu	
Limpopo	North West	Mpumalanga	Western Cape	
Capricorn	Bojanala	Nkangala	Eden	
Sekhukhune	Ngaka Modiri Molema	Gert Sibande	West Coast	
Waterberg	Southern	Northern Cape		
		Namakwa		

#### Chapter 9 Institutions

Commission for Gender Equality
Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
Independent Electoral Commission
Youth Commission

#### Repeat offenders: three consecutive years of non-compliance

National			
Department of Health	Department of Minerals and Energy	Department of Public Works	Independent Complaints Directorate
Provinces			
Eastern Cape			
Office of the Premier	Education	Local Government, Housing and Traditional Affairs	Social Development
Agriculture	Finance	Public Works	Sport, Recreation, Arts and Culture
Economic Affairs, Environment and Tourism	Health	Safety, Security, Liaison and Transport	
Free State			
Tourism, Environmental and Economic Affairs	Agriculture	Education	Health
Social Development	Provincial Treasury	Public Safety and Liaison	Public Works, Roads and Transport
Gauteng			
Health	Community Safety	Finance and Economic Affairs	
KwaZulu-Natal			
Office of the Premier	Sport and Recreation	Finance and Economic Development	Health
Social Services and Population Development	Education	Transport and Community Safety and Liaison	Public Works
Mpumalanga			
Office of the Premier	Agriculture and Land Administration	Cultural Affairs, Sport and Recreation	Economic Development and Planning
Education	Public Works	Roads and Public Transport	Sport, Arts and Culture
Finance	Transport, Roads and Community Safety	Local Government and Housing	Agriculture, Conservation and Environment
Health and Social Development	Social Development	Education	Economic Development

Northern Cape			
Office of the Premier	Economic Affairs, Tourism, Environment and Conservation	Health	Safety and Liaison
Agriculture and Land Reform	Transport, Roads and Public Works	Housing and Local Government	Social Development
Sport, Arts and Culture	Finance		
Western Cape			
Office of the Premier	Health	Sport and Cultural Affairs	Transport and Public Works
Education	Social Development		

*Local government: local and district municipalities*

Eastern Cape			
Ntabankulu (local)	Mbhashe (local)	Camdeboo (local)	Ingquza Hill (local)
Matatiele (local)	Mnquma (local)	Ikwezi (local)	Engcobo (local)
Umzimvubu (local)	Ngqushwa (local)	Kouga (local)	Senqu (local)
Nyandeni (local)	Nkonkobe (local)	Kou-Kamma (local)	Inkwanca (local)
Maletswai (local)	Port St Johns (local)	Makana (local)	Intsika Yethu (local)
Buffalo City (local)	Baviaans (local)	Ndlambe (local)	Sakhisizwe (local)
Great Kei (local)	Blue Crane Route (local)	Sunday's River Valley (local)	Amathole (district)
Tsolwana (local)	Alfred Nzo (district)	Cacadu (district)	OR Thambo (district)
Chris Hani (district)	Ukhahlamba (district)	Nelson Mandela Metro	
Free State			
Mohokare (local)	Moqhaka (local)	Matjhabeng (local)	Naledi (local)
Setsoto (local)	Ngwathe (local)	Tokologo (local)	Letsemeng (local)
Mafube (local)	Phumelela (local)	Mangaung (local)	Dihlabeng (local)
Metsimaholo (local)	Masilonyana (local)	Lejweleputswa (district)	Kopanong (local)
Nketoana (local)	habo Mofutsanyane (district)	Xhariep (district)	
Gauteng			
Kungwini (local)	Emfuleni (local)	Westonaria (local)	City of Tshwane Metro
Nokeng Tsa Taemane (local)	Lesedi (local)	Randfontein (local)	

KwaZulu-Natal			
Nkandla (local)	Greater Kokstad (local)	Msunduzi (local)	Nquthu (local)
Dannhauser (local)	Okhahlamba (local)	Richmond (local)	Umvoti (local)
Indaka (local)	Kwasani (local)	uMngeni (local)	eDumbe (local)
Emadlangeni (local)	Ubuhlebezwe (local)	uMshwati (local)	Emnambithi- Ladysmith (local)
Hibiscus Coast (local)	Umzimkhulu (local)	Nongoma (local)	Imbabazane (local)
Ezinqoleni (local)	Ntambanana (local)	Hlabisa/Impala (local)	Amajuba (district)
uMuziwabantu (local)	Umdoni (local)	Jozini (local)	iLembe (district)
Mthonjaneni (local)	Umzumbe (local)	Mtubatuba (local)	Sisonke (district)
Mandeni (local)	Vulamehlo (local)	Umhlabuyalingana (local)	Uthukela (district)
Kwa Dukuza (local)	Umtshezi (local)	The Big Five False Bay (local)	Umkhanyakude (district)
Maphumulo (local)	Impendle (local)	Abaqulusi (local)	Umgungundlovu (district)
Ndwedwe (local)	Mkhambathini (local)	Endumeni (local)	Ugu (district)
Mbonambi (local)	Mpofana (local)	Msinga (local)	
Limpopo			
Mogalakwena (local)	Mookgophong (local)	Ba-Phalaborwa (local)	Thabazimbi (local)
Aganang (local)	Fetakgomo (local)	Greater Giyani (local)	Mutale (local)
Blouberg (local)	Grobiersdal (local)	Greater Letaba (local)	Thulamela (local)
Lepelle-Nkumpi (local)	Greater Marble Hall (local)	Greater Tzaneen (local)	Modimolle (local)
Molemole (local)	Tubatse (local)	Maruleng (local)	Capricorn (district)
Polokwane (local)	Makhudutamaga (local)	Makhado (local)	Sekhukhunde (district)
Waterberg District			
Mpumalanga			
Mkhondo (local)	Emalahleni (local)	Dr JS Moroka (local)	Nkangala (district)
Msukaligwa (local)	Delmas (local)	Emakhazeni (local)	Gert Sibande (district)
Northern Cape			
Namakwa (district)			
North West			
Bojanala (district)	Ngaka Modiri Molema (district)	Southern (district)	

Western Cape

Breede Valley (local)	Swellendam (local)	Bitou (local)	Lekwa (local)
Breede Rivier/Winelands (local)	Witzenberg (local)	Kannaland (local)	Bushbuckridge (local)
Cape Agulhas (local)	Beaufort West (local)	Cederberg (local)	Nkomazi (local)
Knysna (local)	Laingsburg (local)	Matzikama (local)	Thabo Chweu (local)
Stellenbosh (local)	Prince Albert (local)	Thembisile (local)	Govan Mbeki (local)
Eden (district)	West Coast (district)		

