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SOUTH AFRICAN HUMAN RIGHTS COMMISSION

ANNUAL REPORT 2012 ANNUAL

VISION

Transforming society.
Securing rights.
Restoring dignity.

MISSION

The Commission as the independent national human rights institution is created to support constitutional democracy through promoting, protecting and monitoring the attainment of everyone's human rights in South Africa without fear, favour or prejudice.

VALUES

The values of the Commission are:
integrity, honesty, respect, objectivity,
Batho Pele principles, and equality.



LETTER TO THE SPEAKER OF THE NATIONAL ASSEMBLY

The Honourable Max Sisulu
Speaker of the National Assembly



It gives me great pleasure to submit the 16th Annual Report of the South African Human Rights Commission for the period 1 April 2011 to 31 March 2012 for tabling.

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

Kayum Ahmed
Chief Executive Officer (Accounting Officer)



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STATEMENT BY THE CHAIRPERSON



nce again it is our pleasure to present the third Annual Report by the current group of Commissioners as required by Section 181 (5) of the Constitution (Act 108 of 1996) to the Honourable Speaker of the National Assembly, Mr M Sisulu.

It is also with a sense of achievement that we present this Annual Report as it testifies to the commitment and hard work of all those within and working with the South African Human Rights Commission (the Commission) during the 2011/12 financial year.

While the Commission was preoccupied with the execution of its statutory mandate, the Commissioners were faced with the additional task of providing strategic guidance and leadership to the Secretariat regarding the vital restructuring process which the Commission commenced almost a year ago.

The intention of the restructuring process is to improve the impact and functioning of the Commission. No such process can be implemented without having to overcome challenges and obstacles through which both time and energy are absorbed. It is a tribute to all that the work has continued, and that the achievement of outcomes and performance targets has improved significantly.

While we are proud of our performance record, there are many challenges still facing the Commission. Notwithstanding the progress that has been attained within our country, we are living in a time when inequality has increased. Food insecurity affects over 14 million South Africans and yet we are not a poor country. The need for us to overcome the legacy of colonialism and apartheid requires far more consistent and conscious attention and that harmonises policy and legislative frameworks using a longer-term planning trajectory. Without this, service delivery protests and the volatile mix of protest and policing that ensues will escalate. In addition, the incidents where human dignity is undermined and hate speech occurs will not abate. We need to redouble our

efforts to increase and improve our contribution to defending and protecting human rights violations in the country.

Our task will be made easier when the amendment of the outdated Human Rights Act, that has been overdue for many years, is taken through the legislative process and the outstanding arrangements pertaining to conditions of service are finalised. Yet, what is of immediate concern to the Commissioners is the lack of compliance by the Executive with providing the Commission with the information and reports that are required in order for the Commission to carry out its mandate in terms of Section 184 of the Constitution. In addition, the under-capacitated and often ill-informed officials who process the Promotion of Access to Information Act (PAIA) have caused the objectives of this legislation to remain largely unfulfilled. In addition to seeing a renewed commitment from the Executive to the objectives of the Commission and the implementation of its mandate, we hope that the efforts that the Commission has expended in reorganising its work in order to make the few resources at our disposal achieve the greatest impact, will result in the provision of adequate funding to the Commission in order for it to enhance and improve its performance in the future.

The 2011/12 Annual Report under the current Commissioners' term highlights significant differences in programme outcomes compared to previous years. These changes are motivated by experiences gained by current Commissioners over the past years in international, regional and national forums, to enable the Commission to advance human rights compliance, particularly by government. Significant contributions have been made through reports and public hearings with regard to United Nations and African Union conventions such as the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture. Persistent efforts have been undertaken to secure progress around critical issues such as securing our water supplies and the provision of sanitation. Commissioners have focused on particular rights in a manner that seeks to build common points of departure to ensure effective realisation of Constitutional rights such as through the development of an Education Rights Charter. Through our advocacy work, ad-

ressing individual complaints, legal challenges and public engagements, we are able to report that our work has contributed to the Commission's national and international obligations as the body recognised by the United Nations as our country's National Human Rights Institution. We hope that the government will speedily ratify the International Covenant on Economic, Social and Cultural Rights and rapidly make a declaration under article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the admission of civil society before the African Court on Human and Peoples' Rights.

Our sincerest thanks and gratitude go to all staff members of the Commission, particularly the Chief Executive Officer, for their admirable work performance during the challenging restructuring period.

2011/12 was a year of focus on socio-economic rights and equality which is work that will continue to drive the Commission beyond 2012. Our profound gratitude also goes to the Portfolio Committee on Justice and Constitutional Development.

M L Mushwana

Advocate Mabedle Lawrence Mushwana
Chairperson: South African Human
Rights Commission



OVERVIEW BY THE CHIEF EXECUTIVE OFFICER



Two years ago, at the end of the 2009/10 financial year, the South African Human Rights Commission only managed to achieve 52% of its strategic objectives. One year later, the Commission improved its performance to 67%. Following the implementation of a significant rethinking exercise which included the development of a new Strategic Plan, a major restructuring exercise and the implementation of a strong performance management culture, the Commission has been able to fulfil 89% of its strategic objectives by the end of the 2011/12 financial year.

As the Commission progresses toward achieving 100% of its strategic objectives, the next step is to build on our performance-driven culture and cultivate an impact-driven approach to our work. We want to, for example, build on our ability to host public hearings across the country by ensuring that those hearings have a significant impact on communities. It is therefore not enough that we are able to fulfil 100% of our strategic objectives. We also want to ensure that in the fulfilment of those objectives, we have a meaningful impact on the lives of South Africans.

As the Commission moves toward an impact-driven approach to its work, we have been forced to ask some difficult questions, not only of ourselves, but also of the society within which we live: in a country with sufficient resources and one of the most progressive Constitutions in the world, why does our government continue to build toilets without enclosures, fail to provide quality education, and remain unsuccessful in reducing the infant mortality rate? South Africa appears to have all the ingredients for a successful, vibrant democracy built on principles of human rights and justice, but we seem to continuously fall short. What has gone wrong and how can the Commission contribute to fixing things?

Many have argued that South Africa's current challenges centre on the lack of sufficient leadership. Plato's famous work, *The Republic* (written around 380 BCE) raises critical questions about what constitutes the legitimacy to rule. Plato asks the following question: "Who then are those whom we shall compel to be guard-

ians? Surely they will be the men who are wisest about affairs of State, and by whom the State is best administered...”.

Karl Popper, in *The Paradoxes of Sovereignty* (1945), suggests that Plato asks the wrong question. He argues that the question about who should rule should be replaced by: “How can we so organize political institutions that bad or incompetent rulers can be prevented from doing too much damage?”

During March 2012, I accompanied Commissioners to Rammalotsi in the Free State and Makhaza in the Western Cape, two communities where the Commission had made findings against municipalities for building toilets without enclosures. The Commission discovered that despite the progress that had been made to enclose open toilets in these areas following our findings against the respective municipalities, residents continued to face a number of challenges.


Disabled residents were unable to access the toilets, women and young girls were afraid to use these toilets after dark, and deaf residents indicated that they were unable to communicate with each other after dark since there were no lights in and around the toilets. While the Commission acknowledges the fact that the government has taken its recommendations seriously and has worked towards ensuring adequate sanitation in Rammalotsi and Makhaza, the government’s inability to fully realise the rights of the poorest and marginalised members of our society, particularly women and the disabled, remain a serious concern for the Commission.

It also appears that government has sufficient money and resources to effectively deal with the access to water and sanitation challenges in South Africa based on our reading of the Department of Performance Monitoring and Evaluation’s report on sanitation developed in February 2012 at the request of the Commission. The problem appears to centre on how resources are coordinated at national and provincial level, as well as poor management at the municipal level. Failure to sufficiently consult with residents before decisions are taken on their behalf has been consistently cited as a problem faced by communities. The lack of public consultation speaks to the government’s disregard for its citizens’ views in important decision-making processes that directly affect citizens. This is further exacerbated by the

government’s inability to effectively coordinate the provision of basic services across the country.

While the Commission has provided a public platform for discussion and debate on access to water and sanitation and will continue to do so throughout the 2012/13 financial year culminating in a public hearing in March 2013, it is ultimately up to the government to effect drastic changes in the way it engages with communities and coordinates the provision of basic services.

Returning to the questions posed by Plato and Popper, it appears as if South Africa requires both decisive, enlightened leadership, as well as strong, efficient institutions to hold leaders accountable. The South African Human Rights Commission aims to be one of those strong, efficient institutions. I will be the first to acknowledge that we have some way to go before we can be fully effective. However, we are growing stronger by the day so that we can ensure that our government fulfils its Constitutional obligations and begins to embody the leadership expectations of its citizens.



Kayum Ahmed
Chief Executive Officer



PART



1



PART 1 GENERAL INFORMATION

The Bill of Rights (Chapter 2 of the Constitution of South Africa) is the cornerstone of democracy in South Africa. It enshrines the rights of all people living in South Africa and affirms the democratic values of human dignity, equality and freedom.

The South African Human Rights Commission (Commission) is one of the constitutional institutions (Chapter 9) charged with the responsibility to respect, protect, promote, monitor and fulfil the rights contained in the Bill of Rights.

In striving to be the focal point for human rights practice in South Africa, the Commission discharges the above mandate, through powers conferred by the Constitution and the Human Rights Act 54 of 1994.

1.1 VISION, MISSION AND VALUES STATEMENT

VISION

Transforming society.

Securing rights.

Restoring dignity.

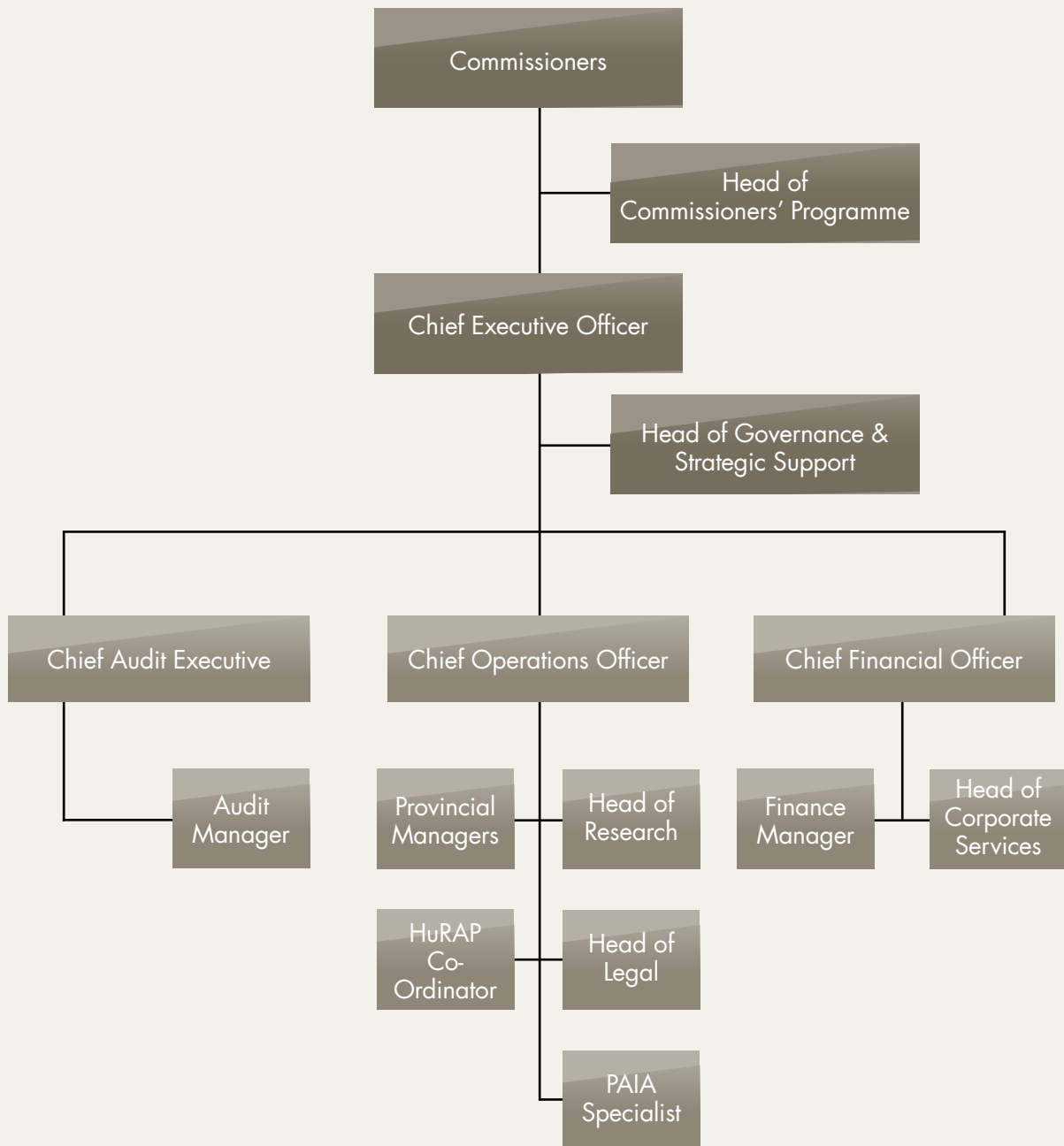
MISSION

The Commission as the independent national human rights institution is created to support constitutional democracy through promoting, protecting and monitoring the attainment of everyone's human rights in South Africa without fear, favour or prejudice.

VALUES

The values of the Commission are:
integrity, honesty, respect, objectivity,
Batho Pele principles, and equality.

1.2 ORGANISATIONAL STRUCTURE



1.3 LEGISLATIVE MANDATE

The mandate of the Commission as contained in Section 184 of the Constitution of the Republic of South Africa, Act 108 of 1996 is as follows:

1. The South African 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 the national legislation, necessary to perform its functions, including the power to do the following:

- » 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.

3. Each year, the 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.

4. The Commission has additional powers and functions prescribed by specific legislative obligations in terms of the Human Rights Commission Act, Promotion of Access to Information Act (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;
- » Monitor compliance with the statutes;
- » Report to Parliament in relation to these statutes; and
- » Develop recommendations on persisting challenges related to these statutes and any necessary reform.

PART



2



PART 2 PERFORMANCE OVERVIEW

2.1 SUMMARY OF PROGRAMMES

In achieving its key strategic objectives, the Commission conducts its activities through the following programmes:

Office of Commissioners

The Commissioners provide leadership and guidance on the professional work of the Commission through facilitating the South African human rights agenda at international, regional, national and provincial levels.

Office of the Chief Executive Officer

The Chief Executive Officer is responsible for establishing and maintaining an effective and efficient corporate governance framework that ensures management accountability through improved mechanisms for controlling and directing management activities.

Internal Audit Activity

The programme develops structured processes for measuring, monitoring and controlling operational risks that allow for systematic selection of cost-effective approaches to minimise threats to the Commission's operations.

Communications

The programme maintains an accessible and transparent human rights environment through the development of quality human rights publications/materials, management of information and records, and public relations.

Operational Programmes

Legal Services

Legal Services is responsible for providing quality legal services in the protection of human rights in the Republic of South Africa through the efficient and effective investigation of complaints of human rights violations, the provision of quality legal advice and assistance to, as well as seeking redress through the courts for, victims of human rights violations.

Human Rights Advocacy

The Human Rights Advocacy Programme promotes awareness of human rights and contributes to the development of a sustainable human rights culture in South Africa.

Research

The programme plans, designs, conducts and manages research on the promotion and protection of human rights aimed at monitoring, assessing and documenting developments in human rights policy within the Republic.

Parliamentary and International Affairs

The Parliamentary and International Affairs Programme engages with parliamentary processes and promotes international and regional human rights instruments.

Promotion of Access to Information

The PAIA Unit is responsible for promoting, monitoring compliance with and protecting the right to access information. The work of the unit is directed at promoting information flows and good governance to strengthen the participatory nature of our democracy.

Corporate Programmes

Administration and Supply Chain Management

The programme establishes and manages integrated supply chain management, asset management and coordination of all administrative functions of the Commission within defined regulatory frameworks.

Finance

Finance provides effective and efficient management of the Commission budget to allow for successful achievement of strategic objectives within limited resources.

Human Resources Management

Human Resources Management aligns the Commission's human resource objectives to its planning processes, enabling employment and retention of staff with the capacity to support the achievement of strategic objectives.

2.2 STRATEGIC OUTCOME ORIENTED GOALS OF THE COMMISSION

In terms of the National Treasury document *Framework for Strategic Plans and Annual Performance Plans* (August 2010), constitutional institutions must formulate strategic outcome-oriented goals. These goals identify areas of institutional performance that are critical to the achievement of the mission. They should stretch and challenge the institution, but must be realistic and achievable. Data and information generated in the Commission's strategic planning process have culminated in the formulation of the following strategic outcome oriented goals:

2.2.1 Strategic Outcome Oriented Goal 1: Improve the quality of complaints handling

Revise the complaints handling mechanism to enable greater access to and protection of rights, particularly by the most vulnerable.

2.2.2 Strategic Outcome Oriented Goal 2: Improve the quality of monitoring, evaluation of and reporting on the realisation of human rights

Streamline the monitoring, evaluation and reporting processes to effectively measure the realisation of human rights.

2.2.3 Strategic Outcome Oriented Goal 3: Inculcate a culture of human rights through human rights advocacy

Develop and implement an effective and efficient Human Rights Advocacy Plan.

2.2.4 Strategic Outcome Oriented Goal 4: Strengthen organisational effectiveness and efficiency

Restructure the Commission to ensure the effective and efficient utilisation of human and financial resources.

2.2.5 Strategic Outcome Oriented Goal 5: Improve communication and stakeholder engagement

Develop communication tools and key stakeholder relationships thereby enhancing the credibility, reputation, and accessibility of the Commission.