Public bodies complying with section 32 of PAIA  
1 April-31 March 2009

National government departments

Department	Number of requests for access to information (ATI) (a)	Number of requests for access to information (ATI) (b)	Number of requests for access to information (ATI) (c)	Number of requests for access to information (ATI) (d)	Number of requests for access to information (ATI) (e)	Number of requests for access to information (ATI) (f)	Number of requests for access to information (ATI) (g)	Number of requests for access to information (ATI) (h)	Number of requests for access to information (ATI) (i)	Number of requests for access to information (ATI) (j)	Number of requests for access to information (ATI) (k)	Number of requests for access to information (ATI) (l)	Number of requests for access to information (ATI) (m)	Number of requests for access to information (ATI) (n)	Number of requests for access to information (ATI) (o)	Number of requests for access to information (ATI) (p)	Number of requests for access to information (ATI) (q)	Number of requests for access to information (ATI) (r)	Number of requests for access to information (ATI) (s)	Number of requests for access to information (ATI) (t)	Number of requests for access to information (ATI) (u)	Number of requests for access to information (ATI) (v)	Number of requests for access to information (ATI) (w)	Number of requests for access to information (ATI) (x)	Number of requests for access to information (ATI) (y)	Number of requests for access to information (ATI) (z)	
Department of Agriculture, Forestry and Fisheries	28	19	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Department of Education	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Department of Health	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
Department of Labour	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
Department of Transport, Road Safety and Freight	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
Department of Water and Environmental Affairs	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
Department of Welfare and Social Services	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
Department of Women and Child Development	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
Department of the Environment and Energy	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
Department of the Public Service and Administration	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
Department of the Western Cape	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14

National Department	Number of requests for access received, sections 32 (a) and 32 (b)	Number of requests for access granted in full, section 32 (b)	Number of requests for access granted in terms of sections 32 (b) and 32 (c)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access granted in terms of sections 32 (b) and 32 (c)	Number of requests for access granted in full, section 32 (b)	Number of requests for access granted in terms of sections 32 (b) and 32 (c)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access granted in terms of sections 32 (b) and 32 (c)	Number of requests for access granted in full, section 32 (b)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Other Information
Business and Consumer Development	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Local Affairs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Environment	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Finance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Services and Administration	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Social Development	4	3	0	0	0	0	0	0	0	0	0	0	0	0	0
South African Police Service	22 (20)	17 (20)	0	2	2	0	0	0	0	0	0	0	0	0	0
State and Territories	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Transport, Roads and Maritime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Trade and Industry	11	7	0	0	0	0	0	0	0	0	0	0	0	0	0
Water and Sanitation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Western Cape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Information	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Provincial government

Department of Provincial Government	Number of requests for access received, sections 32 (a) and 32 (b)	Number of requests for access granted in full, section 32 (b)	Number of requests for access granted in terms of sections 32 (b) and 32 (c)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access granted in terms of sections 32 (b) and 32 (c)	Number of requests for access granted in full, section 32 (b)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access granted in terms of sections 32 (b) and 32 (c)	Number of requests for access granted in full, section 32 (b)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Number of requests for access (a) refused in full (b) refused partially and (c) number of times each provision of the Act was relied on to refuse access in full or partially, sections 32 (d)	Other Information
Department of Provincial Government, Free State and Northern Cape	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Free State	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Free State and Northern Cape	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Information	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



Municipality	Number of requests for services received, section 31 (4)	Number of requests for services granted in full, section 31 (5)	Number of requests for services granted in terms of section 31 (4)	Number of requests for services (a) refused in full, (b) reduced partially, and (c) provision of the full service refused in its entirety, section 31 (4)	Number of requests for services which were not considered in terms of sections 25 (1) and 26 (1)	Number of requests for services which, as a result of an internal appeal, were given section 31 (1)	Number of requests which were lodged on the grounds that an internal appeal was requested but having been dismissed in terms of sections 27, 28 and 29	Number of requests for services which were lodged on the grounds that an internal appeal was requested but having been dismissed in terms of sections 27, 28 and 29	Other applications
<b>Kapungulup</b>				4	1				
<b>Local</b>									
<b>Lakeford</b>									
<b>Port Elizabeth</b>									
<b>Local</b>									
<b>Trompsburg</b>	6	6	6	6	6		6	6	
<b>Local</b>	6	6	6	6	6		6	6	
<b>Senekene</b>									
<b>Local</b>									
<b>Uitenhage</b>									
<b>Local</b>									
<b>Port Alfred</b>	6	6	6	6	6		6	6	
<b>Local</b>	6	6	6	6	6		6	6	
<b>Alton</b>									
<b>City of Johannesburg</b>	44	44	44	44	44		44	44	
<b>Local</b>	44	44	44	44	44		44	44	
<b>East London</b>	36	36	36	36	36		36	36	
<b>Local</b>	36	36	36	36	36		36	36	
<b>Port Elizabeth</b>	30	30	30	30	30		30	30	
<b>Local</b>	30	30	30	30	30		30	30	
<b>Port Alfred</b>	4	4	4	4	4		4	4	
<b>Local</b>	4	4	4	4	4		4	4	
<b>Alton</b>	4	4	4	4	4		4	4	
<b>Port Elizabeth</b>	4	4	4	4	4		4	4	

Municipality	Number of requests for services received, section 31 (4)	Number of requests for services granted in full, section 31 (5)	Number of requests for services granted in terms of section 31 (4)	Number of requests for services (a) refused in full, (b) reduced partially, and (c) provision of the full service refused in its entirety, section 31 (4)	Number of requests for services which were not considered in terms of sections 25 (1) and 26 (1)	Number of requests for services which, as a result of an internal appeal, were given section 31 (1)	Number of requests which were lodged on the grounds that an internal appeal was requested but having been dismissed in terms of sections 27, 28 and 29	Number of requests for services which were lodged on the grounds that an internal appeal was requested but having been dismissed in terms of sections 27, 28 and 29	Other applications
<b>Alton</b>	4	4	4	4	4		4	4	
<b>Local</b>	4	4	4	4	4		4	4	
<b>Port Elizabeth</b>	4	4	4	4	4		4	4	
<b>Local</b>	4	4	4	4	4		4	4	
<b>Port Elizabeth</b>	3	3	3	3	3		3	3	
<b>Local</b>	3	3	3	3	3		3	3	
<b>Port Elizabeth</b>	3	3	3	3	3		3	3	
<b>Local</b>	3	3	3	3	3		3	3	
<b>Port Elizabeth</b>	2	2	2	2	2		2	2	
<b>Local</b>	2	2	2	2	2		2	2	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	
<b>Port Elizabeth</b>	1	1	1	1	1		1	1	
<b>Local</b>	1	1	1	1	1		1	1	



Applicant	Applicant's name	Applicant's address	Applicant's telephone number	Applicant's fax number	Applicant's e-mail address	Applicant's website	Applicant's type of business	Applicant's turnover	Refused partially and (a) number of successful appeals in terms of section 32 (1) (a)		Refused partially and (b) number of successful appeals in terms of section 32 (1) (b)	The period of time which was allocated to the applicant in terms of section 32 (1) (c)	Number of appeals which were lodged with the relevant authority and which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were lodged with the relevant authority and which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)		
									(a)	(b)												