2.3 OVERVIEW OF THE SERVICE DELIVERY ENVIRONMENT FOR 2011/12

The Commission operates in a highly complex and challenging environment straddling the political, cultural and social dimensions of human rights in the country. As a result, the work of the Commission is always under scrutiny by members of the public and its stakeholders. It is therefore critical that in its vision to be the champion for the realisation of human rights, it executes this purpose without fear, favour or prejudice.

2.3.1 Promotion of respect for and a culture of human rights

The promotion of a respect for and a culture of human rights were encouraged through education and training, and community outreach initiatives as well as dialogues to encourage public participation. Initiatives during the period under review included:

- » Social cohesion interventions in Skierlik, North West Province in collaboration with the University of the Witwatersrand.
- » Statements presented at the 47th Session of the African Commission on Human and People's

Rights, detailing steps taken by the Commission to promote and protect human rights in South Africa.

- » Co-hosting a regional workshop for National Human Rights Institutions in collaboration with the United Nations Development Programme (UNDP) and the Network of African National Human Rights Institutions (NANHRI).
- » A reconciliation process between workers and former students of the University of the Free State led by the Free State Provincial Office in collaboration with the University of the Free State and Mangaung Municipality.
- » An Africa Human Rights Day seminar to commemorate the 24th anniversary of the coming into force of the African Charter on Human and People's Rights attended by, amongst others, the Chairperson of the African Commission, Mr Mumba Malila.

2.3.2 Promotion of the protection, development and attainment of human rights

Providing legal services aimed at protecting human rights in the Republic of South Africa remained a priority for the Commission. The Commission investigated a number of human rights violations and undertook the mediation, arbitration and litigation of systemic human rights violations. As a result, a total of 5 784 complaints were finalised during the period under review.

Discrimination, inequality, poverty and basic service delivery were prevalent concerns in the service delivery environment in which the Commission operated. These issues are reflected in the top five types of complaint dealt with: equality; human dignity; just administrative action; arrested, detained and accused persons; and labour issues.

In addition, the Commission investigated a number of high profile complaints involving alleged hate speech and the right to freedom of expression, litigated 17 matters in the Equality, Magistrates and High Courts, and was involved in a few precedent-setting court proceedings involving the right to basic sanitation and the right to basic education respectively, which are expected to be concluded during the next period.

2.3.3 The monitoring and assessment of the observance of human rights

The observance and assessment of human rights is monitored through various mechanisms which culminate in the *Annual Economic and Social Rights Report*, the *Annual Monitoring and Evaluation Report on the Impact of SAHRC Submissions*, and the *Annual Monitoring and Evaluation Report on the Impact of SAHRC Advocacy and Human Rights Awareness Raising*.

2.3.4 Reporting on legislative obligations on the PAIA and PEPUDA statutes

The Commission is required in terms of both the Promotion of Access to Information Act 2 of 2000 (PAIA) and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA) to report to Parliament on its legislative obligations. The mandates are not funded separately and the limited resources limit the Commission's ability to meet its obligations.

In relation to PAIA, the Commission has approached Parliament in terms of legislation for the funding of its PAIA work. Despite non-funding of the mandate, the Commission responded to Parliament's concerns about the lack of visibility of the programme and the amount of resources dedicated to it by elevating the programme to the Office of the CEO.

The programme's promotion and advocacy interventions saw over 1 000 public officials trained on PAIA and increased provincial awareness of the legislation. PAIA once again successfully hosted the National Information Officers' Forum, celebrating a decade of the legislation. More than 300 requestors were provided support in relation to requests for information, interpretation and application of the legislation. The Commission's monitoring and law reform activities have also brought value to the parliamentary processes in relation to emerging legislation.

2.4 OVERVIEW OF THE ORGANISATIONAL ENVIRONMENT

The efficiency and effectiveness of any organisation is largely determined by the structure and the manner in which it operates. The Commission has celebrated many achievements, however, budget constraints and inadequate resources, as well as having an organisational structure and staff constituent that is not aligned to the broad mandate continued to hamper the Commission's ability deliver on its objectives.

2.4.1 Restructuring of the organisation

The restructuring process comprises four phases:

- » Development of a new mission, vision and Strategic Plan (completed in March 2011).
- » Alignment of the organisation structure with the mission, vision and Strategic Plan (May 2011).
- » Implementation of the new structure (from September 2011).
- » Monitoring and evaluation of the new structure (March 2012).

The ultimate aim of the restructuring process is to make the Commission more effective and efficient by utilising the limited resources of the Commission to achieve its mandate.

2.4.2 Budgetary constraints

Budget constraints adversely impacted on the achievement of, amongst others, human resources priority areas. For instance, a number of projects were delayed pending the finalisation of the restructuring budget. These include the acquisition of a new human resources information system, the implementation of the revised performance management system, staff development initiatives and management development.

2.4.3 Move to new premises

Our move to the new office premises took place from March 2011 and was completed around May 2011.

During the relocation process, the work and records of the Commission were transferred. The Commission minimised the disruptive effects of the relocation by ensuring two parallel networks were

established – one at the old premises and the other at the new premises. The relocation itself was in two phases and these were completed within the scheduled time at a cost of R281 000.

The new building, located at 33 Hoofd Street, Braampark, Forum 3 in Braamfontein, was selected because of its proximity to the Constitutional Court, the Johannesburg CBD and various nodes of transport which allow members of the public easy access to the offices, thus contributing to improved overall efficiency and quality of service.



2.5 TARGET ACHIEVEMENT AGAINST THE 2011/12 ANNUAL PERFORMANCE PLAN

Strategic Objective 1		Promote compliance with international obligations			
Objective Statement		Promote compliance with international human rights obligations within South Africa and the Commission			
Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Strategic interventions completed which included attendances of SAHRC at international and regional workshops and conferences	Reports of stakeholder engagements conducted Human rights policy positions articulated at international and regional forums indicated in resolutions and/or reports	Expenditure within a 5% variance of budget for the eight international (including ICC) and five regional (including NANHRI) activities undertaken by Commissioners Ensure that the logistics surrounding the attendance of Commissioners at the eight international and five regional activities are finalised 24 hours before departure Ensure that all the required research and reports are submitted by the agreed deadlines to Commissioners relating to the eight international and five regional activities undertaken by Commissioners	Expenditure, logistics and the required research and reports were delivered to target for the 11 international and nine regional activities (see Table 2, page 26)	Achieved	
Greater collaboration and cooperation amongst NHRIs and, in particular, strengthening the Network of African NHRs (NANHRI) Chairing the NANHRI	Report on annual NHR activities undertaken	Expenditure within a 5% variance of budget for the Commissioners' participation at ICC and NANHRI activities Ensure that the logistics surrounding the attendance of Commissioners at the ICC and NANHRI activities of the Commission are finalised 24 hours before departure Ensure that all the required research and reports are submitted by the agreed deadlines to Commissioners relating to ICC and NANHRI activities of the Commission Expenditure within a 5% variance of budget for the hosting of the NANHRI Biennial Conference	Expenditure, logistics and the required research and reports were delivered to target for ICC and NANHRI international activity participation (see Table 2, page 26) NANHRI Chair duties 2010–12 conducted and the Biennial Expenditure for the NANHRI Conference hosted to budget	Achieved	
Internal International Law Mainstreaming Project delivered ¹	SA international and regional human rights Mainstreaming Project (internal within SAHRC)	Six internal international Law Mainstreaming Project Briefings at provincial and programme level	Six briefings conducted (Gauteng, Northern Cape, Eastern Cape, Mpumalanga, KZN and Free State)	Achieved	
Strengthen collaboration and cooperation amongst international organisations and national human rights institutions	NANHRI Biennial Conference hosted	Provide required administrative support for the NANHRI Biennial Conference to specification and within budget on 19–21 October	NANHRI Conference held in October 2011, final Conference report outstanding NANHRI/ICC Activity Report	Achieved	

¹ Previously SA International and Regional Human Rights Mainstreaming Project/Policy Development/Internal information service – completed policy document, quarterly treaty body updates, two memos, toolkit by 09/10.

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Completed and published Annual International Report ²	Annual International Report	Annual International and Regional Human Rights Report published by 31 March 2012	One report	Achieved	
International reports and submissions ³	Three international reports and submissions provided	Provide three international reports and submissions by agreed deadline and to specification	Three international reports/submissions	Achieved	
Annual International Compliance Project ⁴	Establish International Project One UNHRC statement	20 international and regional ratifications and follow up on recommendations monitoring and Advocacy Project activities	27 meetings, presentations, trainings, roundtables, panel discussions, statements, Country report training activities in the areas of: African Commission on Human and People's Rights, the African Charter on Human and People's Rights, National Human Rights Institutions, LGBT rights, torture (OPCAT), Migrant Worker Convention (ICRMW) and Older Persons	Target exceeded (27)	

2 Previously in Human Rights Development Report.

3 Previously Research and/or Treaty Body Reports – one research report 07/08, two NHRI Reports, one Treaty Body Report 09/10.

4 Previously International Compliance Report – UN HRC and ACHPR Statements, 10 workshops/seminars, Detention Monitoring Report, Corporal Punishment Report.



Strategic Objective 2 Position the Commission as the focal point for human rights in South Africa

Objective Statement Expand the visibility of the Commission through improved communication that includes: media and stakeholder engagement; and, increased responsiveness to individuals

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Engaging role players and facilitation interventions geared towards the realisation of human rights in South Africa	Engaging role players and facilitation interventions geared towards the realisation of human rights in South Africa	Stakeholder engagements by Commissioners at the provincial offices to which they have been allocated ⁵	Commission represented on human rights matters in forms of workshops, key note addresses, video speeches and presentations	Achieved	
Greater cooperation with all institutions supporting constitutional democracy to strengthen the observance, protection and promotion of human rights in South Africa	Meetings with key stakeholders attended	Attend meetings with the Office of the Speaker, four Office on Institutions Supporting Democracy (OISD) meetings and four Portfolio Committee meetings during the financial year Participate in Chapter 9 Forum meetings	Meetings held and/or communications with key stakeholders undertaken	Achieved	
Number of Section 5 Committees established and convened	Number of Section 5 Committees established and convened	Section 5 Committee meetings hosted and chaired by Commissioners (one per financial year per focus area of a Commissioner) ⁶	Section 5 Committees established and convened	Achieved	
To influence and ensure positive media coverage of the work of the Commission	Media agenda developed and editorial space captured	Write and disseminate 36 media statements or alerts, four letters to the editor, four opinion pieces Produce four post-plenary reporting meeting media briefings or statements produced within two weeks following the hosting of the plenary reporting meeting Ensure that post mid-term review meeting statement or briefing produced within two weeks following the hosting of the mid-term review meeting Hold two National Editors Forum meetings and one Community Radio Forum meeting during the financial year Produce a financial year-end media briefing or statement following the presentation of the Annual Report of the Commission to the Portfolio Committee of Justice and Constitutional Development Media monitoring (monthly)	44 media statements produced Two opinion pieces produced Four post-plenary reporting meeting statements produced Post mid-term review meeting statement produced One National Editors Forum meeting held One Community Radio Forum meeting held Annual Report of the Commission presented to Parliament 12 monthly media reports produced	Achieved	

5 MLM – Mpumalanga and Northern Cape; PG – Western Cape; SB – Eastern Cape; BM – Limpopo and North West; LM – Free State; JL – KwaZulu-Natal; DT – Gauteng.

6 Countering Xenophobia (MLM); Access to Information (PG); Food Security (SB); Health (SB); Housing (MLM); Human Rights and Law Enforcement (DT); Environment and Rural Development (JL); Children (LM); Disability Convention (BM); Basic Education (LM); Older Persons (BM) and Torture (DT).

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Expand visibility of the Commission through improved communication that includes media, stakeholder engagement and increased responsiveness	Quarterly reports submitted Draft Communications Strategy revised for approval Annual Report submitted	Quarterly performance and evaluation reports submitted by deadline Annual Report submitted to Parliament by 31 August 2011 Policies aligned by 30 September 2011 Communications strategy approved by 30 September 2011 Implementation of communication tools by 31 March 2012 Quality assurance of all SAHRC material within 14 days of receipt	Quarterly reports submitted Approved Annual Report submitted to Parliament Approved communications strategy Developed, implemented and maintained communication tools Quality assured SAHRC material	Achieved Achieved	
Parliamentary and civil society liaison-stakeholder collaboration and networking interventions at provincial and national level hosted/attended	Attend/host 40 stakeholder collaboration and networking interventions at provincial and national levels	Attend/host 40 stakeholder collaboration and networking interventions at provincial and national levels	37 civil society liaisons including meetings and presentations Seven Parliamentary liaison meetings attended, including one meeting with OISD 18 provincial meetings with provincial legislature structures	Achieved	
Position the Commission as the focal point for human rights in South Africa	Attend/host 120 human rights advocacy stakeholder collaboration and networking interventions at provincial and national levels	Attend/host 120 human rights advocacy stakeholder collaboration and networking interventions at provincial and national levels	413 stakeholder collaborations held	Target exceeded	



Strategic Objective 3 Strengthen advocacy and human rights awareness raising

Objective Statement To enhance understanding and build capacity for human rights

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Development of public understanding of human rights obligations	Report on the number of monitoring activities and interventions aimed at increasing an understanding of human rights	Ensure that the logistics surrounding the hosting of two workshops at the Commission are delivered within budget Ensure that the service level agreement in terms of the assignment is monitored and evaluated to ensure the delivery of the reports of the two workshops within budget and specification Target changed during the mid-term review ⁷	Two workshops conducted, namely: a freedom of expression workshop and an LGBTI workshop	Achieved	
Approval of advocacy and human rights awareness raising policy	Revised model and policy approved	An approved policy of new advocacy and human rights awareness model by 10 April	Developed and approved policy	Achieved	
Workshops and seminars, distribution of materials	Number of advocacy and human rights awareness initiatives	Collation and development of seven specific focus area training materials by deadlines and within budget Conduct 260 advocacy and awareness raising interventions within budget, of which four are internal capacity building interventions and one external provincial dialogue per province	One training manual/materials 40 train the trainers workshops conducted Over 260 interventions conducted	Partially achieved	HR constraints impacted on the ability to deliver training materials
Successful hosting of internal dialogues (<i>lekgotla</i>), seminars/roundtable discussions/colloquy/conferences and social network forums	Successfully host internal dialogues (<i>lekgotla</i>), seminars/roundtable discussions/colloquy/conferences and social network forums	Successful hosting of eight internal dialogues/ <i>lekgotla</i> annually at Head Office on topical human rights issues by deadlines and within budget Conduct four seminars per annum at Head Office within budget and by deadline Conduct three human rights calendar day events per annum on African Human Rights Day, International Human Rights Day and National Human Rights Day to specification and within budget Target changed during the mid-term review ⁸	16 provincial dialogues conducted Four seminars conducted Three human rights calendar day events	Achieved	

⁷ This target, originally worded as “a) Four internal reports drafted and distributed, b) Number of activities and interventions, c) Reports and media coverage of Commission, d) Copies of speeches, presentations, reports of advocacy and human rights awareness raising workshops” was largely not measurable (b, c and d). Reporting and media coverage of the Commission targets are covered under Strategic Objective 2. Commissioners approved this amendment.

⁸ Two thousand five hundred followers on Twitter and 2 500 participants on Facebook were originally included as part of this target. It was extremely difficult to measure in its current form, is not entirely under the control of the Commission and demands monitoring resources that the Commission cannot provide. Commissioners approved this amendment.

Strategic Objective 4 Advance the realisation of human rights

Objective Statement Monitor, evaluate and report on the realisation of human rights and in particular, the progressive realisation of economic and social rights as required by Section 184(3) of the Constitution

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Complete and publish Economic and Social Rights 184(3) Report	One Section 184(3) Report by 31 March 2012	Annual Section 184(3) Report produced by 31 March 2012 to scope and within budget	Completed and published Section 184(3) Report on the rights to housing, environment and social security	Partially achieved	This target is partially achieved due to lack of response from relevant government departments to the Commission's request for information, even with the extended deadline. As such, the report consists of chapters on the rights to Housing, Environment and Social Security. The following departments did not send responses to the questionnaires: Basic Education, Agriculture, Water, Health and Rural Development and Land Reform
Complete and publish Strategic Focus Area Report	One Strategic Focus Area Report by 31 March 2012	Strategic Focus Area Report by 31 March 2012 to scope and within budget	Completed and published Strategic Focus Area Report	Achieved	
Provide inputs, presentations and briefing notes into policy and legislative developments and parliamentary related matters within deadlines	Provide inputs, presentations and briefing notes into policy and legislative developments and parliamentary related matters within deadlines	12 activities: inputs, presentations and briefing notes into policy and legislative developments and parliamentary related matters within deadlines	12 activities undertaken: Submissions: HRC Act Amendment Bill; Traditional Courts Bill; Protection of Information Bill; Disability and Transport; Criminal Procedure Amendment Bill Section 49; National Traditional Affairs Bill; SALRC Discussion Paper 25 Education; Parliamentary Portfolio Committee on Correctional Services, "briefing on torture"; minutes or reports on the Civil Society Roundtable on Prisons; the Middlebury College meeting on LGBT; the Consultative Workshop on Domesticating CAJ; and the PANSALB Workshop	Achieved	

Strategic Objective 5 Advance the right to equality and the right of access to information

Objective Statement Fulfil the Commission's legislative obligations in relation to the right to equality and the right of access to information

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
One Equality Report completed and published annually	One Equality Report completed and published by 31 March 2012	Equality Report completed and published by 31 March 2012 to scope and within budget ⁹	Completed and published Equality Report	Achieved	
PAlA Annual Report to Parliament	One PAlA Annual Report to Parliament by 30 June	PAlA Annual Report to Parliament by 31 August ¹⁰	Submitted PAlA Annual Report to Parliament by 31 August	Achieved	
Eight audits per annum	10 compliance audits conducted	10 compliance audits conducted	10 audits undertaken		
Submissions to Parliament, Department of Justice and Constitutional Development	Input into PAlA-related policy, reforms and developments	Input into PAlA-related policy, reforms and developments within Parliament's deadlines or within 90 days of receipt where relevant	Made submissions to Parliament, Department of Justice and Constitutional Development		
Provide responses to all enquiries	Response to requests in stipulated time periods and issuing of notices	Response to requests within stipulated time periods ¹¹	Responded to all enquiries including assistance to deputy information officers, private individuals, private sector and public sector (See Table 6 Requester Trends on page 37)	Achieved	
Implementation of promotion strategy	30 interventions and participation at international and regional events to promote the strategy of the Commission to advance awareness of PAlA	30 promotional interventions (25 training sessions, five media interventions) One National Information Officers Forum by 30 September One Provincial Information Officers Forum by 31 March	33 workshops, five media interventions One National Information Officers Forum One Provincial Information Officers Forum	Achieved (exceeded)	

⁹ The original target included details of the Equality Report production process which are assumed if the final product is produced and so were removed to avoid duplication. The amendment was approved by the commissioners.