Other public bodies complying with section 32 of PAIA

Applicant	Applicant's name	Applicant's address	Applicant's telephone number	Applicant's fax number	Applicant's e-mail address	Applicant's website	Applicant's type of business	Applicant's turnover	Refused partially and (a) number of successful appeals in terms of section 32 (1) (a)		Refused partially and (b) number of successful appeals in terms of section 32 (1) (b)	The period of time which was allocated to the applicant in terms of section 32 (1) (c)	Number of appeals which were lodged with the relevant authority and which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were lodged with the relevant authority and which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	Number of appeals which were referred to an appeal review panel in terms of section 32 (1) (d)	
									(a)	(b)													

Category	Number of requests for review (a)	Number of requests for review granted (b)	Number of requests for review granted (c)	Number of requests for review granted (d)	Number of requests for review granted (e)	Number of requests for review granted (f)	Number of requests for review granted (g)	Number of requests for review granted (h)	Number of requests for review granted (i)	Number of requests for review granted (j)	Number of requests for review granted (k)	Number of requests for review granted (l)	Number of requests for review granted (m)	Number of requests for review granted (n)	Number of requests for review granted (o)	Number of requests for review granted (p)	Number of requests for review granted (q)	Number of requests for review granted (r)	Number of requests for review granted (s)	Number of requests for review granted (t)	Number of requests for review granted (u)	Number of requests for review granted (v)	Number of requests for review granted (w)	Number of requests for review granted (x)	Number of requests for review granted (y)	Number of requests for review granted (z)				
Gender Equality Commission																														
Health and Welfare (HEW)																														
Magistrates Commission																														
Market Theatre Foundation																														
Prison Training Project Commission (PTP)																														
Prison Operations Authority																														
Private Security Industry Regulatory Authority																														
Public Service Commission																														
South African Airways																														
Special Investigating Unit																														
South African Police																														
University of Johannesburg																														
University of Pretoria																														
South African Revenue Service																														
Western Cape Law Society and Bar Council																														
Apparatus of the State																														

**Integrating PAIA with other interventions of the Commission**

PAIA's status as a law of general national application entrenching a fundamental human right has the inevitable consequence that it affects the general work of the Commission on a significant scale, bearing relevance to all programmes. In this sense, the sub-programme provides an expert base for the integration of PAIA in a diverse range of substantive sub-programme work.

The programme has integrated much of its work with other initiatives of the Commission. In this regard the following interventions merit noting: participation and facilitation of xenophobia site monitoring and reporting; xenophobia legal steering committee; contributions to media interventions; contributions to hearings and reports of the Commission; human resources processes for internal integration of access legislation; the sharing of practice, theory and process with visiting regional and international delegations; provision of opinions to and participation in the disability programme; provision of opinions to and participation in the equality programme and with the work of the Commission's legal services programme nationally.

**Recommendations**

Formal reform on PAIA is long overdue. The need for periodic review of the legislation must be acted on with urgency, as these timeframes have lapsed. The current framework to rights assertion in terms of PAIA is a clear example and requires an immediate overhaul to ensure cheaper, simpler and more expeditious routes to accessing justice. Emerging legislation also warrants close and continuous monitoring of its impact on the fundamental right to access information. Legislators need to pay close heed to international trends in access to information-related legislation. Frameworks should, as a rule, favour a coherent synergy with the PAIA legislation to ensure that the right to access information is not unjustifiably affected.

Apart from recommendations for urgent legislative reform, urgent attention to the budgetary allocations made for the execution of the PAIA mandate by the



Commission is crucial. If adequate resources are not timeously allocated, there is a real danger that the legislation will atrophy very quickly.

A commitment by executive management and political heads within public entities is a prerequisite to attaining an organisational culture that eschews secrecy and embraces information sharing. Staff training further enhances such leads to develop PAIA-based delivery. Training, orientation and senior management commitment also align the principles of Batho Pele, which guide the public service to international delivery standards and to nationally articulated development priorities in South Africa.

## 6.3 Annexure 3 – Xenophobia Report: Putting out the Fires

### Part 1

#### Introduction

The unprecedented xenophobic violence that swept South Africa in May 2008 shattered our understanding of tolerance and how far we have come as a nation in building a society based on the constitutionally entrenched values of human dignity, the achievement of equality and the advancement of human rights and freedom. The South African Human Rights Commission (SAHRC or Commission) was faced with the greatest disaster to date that it had to respond to within its constitutional mandate.

This report seeks to record the Commission's response to the violence. The operations of the SAHRC were significantly affected, as resources and personnel were diverted to attend to the crisis. It is thus important in terms of transparency and accountability that the Commission record what it did during this period and reflect thereon. For most role players, the crisis was a time of great learning. It is important for the Commission to record these lessons and make recommendations on how to respond to disasters in the future and what steps can be taken to address xenophobia and other related forms of intolerance in order to prevent such violence occurring again.

#### Report methodology

Information within this report has been compiled from as many internal resources as possible, including: minutes of meetings, official SAHRC reports, internal reports and other internal documents, and face-to-face interviews with staff. The report aims to provide a broad overview of the responses by the various SAHRC offices.

It must be stated at the outset that, given the enormity of the crisis and the massive demands placed on staff, not all actions and activities were recorded. Thus, this report does not do justice to the entire scope and depth of the Commission's response to the crises.

#### Background to the disaster

South Africa has a long history of hosting migrants from neighbouring and regional countries. Most migrants are mine workers and farm labourers. The advent of a democratic dispensation in 1994 saw the relaxation of migration control. This led to a steady increase in the number of migrants entering the country. Most migrants are in search of economic opportunities, as South Africa is perceived as a regional economic powerhouse. Since 1994, South Africa has also experienced an influx of refugees fleeing repressive regimes and civil war elsewhere in African.

South Africa is perceived by many non-nationals from Africa who come here as a young, vibrant, promising democracy that is economically strong, offering many opportunities to all. This perception is set against the reality of high unemployment and crime, and amid enormous expectations among poor South Africans that the constitutional dispensation will deliver a better life that will lead them swiftly out of poverty.

Non-nationals are perceived by many South Africans as competing for scarce economic resources, thereby depriving nationals of long-awaited opportunities. There is a general lack of knowledge among South Africans about the legal status of non-nationals in the country and the government's obligations in respect of them, rendering the common perception that all African non-nationals are here illegally. These perceptions are not assisted by high levels of inefficiency in the Department of Home Affairs (DoHA) in processing asylum applications within a reasonable amount of time and free from corrupt activities. Too many asylum seekers are unable to navigate this system, leaving them undocumented and vulnerable.

Within this context, non-nationals living in poor communities where there is competition for many scarce resources become targets for "scape goating" and are blamed for many social ills, as well as the lack of realisation of expectations. Since 1994, xenophobic incidents of violence have occurred from time to time across the country. Non-nationals have reported significant levels of intolerance towards themselves.

In December 1998, the Roll Back Xenophobia Campaign was launched. This was a project organised by the SAHRC, the National Consortium on Refugee Affairs and the United Nations High Commissioner for Refugees (UNHCR). Despite these and other efforts to address xenophobia, violence and discrimination against non-nationals has continued. More recently, in townships in the Western and Eastern Cape, there have been a number of attacks in which Somali shop owners have been murdered and their shops looted.

#### The outbreak of the violence

On Sunday, 11 May 2008, xenophobic violence broke out in Johannesburg's Alexandra township, spreading quickly across the Gauteng province. Reports came in of attacks in areas such as Primrose, Tembisa, Diepsloot and parts of downtown Johannesburg, among others. Within a few days, incidents were being reported from other provinces. The nature of the violence was vicious and intense, leaving an estimated 62 people dead in the Gauteng region. The violence was mainly targeted at African non-nationals, however some South African minority ethnic groups, such as Tsonga and Venda, also fell victim to the attacks.

South Africa experienced massive displacement of people, with estimates ranging from 100 000 to 200 000 people. While many non-nationals fled as they were under direct attack, the majority of displaced people fled due to perceived threats and fear of impending attack or harm. Property, homes and businesses were looted and destroyed. The Gauteng region was worst affected by the violence, experiencing loss of life and significant displacement. It was followed by Cape Town, where it was estimated that 20 000 people were displaced. In Durban, there were also a few thousand people displaced. Reports of incidents of violence did, however, emerge from all provinces.

The disaster that unfolded had its roots well entrenched in xenophobia, a matter the Commission has been addressing for many years. This, together with the many human rights challenges that the crisis presented, obliged the Commission to respond in terms of its constitutional mandate to promote, protect and monitor human rights. The next chapter will discuss the Commission's responses.

### Part 2

#### Immediate responses

The Commission had never before addressed a complex humanitarian disaster of the magnitude that presented itself in May 2008. The Commission did have the experience of responding to a number of natural disasters in which hundreds of people had been displaced, such as winter flooding and township shack fires. Like most role players, the Commission had little experience in dealing with disaster situations. As South Africa's national human rights institution (NHRI), the Commission therefore had to respond, while simultaneously determining its role.

#### Immediate response in Gauteng

On becoming aware of the initial attacks on 11 May 2008, the Commission sent a high-level delegation, comprised of the Deputy Chairperson, Zonke Majodina, the CEO, Advocate Tseliso Thipanyane, various members of senior management, the media relations officer and the Commission's non-nationals coordinator, among others, to the Alexandra area in order to obtain first-hand information and assess the situation.

At the Alexandra police station, the delegation was briefed by the local South African Police Services (SAPS) station commander and the chairperson of the local community policing forum. Victims of the violence who had sought shelter at the police station were interviewed. Due to the volatile situation in the area, the delegation was advised not to conduct a walk-about to assess the damage that had occurred.

#### Media exposure

Immediately thereafter, the Commission's CEO

held a press briefing in which he unequivocally and categorically condemned the violence. The SAHRC also issued a formal press statement, which received substantial coverage in the media. This led to many further interviews, including on 13 May 2008, when the Commission's Deputy Chairperson appeared on national television – on the SABC's *Morning Live* show. On the show, the CEO continued to appeal for calm, while also placing the issue firmly within a human rights perspective in the public domain. The Commission was inundated with media requests for interviews, comments and sound bites, and these were fielded by various commissioners and members of staff. Within the initial chaos it was difficult to obtain information and track the unfolding of the violence. Media reports proved a useful source of information to monitor the violence.

#### Establishment of Internal Coordination Committee (ICC)

On 22 May 2008, the SAHRC Gauteng head office set up an Internal Coordination Committee (ICC) to manage the Commission's internal response between its various programmes, provincial offices and external stakeholders. The ICC became the main conduit through which updates, developments and information were disseminated internally. The ICC members also acted as the response team on urgent matters. The Commission's non-nationals coordinator became the point person for responding to e-mail and telephonic inquiries from the public. The Commission received many inquiries from people wanting to provide humanitarian assistance or simply wanting to express their outrage at the attacks and/or deplore the lack of an adequate government response.

#### Initiating preventative activities in other provinces

On 21 May 2008, all SAHRC provincial offices were requested to urgently develop and implement early warning and preventive measures to curb the potential spread of xenophobic attacks. Provincial offices were requested to organise community meetings, dialogues and *imbizos* with community stakeholders, particularly in those areas where there were high concentrations of non-nationals. Offices were requested to meet with leaders of non-national organisations, local government officials and community leaders. These meetings aimed to encourage peaceful co-existence and respect for dignity and other human rights. Finally, provincial offices were requested to take advantage of media opportunities to communicate the Commission's messages. Provincial offices mapped out their response plans and commenced implementation.

#### Declaring "business unusual"

On the afternoon of 22 May 2008, the CEO communicated to all staff that "ordinary operations of the Commissions would stand in abeyance until further notification". This communication effectively suspended all programmatic operations of the

Commission in order for staff to attend to response activities.

The provinces of Gauteng, the Western Cape and KwaZulu-Natal were the worst affected by the violence, recording the highest numbers of displaced people. Staff in these provincial offices were substantially involved in the crisis. In provinces that were less affected, such as Limpopo, Mpumalanga and the Northern Cape, a number of activities occurred, including stakeholder meetings, radio interviews, monitoring “hotspots” and attending provincial task team meetings.

#### **Preventative activities in the Western Cape**

From early in the week commencing 19 May 2008 the Commission engaged with various police- and civil society-initiated preventive activities. Most notably, at an urgent meeting called by the SAPS on Tuesday, 20 May 2008, civil society was invited to form part of a safety forum that would provide a link between civil society and various government role players for information sharing. At an SAHRC-facilitated meeting on 21 May 2008, the four civil society organisations were determined: People Against Suffering, Suppression, Oppression and Poverty (Passop); Cape Town Refugee Centre; Scalabrini Refugee Centre; and Black Sash. Despite the concerted efforts of civil society, on the night of Thursday, 22 May 2008 violence erupted in Du Noon, spreading throughout Cape Town well into the next day. By this stage, civil society and the Commission already had well-established and coordinated working relationships. Over the weekend of 23-24 May 2008, all staff assisted by monitoring the situation on the ground, diffusing tense situations between non-nationals and police or government authorities, attending various emergency meetings with authorities, and answering telephones at the office to refer people to places where they could receive assistance.

### **Part 3**

#### **SAHRC responses to the disaster**

##### **Coordination and facilitation role of the Commission**

The SAHRC took on an important coordination and facilitation role during the disaster, liaising with and between civil society, government officials, international agencies, the media and the affected non-nationals. As an independent state institution, the Commission is uniquely placed to take on such a role in a disaster, where there is a need to assist in the facilitation of communication and coordination at different levels between various stakeholders.