¹⁰ This date was amended to synchronise with the submission of the Commission's Annual Report to Parliament, of which the PAlA report formed a part. The amendment was approved by the commissioners.

¹¹ The original target – 360 resolved – was not within the Commission's control. The amendment was approved by the commissioners.

Strategic Objective 6 Optimise the effectiveness and efficiency of the Commission

Objective Statement Ensure that the objectives set out in the strategic plan are optimally met

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Monitoring the development and implementation of strategy and plan within requisite budget	Achieve full compliance and 100% alignment of the Strategic Plan and budget	Expenditure within a 5% variance of budget for the attendance of Commissioners at monthly, quarterly, plenary mid-term strategic review and annual strategic planning meetings	Expenditure for the attendance of Commissioners at monthly, quarterly, plenary mid-term strategic review and annual strategic planning meetings was within budget	Achieved	
Annual Performance Agreement with the CEO signed		Facilitate logistics surrounding the attendance of Commissioners at monthly, quarterly, plenary, mid-term strategic review and annual strategic planning meetings, and ensure that engagements between the Commissioners and CEO are finalised 24 hours before meeting takes place	Logistics surrounding the attendance of Commissioners at monthly, quarterly, plenary, mid-term strategic review and annual strategic planning meetings and engagements between the Commissioners and CEO facilitated according to the required target		
		Facilitate logistics surrounding the attendance of a Commissioner at the Audit Committee meetings or facilitate the provision of reports, through the CEO, within two weeks of the Audit Committee meeting	Logistics surrounding the attendance of a Commissioner at the Audit Committee meetings or the provision of reports facilitated within two weeks of the Audit Committee meeting		
		Ensure that all minutes, briefing notes or reports on stakeholder interactions are submitted by agreed deadlines to Commissioners	All minutes, briefing notes or reports on stakeholder interactions submitted by agreed deadlines to Commissioners		
Maintain and quality assure the integrity of complaints process	Resolution of appeals within agreed timeframes Preside over public hearings and subpoena hearings Monthly Legal Committee meetings	Resolve appeals through adherence to current internal and prescribed turnaround timelines Ensure that comprehensive reports are produced of complaints on appeals monthly Ensure that there is provision of professional legal and advisory services in accordance with relevant legislative frameworks within requested timeframes	Resolved appeals within agreed timeframes, i.e. appeals finalised within 45 days from the proper lodging of the appeal Comprehensive reports produced of complaints on appeal on a quarterly basis Implementation of the complaints handling system monitored Legal Committee and Steering Committee meetings held	Achieved	
Ensure that objectives set out in the Strategic Plan, budget and compliance requirements are met	Annual and mid-term reviews completed Completed Annual Report Developed strategic business plan and submitted to Commissioners and National Treasury Estimates of national expenditure (ENE) submitted to National Treasury by deadline, 100% accurate, current and complete	Mid-year review of strategic objectives by 30 November 2011 Annual Strategic Plan process complete and plan submitted to the Executive by 28 February 2012 100% of programme objectives achieved by 31 March 2012	Annual and mid-term review completed Annual Report completed Strategic Business Plan developed and submitted to Commissioners and National Treasury ENE submitted to National Treasury by deadline. 89% programme objectives target confirmed	Achieved	

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Ensure that objectives set out in the Strategic Plan, budget and compliance requirements are met	Various reports on finance and restructuring project submitted to commissioners	Complete long-term restructuring process	Reports on finance and restructuring projects submitted to Commissioners	Achieved	
	Clean audit report submitted to parliament. Risk management strategy document developed	Clean audit	Clean audit reports submitted to Parliament	Achieved	
	Corporate Governance Charter completed	Charter completed	Corporate Governance Charter completed	Achieved	
		Fortnightly reports submitted to Commissioners	Fortnightly meetings held with Commissioners on Performance Charter		
	Audit process facilitated; risk register completed?	Review of Risk Management Strategy and Plan by 30 June	Fortnightly reports submitted to Commissioners	Achieved	
	Compliance to PFMA and legislation on tenders, procurement and contracts	Integrated supply chain management by 31 March 2012	Risk management strategy developed	Achieved	
Verification of assets	Up-to-date fixed asset register with no loss of assets by financial year end	Up-to-date fixed asset register with no loss of assets by financial year end	Targets met	Achieved	
Asset planning	Up-to-date fixed asset register with no loss of assets by financial year end	Up-to-date fixed asset register with no loss of assets by financial year end	Up-to-date fixed asset register by 31 March 2012	Achieved	
Determination of residual values, useful life and depreciation	Implementation and execution of the asset management plan of the Commission	Implementation and execution of the asset management plan of the Commission by February 2012			
Disposal of obsolete assets	Determination of residual values, useful life and depreciation	Determination of residual values, useful life and depreciation by 31 March 2012			
Well coordinated events and minimum travel complaints	Well coordinated events and minimum travel complaints	Well coordinated events and maximum 5% of written complaints on travel arrangements	Maximum 5% written complaints on travel	Achieved	
Compliance with travel policy	Compliance with travel policy				

12 Programme performance reports reviewed monthly, Quarterly performance reports reviewed and approved. Reports submitted to the Audit Committee. Plenary reports on quarterly organisational performance reviews. Annual Report – internal reporting guidelines reviewed and report submitted within National Treasury deadlines. Annual review of compliance by 30 November. Unqualified audit from AG with no matters of emphasis. Review of Risk Management Strategy and Plan by 30 June. Begin to implement plan by 30th April, 2011.

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Compliance with GRAP 13 Controlled expenditure on maintenance and expenditure inclusive of municipal services and electricity	Compliance with GRAP 13	Full compliance with GRAP 13 Controlled expenditure on maintenance and expenditure inclusive of municipal services and electricity	Full compliance with GRAP 13 Controlled expenditure on maintenance and municipal services	Achieved	
Classification of leases		Classification of leases by 31 March 2012	Leases classified		
Compliance with SHE and MSS and all relevant national directives	Compliance with SHE and MSS and all relevant national directives	Full compliance with SHE and MSS and all relevant national directives	Access control, physical security and health and safety requirements met	Achieved	
Alignment of fleet management strategies to AA standards	Alignment of fleet management strategies to AA standards	Alignment of fleet management strategies to AA standards by 30 June 2011	Car trackers installed in all Commission vehicles for monitoring usage	Achieved	
Implementation of the records management plan	Implementation of the records management plan	Records classification and functional registries by 30 September 2011	File plan approved	Achieved	
Compliance to records management policy	Compliance to records management policy		Approved records management policy approved HO registry established		
Improved and stable IT operations	Improved and stable IT operations	User License renewal by licencing agreement deadlines	User License renewed by licencing agreement deadlines	Achieved	
Compliance to policy	Compliance to policy	Disaster recovery plan implemented by 31 January 2012	Disaster recovery plan implemented		
Establish IT governance	Establish IT governance	Business continuity plan implemented by 31 January 2012	Business continuity plan implemented		
		Flowcentric functional by 31 March 2012	Flowcentric functional (upgrade project still underway)		
		Implementation of IT governance by 31 March 2012	IT governance requirements implemented		
		Pastel Evolution upgrade by 31 March 2012	Pastel Evolution upgraded		
Timely and accurate cash flow projections	Cash flow projections, i.e. monthly and quarterly projections that are aligned with grant receipts and programme operational plans	Monthly and quarterly projections that are aligned with grant receipts and programme operational plans	Monthly and quarterly cash flow projection reports	Achieved	
Budget management and control, i.e. efficient and effective utilisation of the budget	Expenditure to budget within a 5% variance	Expenditure to budget within a 5% variance	MTEF budget submitted	Achieved	
Approval of MTEF budget	Timely and accurate submission of MTEF budget aligned with strategic plan	Timely and accurate submission of MTEF budget aligned with strategic plan	ENE and annual ENE submitted Cabinet memorandum for additional funding on personnel expenditure submitted Additional funding request on increased capacity in line with the restructuring submitted		

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Financial reporting, i.e. timely preparation and submission of and accurate financial reports Compliance with PFMA 55 (1–4)	Timely and accurate submission of financial reports Unqualified Audit Report Reduced number of new findings and no repeat findings	Timely and accurate submission of financial reports Unqualified Audit Report Reduced number of new findings and no repeat findings	AFS submitted Unqualified Audit Report for the 2010/11 period received; 2011/12 period is subject to audit	Achieved	
Financial and internal controls, i.e. review, implement and enforcement of internal and financial controls	Review all financial policies and procedures by 31 March 2012	Review all financial policies and procedures by 31 March 2012	Financial policies and procedures reviewed	Achieved	
Approved three-year strategic plan and annual audit plan	Three-year strategic plan and annual audit plan approved by 30 April 2011	Three-year strategic plan and annual audit plan approved by 30 April 2011	Three-year strategic plan and annual audit plan approved	Achieved	
Approved Internal Audit Charter	Internal Audit Charter reviewed and approved by 31 August 2011	Internal Audit Charter reviewed and approved by 31 August 2011	Internal Audit Charter reviewed and approved		
100% execution of the Internal Audit Plan each year	100% execution of the Internal Audit Plan by 31 March 2011	100% execution of the Internal Audit Plan by 31 March 2011	100% of the Internal Audit Plan executed	Achieved	
IA audit manual is reviewed and approved	IA audit manual is reviewed and approved by the Audit Committee by 30 August	IA audit manual is reviewed and approved by the Audit Committee by 30 August 2011	IA audit manual reviewed and approved by the Audit Committee	Achieved	
A quality assurance programme is developed and approved	IA quality assurance programme developed and approved by 30 August 2011	IA quality assurance programme developed and approved by 30 August 2011			
IIA compliance	IIA compliance certificate received by 28 February 2012	IA compliance certificate received by 28 February 2012	IIA compliance certificate received	Achieved	
Internal/external audit findings implemented	Internal/external audit findings are implemented	Internal/external audit findings are implemented	Internal/external audit findings implemented and a reduction in the number of new audit findings	Achieved	
Reduction in the number of new audit findings	Reduction in the number of new audit findings by 31 March 2012	Reduction in the number of new audit findings by 31 March 2012			

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
80% productivity achieved	80% productivity achieved against Audit Plan	80% productivity achieved against Audit Plan	100% audits finalised as per the agreed upon timelines	Achieved	
Audits finalised as per agreed upon timelines	Audits finalised as per agreed upon timelines	Audits finalised as per the agreed upon timelines			
	Performance agreements aligned by 31 March	Performance agreements aligned by 31 March			
End of audit surveys completed and achieving a score of 80%	End of audit surveys completed and achieving score of 80%	End of audit surveys completed and achieving score of 80%			
Variance of total YTD actual cost within 10% of YTD budgeted amount	Variance of total YTD actual cost within 5% of YTD budgeted amount on quarterly basis	Variance of total YTD actual cost within 5% of YTD budgeted amount on quarterly basis			
Three-year Capacity Development Plan approved and implemented	Meet all HR targets by deadline, to scope and within budget	Back to Basics HR Service Delivery Plan approved by 30 September 2011	100% execution by 31 March 2012	Achieved	
Three-year HR Organisational Strategy and Annual Plan approved and implemented	Meet all HR targets by deadline, to scope and within budget	Approved Organisational Restructuring Plan by 30 September 2011	80% execution by 31 March 2012	Partially achieved	Recruitment into revised structure continues into the next annual cycle
Three-year Employment Equity (EE) Plan and Annual Plan approved and implemented	Meet all HR targets by deadline, to scope and within budget	Three-year EE Plan aligned with new structure by 31 March 2012	100% execution by 31 March 2012	Achieved	
Three-year M&E Master Plan and Annual Plans (Performance Management System) approved and implemented	Meet all HR targets by deadline, to scope and within budget	Performance management policy approved by 30 September 2011	Performance management policy approved by 30 September 2011	Achieved	
		System implemented by 31 March 2012	System implemented by 31 March 2012		
		Target changed ¹⁴			

13 The original Human Resources target was not aligned to the approved restructuring process undertaken during the 2011/12 cycle. The amendment was approved by the commissioners.

14 A's above.

15 A's above.

16 A's above.

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Three-year Employee Health and Wellness Programme and Safety Plan approved and implemented	Meet all HR targets by deadline, to scope and within budget	Approval of the annual Employee Health and Wellness Programme by 31 March 2012	Target achieved	Achieved	
100% execution	100% execution thereof by 31 March 2012	100% execution thereof by 31 March 2012			
Approved revised complaints handling processes and operating systems	Approved revised complaints handling processes and operating systems	Approved revised complaints handling processes and operating systems by 30 April 2011	Approved and revised complaints handling processes and operating systems by 30 April 2011	Partially achieved	Implementation of the electronic complaint processing system upgrade is due for completion in September 2012
Completed manual on complaints handling best practices	Completed manual on complaints handling best practices	Completed manual on complaints handling best practices	Manual on complaints handling best practices completed	Achieved	
Revised and amended gazetted complaints handling regulations in line with adopted complaints handling processes	Revised and amended gazetted complaints handling regulations in line with adopted complaints handling processes	Revised and amended gazetted complaints handling regulations in line with adopted complaints handling processes	Revised and amended complaints handling regulations in line with adopted complaints handling processes gazetted	Achieved	
Adoption of new system of complaints centralisation and categorisation	Adoption of new system of complaints centralisation and categorisation	Adoption of new system of complaints centralisation and categorisation	New system of complaints centralisation and categorisation adopted	Achieved	
Adopted revised statistical reporting systems	Adopted revised statistical reporting systems	Adopted revised statistical reporting systems	Revised statistical reporting systems	Achieved	
Approved Flowcentric electronic case registration	Approved Flowcentric electronic case registration	Approved Flowcentric electronic case registration	Approved Flowcentric electronic case registration		
Workflow system enabled to produce statistical reports	Workflow system enabled to produce statistical reports	Workflow system enabled to produce statistical reports	Workflow system enabled to produce statistical reports approved		
Completed staff training on complaints handling operating systems (including Flowcentric)	Completed staff training on complaints handling operating systems (including Flowcentric)	Completed staff training on complaints handling operating systems (including Flowcentric)	Staff training on complaints handling operating systems (including Flowcentric) completed	Achieved	
Completed implementation of the new complaints handling system	Completed implementation of the new complaints handling system	Completed implementation of the new complaints handling system	New complaints handling system implemented	Achieved	

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
Finalisation of all accepted complaints	Finalisation of all accepted complaints	Finalisation of all accepted complaints within one year of registering complaints (subject to categorisation and centralisation of complaints; excluding litigations)	Total finalised cases: 79% (5 784) of the total caseload	Not achieved	Some complaints fall outside of the one year turnaround time
All enquiries attended to and once-off advices given	All enquiries attended to and once-off advices given	All enquiries attended to and once-off advices given within agreed timeframes	Total enquiries: 4 067	Achieved	
Appropriate redress to human rights violations secured in all accepted complaints	Appropriate redress to human rights violations secured in all accepted complaints	Appropriate redress to human rights violations secured in all accepted complaints within the approved timeframes	Appropriate redress secured in all accepted complaints	Partially achieved	In some instances complaint processing times exceeded the approved timeframes
Quarterly reports per year on trends and patterns of human rights violations and analyses of impact of complaints handling	Quarterly reports per year on trends and patterns of human rights violations and analyses of impact of complaints handling (* includes digest of cases)	Four quarterly reports per year on trends and patterns of human rights violations and analyses of impact of complaints handling (* includes digest of cases)	Four quarterly reports per year on trends and patterns of human rights violations and analysis of impact of complaints handling (* digest of cases)	Not achieved	Due to the revision of the complaints handling system
All in-house requests for legal services and advice provided to the Commission	All in-house requests attended to	All in-house requests for legal services and advice provided to the Commission acknowledged within seven days and SLAs vetted within 30 days of receipt	Total of five active in-house matters	Achieved	
Revised and approved inter-programme and stakeholder collaboration systems	Revised and approved inter-programme and stakeholder collaboration systems	Revised and approved inter-programme and stakeholder collaboration systems by 30 June 2011	Revised and approved inter-programme and stakeholder collaboration systems by 30 June 2011	Achieved	
Staff trained on complaints handling and litigation in the Equality Courts	Completed staff training on complaints handling and litigation in the Equality Courts	Completed staff training on complaints handling and litigation in the Equality Courts (*UN grant agreement)	Completed staff training on complaints handling and litigation in the Equality Courts by 30 June 2011 (*UN grant agreement)	Achieved	
Library and documentation service delivered to budget	Effective library and documentation service delivered to budget	Library and documentation service delivered to budget	Expenditure Reports Training on online data base Stocktaking Report	Achieved	
One Annual Monitoring and Evaluation Report (Impact of SAHRC Submissions)	Annual Monitoring and Evaluation Report published by 31 March 2012	Annual Monitoring and Evaluation Report published by 31 March 2012	Annual Monitoring and Evaluation Report	Achieved	

Strategic Plan Targets	Programme Performance Indicators	Annual Targets	Actual Performance	Target Achievement	Reason for major variance
One Annual Monitoring and Evaluation Report (Impact of SAHRC Advocacy and Human Rights awareness raising)	Annual Monitoring and Evaluation Report published by 31 March 2012	Annual Monitoring and Evaluation Report placed on the SAHRC website by 31 March 2012	Report produced	Achieved	
One Annual Monitoring and Evaluation Report (Assessment of past recommendations to organs of state)	Annual Monitoring and Evaluation Report published by 31 March 2012	Annual Monitoring and Evaluation Report placed on the SAHRC website by 31 March 2012	Report not published	Not achieved	Insufficient budget

Note: Mid-term review of the programme performance indicators and targets in the Annual Performance Plan 2011/12 – commissioners’ approved revisions.