##### **Gauteng – establishment of a Chapter 9/Civil Society Forum**

On 14 May 2008, the chairpersons of the SAHRC, Commission for Gender Equality (CGE), Independent

Electoral Commission (IEC) and the Youth Commission convened an urgent consultative meeting with a wide range of stakeholders. Attendees included government representatives, UN agencies and civil society. The aim of the meeting was to discuss the crisis so as to embark on a collective, holistic and coordinated response. Four task teams were formed to focus on: legal interventions (led by the CGE); humanitarian responses (led by Centre for the Study of Violence and Reconciliation – the CSVR); community outreach (led by Umthombo Wolwazi); and government relations (led by the SAHRC). It was decided that weekly meetings would be held. Those participating in the process referred to the structure as the Chapter 9/Civil Society Forum.

The purpose of the weekly consultative meetings was for stakeholders to share information and plan intervention strategies. With the assistance of volunteers from the faith-based community, the SAHRC set up information-exchange processes such as a database and a Google alert group for electronic information dissemination to the forum participants.

The weekly meetings in Johannesburg continued until mid-July 2008. Whereas the initial meeting was attended by some 90 attendees, this attendance rate declined quite rapidly. A number of reasons have been put forward for the lack of participation by role players at these meetings. Some argued that there was such an enormous amount of work that needed to be done that there was not enough time to sit in meetings that were often long and tedious. It was challenging to limit the scope of these meetings as there were never formal terms of reference.

The legal working group, led by the CGE, was established at the initial meeting of the Chapter 9/Civil Society Forum. The joint lead role eventually evolved to Lawyers for Human Rights, with the SAHRC providing secretarial services. The mandate of this working group was to look into all the legal issues pertaining to the violence, such as assisting the displaced with legal advice on civil claims, to lay criminal charges against perpetrators of the violence, to ensure witness protection, to consider possible litigation on a range of issues and to liaise with relevant government departments on broader issues of protection.

The task teams did not receive adequate logistical support. Minutes were often not circulated quickly enough due to technical problems. One member reflected that: “We were expected to meet during the week, draw up minutes, follow up on activities and travel to the SAHRC offices for weekly feedback at our own expense. It was unsustainable.” Despite the Development Bank of Southern Africa (DBSA) indicating a willingness to donate R500 000 to the Chapter 9/Civil Society Forum for activities within the mandate of the task teams, this failed to materialise.

Finally, the Chapter 9/Civil Society Forum was also criticised for failing to include non-national leadership from among the displaced people.

##### **Attendance at Joint Disaster Management Committee meetings**

The SAHRC attended the cities’ Joint Disaster Management Committee meetings. The Commission observed that government officials who attended often were of insufficient seniority to make decisions and provide commitments, thus slowing down the disaster response.

##### **Western Cape civil society task team**

In Cape Town, the office hosted and provided secretarial support to the Western Cape civil society task team. These meetings began with specific terms of reference, which were reassessed from time to time. The composition of the group also changed. In the beginning, there was no non-national leadership representation, however this changed in time, as civil society assisted in assuring their attendance. International agencies such as UNHCR, UN Office for the Coordination of Humanitarian Affairs (OCHA) and the World Food Programme also attended these meetings. The meetings were also affected by the changing composition of government officials attending. A number of Premier’s office and, less frequently, Mayor’s office officials attended. At times, senior officials attended.

As an independent institution, the Commission sought throughout to provide a neutral space in which civil society, government and non-nationals could communicate in order to resolve the crisis in a dignified manner. The complexities of navigating and facilitating relationships in which many role-players have not previously worked together and have different *modus operandi* cannot be underestimated. This gave rise to many a tenuous situation in which the sustainability of such meetings became questionable. The ongoing nature of these meetings bears testimony to the collective’s commitment, under difficult circumstances, to ensuring a dignified solution, albeit with varied understanding thereof. In total, some 20 meetings were facilitated by the Commission. Most were preceded by a pre-meeting of civil society in preparation for the meeting with government.

In the initial days of the violence, the Cape Town offices facilitated the end of a hunger strike by Somali residents of the Soetwater safety site and the end of a hunger strike at the Blue Waters site, and assisted in diffusing a particularly tense standoff between police and residents at the Blue Water site. Initially there was enormous distrust between non-nationals and government officials. The office facilitated and encouraged the building of relationships and channels of communication between non-nationals and government.

##### **Monitoring activities of the SAHRC**

Monitoring the violence and responses thereto became one of the key areas of activity for the Commission. Monitoring and making the Commission’s observations known is in line with the institution’s constitutional mandate.

##### **Monitoring in Gauteng**

One of the most visible effects of the violence was the massive displacement that ensued, as people sought protection at various police stations, churches and community halls. The Commission drafted monitoring guidelines for its teams, which conducted regular monitoring visits to the police stations. Interventions were often made immediately and on-site. For example, the SAHRC successfully addressed the refusal of some police stations to allow displaced non-nationals to gather (e.g. Ivory Park and Tembisa police stations).

Police stations where many displaced people gathered were understandably not equipped to host large groups of people seeking safety and shelter. While sheltering at a police station provided some semblance of physical protection, the monitoring teams’ internal site visit reports indicated that the stations were severely overcrowded and not fit for human habitation, despite the enormous efforts by non-governmental organisations (NGOs), religious groups and individuals, who provided voluntary assistance and relief. Also, the relief effort as a whole was generally uncoordinated, resulting in disparate relief being provided. There was a margin of improvement when displaced people themselves coordinated themselves into various committees.

During site visits, the SAHRC spoke with and interviewed displaced people and their representatives. A major concern was the lack of information from government authorities on what was happening. This led to uncertainty, confusion and inaccurate rumours being circulated. Where individual complaints were brought to the attention of the Commission, follow-up was made. Alternatively, the person would be referred to a more appropriate entity that was better equipped to deal with the issue.

The SAHRC monitored the relocation of displaced people from police stations to designated safety sites that local government had established. In Gauteng, six sites were established, namely: Rifle Range Road (Forest Hill); DBSA Olifantsfontein (Midrand); River Road Corlett Drive (Lyndhurst); Wadeville (Heidelberg – for a brief period); Rand Airport; and Wit Road (Springs).

The SAHRC formally raised its concerns in correspondence to the government task team on the apparent lack of proper planning and consultation with the displaced community regarding the move.

The living conditions at the safety sites were still, in the Commission's view, unsatisfactory – even though they were somewhat better than at the police stations. Shelter at the safety sites consisted of UNHCR-provided tents and service provision was coordinated by the provincial Disaster Management Centre. There were many complaints from displaced non-nationals about basic issues such as food and sanitation. However, the major complaint throughout was the lack of information provided by authorities. This resulted in much frustration and anger being expressed by non-nationals, due to uncertainty about their future.