Three main tasks were identified for the mid-term review of the Annual Performance Plan 2011/12. They were to:

1. Distinguish between the commissioners’ *oversight* function and the *performance delivery* requirements of the support staff within the *Commissioners’ Programme*. A Commissioners’ Oversight Plan was developed to reflect the commissioners’ oversight function. The relevant content was extracted from the Commissioners’ Programme sections of the original Annual Performance Plan 2011/12 and placed in the Commissioners’ Oversight Plan. The Commissioners’ Programme remains in the Annual Performance Plan 2011/12 with the annual and quarterly targets rephrased to reflect the support performance indicators and targets to be achieved by the commissioners’ support staff to facilitate the work of the commissioners.
2. Align the annual performance plan to the Commission’s approved revised structure. The original Annual Performance Plan 2011/12 is aligned to the old organisational structure of the Commission. A revised structure was approved and is currently being implemented. The revision of the Annual Performance Plan 2011/12 reflects the new organisational structure comprising four programmes, namely: Commissioners’ Programme; Strategic Support and Governance; Programme Support; and Corporate Support.
3. Reword programme performance indicators (PPIs) and targets to meet the SMART criteria.

PART



3



PART 3 PROGRAMME PERFORMANCE

3.1 PROGRAMME: OFFICE OF THE COMMISSIONERS

Commissioners provide guidance in developing the vision of the institution by setting its priorities and ensuring that its policies, programmes and allocated resources are consistent with their vision. This is done through exercising good corporate governance and providing leadership and guidance on the professional work of the Commission. Commissioners held fortnightly performance reporting meetings with the CEO to oversee the quarterly plenary reporting processes.

The Commissioners are the public face of the Commission, representing the organisation not only at national, regional and international forums, but also interacting with local communities and stakeholders at the national level, as required, to mainstream human rights issues. In addition to the policy

and legislative mandates of the Commission, Commissioners adopted a document called the Human Rights Matrix.

This document tracks the various human rights obligations of South Africa at the international, regional and domestic levels. It is a tool that assists in facilitating, through the guidance of human rights legal instruments, the principles and pronouncements, and the identification of the Commissioners' strategic focus areas and priorities. It also assists in identifying the unique role of the Commission as a national human rights institution.

The strategic priority areas which are in line with the Human Rights Matrix were identified, discussed and integrated into the Strategic Plan. The Commissioners also assigned specific provinces and United Nations treaty bodies amongst themselves. These strategic priority areas, treaty bodies and provinces are set out in Table 1.

Table 1. Commissioners' strategic focus areas, provinces and treaty bodies

Commissioner	Strategic focus areas	Province	UN treaty bodies
Chairperson, Commissioner M L Mushwana	Asylum seekers, migration and counteracting xenophobia	Northern Cape and Mpumalanga	Convention on the Elimination of Racial Discrimination (CERD)
Deputy Chairperson, Commissioner P Govender	Basic services, access to information	Western Cape	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
Commissioner L Mokate	Children, basic education	Free State	Convention on the Rights of the Child (CRC)
Commissioner B Malatji	Disability, older persons	North West and Limpopo	Convention on the Rights of Persons with Disabilities (CRPD)
Commissioner S Baai	Housing, food, health care	Eastern Cape	International Covenant on Economic, Social and Cultural Rights
Commissioner J Love (part time)	Environment, natural resources, rural development	KwaZulu-Natal	
Commissioner D Titus (part time)	Human rights and law enforcement, prevention of torture	Gauteng	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); International Covenant on Civil and Political Rights (ICCPR)

Commissioners have participated in a number of international and regional activities, in particular the African Commission for Human and Peoples' Rights (ACHPR), 49th and 50th Ordinary Sessions at Ban-

jul, Gambia; the Commonwealth Forum of National Human Rights Institutions, London, England; the 24th Session of the International Coordinating Committee (ICC) of National Institutions for the Promo-

Table 2. International and regional activities

Place	Date	Purpose
Banjul, Gambia	26 April–1 May 2011	49th Ordinary Session of the African Commission on Human and Peoples' Rights
Accra, Ghana	30 May–8 June 2011	2011 Regional Human Rights Training Workshop for African National Human Rights Institutions
Rabat, Morocco	7–8 September 2011	High-level conference on the Role of National Human Rights Institutions in Preventing Torture in Africa
New York, USA	27–26 September 2011	Handbook for National Human Rights Institutions on Reproductive Rights, Validation Workshop at UNFPA Headquarters
Geneva, Switzerland	8–12 November 2011	Strategic Consultative Meeting for Africa, and Association for the Prevention of Torture Global Forum on the OPCAT organised for APT
Addis Ababa, Ethiopia	21–22 November 2011	Seminar on identifying national implementation mechanisms for the prevention of torture and other ill-treatment, organised by Bristol University
Istanbul, Turkey	6–9 September 2011	Invited by the UNDP Iraq to participate at the Human Rights Workshop for Support to the Establishment of the Iraq Human Rights Commission (Commissioner Lindiwe Mokate)
Geneva, Switzerland	20 May 2011	Workshop on the Role of Prevention in the Promotion and Protection of Human Rights (Deputy Chairperson, Commissioner Pregs Govender)
Male, Maldives	13–15 June 2011	Participation at the Commonwealth Secretariat Government and Opposition Workshop – Roles, Rights and Responsibilities (Pandelis Gregoriou)
Geneva, Switzerland	7–11 July 2011	Participation at the expert consultation entitled "Toward an operational guide for National Human Rights Institutions: Possible good practices in addressing the rights of indigenous peoples" at the invitation of the UN OHCHR (Deputy Chairperson, Commissioner Pregs Govender)
Arusha, Tanzania	16–18 November 2011	Participation at the Consultative Seminar for the African National Human Rights Institutions on the African court (Commissioner Janet Love)
Banjul, Gambia	25–29 April 2011	Participation at ACHPR, 49th Ordinary Session (Commissioner Lindiwe Mokate)
London, England	13 May 2011	Participation at the Commonwealth Forum of National Human Rights Institutions (Chairperson, Commissioner M L Mushwana)
Geneva, Switzerland	16–20 May 2011	Attendance at the 24th Session of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Chairperson, Commissioner M L Mushwana)
Seoul, South Korea	10–12 October 2011	ICC Bureau Meeting (Chairperson, Commissioner M L Mushwana)
Banjul, Gambia	18–25 October 2011	Participation at ACHPR, 50th Ordinary session (Commissioner Lindiwe Mokate)
Nairobi, Kenya	19 November 2011	Participation at the NANHRI Steering Committee Meeting (Chairperson, Commissioner M L Mushwana)
Nairobi, Kenya	20–21 January 2012	NANHRI Strategic Planning Meeting (Chairperson, Commissioner M L Mushwana)
Geneva, Switzerland	19–22 March 2012	Attended at the Commonwealth Forum of National Human Rights Institutions Meeting and the International Coordinating Committee's 25th General Meeting (Chairperson, Commissioner M L Mushwana and Commissioner Lindiwe Mokate)
Geneva, Switzerland	23 March 2012	Chairing the Steering Committee Meeting of NANHRI (Chairperson, Commissioner M L Mushwana)

tion and Protection of Human Rights, Geneva, Switzerland; and the ICC Bureau Meeting in Seoul, South Korea. The activities undertaken during the period under review are set out in Table 2.

Of particular importance is the fact that the Commission chaired, hosted and participated at the 8th Biennial NANHRI Conference, Cape Town.

Relationships have been developed with state organs, civil society structures and Chapter 9 institutions through the Commissioners. The Commissioners develop these relationships through extensive engagement and consultation with all stakeholders, including the media.

The Commissioners conceptualised, organised, co-managed and participated in the following workshops: the Commissioners' Workshop with Expert Panellists on the Protection of Information Bill; Human Rights and Acid Drainage Workshop (which explored options for the treatment of acid mine drainage); and the public hearing on the right to have access to sufficient water and adequate sanitation, which constituted the Human Rights Month event for the institution.

The Commissioners have hosted Section 5 Committee meetings on various focus areas including: acid mine drainage; basic education and child rights; disability; food; health; housing; local government and basic services; migration and the rights of non-nationals; older persons and the prevention of torture.

3.2 PROGRAMME: OFFICE OF THE CHIEF EXECUTIVE OFFICER

Performance-based culture

Creating a performance-based culture at the South African Human Rights Commission has yielded significant results which are reflected in our overall performance for the 2011/12 financial year. Tracking the Commission's performance over the past financial years, the institution has consistently managed to improve performance by increasing its ability to fulfil key strategic objectives.

In 2009/10, the Commission was only able to achieve 52% of its strategic objectives. By the end of 2010/11, we had improved our overall performance to 67% and achieved a clean audit with no matters of emphasis. At the end of 2011/12, performance im-

proved to 89%, signalling a significant shift towards entrenching a performance-based culture at the Commission.

Despite these improvements in performance, the Office of the CEO needs to continue its implementation of the massive restructuring exercise in order to achieve 100% of the organisation's strategic objectives. This process has been extremely challenging resulting in significant staff turnover, but also in the appointment of a new management team with a diverse range of skills and competencies.

While these institutional changes have been difficult, they have created new opportunities to rethink the role of the Commission and to position the institution as a focal point for human rights in South Africa. There have also been very practical benefits such as the development of comprehensive job descriptions for every member of staff and an organisational structure that speaks to the mandate of the Commission.

The 2011/12 financial year has also seen the development of new performance monitoring and reporting systems starting with the Strategic Plan and the Annual Performance Plan, and then moving onto the development of operational plans for each programme followed by individual performance plans for every member of staff. The alignment between the Strategic Plan and individual performance plans has resulted in greater role clarity and ultimately in members of the Secretariat being held directly accountable for the implementation of the Strategic Plan.

The Office of the CEO will continue to gradually implement and entrench the performance-based culture at the Commission, ultimately working towards an effective and efficient institution that is able to better serve the needs of the poorest and marginalised members of our society.

3.3 PROGRAMME: INTERNAL AUDIT ACTIVITY

Risk management

Effective risk management is critical for the achievement of the Commission's objectives and mandate. The organisation continues to improve its risk management capabilities.

The Internal Audit Programme held workshops with the Senior Management team and developed a strategic risk register as is required in terms of the National Treasury framework.

The Risk Mitigation Plans have been developed and assigned to the Senior Management team as risk owners. This will be reviewed on a quarterly basis by the Internal Audit. The Audit Committee will provide oversight on the implementation of Risk Mitigation Plans.

Compliance

All aspects of this function have been delegated to the Heads of Programmes to ensure compliance with the relevant legislation and statutes pertaining to their programmes.

The Heads of Programmes report and escalate issues through to the CEO who monitors and ensures compliance.

A compliance checklist has been developed to assist with monitoring compliance in keeping with the

Public Finance Management Act (PFMA) and Treasury regulations. This checklist is tabled to the Audit Committee on a quarterly basis.

During the year under review Internal Audit was able to achieve 100% of the approved Internal Audit Annual Plan. The risk-based plan focused primarily on reviewing the adequacy and effectiveness of the Commission's internal controls.

3.4 OPERATIONAL PROGRAMMES

3.4.1 Legal Services

The purpose of the Legal Services Programme is to position the Commission as a focal point through effective and efficient investigation and protection of human rights in the country.

The programme, through the Commission's constitutional mandate contained in Section 184 of the Constitution of the Republic of South Africa, 108 of 1996, is responsible for the provision of quality legal services in the protection of human rights in the Republic of South Africa through the effective and efficient investigation of complaints of human rights violations, the provision of quality legal advice and assistance to, as well as seeking redress through the courts for, victims of human rights violations.

Table 3 provides an overview of some of the complaints, cases and interventions with which the Commission was involved during the period under review.



Table 3. Narrative of noteworthy complaints, cases and interventions

Alleged rights violation and nature of issues	Action taken thus far by the Commission	Current status of case/ outcome
<p>Free State Moqhaka Municipality matter: toilet case</p> <p>Rights violated: Equality and Human Dignity</p> <p>The Commission received complaints against the Moqhaka Municipality for the construction of the open toilets in the Rammolutsi village.</p>	<p>The Commission conducted an investigation and found that the respondent had violated the rights of the residents to human dignity and equality. The Commission's findings recommended inter alia that the toilets be enclosed and the Commission continued to monitor the implementation of its recommendations.</p>	<p>The investigation in the matter was finalised and the Commission is continuing to receive progress reports from the respondent.</p>
<p>Free State Harmony High School and Welkom High Schools matter: pregnant learners cases</p> <p>Rights violated: Right to Education</p>	<p>Both matters litigated.</p>	<p>Both matters closed and the learners went back to school.</p>
<p>Western Cape matter UCT: affirmative action case</p> <p>Rights violated: Equality and Racism</p> <p>Alleged discriminatory admission practices at the University of Cape Town. The Commission received a complaint that the University's Medical School admissions policy was racially discriminatory.</p>	<p>The Commission investigated the matter in terms of its legal complaints handling mechanisms.</p>	<p>The Commission found that the University of Cape Town Medical School did not violate the right to equality of Mr James Kemp of the Freedom Front Plus, who argued that by lowering the admission requirements for previously disadvantaged communities, the School was in breach of the Constitution.</p>
<p>North West Suiwerbult Community case</p> <p>Rights violated: Access to Water</p> <p>This matter involved allegations that a local councillor of Suiwerbult informal settlement was selling water to the community while the community was without water.</p>	<p>The Commission investigated the matter in terms of its legal complaints handling mechanisms.</p>	<p>The investigations were completed and delivery of water has been restored to the community. The Commission continues to monitor the situation.</p>
<p>Western Cape Maxwele matter: Middle-finger gesturing case</p> <p>Rights violated: Human Dignity; Equality; Arrested, Detained and Accused Persons</p> <p>The Commission found that members of the Presidential Special Protection Unit violated the rights of Mr Chumani Maxwele after they arrested and detained him for allegedly gesturing with his middle finger at a convoy of police vehicles which was reportedly transporting President Jacob Zuma. Mr Maxwele is also alleged to have resisted arrest.</p>	<p>The Commission completed investigations in this matter and found that the respondent violated Mr C Maxwele's human rights. The respondent, the Minister of Police, took the Commission to the South Gauteng High Court on review.</p>	<p>The matter is before the SG High Court on review and the Commission is opposing the review.</p>
<p>Gauteng Agri SA/Minister of Human Settlements land restitution matter: "Some evil farmers" case</p> <p>Rights violated: Equality, Hate Speech, Violating the Right to Equality on the Grounds of Race</p> <p>Minister T Sexwale allegedly made comments that the main reason for rapid urbanisation is some evil farmers who abuse and force people out of farms into urban areas.</p>	<p>The Commission investigated and in its report found that the statement does not amount to human rights violations.</p>	<p>The matter has been finalised with all parties accepting the report and findings of the Commission.</p>
<p>North West Mmupele family matter: hunger-death case</p> <p>Rights violated: Right to Life, Children's Rights and Human Dignity</p> <p>Four children of the Mmupele family at Verdwaal village, near Itsoseng, died in the veld, reportedly due to hunger and thirst while following their mother who had gone in search for food. Neither the deceased children nor their mother had birth certificates and identity documents.</p>	<p>The Commission is investigating the matter in terms of its complaints handling procedures.</p>	<p>Currently the Commission is in the process of finalising its draft report into preliminary findings on the matter.</p>

Alleged rights violation and nature of issues	Action taken thus far by the Commission	Current status of case/ outcome
Gauteng SAJBD/J Masuku (COSATU) matter: anti-Jewish hate speech case Rights violated: Equality and Freedom of Expression The complaint involved alleged anti-Jewish hate speech by J Masuku from COSATU.	After investigation, a finding was made by the Commission that the alleged utterances amounted to hate speech.	The Commission has instituted Equality Court proceedings to have the matter heard and its recommendations made an order of Court.
North West Klipgat clinic matter Rights violated: Access to Health Care and the Right to Privacy This involved community members who were forced to undergo HIV testing before they could receive any form of help from the clinic. Those who refused to do the tests were allegedly turned away.	The Commission investigated the matter in terms of its complaints handling procedures.	The Commission is waiting for a report from the provincial Department of Health.
Gauteng Malema matters: "Kill the boer"/BBC journalist cases Rights violated: Hate Speech, Equality, Freedom of Expression The Commission received a high number of complaints relating to various utterances made by the former ANCYL leader, Mr Julius Malema.	The Commission conducted a hearing in all the matters and the parties agreed that the matters be pended until the pronouncement of the Constitutional Court on the constitutionality of Section 10 of PEPUDA.	The matter has been provisionally finalised pending the Constitutional Court decision on the constitutionality of Section 10 of PEPUDA.
Western Cape Makhaza matter: toilet case Rights violated: Equality and Dignity The Commission received complaints regarding the construction of open toilets in Makhaza residence.	The Commission conducted an investigation and found that the respondent has violated the rights to dignity and equality of the residents.	Following the Cape High Court Judgment confirming the Commission's findings in this matter, the City of Cape Town subsequently announced a process of implementing the findings of the court.
Gauteng: P Jacobs/Thornhill Retirement Village matter: elderly persons case Rights violated: Right to Just Administrative Action This matter involved allegations of a retirement village which took decisions on its operations without consulting and involving its elderly residents.	The Commission investigated the matter and found that the respondent has violated the complainants' rights to just administrative action.	The matter has been finalised through a report with recommendations and the Commission is monitoring the implementation of the recommendations.