Other interventions arising out of the Commission's monitoring activities included: facilitating NGO access to sites; and individual mediations between displaced people and officials, among displaced people themselves and between displaced people and service providers on site.

During May 2008, some ten site visits were conducted and in June 2008, eight site visits were conducted, with these visits tapering off between July and September 2008. Initially, site visits were spread between the various sites. From July 2008 onwards, site visits were confined to the Rifle Range site.

#### *Monitoring in KwaZulu-Natal (KZN)*

The Commission's KZN office worked extensively on the ground in the various sites where non-nationals gathered. Commission officials liaised directly with either disaster management or relevant civil society and international agencies where there were issues that needed addressing. For example, where there was a lack of food, the office contacted the Red Cross directly and informed them of the need. In many instances, the Commission officials would collect the food and necessary supplies and deliver them to the site.

Alternatively, the office liaised with the regional Social Development offices in order to inform the authorities of the needs of the displaced people. It would appear that the Durban authorities were least prepared for the disaster and the KZN office expended most of its time and energy assisting civil society with the relief effort.

The KZN office was also directly involved with monitoring the numbers of displaced people at the various sites. Together with civil society organisations such as the Red Cross and Black Sash, staff would attend at sites in order to count and make lists of people.

#### *Monitoring in the Western Cape*

In the Western Cape, authorities began establishing safety sites at coastal camp sites and a military field on the weekend of 24-25 May 2008. About 20 000 people were displaced and the six major government safety sites were geographically spread out – some

50km-60km from the city centre. It was clear that the Commission would be unable to monitor these sites with its staff complement. To this end, a training manual and code of conduct for volunteers was developed. Through liaison with various NGOs, in particular Black Sash, the first group of volunteers was trained on the morning of 30 May 2008. By lunchtime, these volunteer monitors were inside the Soetwater safety site monitoring the situation and conditions. In total, seven such training sessions were conducted, resulting in reports being forwarded electronically and by fax to the Commission offices on a daily basis in the initial weeks of the crisis. The information was placed on an internal database.

Commission staff conducted 11 monitoring and verification of volunteer information visits at various sites, including Youngsfield, Silwerstroom and Blue Waters. The information that was gathered resulted in five site reports with recommendations released publicly by the Commission and forwarded to the relevant government officials (Youngsfield Camp, 28 May 2008; Silwerstroom Camp, 6 June 2008 and an update report on 18 June 2008; Blue Waters, 26 June 2008; and a consolidated camp report on 10 July 2008).

#### *Safety site monitoring challenges*

The Commission was confronted with a number of challenges when conducting its monitoring activities. These included:

- The Commission had never been faced with monitoring disasters on this scale before. Thus, there was no internal experience on which to draw. Commission officials had to learn on the job while they were monitoring the situation. The Commission had to draw on a wide range of international resources within the human rights, refugee and humanitarian fields, adapting these guidelines to the South African context, and constitutional and legal framework.
- Throughout the humanitarian crisis there was continued debate, both internally and externally, about what level of assistance government ought to provide and what standards ought to be used. By the end of the crisis this was still not clarified. The SAHRC developed its own monitoring tools based on international standards from various sources.
- The Commission was criticised in Gauteng for not releasing its own internal monitoring reports. In the Western Cape, this was not the case, as a number of official Commission reports were released. Also, the monitoring conducted in the Western Cape complemented the monitoring activities of civil society
- In Gauteng, a particular challenge was that of disaster management services being contracted

out to private service providers. When the SAHRC raised issues with these private contractors they would simply refer the matter to government. This would result in delays and, too often, issues becoming lost within bureaucracy.

- In the Western Cape, the Commission experienced significant information technology challenges, which inhibited effective and continuous communication with its volunteers.

#### **Communication with government stakeholders**

In Gauteng, Commissioners and senior members of staff engaged with senior government officials in order to promote and create an awareness of the human rights implications of the situation and the responses. Formal communications with government officials generally failed to yield responses other than acknowledgments of receipt of correspondence. A notable exception was the City of Johannesburg's Community Development Directorate, which proactively engaged with the SAHRC on issues regarding the displaced community's need for participation in decisions that affected them, information dissemination and local community engagement regarding reintegration. Meetings and telephonic conversations with government officials proved to be more effective.

A number of issue-specific meetings were initiated by the Commission, often including both government and civil society. For example in the Western Cape, a meeting was held on 5 June 2008 with a senior Home Affairs official in an effort to resolve the ongoing complaints of poor service being experienced by non-nationals.

#### **Community outreach and advocacy**

In Johannesburg, at the initial meeting of the Chapter 9/Civil Society Forum, the NGO Umthombo Wolwazi was tasked with leading the community outreach initiative. Umthombo Wolwazi spearheaded a number of diversity and tolerance sensitisation initiatives in Dobsonville and Kliptown in Soweto, as well as in Primrose, in Ekurhuleni.

#### *SAHRC activities*

The SAHRC continued with its own community outreach and advocacy throughout the country. A number of events were participated in or arranged with local communities and various target audiences. The Western Cape and KZN offices conducted a number of community outreach and advocacy interventions during the period that were not specifically recorded. The table below sets out these initiatives in more detail.



Date	Place	Target audience
<b>Eastern Cape</b>		
4 June 2008	Mdantsane	Safety and security stakeholders
21 June 2008	East London	All stakeholders
<b>Free State</b>		
13 June 2008	Bloemfontein	Public lecture at AB Xuma Trust
<b>Gauteng</b>		
3 June 2008	KwaThema	General public
12 June 2008	Ennerdale	General public
16 June 2008	Heidelberg	General public
5 July 2008	Ekurhuleni	Safety and security stakeholders
7-8 July 2008	Johannesburg Inner City	CBO stakeholders
30 July 08	Kensington	NGO stakeholders
9 September 2008	Johannesburg	City of Johannesburg community development workers
<b>Limpopo</b>		
4 June 2008	Polokwane	Radio interview, Thobela FM
27 June 2008	Moletse-Mosale	Traditional leaders
25 July 2008	Musina	Youth
24 July 2008	Polokwane	Radio interview, Moletjie community radio
20 September 2008	Polokwane	All stakeholders
21 September 2008	Manna Village	Community members
<b>Mpumalanga</b>		
8 December 2008	Komatipoort	All stakeholders
9 December 2008	White River	All stakeholders
<b>Northern Cape</b>		
19 June 2008	Riemvasmaak	General public
20 June 2008	Kai !Garib	
22 June 2008	Upington	Government stakeholders
6 July 2008	Upington	Religious leaders
10 July 2008	Upington	Public march against xenophobia
11 July 2008	Kuruman	General public
17 July 2008	Upington	Radio interview, Radio Riverside
<b>North West</b>		
3 June 2008	Brits	Religious leaders
4 June 2008	Brits	All stakeholders
10-11 June 2008	Brits	Schools