A total of 4 067 enquiries/legal advice and 5 784 complaints were finalised and 17 matters were litigated in the Equality Magistrate's and High Courts between 1 April 2011 and 31 March 2012. The number of

complaints finalised represent 80% of the total complaints workload for the period under review. Table 4 provides a breakdown of complaints by province and status as at 31 March 2012.

Table 4. Breakdown of complaints received by province and status

	H/O	WC	EC	GP	NW	KZN	MP	NC	LP	FS	Total	
In process	21	326	92	570	176	121	59	4	49	94	1 512	
Finalised	Rejected	17	81	32	71	85	111	25	75	46	1 406	
	Referred	11	142	163	245	26	133	32	182	86	1 214	
	Resolved	6	41	34	49	20	40	10	30	30	125	385
	Closed	37	78	172	198	58	97	24	513	57	1 545	2 779
Total complaints	92	668	493	1 133	365	502	150	804	268	2 821	7 296	
% workload	1%	9%	7%	16%	5%	7%	2%	11%	3%	39%	100%	

Terminology

- » *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, resolved, rejected and referred 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 the SAHRC or an associated agency or institution.

3.4.2 Programme: Human Rights Advocacy

The purpose of the Human Rights Advocacy Programme is to promote human rights, thereby ensuring greater protection of human rights through various advocacy, education and training activities that are linked to the strategic interest area of the Commissioners. The Programme is also responsible for social media engagements by the Commission.

Measurable objectives

- » Raising awareness of human rights through outreach interventions; focusing on rural grassroots communities through presentations, campaigns and capacity-building initiatives on the thematic areas of topical concern and interest.
- » Encouraging public participation and engagement on contemporary human rights issues through seminars, roundtable discussions, conferences and social media forums.
- » Strengthen collaboration with Chapter 9 institutions, civil society organisations and state departments within the government structures.

The promotion mandate of the Commission is mainly discharged through and carried out by the Human Rights Advocacy Programme. The programme’s interventions are targeted towards mainly rural, semi-rural and peri-urban areas, with focus placed on impoverished and marginalised communities so as to widen the scope of outreach interventions. The programme works closely with a range of stakeholders such as other Chapter 9 institutions, non-governmental organisations, community based organisations, parliament, government structures and United Nations bodies.

Due to the ongoing organisational restructuring process, the programme mainly focused on outreach and provincial coordination and public participation. Three senior staff members left the programme during the period under review as a result of the restructuring process. The mid-term review process also resulted in the realignment of some of the programme’s target milestones.

Outreach and provincial coordination

The work of this sub-programme is mainly carried out through the Commission’s nine provincial offices. For the period under review, the Commission entered into a funding partnership agreement with the United Nations High Commissioner for Human Rights (UNHCHR). With the latter’s financial support, the programme implemented extensive outreach initiatives focusing on anti-discrimination and equality. These included the innovative multi-discipline social cohesion project in Skierlik in North West province following racially motivated violence; training community development workers as human rights ambassadors in the nine provinces; monitoring immigration detention facilities at Lindela in Gauteng province and Musina in Limpopo province; monitoring the Equality Courts throughout the country; and popularisation of South Africa’s draft National Action Plan to combat racial discrimination, xenophobia and related intolerance as a follow-up to the Durban Declaration and Programme of Action.

The programme delivered 392 outreach interventions to communities in mainly rural, semi-rural and peri-urban areas through presentations, information sessions and community media. A total of 413 stakeholder collaboration initiatives were undertaken. Sixteen provincial dialogues were held on the issue of

freedom of expression as weighed against hate speech. A total of 40 train-the-trainers workshops on non-discrimination were also conducted for community development workers in all the provinces. Four internal capacity-building workshops for provincial advocacy officers were held and seven training manuals were developed on the following topics: anti-discrimination; social conflict; facilitation skills; community radio; promotion of access to information; promotion of equality; and prevention of unfair discrimination.

Public participation

This programme aims to encourage and also facilitate public participation on topical and contemporary human rights issues through public dialogues, seminars, roundtable discussions, conferences, commemorative human rights calendar events and social media. The Commissioners give strategic guidance on issues of concern and activities are divided between head office and provincial offices.

For the period under review, the sub-programme held 11 public dialogues; nine were held at provincial offices and the focus was on the issue of freedom of expression as weighed against hate speech. Four seminars were conducted at head office and were held in collaboration with strategic partners from civil society, academia, Chapter 9 institutions and relevant government departments. Notable collaborative partnerships were with the Foundation for Human Rights (FHR), the Department of Justice and Constitutional Development (DoJ&CD) outreach project in which all nine provinces assisted in the roll out of training on PEPUDA, and with the University of Pretoria/UNHCHR/DoJ&CD national schools moot court competition on human rights. All provincial offices also participated in the campaign on 16 Days of Activism for No Violence Against Women and Children as part of the Chapter 9 stakeholders' forum.

To commemorate the month of March as Human Rights Month, three human rights calendar day events were held in the Free State and Western Cape. The events comprised site visits, community engagements and seminars on the right to safe and clean water and adequate sanitation. The programme issued reports on all these events, which were posted on the Commission's website. In addition, all provinces participated in other stakeholders' events held coun-

trywide to mark other national public holidays with a human rights slant such as Freedom Day, Youth Day, Women's Day and Heritage Day.

The programme developed a monitoring and evaluation tool to measure the impact of its work. The tool was utilised to survey community development workers who had been trained as human rights ambassadors. It assessed their knowledge levels before and after the training, as well as the activities they implemented as a result of the training. Using this information, the programme developed and produced a monitoring and evaluation report that confirms the value of the Commission's human rights advocacy and awareness initiatives.

3.4.3 Programme: Research and Documentation

The Research and Documentation Programme achieved 87% of its targets for the 2011/12 financial year which represents an increase in performance compared to 2010/11, and it spent 98% of its total budget.

Particular achievements are the reports on the Right to Equality, Economic and Social Rights and a primary research report on Water and Sanitation. Over and above the core delivery of its strategic objectives, the Research and Documentation Programme also played a significant role in the Freedom of Expression hearings; public hearings on water and sanitation; Section 5 committees on the acid mine drainage, service delivery, food, housing and health; and legal complaints on privacy, housing, gender and race.

More significantly, the programme collaborated with the Advocacy Programme in the UNHCHR-funded project, preparing and presenting all the presentations regarding the NAP at provincial seminars, designing and conducting all Equality Court monitoring in the nine provinces, and in conducting the anti-racism pilot project in Skierlik, which included the arrangement of counselling for the victims of the Skierlik shooting. The programme also prepared and presented at the FHR-organised workshops on PEPUDA.

The library as a sub-unit of the Research and Documentation Programme achieved 100% of its targets for the financial year under review. This is a tremendous achievement as the library had to be reorganised as a result of the Commission's relocation to new premises.

3.4.4 Parliamentary and International Affairs

During 2011, the SAHRC national and provincial office staff, in collaboration with members of civil society (Gauteng, Northern Cape, Eastern Cape, Mpumalanga, KZN and Free State), was briefed on the SAHRC International Law Toolkit. This training aims to capacitate staff in the use of international human rights law in their daily work by creating awareness and providing them with the tools to access relevant international human rights law appropriately.

The programme also produced the 2011 International Report which links international and regional treaty body developments to compliance by South Africa with its international and regional human rights obligations. As Table 5 demonstrates, South Africa is yet to ratify the International Covenant on Economic Social and Cultural Rights (ICESCR) and the Optional Protocol to the Convention against Torture (OPCAT). There are still outstanding human rights conventions that remain unsigned by South Africa and a number of international reports that are overdue at both the international and regional level.

During the 2011/12 reporting year, the SAHRC continued its work in advocating for the ratification of these instruments. At an international level, the SAHRC assisted by providing input into the UNFPA reproductive rights manual for NHRIs. It is anticipated that this manual will serve as a resource for national human rights institutions on reproductive rights. India, South Africa, Uganda and Jordan were consulted on the content of this manual which is due to be released shortly and shares the experiences of these countries in respect to reproductive rights.

During 2012, South Africa will appear before the Human Rights Council (HRC) for the second cycle of the Universal Periodic Review (UPR). In relation thereto, the SAHRC submitted its National Human Rights Institution (NHRI) Report in November 2011 to the (HRC). The SAHRC was privileged to be one of the first institutions at UN level to deliver a statement via video messaging. On 6 March 2012, Commissioner S Baai delivered his statement via video messaging on the UN Special Rapporteur's Report on the Right to Food in South Africa. This was a significant event as it heralds greater access and participation in the HRC by developing countries.

At a regional level, the SAHRC actively partici-

pated in sessions of the African Commission on Human and People's Rights, both within its capacity as a NHRI and also as Chair of the Network of African National Human Rights Institutions (NANRI). The passing of the Chair of the NANHRI was occasioned by a conference in Cape Town with the theme "Advancing the Human Rights of Older Persons and Persons with Disabilities – the Role of African National Human Rights Institutions." The conference was attended by the chairs of African NHRIs, members of relevant United Nations agencies, treaty bodies, the African Court, experts from civil society and academia. The conference resulted in the adoption of the Cape Town Declaration which sets out the consensus reached on the responsibilities and commitments of NHRIs to carry out work in the promotion and protection of the human rights of these two vulnerable groups in society.

The Commission continues to position itself as the focal point for human rights in South Africa and expand its visibility. An important area of work is ensuring improved communication and relationship building with civil society organisations that work on parliamentary and legislative issues. The Commission is also seeking to expand its visibility with provincial legislatures and local municipalities.

In sub-programme 3, Parliamentary Liaison, the Commission made submissions on the Traditional Courts Bill and the Protection of Information Bill. Both bills have been the subject of much public discussion and the Commission will continue engaging with these pieces of legislation and tracking their progress going forward. Whilst additional information and comments were submitted to the Department of Justice and Constitutional Development during 2011/12, the Human Rights Commission Act Amendment Bill is yet to be submitted to Parliament. The SAHRC also awaits the tabling of the Prohibition of Racism, Hate Speech, Xenophobia and Related Intolerance Bill, the Prevention and Combating of Torture Bill and the Prevention and Combating of Trafficking in Persons Bill.

The Commission briefed the Portfolio Committee on Correctional Services on South Africa's need to comply with its international obligations in the area of torture. In particular, the UN Human Rights Committee has made findings against South Africa in the

matter of McCallum, and to date South Africa is yet to respond directly to these adverse findings. The McCallum matter highlights the need for South Africa to criminalise torture as required by the UN Convention against Torture which South Africa has ratified. It highlights the need to ratify the Optional Protocol to the UN Convention against Torture (OPCAT) and establish a national preventive mechanism in order to prevent torture in places where persons are deprived of their liberty.

The Commission is promoting greater engagement with provincial legislatures and local municipalities, and it is anticipated that there will be significant activity in this area moving forward. These engagements focus on particular areas of concern generated through the complaints handling system; the Commission considers that greater engagement on these issues with provincial legislatures and municipalities could lead to an improvement of a particular situation.

The Parliament and International Affairs Programme continues to update its monitoring and evaluation system that determines the impact that its submissions have made on the legislative process. The updating is done within an annual cycle from 1 January to 31 December each year. During the 2011 year, the Criminal Procedure Amendment Bill (B39-2010) submissions were made and inputted into the system.

Also, comments to government departments were submitted (i.e. the Department of Transport on the Implementation Strategy to Guide the Provision of Accessible Public Transport Systems in South Africa, and the Department of Cooperative Governance and Traditional Affairs on the National Traditional Affairs Bill). By the end of 2011, the legislative processes in respect of these submissions had not been finalised for inputting into the system.

In May 2011, the Independent Police Investigative Directorate (IPID) Bill was approved. Selected recommendations of the SAHRC's submission were incorporated into the Act resulting in more consistency and less ambiguity regarding the type of matters to be investigated by the IPID. Despite the SAHRC's recommendation regarding reference to the undefined term 'torture', the Portfolio Committee on Police proposed that specific torture legislation, i.e. the Combating of Torture Bill, should address the shortcomings of the torture references in the IPID Act. The Bill will come into effect on a date to be determined by the President.

In September 2011, the Basic Education Laws Amendment Bill was passed. The SAHRC submission recommended the following: the expanded definition of 'parent'; redrafting of certain sections in plain language; and clarity on a public school for learners with special education needs. The Act incorporates all the recommendations made by the SAHRC.

Table 5. Summary of South Africa's international and regional treaty body obligations as at 31 March 2012

Treaty Body	Ratification	Reports	Reports outstanding
International			
International Covenant on Civil and Political Rights (ICCPR) 1966	SA ratified on 10 December 1998.	No reports submitted.	Initial report overdue since March 2000.
International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966	SA signed on 4 October 1994. SA has not ratified this Covenant.	N/a The OPCESCR opened for signature on 24 September 2009.	
Optional Protocol to ICESCR (OPCESCR) 2008		There are currently 40 State Parties who have signed and eight State Parties who have either ratified, acceded to or succeeded to the Covenant. 10 ratifications are needed for the coming into force of the OPCESCR.	

Treaty Body	Ratification	Reports	Reports outstanding
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1966	SA signed on 3 October 1994 and ratified on 10 December 1998.	South Africa submitted its 1st and all outstanding reports in 2004. SA appeared before the Committee in August 2006.	4th to 6th combined reports overdue; 7th report due in 2012.
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979	SA signed on 29 January 1993 and ratified on 15 December 1995.	SA submitted its combined 1st, 2nd, 3rd and 4th reports to the CEDAW committee in 2011. SA appeared before the Committee in January 2011.	Follow-up report due in February 2013; 5th and 6th combined report due in February 2015.
Convention Against Torture and other Cruel Inhuman or Degrading Treatment (CAT) 1984 Optional Protocol to the Convention against Torture (OPCAT)	SA signed on 29 January 1993 and ratified on 10 December 1998. SA signed 20 September 2006 but is yet to ratify.	SA appeared before the Committee in November 2006. Optional Protocol entered into force on 22 June 2006.	Follow-up report overdue; 2nd and 3rd combined report overdue; 4th report due in 2013.
Convention on the Rights of the Child (CRC) 1989 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC), 25 May 2000. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC), 25 May 2000	SA signed on 29 January and ratified 16 June 1995. Optional Protocol entered into force on 18 January 2002. South Africa acceded to this protocol on 30 June 2003. Optional Protocol entered into force on 12 February 2002. SA signed the Protocol on 8 February 2002 and ratified the Protocol on 24 September 2009.	South Africa presented its initial report to the Committee in December 1997 and appeared before the Committee in January 2000. SA initial report due in October 2011 is overdue.	2nd and 3rd report overdue; 4th report due in July 2012. Initial report overdue since July 2005. Initial report now overdue since October 2011.
Convention on the Rights of Persons with Disabilities (CRPD) 2006	SA signed 30 March 2007 and ratified 30 November 2007.	Convention entered into force on 3 May 2008.	Initial report overdue since May 2010.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).	SA has not signed or ratified.	Convention entered into force in 2003. Currently 34 signatories and 45 States Parties who have either ratified, acceded to or succeeded to the Convention.	
International Convention for the Protection of All Persons from Enforced Disappearance (ICPED) 2006	SA has not signed or ratified.	Convention opened for signature on 6 February 2007 and entered into force with the 20th ratification in December 2010. Currently 91 signatories and 32 States Parties who have either ratified, acceded to or succeeded to the Convention.	
Regional			
African Charter on Human and People's Rights (ACHPR) 1981	SA acceded to Charter 9 July 1996.	Reports due every two years. Initial report submitted October 1998 and 2nd report May 2005 combining 3rd and 4th reports, considered December 2005.	Combined 5th, 6th and 7th periodic reports are now due.
African Charter on the Rights and Welfare of the Child (ACRWC) 1990	SA signed 10 October 1997 and ratified 7 January 2000.	Initial report due within two years and every three years thereafter. The Committee only began reviewing State Parties' Report in May 2008.	Initial, 2nd, 3rd and 4th reports are due.
Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (also known as the Maputo Protocol)	SA signed 16 March 2004 and ratified 17 December 2004.	SA to report on the Optional Protocol in its report on the African, Section 32.	

3.4.5 Promotion of Access to Information Summary Report

(See 2011/12 PAIA Annual Report for full report)

Promotion of Access to Information

The Promotion of Access to Information Act 2 of 2000 (PAIA) is a legislative addition to the Commission's constitutional mandate. PAIA has a specific focus on the right to information enshrined in Section 32 of the Constitution. The Commission is required to promote, protect and monitor compliance with the PAIA. It has responded to this obligation proactively with regard to promotion and monitoring of compliance and reactively to the protection component through defined strategic objectives listed below. It should be noted that a comprehensive report on these objectives will be tabled with Parliament in August 2012, on completion of the current monitoring cycle.

Strategic objectives and targets

The Commission has delineated the three key strategic objectives to realise its PAIA mandate into the areas tabulated below. The PAIA strategic objectives for the 2011/12 cycle have been achieved.

The Commission's objectives as per its mandate regarding PAIA include:

Promotion

- » Training, presentations, general advocacy and participation at regional and international forums;
- » Media interventions;
- » Hosting of the National Information Officers Forum and Provincial Information Officers Forum;
- » Publications; and
- » Stakeholder engagements.

Monitoring compliance and implementation

- » Implementation and compliance audits of public bodies;
- » Formal compliance monitoring of public bodies in terms of Sections 14 and 32 of PAIA; and
- » Formal compliance monitoring of private bodies in terms of Section 51.

Protection

- » Assistance to requestors: individuals, private bodies and public bodies;

- » Monitoring and response to emerging legislation and policy which adversely impacts PAIA; and
- » Recommendations for reform to the administrative authority.

Institutional compliance

- » Formal institutional compliance in terms of Sections 14, 15, 16 and 32 of PAIA; and
- » Annual Report to Parliament in terms of Section 84.

Requests for assistance

- » The Commission in terms of Section 83(3)(c) and (d) of PAIA provided assistance and support to ordinary persons, public officials and private bodies during the financial year. Table 6 provides a snapshot of the trends, volumes and manner through which requests reach the Commission.

Table 6. Requester trends

Category of requesters	Manner in which request is made	Number per category (total 275 requesters assisted)	Nature of request	Trends identified
Deputy information officers	Telephone and email	91	<p>Compliance</p> <p>Application and interpretation of the provisions</p> <p>Opinions on matters</p> <p>Regulations</p> <p>Assistance with material development</p>	<p>An increase in requests from deputy information officers indicates an increase in the number of requests being made to public bodies in terms of PAIA.</p> <p>Requests range from simple requests for regulations to complex matters on interpretation and application of PAIA provisions.</p> <p>Requests for assistance with compliance requirements have also been increasing. Public bodies are therefore demonstrating an increasing commitment to improving compliance and implementation. There remains, however, a need to ensure that focus is directed to substantive compliance in the sector.</p> <p>Compliance requests included assistance with development of policies to implement PAIA within organisations, and to modify existing policies to be in line with PAIA objectives.</p> <p>A small percentage of requests have been made for assistance with material development which indicates commitment by some departments to improving implementation and awareness of PAIA within the organisation.</p> <p>Common to the requests forwarded by deputy information officers is the classification of public bodies and PAIA compliance processes applicable to them.</p> <p>Other common trends relate to the release of tender-related documents, internal departmental reports and investigative findings.</p>
Private sector actors	Telephone and email	14 648	<p>Compliance with Section 51 Regulations</p>	<p>Requests from the private sector are predominantly based on assistance with compliance.</p> <p>The moratorium exempting specific private bodies from compiling Section 51 manuals accounts for more than 45% of requests from the private sector.</p>
Members of the public	Telephone and walk-in consultation	88 general consultations	<p>Assistance with lodging requests</p> <p>Complaints about institutions denying access</p>	<p>An increasing number of requesters are now using PAIA to request information from the private sector, indicating increased awareness and reliance on PAIA.</p> <p>Requests to both private and public sectors include requests to private hospitals, tracing of biological parents, housing lists, ballistic reports, subsistence and expenditure reports for municipal officials, body corporate matters, pensions, enquiries on job interviews and requests to NGOs.</p>

3.5 CORPORATE SERVICES

3.5.1 Programme: Administration and Supply Chain

Management

The programme is responsible for sourcing the supplies required for the Commission's work and for compliance with supply chain management prescripts and the optimal utilisation and management of the Commission's resources. The programme provides centralised travel and event management services, asset management services, procurement and security management services to all programmes of the Commission, including the provincial offices.

During the period under review, the programme implemented the following projects in line with the PFMA and Treasury regulations:

Asset and fleet management, as well as cleaning and auxiliary services were reviewed and improved where necessary.

The supplier database was updated in line with policy. However, the challenge of ensuring that the small, medium and micro-enterprises or black economic empowerment are given the bulk of the business still remains due to a lack of valid tax clearance certificates for orders in excess of R30 000.

Measures to curb over-expenditure were maintained in areas affecting telephone usage and travel.

Total orders issued by the programme on behalf of the Commission amount to R15 028 850 compared with R18 115 742 in the previous year.

3.5.2 Programme: Financial Management

The programme regulates the financial management of the Commission to ensure that revenue, expenditures, assets and liabilities are managed effectively and efficiently.

Minimise financial risk exposure

During the current financial year, the Commission formed the Finance Project Team, which comprised the CEO, ACFO, COO, CAE and the Head of Corporate Services. The team focused on minimising the financial risk through weekly financial management meetings whereby expenditure trends of the Com-

mission were monitored on a regular basis against the financial commitments of the organisation.

The financial risk was further exposed due to the restructuring of the Commission during the financial period, which resulted in serious financial commitments.

Budget management and control

In line with the responsibility entrusted by the Treasury Regulations on the accounting officer, an organisation must ensure "effective and efficient utilisation" of the Commission's financial resources. During the financial period, the Commission compiled a comprehensive budget that was aligned to the strategic objectives, in order to link and monitor the key objectives and priorities and ensure that they were achieved.

In its MTEF (medium term expenditure framework) submission, the Commission sought to align its strategic objectives and priorities with the new vision and mission of the restructured Commission. This alignment also sought to highlight the budgetary allocation shortfall against its mandate.

The MTEF submission and the cabinet memorandum endeavoured to source an additional R23m for the new Commission. However, this request did not receive positive feedback in its 2012/13 allocation.

Financial reporting

For the first time the Commission produced the interim annual financial statements for the period ending 30 September 2011. The purpose of this exercise was not only to improve and enhance its reporting framework, but also to empower its internal capacity which has relied on external assistance during the preparation of the annual financial statements in the past years.

This exercise was critical in improving and maintaining the unqualified Audit Reports the Commission has enjoyed for the past financial period. It is in the light of this exercise that the Commission managed to resolve two major issues reported in the previous financial period's management letter by the Auditor-General, i.e. the Department of Public Works' outstanding rental and Civil Society Advocacy Programme (CSAP) claim by IDASA.

In the financial period under review, the Commission adopted the new National Treasury reporting template.

Financial and internal controls

In strengthening its internal control system, the Commission reviewed its financial policies and procedures which were last reviewed in 2006/7. The reviewed financial policies and procedures are in line with the new delegation of authority as approved along with the recently re-structured organisation.

3.5.3 Programme: Human Resource Management

The Human Resources Management programme's main function is to align the management of human resources with the Commission's strategic objectives established at the beginning of the period under review.

Human Resource's key role is to provide services to the Commission as a whole, in partnership with line managers. The programme's operations include: the coordination of staff management; leave administration; performance management; recruitment and selection; and training and development in each programme and provincial office.

A major focus for the period under review was to provide support to management and employees during the restructuring process. Another key deliverable in this period under review was to automate the HR process to minimise human intervention and errors.

The HR Strategic Plan was informed by:

- » the Commission's strategic and operational objectives; and
- » the strategic and operational human resources challenges.



PART



4



PART 4 HUMAN RESOURCE MANAGEMENT

4.1 EXPENDITURE

The following tables summarise final expenditure by programme (Table 4.1.1) and by salary bands (Table 4.1.2) and provide an indication of the amount spent

on personnel costs in terms of each of the programmes or salary bands within the Commission for the period under review:

Table 4.1.1 Personnel costs by programme, 2011/12

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel cost as a % of total expenditure	Number of employees	Average personnel cost per employee (R'000)
Commissioners	9 275	6 483	20	–	1	14	463
Chief Executive Officer	8 316	3 404	8	457	0	7	486
Financial Management	4 774	2 524	6	–	1	7	361
Internal Auditing	2 377	1 966	13	–	1	4	491
Human Resources	3 970	2 187	10	–	1	7	312
Administration and Supply Chain	21 320	3 993	22	–	0	13	307
Education and Training	13 066	12 250	14	–	1	30	408
Legal Services	10 706	10 767	14	–	1	29	373
Research and Documentation	7 044	6 661	–	–	1	16	416
Parliamentary Liaison and Legislation and Treaty Body Monitoring	2 116	2 123	18	–	1	7	303
Information and Communication	9 915	3 798	142	–	0	12	317
Total	92 879	56 156	267	457	60%	146	385

Table 4.1.2 Personnel costs by salary bands, 2011/12

Salary bands	Personnel expenditure (R'000)	% of total personnel cost	% of total personnel expenditure	Average personnel cost per employee (R'000)
Lower skilled (Levels 1–2)	79	0.14%	0.08%	78.51
Skilled (Levels 3–5)	1 583	2.82%	1.71%	226.17
Highly skilled production (Levels 6–8)	15 656	27.86%	16.94%	539.86
Highly skilled supervision (Levels 9–12)	28 486	50.73%	30.67%	662.47
Senior management (Levels 13–16)	10 352	18.42%	11.20%	862.64
Total	56 156			

The following tables provide a summary of expenditure incurred per programme (Table 4.1.3) and salary bands (Table 4.1.4). 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 owners allowance and medical assistance by programme, 2011/12

Programme	Salaries		Overtime		Home owners' allowance (HOA)		Medical assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical assistance as a % of personnel cost
Commissioners	6 483	11.54%	–	–	24	0.04%	147	0.26%
Chief Executive Officer	3 404	6.06%	–	–	109	0.19%	53	0.09%
Financial Management	2 524	4.49%	8	0.01%	36	0.06%	24	0.04%
Internal Auditing	1 966	3.50%	–	–	12	0.02%	76	0.14%
Human Resources	2 187	3.89%	–	–	300	0.53%	643	1.15%
Administration and Supply Chain	3 993	7.11%	10	0.02%	291	0.52%	132	0.24%
Education and Training	12 250	21.80%	2	0.00%	61	0.11%	89	0.16%
Legal Services	10 766	19.17%	185	0.33%	81	0.14%	100	0.18%
Research and Documentation	6 661	11.85%	–	–	82	0.15%	433	0.77%
Parliamentary Liaison and Legislation and Treaty Body Monitoring	2 123	3.78%	–	–	66	0.12%	61	0.11%
Information and Communication	3 798	6.76%	5	0.01%	170	0.30%	153	0.27%
Total	56 156		209		1 231		1 912	

Table 4.1.4 Salaries, overtime, home owners' allowance and medical assistance by salary bands, 2011/12

Salary bands	Salaries		Overtime		Home owners' allowance		Medical assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical assistance as a % of personnel cost
Lower skilled (Levels 1–2)	79	0.14%	–	–	9	11%	11	14%
Skilled (Levels 3–5)	1 583	2.82%	1	–	126	17%	170	11%
Highly skilled production (Levels 6–8)	15 656	27.86%	185	1%	268	2%	710	5%
Highly skilled supervision (Levels 9–12)	28 486	50.73%	–	–	472	2%	771	3%
Senior management (Levels 13–16)	10 352	18.42%	23	–	356	3%	250	2%
Total	56 156		209		1 231	2%	1 912	3%

4.2 EMPLOYMENT AND VACANCIES

The following tables summarise the number of posts in the Commission, 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). Commission critical occupations that need to be monitored have been identified. Table 4.2.3 provides establishment and vacancy information for the key critical occupations of the Commission. The vacancy rate reflects the percentage of posts that are not filled.

Table 4.2.1 Employment and vacancies by programme, 31 March 2012

Programme	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Commissioners	12	9	25%	–
Human Resources	8	6	25%	–
ICP	15	9	40%	–
Legal Services	9	6	33.33%	–
Research	16	9	43.75%	–
Education	9	5	44.44%	–
Provinces	44	33	22.5%	–
Finance	8	6	25%	–
Parliament	5	4	20%	–
Administration	13	10	23.08%	–
Internal Audit	4	4	–	–
Chief Executive's Office	5	4	20%	–
Total	148	105	29.05%	–

Table 4.2.2 Employment and vacancies by salary bands, 31 March 2012

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	–	–
Skilled (Levels 3–5)	15	13	13.33%	–
Highly skilled production (Levels 6–8)	39	30	23.08%	–
Highly skilled supervision (Levels 9–12)	77	51	33.77%	–
Senior management (Levels 13–16)	16	10	37.5%	–
Total	148	105	29.05%	–

Table 4.2.3 Employment and vacancies by critical occupation, 31 March 2012

Critical occupations	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Legal	24	15	37.5%	–
Training	16	12	25%	–
Research	15	7	53.33%	–
Total	55	34	38.18%	–

4.3 JOB EVALUATION

A restructuring project was undertaken during the period under review and every position within the new structure was evaluated.

4.4 EMPLOYMENT CHANGES

This section provides information on changes in employment over the financial year. The following tables provide a summary of turnover rates by salary band (Table 4.4.1) and by critical occupations (Table 4.4.2).

Table 4.4.1 Annual turnover rates by salary band for the period 1 April 2011 to 31 March 2012

Salary band	Number of employees per band as on 1 April 2011	Appointments and transfers into the Commission	Terminations and transfers out of the Commission	Turnover rate
Lower skilled (Levels 1–2)	1	–	–	–
Skilled (Levels 3–5)	14	–	1	7.14%
Highly skilled production (Levels 6–8)	33	–	3	9.09%
Highly skilled supervision (Levels 9–12)	65	–	14	21.54%
Senior Management Service Band A	9	–	3	33.33%
Senior Management Service Band B	2	–	–	–
Senior Management Service Band C	2	–	–	–
Total	126	–	21	16.66%

Table 4.4.2 Annual turnover rates by critical occupation for the period 1 April 2011 to 31 March 2012

Occupation	Number of employees per occupation as on 1 April 2011	Appointments and transfers into the Commission	Terminations and transfers out of the Commission	Turnover rate
Legal Services	18	–	4	22.22%
Education	16	–	5	31.25%
Research	12	–	4	33.33%
Total	46	–	13	28.26%

Table 4.4.3 Reasons why staff are leaving the Commission

Termination type	Number	% of total
Resignation	9	43%
Other (voluntary separation package)	12	57%
Total	21	100%
Total number of employees who left as a % of the total employment		20%

Table 4.4.4 Promotions by critical occupation

Occupation	Employees as on 1 April 2011	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 Services	18	–	–	13	72.22%
Education	16	–	–	10	62.5%
Research	12	–	–	12	100%
Total	46	–	–	35	76.09%

Table 4.4.5 Promotions by salary band

Salary band	Employees as on 1 April 2011	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progressions as a % of employees by salary band
Lower skilled (Levels 1–2)	1	–	–	1	100%
Skilled (Levels 3–5)	14	–	–	14	100%
Highly skilled production (Levels 6–8)	33	–	–	31	93.94%
Highly skilled supervision (Levels 9–12)	65	–	–	58	89.23%
Senior management (Levels 13–16)	13	–	–	6	46.15%
Total	126	–	–	110	87.30%

4.5 EMPLOYMENT EQUITY

The tables are based on the formats prescribed by the Employment Equity Act, Section 55 of 1998. Interns, contractors and employees with disabilities are included in the employment equity tables below.

Table 4.5.1 Total number of employees in each of the following occupational categories as on 31 March 2012

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	5	1	1	–	1	1	1	3	13
Professionals	8	1	2	–	4	2	3	1	21
Technicians and associate professionals	15	–	2	1	14	4	1	2	39
Clerks	7	–	1	–	26	1	–	1	36
Elementary occupations	16	–	–	–	27	2	–	1	46
Total	51	2	6	1	72	10	5	8	155
Employees with disabilities	2	–	–	–	–	–	–	–	2

Table 4.5.2 Total number of employees in each of the following occupational bands as on 31 March 2011

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	4	1	1	–	1	–	1	1	9
Senior management	1	–	–	–	–	1	–	2	4
Professionally qualified and experienced specialists and mid-management	22	–	4	1	15	6	4	3	55
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	7	–	1	–	31	1	–	1	41
Semi-skilled and discretionary decision making	18	–	–	–	13	1	–	1	33
Unskilled and defined decision making	3	–	–	–	9	1	–	–	13
Total	55	1	6	1	69	10	5	8	155

Table 4.5.3 Recruitment for the period 1 April 2011 to 31 March 2012

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	–	–	–	–	–	–	–	–	–
Senior management	–	–	–	–	–	–	–	1	1
Professionally qualified and experienced specialists and mid-management	–	–	1	–	–	1	–	1	3
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	1	–	1	–	4	–	–	1	7
Semi-skilled and discretionary decision making	12	–	–	–	8	–	–	1	21
Unskilled and defined decision making	–	–	–	–	1	–	–	–	1
Total	13	–	2	–	13	1	–	4	33

(Note: Only interns and contractors were employed as a result of the restructuring exercise undertaken during the period under review.)

4.5.4 Promotions

There were no promotions during the period under review.