Date	Place	Target audience
12 June 2008	Mafikeng	Provincial lekgotla with Premier's office
13 June 2008	Madibeng	High schools
17 June 2008	Madibeng	Monitoring hotspots
18 June 2008	Brits	Westwood and Rabboni High Schools
1 July 2008	Wonderkop	Somali nationals
22 July 2008	Zeerust	General public
23 July 2008	Madikwe	General public
24 July 2008	Tlhabane	South African Council of Churches member churches
15 October 2008	Rustenberg	Radio interview, Moletjie community radio
<b>Northern Cape</b>		
6 August 2008	Rosedale	General public
17 August 2008	Upington	Religious leaders
25 August 2008	Groblershoop	Community stakeholders
28 August 2008	Straausborg	Community members

#### **Public speaking engagements**

Representatives of the Commission also participated in various public seminars that were hosted by other stakeholders. Examples of these include events hosted by:

- Centre for Conflict Resolution, 4 June 2008;
- Institute for Security Studies, 5 June 2008;
- International Organization for Migration Maputo Southern African Development Community meeting, 9 June 2008;
- Office of the Presidency, national tribute in remembrance of the attacks, 3 July 2008;
- Inter Faith Forum, Cape Town: "Religion and Disaster", 12 August 2008; and
- Presentation and discussion, Limmud, Strand: "The Xenophobia crises, do we truly understand equality and dignity?", 30 August 2008.

#### **World Refugee Day, 20 June 2008**

The SAHRC hosted the commemoration of World Refugee Day with a public event at Constitution Hill in Johannesburg. Members of local and displaced communities participated. In Cape Town, Parliament hosted an event in which the Commission participated by making a public statement. In Durban, the SAHRC participated in an event launching an anti-xenophobia toolkit and video. The event was arranged by NGOs and refugee service organisations, with some funding from the local municipality.

#### **Humanitarian assistance**

The Commission is not mandated, resourced or equipped to provide humanitarian assistance. Despite this, given the enormity of the crisis and being confronted with such

real-life situations, it was difficult not to assist where possible.

#### **KwaZulu-Natal**

The SAHRC KZN office attended at a police station on the first night that violence broke out, ensuring that there were sufficient food and blankets. Further into the crisis, the office would continue to ensure that basic needs were being met by attending the various sites to ascertain how many babies were there and whether they had sufficient food, formula and diapers.

The office identified multiple challenges affecting the distribution of food, basic necessities and essential services. It was a continuous operation, identifying the needs and contacting relevant officials or organisations to ensure that these basic needs were met.

#### **Western Cape**

The SAHRC Western Cape office was acutely aware that it was not in a position to contribute to the humanitarian relief effort. Despite this, the office received several calls for assistance of a humanitarian nature. The approach of the office was to facilitate and refer these requests to appropriate government officials or NGOs. For example, the SAHRC informed disaster management that police were refusing to transport a pregnant woman back to a safety site after an emergency visit to the hospital and ensured that this occurred. The office would also, when requested by NGOs, fill its vehicle with humanitarian aid destined for safety sites on scheduled visits.

Only in the initial days of the crisis was humanitarian relief delivered at Commission offices. This was then handed over to site managers and volunteer organisers at the various displacement sites.

## Other intervention activities

The SAHRC participated in and/or initiated many activities outside of the major categories identified above. These are listed and described below:

- **Public march**  
On 24 May 2008, members of staff from the Gauteng head office participated in a public march in central Johannesburg against xenophobia, organised by civil society.
- **Media**  
The Commission retained a high media profile throughout the crisis. Through these interventions the Commission sought to consistently draw attention to the rights of non-nationals and displaced people, and the unacceptability of the use of violence to resolve social conflict.
- **Rights training for non-nationals**  
In Cape Town, four human rights training sessions were held with non-nationals in safety sites. The training aimed to empower non-nationals with information concerning their rights in the safety sites. To this end, a training toolkit

was developed with advice and input from UNHCR and OCHA on its development.

- **Legal assistance**  
On 24 June 2008, two SAHRC candidate attorneys and an intern attended a training workshop on refugee issues hosted by ProBono.org and Deneys Reitz Attorneys. These SAHRC staff members thereafter assisted ProBono.org's refugee clinic by helping non-nationals with their legal complaints. The Commission received very few formal legal complaints during the crisis. Most matters were inquiries that were disposed of through immediate advice, referral or direct intervention by the Commission.
- **Education**  
Despite significant time and energy expended in Cape Town on the provision of access to education for children in safety sites, little was achieved. The Commission made numerous follow-ups and had meetings with the Department of Education. However, it was clear that despite processes being initiated, many children remained without education during the crisis.

### Specific intervention – going the extra mile

#### Example 1

On 16 July 2008, the SAHRC Cape Town office was visited by some 265 Zimbabweans shortly before 16h30. The Zimbabweans had been chased away from the Barrack Street DoHA offices while queuing to apply for refugee status. Following discussions with DoHA officials, an undertaking was given that all 265 people would receive service the following day. The Zimbabweans were registered at the SAHRC offices and staff left shortly before midnight, with two foreign interns remaining with the non-nationals on the pavement outside the Barrack Street DoHA through the night to monitor and ensure that they were not further harassed by police or security officials. The next day they were provided with assistance by the DoHA.

### Specific intervention – assisting in particularly challenging situations

#### Example 2

##### R28 Group

The SAHRC intervened and attempted to resolve the impasse of the R28 Group. This group of residents of the Rifle Range site refused to participate in the DoHA registration process due to a lack of information and understanding of the process. As events unfolded, the group was evicted from Rifle Range, taken to the Lindela Repatriation Centre and released. They then set up residence alongside the R28 road, which runs past Lindela. The Commission made a number of monitoring visits and the Chairperson unsuccessfully held many meetings with the groups' leadership in an attempt to break the impasse.

Eventually, some men were arrested for traffic-related violations, with charges later being withdrawn. Others were sent to the Lindela Repatriation Centre, ostensibly for immigration status verification. The Commission seriously considered intervening in litigation initiated by Lawyers for Human Rights. However, there was insufficient internal capacity to take on an urgent matter at that particular point in time.

## Part 4

### Reintegration and the closure of sites

#### Gauteng

The Commission frequently requested information and details of the reintegration plan from the Gauteng provincial MEC for Local Government (the focal point for the provincial government task team). The Commission never received such information. The Consortium on Refugees and Migrants in South Africa initiated court proceedings unsuccessfully in an attempt to obtain such information. In partnership with the parliamentary task team that was set up to probe the violence, the Commission convened two meetings, on 27 August and 10 September 2008, in an attempt to facilitate dialogue between government and various civil society stakeholders on matters of reintegration and the need for a comprehensive plan. These efforts proved fruitless, with all Gauteng sites being closed on 30 September 2008.

#### KwaZulu-Natal

The SAHRC offices held and attended many meetings on the reintegration and coordination of non-nationals. Staff in the KZN office initially attended centres with NGOs and took down information from people, including their names, status and details of the assistance they required.

#### Western Cape

In Cape Town, many of the task team meetings were designed around identifying blockages to reintegration. Government officials attended these meetings and a number of practical challenges were navigated through communications which took place at such meetings. Towards the end of the year, after the formal closure of all sites, a number of meetings were attended with disaster management concerning the impending eviction of non-nationals from the remaining safety sites. By December 2008 an understanding had been reached with disaster management that no applications were to be brought during the end-of-year holiday period and that civil society would continue in its efforts to assist and encourage the remaining safety site residents to reintegrate.

### Moving towards the future

#### UNHCR-initiated protection working groups

The UNHCR has sought to convene protection working groups in both Johannesburg and Cape Town in order to deal with the ongoing protection issues that confront refugees. The Gauteng office has participated in this forum and, to a lesser extent, the Western Cape office has encouraged the development of such a group.

#### Reflective processes

The SAHRC has participated in various stakeholder think tanks and processes that seek to reflect on the disaster and lessons learnt. For example, the Commission has:

- Participated in and facilitated discussions by the Human Sciences Research Council into the root causes of xenophobia (23 September 2008), and on migration policy (7 November 2008);
- Participated in the DoHA social dialogue for tolerance; and
- Participated in the OCHA and United Nations Development Programme resident coordinator assessment and overall evaluation of the response to the crises (3-4 December 2008). Similar processes took place in Cape Town. The SAHRC facilitated the civil society process on 21 November 2008.

#### Ongoing activities

The SAHRC continues to promote understanding for tolerance and diversity. For example, on 13 August 2008 the Commission, in partnership with the City of Johannesburg, hosted a public discussion on "Migration, urban inclusion and the empowerment of all city residents".

#### Partnerships for events

The SAHRC continues to receive numerous requests for partnership from a range of stakeholders on longer-term specific educational and public awareness interventions. These will form part of the organisation's work plan for years to come. As part of Human Rights Month events, the SAHRC hosted its annual Human Rights Day Conference on 18-19 March 2009, with the theme: "Unity in diversity: promoting and advancing constitutional values in South Africa."

#### Unfinished business – situation as at 31 March 2009

In the Western Cape, despite repeated announcements of the commencement of eviction proceedings by government, there continue to be residents at the last two remaining safety sites (about 450 residents at Blue Waters and about 60 Youngsfield). These residents persist in their claims that they are unable to reintegrate due to fears for their safety. Though the sites are officially closed, government still provides services such as sanitation and access to water. In Gauteng the last remaining site, Akasia, was forcibly closed on 9 March 2009. It would appear that many of these residents still live in hope of resettlement in a third country, thus creating a complex situation that requires resolving. Finally, the success rate for the conviction of criminal acts committed during the violence still needs to be determined and evaluated.

## Part 5

### Conclusions

In a sense, despite the enormous energy and resources that were sapped in dealing with the crisis, it is now that the real work of addressing the causes of the violence begins. It is now that renewed energy and commitment is needed from all stakeholders to

guarantee that preventative measures are taken to ensure that South Africa avoids such a disaster in the future. This chapter will reflect on some of the lessons learnt and make recommendations on a way forward. The chapter is divided between reflecting on the crisis and reflecting on building a human rights culture in which diversity is truly embraced.

### Key lessons learnt by the Commission

#### *Responding to a disaster*

- As an NHRI it is important to have a clear policy on how to respond to crises (or, more correctly, disasters). Such policy should clearly set out the role of the Commission. This would assist in managing the expectations of stakeholders and ensure that the institution's limited resources are used in the best possible manner.
- At the outbreak of a disaster, it is essential that the Commission establish lines of communication with government authorities and clarify the roles of the different agencies.
- The Commission should ensure that sufficient attention is given to reporting and recording the activities that it undertakes. This is important for a number of purposes, such as: reporting to Parliament; holding government accountable; and conducting research and evaluations.
- Negotiating relationships and interacting with stakeholders during a disaster increases and highlights existing tensions in these relationships. Individuals are under enormous stress and this needs to be carefully managed.
- The nature, membership and extent of participation by role players are always a matter of contestation. This is further complicated by virtue of the enormous resources required to ensure that adequate participation of all relevant stakeholders occurs. Failing to be cognisant of these issues places the Commission at risk of being criticised for being insufficiently inclusive.
- As a disaster unfolds there is a need to continuously evaluate the Commission's response and adjust accordingly. A change in strategy does not imply that the initial strategy was incorrect or defective but may, in fact, indicate an appropriate redirection of a response in line with the changing demands of the disaster.
- Disasters most directly affect the most vulnerable and their economic and social rights. Issues need to be addressed swiftly by the state to ensure that rights are protected and fulfilled.
- There is a need to adopt multiple and simultaneous strategies to address the human

rights issues that arise during a disaster. These strategies may include: conflict resolution mechanisms such as mediation and facilitation; having a clear media and advocacy strategy; carrying out monitoring activities and producing reports; effective networking and liaison; and, where these fail, litigation.

- Effective communication with all role players and affected people in a disaster is key to ensuring that conflict is minimised. Communication and provision of information is essential to upholding the dignity of victims.

Participation in decision making is a further key component of upholding the dignity of disaster victims and avoiding unnecessary conflict.

### Recommendations

#### *For the Commission*

- The Commission should draft its own policy on its role during a disaster. This policy should be widely disseminated.
- The Commission should prepare internal contingency plans in the event that there is another xenophobic or other disaster.
- The Commission must continue with its work of addressing the human rights issues of non-nationals in South Africa.
- The Commission must continue its work of advocating tolerance and diversity, reassess its current work and, where possible, develop additional strategies.
- The Commission must advocate that the state comply with its international obligations, particularly regarding the Convention on the Elimination of Racial Discrimination (CERD) and the Convention against Torture.

#### *To government*

- There is a need for government to develop early warning systems as a preventative mechanism.
- More work is needed in the area of disaster management to ensure that South Africa has adequate disaster and contingency plans in place to address both complex and natural disasters in the future.
- Government must determine minimum standards that victims can expect in times of disaster.
- These plans and minimum standards need to be communicated to relevant stakeholders.
- These obligations need to be taken more seriously.

The recommendations that have been made should be followed up and implemented. For instance, in terms of CERD and recommendations made by the CERD, South Africa must draft and promulgate hate crimes legislation. This process should be fast tracked.

- South Africa must finalise and implement a National Action Plan Against Racism.
- The DoHA must do more to eradicate corruption and ensure effective service delivery to non-nationals.
- Government departments should develop

coordinated integration programmes for refugees and integration measures for refugees need to be considered and developed.

- Additional education, communication and awareness-raising initiatives are needed to promote tolerance and diversity.

Finally, xenophobia cannot be addressed by government and the SAHRC alone. This form of discrimination requires every citizen and all stakeholders to reflect on their role, active or passive, that led to the creation of an environment in which such violence could erupt. There is a collective responsibility to ensure that this never happens again.





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