Table 4.5.5 Terminations for the period 1 April 2011 to 31 March 2012

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	–	–	–	–	–	–	–	–	–
Senior management	1	–	–	–	1	1	–	–	3
Professionally qualified and experienced specialists and mid-management	8	–	–	–	4	–	1	1	14
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	1	–	–	1	6	–	–	–	8
Semi-skilled and discretionary decision making	9	–	–	–	7	1	1	–	18
Unskilled and defined decision making	1	–	–	–	1	–	–	–	2
Total	20	–	–	1	19	2	2	1	45
Employees with disabilities	–	–	–	–	–	–	–	–	–

Table 4.5.6 Disciplinary action for the period 1 April 2011 to 31 March 2012

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	1	–	–	–	–	–	1	–	2

Table 4.5.7 Skills development for the period 1 April 2011 to 31 March 2012

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	5	1	1	–	1	1	1	3	13
Professionals	8	1	2	–	4	2	3	1	21
Technicians and associate professionals	15	–	2	1	14	4	1	2	39
Clerks	7	–	1	–	26	1	–	1	36
Elementary occupations	16	–	–	–	27	2	–	1	46
Total	51	2	6	1	72	10	5	8	155
Employees with disabilities	2	–	–	–	–	–	–	–	2



4.6 PERFORMANCE REWARDS

To encourage good performance, the Commission 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 2011 to 31 March 2012

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee (R'000)
Total African	88	103	84.6%	1 739	20
Male	61	46			
Female	27	57			
Total Indian	9	9	100%	222	25
Male	3	3			
Female	6	6			
Total Coloured	10	11	90.9%	181	18
Male	1	2			
Female	9	9			
Total White	4	4	100%	57	14
Male	1	1			
Female	3	3			
Employees with a disability	1	2	50%	7	7
Total	111	127	87.3%	1 153	10

Table 4.6.2 Performance rewards by salary bands for personnel below senior management service, 1 April 2011 to 31 March 2012

Salary bands	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within salary bands	Total cost (R'000)	Average cost per employee (R'000)
Lower skilled (Levels 1–2)	1	1	100%	7	7
Skilled (Levels 3–5)	14	14	100%	101	7
Highly skilled production (Levels 6–8)	31	33	93.94%	539	17
Highly skilled supervision (Levels 9–12)	58	65	89.23%	1 436	24
Total	104	113	92.04%	2 083	208

Table 4.6.3 Performance rewards by critical occupations, 1 April 2011 to 31 March 2012

Critical occupations	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total cost (R'000)	Average cost per employee (R'000)
Legal Services	13	18	70%	177	13
Research	10	16	84.62%	311	31
Education	12	12	61.54%	98	8
Total	35	46	71.74%	586	16

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

Salary band	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within band	Total cost (R'000)	Average cost per employee (R'000)
Band A	5	9	55.6%	268	54
Band B	1	2	50%	13	13
Band C	—	1	—	—	—
Band D	—	—	—	—	—
Total	6	12	50%	281	67

4.7 FOREIGN WORKERS

There were no foreign workers employed by the Commission during the period under review.



4.8 LEAVE UTILISATION FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 2011

The following tables provide an indication of the use of sick leave (Table 4.8.1) and disability leave (Table 4.8.2). In both cases, the estimated cost of the leave is also provided.

Table 4.8.1 Sick leave, 1 January 2011 to 31 December 2011

Salary band	Total days	Number of employees using sick leave	% of total employees using sick leave	Average days per employee
Lower skilled (Levels 1–2)	6	1	100%	6
Skilled (Levels 3–5)	55	10	71.43%	5.5
Highly skilled production (Levels 6–8)	162	26	78.79%	6.23
Highly skilled supervision (Levels 9–12)	268	35	53.85%	7.66
Senior management (Levels 13–16)	82	8	61.54%	10.25
Total	573	80	63.49%	7.16

Table 4.8.2 Disability leave (temporary and permanent), 1 January 2011 to 31 December 2011

Salary band	Total days taken	% days with medical certification	Number of employees using disability leave	% of total employees using disability leave	Average days per employee	Estimated cost (R'000)
Highly skilled supervision (Levels 9–12)	95	100%	1	0.5%	95	38
Senior management (Levels 13–16)	9	100%	1	0.5%	9	17
Total	104		2	1%	104	55

Table 4.8.3. Annual leave, 1 January 2011 to 31 December 2011

Salary bands	Total days taken	Average per employee
Lower skilled (Levels 1–2)	20	20
Skilled (Levels 3–5)	298	21.28
Highly skilled production (Levels 6–8)	662	20.06
Highly skilled supervision (Levels 9–12)	1 114	17.14
Senior management (Levels 13–16)	178	13.62
Total	2 272	18.03

Table 4.8.4. Leave payouts for the period 1 April 2011 to 31 March 2012

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

Reason	Total amount (R'000)	Number of employees	Average payment per employee (R'000)
Leave payout for 2010/11 due to non-utilisation of leave for the previous cycle	–	–	–
Capped leave payouts on termination of service for 2010/11	–	–	–
Current leave payout on termination of service for 2010/11	271	21	13
Total	271	21	13

4.9 HIV AND AIDS AND HEALTH PROMOTION PROGRAMMES

Table 4.9.1 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
Independent Counselling and Advisory Services (ICAS) has a fully fledged HIV unit that Commission staff members can access 24 hours a day 7 days a week	Referral to ICAS

Table 4.9.2 Details of health promotion and HIV and AIDS programmes

Question	Yes	No	Details, if yes
1. Has the Commission designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.		X	
2. Does the Commission have a dedicated unit or has it designated specific staff members to promote the health and well-being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	X		Five members: R200 000
3. Has the Commission introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this programme.	X		ICAS counselling; wellness and health advice; financial advice
4. Has the Commission 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.		X	
5. Has the Commission 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.	X		Health and safety policy
6. Has the Commission 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.	X		Wellness Day, health education and voluntary screening
7. Does the Commission encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have achieved.	X		Only 9.15% of employees attended voluntary counselling and testing
8. Has the Commission developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.		X	

4.10 LABOUR RELATIONS

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

Table 4.10.1 Collective agreements, 1 April 2011 to 31 March 2012

Subject matter	Date
Deputy Directors and Personal Assistants can join and participate in union activities	30 April 2011

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

Table 4.10.2 Misconduct and disciplinary hearings finalised, 1 April 2011 to 31 March 2012

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	1	50%
Not guilty	1	50%
Total	2	100%

Table 4.10.3 Types of misconduct addressed at disciplinary hearings

Types of misconduct	Number	% of total
Insolence and disobedience	2	100%
Total	2	100%

Table 4.10.4 Grievances lodged for the period 1 April 2011 to 31 March 2012

	Number	% of total
Number of grievances resolved	1	16.67%
Number of grievances not resolved	5	83.33%
Total number of grievances lodged	6	100%

Table 4.10.5 Disputes lodged with councils for the period 1 April 2011 to 31 March 2012

	Number	% of total
Number of disputes upheld	0	0
Number of disputes dismissed	0	0
Total number of disputes lodged	0	100%

4.10.6 and 4.10.7 Strike actions and precautionary suspensions for the period 1 April 2011 to 31 March 2012

No strike action was taken nor were there any precautionary suspensions during the period under review.

4.11 SKILLS DEVELOPMENT

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

Table 4.11.1 Training needs identified, 1 April 2011 to 31 March 2012

Occupational categories	Gender	Number of employees as on 1 April 2011	Training needs identified at start of reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	6	–	1	–	1
	Male	7	–	6	–	6
Professionals	Female	10	–	–	–	–
	Male	11	–	1	–	1
Technicians and associated professionals	Female	21	–	–	–	–
	Male	18	–	1	–	1
Clerks	Female	28	–	6	–	6
	Male	8	–	–	–	–
Elementary occupations	Female	30	–	2	–	2
	Male	16	–	–	–	–
Sub total	Female	95	–	9	–	9
	Male	60	–	8	–	8
Total		155	–	17	–	17

Table 4.11.2 Training provided, 1 April 2011 to 31 March 2012

Occupational categories	Gender	Number of employees as on 1 April 2011	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	6	–	1	–	1
	Male	7	–	6	–	6
Professionals	Female	10	–	–	–	–
	Male	11	–	1	–	1
Technicians and associate professionals	Female	21	–	–	–	–
	Male	18	–	1	–	1
Clerks	Female	28	–	6	–	6
	Male	8	–	–	–	–
Elementary occupations	Female	30	–	2	–	2
	Male	16	–	–	–	–
Sub total	Female	95	–	9	–	9
	Male	60	–	8	–	8
Total		155	–	17	–	17

4.12 INJURY ON DUTY

Table 4.12.1 Injury on duty, 1 April 2011 to 31 March 2012

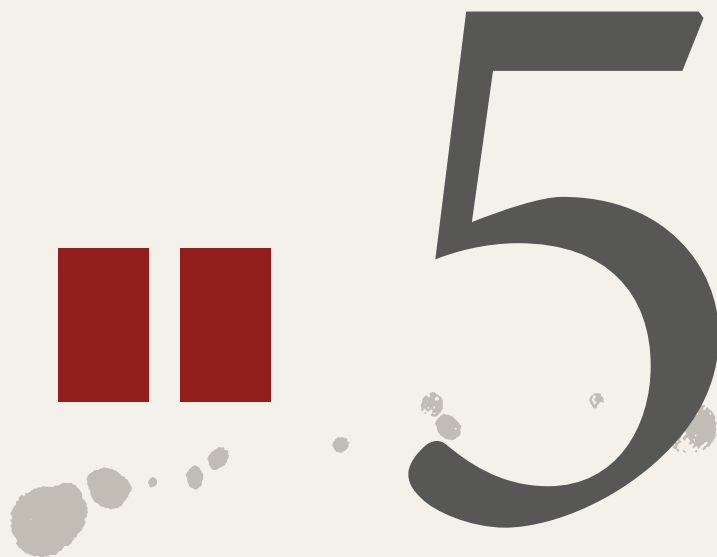
The following table provides basic information on injury on duty.

Nature of injury on duty	Number	% of total
Required basic medical attention only	1	100%
Total	1	100%

4.13 UTILISATION OF CONSULTATIONS

Table 4.13.1 Report on consultant appointments using appropriated funds

Project title	Total number of consultants that worked on the project	Duration: work days	Contract value in Rand
Performance management system review	1	82	R142 500
Total number of projects	Total individual consultants	Total duration: work days	Total contract value in Rand
1	1	82	R142 500



5

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PART 5 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2012

5.1 CHIEF EXECUTIVE OFFICER'S REPORT

The Chief Executive Officer submits his report for the year ended 31 March 2012.

1. Incorporation

The institution was incorporated on 1 March 1996 and obtained its certificate to commence business on the same day.

2. Review of activities

Main business and operations

The entity is engaged in constitutional institution and operates principally in South Africa.

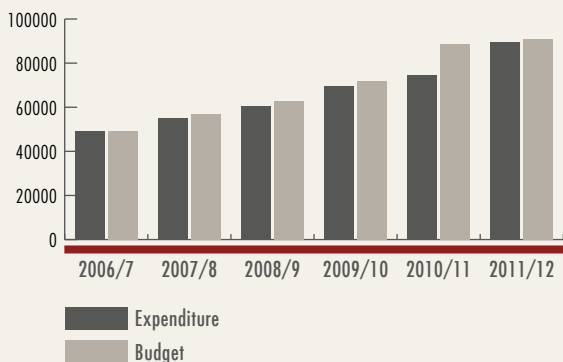
Spending trends from 2006/7–2011/12 as per standard items

Standard items	Audited expenditure outcomes					Actual
	R'000	R'000	R'000	R'000	R'000	R'000
	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12
Personnel cost	26 498	31 659	38 966	46 851	50 308	56 156
Administrative expenses	3 736	2 936	7 464	9 235	5 937	4 573
Inventories	307	246	309	693	557	540
Equipment	2 937	5 940	1 525	632	604	1 002
Land and buildings	6 182	6 109	7 432	7 820	10 513	12 185
Professional services	9 752	10 036	7 287	7 524	7 039	18 423
Total	49 412	56 926	62 983	72 755	74 958	92 879
Baseline allocation	49 220	56 281	60 603	72 755	73 474	89 066
Additional funding	–	–	585	1 257	894	707
Donor funding	1 315	309	495	996	608	272

The expenditure trend in the table above reflects the results for the past five years, and the results of the financial year 2011/12.

On average the MTEF baseline allocation comprised an increase of 13% for the past five years and the period under review. The actual expenditure for 2011/12 was R92 million, which included depreciation on assets amounting to R2.9m.

Budget vs expenditure graphic analysis



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

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

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

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

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

Section 184(3) states as follows:

“Each year, the South African 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 has specific 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 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 to these statutes and any necessary reform.

Utilisation of donor funding

For the period under review, the Commission received and utilised donor funding from the following projects:

a) Australian Aid Grant

The amount of R176 657 was rolled over from the previous financial year. R174 747 was utilised during the year. The balance of R1 910 is classified as other liabilities with an intention of refunding the donor.

b) Atlantic Philanthropies

The opening balance of R12 063 has been reclassified as other liabilities for reimbursement of the full amount.

c) UNCHR (UN)

The balance of R551 474 was rolled over from the previous financial year for the project. R542 302 was utilised, leaving a balance of R9 172 to be paid back to the donor in the new financial year.

d) FOSI

An amount of R 200 775 was received for hosting the NANHRI conference during the year under review. This amount was intended to defray certain specified expenses by the donor and the full amount was utilised for the event.

e) Commonwealth

The Commission received an amount equal to R174 225 for the NANHRI conference. The full amount was utilised for the conference during the year under review.

Trading entities/public entities

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

Other organisations to which transfer payments have been made

None.

Public-private partnerships

The Commission has not entered into any such agreements.

Discontinued activities and new activities

None.

Events after the reporting date

There were no events to be reported.

3. Going concern

We draw attention to the fact that at 31 March 2012, the entity had accumulated surplus of R3,755 million and that the entity's total assets exceed its liabilities by R3,755 million.

The annual financial statements have been prepared on the basis of accounting policies applicable to a going concern. This basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

4. Commissioners

The Commissioners during the year and to the date of this report are as follows:

Name	Nationality
Adv M L Mushwana	South African
P Govender	South African
L Mokate	South African
B Malatji	South African
D Titus #	South African
J Love #	South African
S Baai	South African

Part-time Commissioners

5. Corporate governance

General

The Commissioners are committed to business integrity, transparency and professionalism in all its activities. As part of this commitment, the Commissioners support the highest standards of corporate governance and the ongoing development of best practice.

The entity confirms and acknowledges its responsibility to total compliance with the Code of Corporate Practices and Conduct ("the Code") laid out in the King Report III on Corporate Governance for South Africa. The Commissioners have adopted all King III principles and has developed a corporate governance framework to implement those principles.

Functioning Audit Committee

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

Internal audit

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 control 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. For the year under review Internal Audit executed 100% of the approved plan.

The Internal Audit Activity is fully supported by the management, the Commissioners and the Audit Committee, and has full, unrestricted access to all organisational activities, records, property and personnel.

Internal controls

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 action is taken to correct any deficiencies identified.

6. Auditors

Auditor-General will continue in office for the next financial period.

7. Risk management

The legislating of the implementation of risk management in public sector institutions is part of a macro strategy of the South African government towards ensuring the achievement of public sector institutional goals and objectives. For the Commission, this mandate can be found in Section 77 of the Public Finance Management Act (Act 1 of 1999 as amended by Act 29 of 1999; Treasury regulations TR3.1.10; and Treasury regulations TR3.1.13). Risk management therefore forms an integral part of the Commission's plan to deliver effectively and efficiently on its mandate.

The Commission continues to recognise the importance of risk management in ensuring its objectives and therefore endeavours to comply with the requisite legislation as it pertains to risk management.

At the start of the 2011/12 financial year, the risk management process was facilitated by the Internal Audit Unit of the Commission by providing support to management in managing the organisation's risks. This function was subsequently shifted to the Chief Financial Officer who is also responsible for chairing the Risk Management Committee.

8. Approval of finances

The financial statements fairly represent the state of affairs of the Commission as at 31 March 2012. 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 2012 were submitted to the Audit Committee for review on 25 July 2012 for submission to Commissioners (Executive Authority) for final approval. The Executive Authority approved these annual financial statements on 30 July 2012 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 65 to 86 have been approved by the Accounting Officer and signed on behalf of the SAHRC by:



Mr K Ahmed
Braamfontein, Johannesburg
31 July 2012



5.2 AUDIT COMMITTEE REPORT

The Audit Committee is pleased to present our report for the financial year ended 31 March 2012.

Audit Committee members and attendance

The Audit Committee consists of the members listed hereunder and should meet four times per annum as per its approved terms of reference and makes provision for an extra two special Audit Committee meetings as might be required. During the current year six meetings were held.

The following independent Audit Committee member was appointed during the year under review: Ms PC Segoati (1 October 2011).

Names of members	Number of meetings attended
Mr D Coovadia (Chairperson)	6
Ms TV Ndou	3
Mr L Radzuma (resigned July 2011)	0
Mr R P Mnisi	3
Mr W Hattingh	6
Ms P C Segoati (appointed 1 October 2011)	3

Audit Committee responsibility

The Audit Committee reports that it has adopted appropriate formal terms of reference of its charter 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 internal controls applied by the entity over financial and risk management is effective, efficient and transparent. In line with the PFMA and the King III 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 the management letter of the Auditor-General, it was noted that no matters were reported that indicate any material deficiencies in the system of internal control or any deviations there from. Accordingly, we can report that the system of internal control over financial reporting for the period under review was efficient and effective.

Risk management

A formal risk assessment was carried out to identify the strategic and operational risks of the Commission. Action plans were developed by management to mitigate the risks identified. As a result, a risk register was developed which is monitored by Internal Audit for effectiveness and by the Audit Committee in its oversight role.

Internal audit

The Commission has established a system of Internal Audit under the control and direction of the Audit Committee. As such, the Committee has during the financial year ended March 2012 reviewed:

- » The activities and effectiveness of the Internal Audit function;
- » The accounting and auditing concerns identified as a result of the internal/external audits; and
- » The effectiveness of internal control systems.

The Internal Audit Unit has executed 100% of the approved Internal Audit Plan. Based on the work performed, Internal Audit would like to report that the systems of internal control for the period under review were 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.

Evaluation of annual financial statements

The Audit Committee has carried out the following:

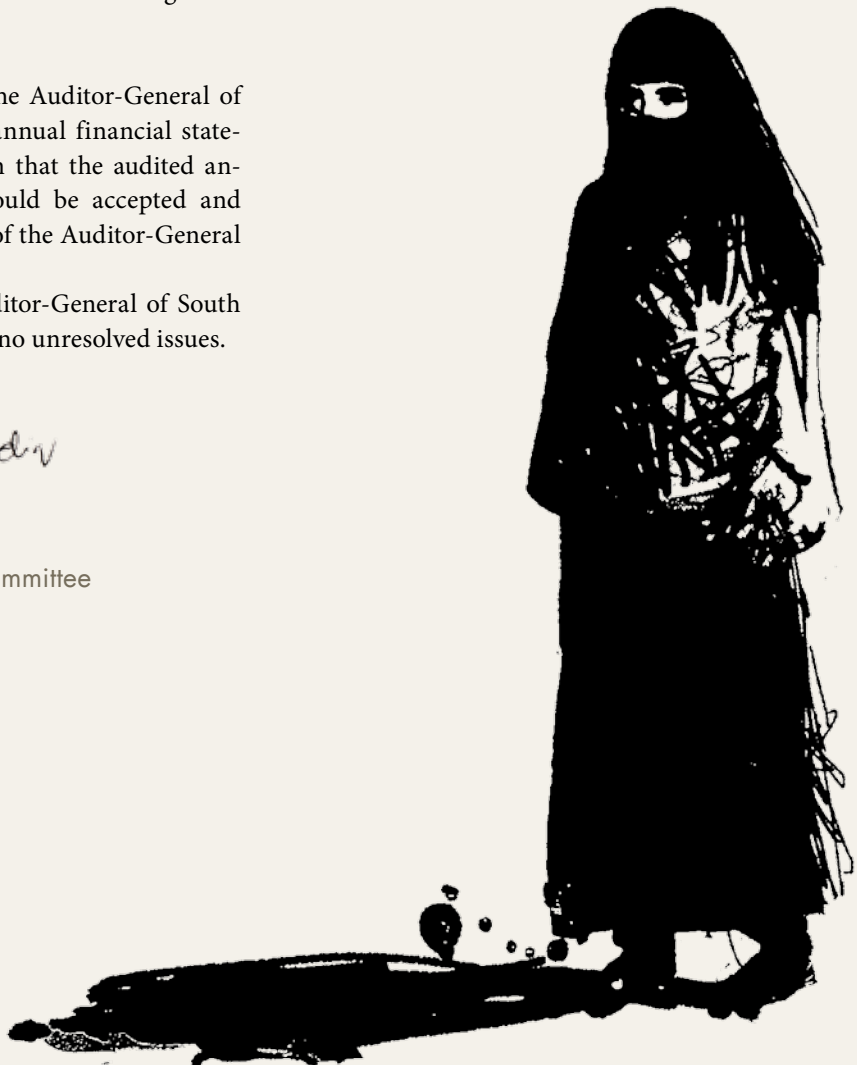
- » Reviewed and discussed with the Auditor-General and the auditors the audited annual financial statements to be included in the Annual Report;
- » Reviewed the Auditor-General of South Africa's management letter and management's response thereto;
- » Reviewed changes in accounting policies and practices;
- » Reviewed the entity's compliance with legal and regulatory provisions; and
- » Reviewed significant adjustments resulting from the audit.

We concur with and accept the Auditor-General of South Africa's report on the annual financial statements, and are of the opinion that the audited annual financial statements should be accepted and read together with the report of the Auditor-General of South Africa.

We have met with the Auditor-General of South Africa to ensure that there are no unresolved issues.



D Coovadia CA (SA)
Chairperson of the Audit Committee
25 July 2012



5.3 REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION



AUDITOR-GENERAL
SOUTH AFRICA

Auditing to build public confidence

Report on the Financial Statements

Introduction

1. I have audited the financial statements of the South African Human Rights Commission set out on pages 65 to 86, which comprise the statement of financial position as at 31 March 2012, the statement of financial performance, statement of changes in net assets and the cash flow statement for the year then ended, and the notes, comprising a summary of significant accounting policies and other explanatory information.

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 South African Standards of Generally Recognised Accounting Practice (SA Standards of GRAP) and the requirements of the Public Finance Management Act of South Africa, 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.

Auditor-General's responsibility

3. My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA), the General Notice issued in terms thereof and International Standards on Auditing. 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.

4. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures

in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. 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.

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

Opinion

6. 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 2012, and its financial performance and cash flows for the year then ended in accordance with SA Standards of GRAP and the requirements of the PFMA.

Report on other legal and regulatory requirements

7. In accordance with the PAA and the General Notice issued in terms thereof, I report the following findings relevant to performance against predetermined objectives, compliance with laws and regulations and internal control, but not for the purpose of expressing an opinion.

Predetermined objectives

8. I performed procedures to obtain evidence about the usefulness and reliability of the information in the annual performance report as set out on pages 09 to 23 of the annual report.

9. The reported performance against predetermined objectives was evaluated against the overall criteria of usefulness and reliability. The usefulness of information in the annual performance report relates to whether it is presented in accordance with the National Treasury annual reporting principles and whether the reported performance is consistent with

the planned objectives. The usefulness of information further relates to whether indicators and targets are measurable (i.e. well defined, verifiable, specific, measurable and time bound) and relevant as required by the National Treasury Framework for managing programme performance information.

The reliability of the information in respect of the selected objectives is assessed to determine whether it adequately reflects the facts (i.e. whether it is valid, accurate and complete).

10. There were no material findings on the annual performance report concerning the usefulness and reliability of the information.

Additional matter

11. Although no material findings concerning the usefulness and reliability of the performance information were identified in the annual performance report, I draw attention to the following matter below.

Material adjustments to the annual performance report

12. Material misstatements in the annual performance report were identified during the audit, all of which were corrected by management.

Compliance with laws and regulations

13. I performed procedures to obtain evidence that the entity has complied with applicable laws and regulations regarding financial matters, financial management and other related matters. My findings on material non-compliance with specific matters in key applicable laws and regulations as set out in the General Notice issued in terms of the PAA are as follows:

Annual financial statements, performance and annual reports

14. The financial statements submitted for auditing were not prepared in accordance with the prescribed financial reporting framework and supported by full and proper records as required by sections 40(1) (a) and (b) of the PFMA. Material misstatements of non-current assets, revenue and disclosure items identified by the auditors in the submitted financial statements were subsequently corrected and the supporting records were provided subsequently, resulting in the financial statements receiving an unqualified audit opinion.

Expenditure management

15. The accounting officer did not take effective steps to prevent irregular expenditure, as required by section 38(1)(c)(ii) of the PFMA and Treasury Regulation (TR) 9.1.1.

Procurement and contract management

16. An award was made to a supplier whose tax matters had not been declared by the South African Revenue Services to be in order as required by TR 16A9.1(d) and the Preferential Procurement Regulations.

17. Contracts and quotations were awarded to bidders who did not submit a declaration on whether they are employed by the state or connected to any person employed by the state, which is prescribed in order to comply with TR 16A8.3.

18. Sufficient appropriate audit evidence could not be obtained that contracts and quotations were awarded to bidders based on points given for criteria that were stipulated in the original invitation for bidding and quotations, as required by TR 16A6.3(b) and Preferential Procurement Regulations.

Internal control

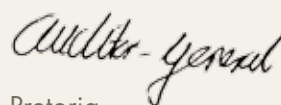
19. I considered internal control relevant to my audit of the financial statements, annual performance report and compliance with laws and regulations. The matters reported below under the fundamentals of internal control are limited to the significant deficiencies that resulted in the findings on the annual performance report and the findings on compliance with laws and regulations included in this report.

Leadership

20. The leadership of the entity did not exercise adequate oversight responsibility regarding financial and performance reporting and compliance with laws and regulations as well as related internal control.

Financial and performance management

21. Management did not prepare regular, accurate and complete financial and performance reports.



Pretoria

31 July 2012

5.4 STATEMENT OF FINANCIAL POSITION

	Note(s)	2012 R'000	2011 R'000
ASSETS			
Current assets			
Inventories	2	140	106
Receivables from exchange transactions	3	269	725
Cash and cash equivalents	4	3 827	7 171
		4 236	8 002
Non-current assets			
Property, plant and equipment	5	8 627	10 050
Intangible assets	6	77	184
		8 704	10 234
Total Assets		12 940	18 236
LIABILITIES			
Current liabilities			
Payables from exchange transactions	7	4 819	9 538
Employee benefits due	8	1 741	1 981
Finance lease obligation	9	289	344
Operating lease liability	10	1 497	48
Deferred revenue	11	389	740
		8 735	12 651
Non-current liabilities			
Finance lease obligation	9	450	304
Total liabilities		9 185	12 955
Net assets		3 755	5 281
NET ASSETS			
Accumulated surplus		3 755	5 281

5.5 STATEMENT OF FINANCIAL PERFORMANCE

	Note(s)	2012 R'000	2011 R'000
Revenue			
Non-exchange revenue	13	90 865	74 455
Exchange revenue	14	489	685
Total revenue		91 354	75 140
Expenditure			
Personnel expenditure	15	(56 156)	(50 308)
Depreciation and amortisation		(2 843)	(2 053)
Finance cost	16	(198)	(88)
Loss on disposal of property, plant and equipment		(96)	(71)
Administrative expenditure	17	(22 792)	(19 223)
Operating expenditure	18	(10 794)	(4 983)
Total expenditure		(92 879)	(76 726)
Deficit for the year		(1 525)	(1 586)

5.6 STATEMENT OF CHANGES IN NET ASSETS

	Accumulated surplus R'000	Total net assets R'000
Balance at 01 April 2010	6 867	6 867
Changes in net assets		
Deficit for the year	(1 586)	(1 586)
Total changes	(1 586)	(1 586)
Opening balance as previously reported	5 186	5 186
Adjustments		
Prior year adjustments	94	94
Balance at 01 April 2011 as restated	5 280	5 280
Changes in net assets		
Deficit for the year	(1 525)	(1 525)
Total changes	(1 525)	(1 525)
Balance at 31 March 2012	3 755	3 755

5.7 CASH FLOW STATEMENT

	Note(s)	2012 R'000	2011 R'000
Cash flows from operating activities			
Receipts			
Grants from the Department		89 773	74 368
Interest income		346	516
Other income		272	87
		90 391	74 971
Payments			
Employee costs		(56 156)	(50 308)
Other suppliers		(36 083)	(18 843)
Finance costs		(198)	(88)
		(92 437)	(69 239)
Net cash flows from operating activities	19	(2 046)	5 732
Cash flows from investing activities			
Purchase of property, plant and equipment	5	(1 631)	(2 300)
Proceeds from sale of property, plant and equipment	5	283	150
Purchase of other intangible assets	6	(61)	(7)
Net cash flows from investing activities		(1 409)	(2 157)
Cash flows from financing activities			
Finance lease		111	137
Net decrease/increase in cash and cash equivalents		(3 344)	3 712
Cash and cash equivalents at the beginning of the year		7 171	3 459
Cash and cash equivalents at the end of the year	4	3 827	7 171

5.8 ACCOUNTING POLICIES

Presentation of annual financial statements

The annual financial statements have been prepared in accordance with the Standards of Generally Recognised Accounting Practice (GRAP) including any interpretations, guidelines and directives issued by the Accounting Standards Board.

These annual financial statements have been prepared on an accrual basis of accounting and are in accordance with historical cost convention unless specified otherwise. They are presented in South African Rand. A summary of the significant accounting policies which have been consistently applied is disclosed below.

1. Significant estimates and judgments made by management

In preparing the annual financial statements, management is required to make estimates and assumptions that affect the amounts represented in the annual financial statements and related disclosures. Use of available information and the application of judgement is inherent in the formation of estimates. Actual results in the future could differ from these estimates which may be material to the annual financial statements. Significant judgements include:

Useful life of property, plant and equipment

The Commission reassesses the useful lives of property plant and equipment. The assumptions used in determining the useful lives and residual values are based on the following:

- » Asset type and what it is made of;
- » Asset special features;
- » Asset condition, i.e. the physical condition and age of the assets;
- » The rate of use of assets, number of users and location; and
- » The residual value for vehicles set at the industry norm.

Interest used in the calculation of 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.

2. Property, plant and equipment

Property, plant and equipment are tangible assets that are held for use in the production or supply of goods or services, and are expected to be used during more than one period.

The cost of an item of property, plant and equipment is recognised as an asset when:

- » It is probable that future economic benefits or service potential associated with the item will flow to the entity; and
- » The cost of the item can be measured reliably.

Property, plant and equipment are initially measured at cost.

The cost of an item of property, plant and equipment is the purchase price and other costs attributable to bring the asset to the location and condition necessary for it to be capable of operating in the manner intended by management. Trade discounts and rebates are deducted in arriving at the cost.

Where an asset is acquired at no cost, or for a nominal cost, its cost is its fair value as at date of acquisition.

Where an item of property, plant and equipment is acquired in exchange for a non-monetary asset or monetary assets, or a combination of monetary and non-monetary assets, the asset acquired is initially measured at fair value (the cost). If the acquired item's fair value was not determinable, its deemed cost is the carrying amount of the asset(s) given up.

Costs include costs incurred initially to acquire or construct an item of property, plant and equipment and costs incurred subsequently to add to, replace part of, or service it. If a replacement cost is recognised in the carrying amount of an item of property, plant and equipment, the carrying amount of the replaced part is derecognised. The costs of day-to-day servicing are recognised in surplus or deficit as incurred.

Property, plant and equipment are carried at cost less accumulated depreciation and any impairment losses.

Property, plant and equipment are depreciated on the straight-line basis over their expected useful lives to their estimated residual value.

The useful lives of items of property, plant and equipment for the current and comparative periods have been assessed as follows:

Class	Estimated useful life in years
Computer equipment	3-14
Office equipment	5-13
Furniture and fittings	8-14
Motor vehicles	5-10
Library materials	3-14
Leasehold improvements	3-5
Finance lease (office equipment)	Shorter of lease term and estimated useful life (3-5 years)

The residual value on motor vehicles, and the useful life and depreciation method of each asset are reviewed at the end of each reporting date. If the expectations differ from previous estimates, the change is accounted for as a change in accounting estimate.

Each part of an item of property, plant and equipment with a cost that is significant in relation to the total cost of the item is depreciated separately.

The depreciation charge for each period is recognised in surplus or deficit unless it is included in the carrying amount of another asset.

Items of property, plant and equipment are derecognised when the asset is disposed of or when there are no further economic benefits or service potential expected from the use of the asset.

The gain or loss arising from the derecognition of an item of property, plant and equipment is included in surplus or deficit when the item is derecognised. The gain or loss arising from the derecognition of an item of property, plant and equipment is determined as the difference between the net disposal proceeds, if any, and the carrying amount of the item.

3. Intangible assets

An asset is identified as an intangible asset when it:

- » is capable of being separated or divided from an entity and sold, transferred, licensed, rented or exchanged, either individually or together with a related contract, assets or liability; or
- » arises from contractual rights or other legal rights, regardless whether those rights are transferable or

separate from the entity or from other rights and obligations.

An intangible asset is recognised when:

- » it is probable that the expected future economic benefits or service potential that are attributable to the asset will flow to the entity; and
- » the cost or fair value of the asset can be measured reliably.

Intangible assets are initially recognised at cost.

Where an intangible asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition. Where an intangible asset is acquired in exchange for non-monetary asset or monetary assets, or a combination of monetary and non-monetary assets, the asset acquired is initially measured at fair value (cost). If the acquired asset's fair value is not determinable, its deemed cost is the carrying amount of the asset(s) given up.

Expenditure on research (or on the research phase of an internal project) is recognised as an expense when it is incurred.

An intangible asset arising from development (or from the development phase of an internal project) is recognised when:

- » It is technically feasible to complete the asset so that it will be available for use or sale.
- » There is an intention to complete and use or sell it.
- » There is an ability to use or sell it.
- » It will generate probable future economic benefits or service potential.
- » There are available technical, financial and other resources to complete the development and to use or sell the asset.
- » The expenditure attributable to the asset during its development can be measured reliably.

Intangible assets are carried at cost less any accumulated amortisation and any impairment losses.

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

Amortisation is provided to write down the intangible assets, on a straight-line basis for the current and comparative periods, to their residual values as follows:

Items	Useful life
Computer software, other	3-9 years

Intangible assets are derecognised on disposal or when no future economic benefits or service potential are expected from its use or disposal.

The gain or loss is the difference between the net disposal proceeds, if any, and the carrying amount. It is recognised in surplus or deficit when the asset is derecognised.

4. Financial instruments

Classification

The entity classifies financial assets and financial liabilities into the following categories:

- » Loans and receivables
- » Financial liabilities measured at amortised cost

Classification depends on the characteristics and nature for which the financial instruments were obtained/incurred, and takes place at initial recognition. Classification is reassessed on an annual basis.

Initial recognition and measurement

Financial instruments are recognised initially when the entity becomes a party to the contractual provisions of the instruments.

The entity classifies financial instruments, or their component parts, on initial recognition as a financial asset, a financial liability or an equity instrument in accordance with the substance of the contractual arrangement.

Financial instruments are measured initially at fair value.

For financial instruments which are not at fair value through surplus or deficit, transaction costs are included in the initial measurement of the instrument.

Subsequent measurement

Loans and receivables are subsequently measured at amortised cost, using the effective interest method, less accumulated impairment losses.

Financial liabilities at amortised cost are subsequently measured at amortised cost, using the effective interest method.

Financial assets and liabilities are offset and the net amount presented in the statement of financial position when, and only when, the entity has a legal right to offset the amounts and intends either to settle on a net basis or to realise the asset and settle the liability simultaneously.

Impairment of financial assets

At each end of the reporting period the entity assesses all financial assets, other than those at fair value through surplus or deficit, to determine whether there is objective evidence that a financial asset or group of financial assets has been impaired.

For amounts due to the entity, significant financial difficulties of the debtor, the probability that the debtor will enter bankruptcy and default of payments are all considered indicators of impairment.

Impairment losses are recognised in surplus or deficit.

Impairment losses are reversed when an increase in the financial asset's recoverable amount can be related objectively to an event occurring after the impairment was recognised, subject to the restriction that the carrying amount of the financial asset at the date that the impairment is reversed shall not exceed what the carrying amount would have been had the impairment not been recognised.

Receivables from exchange transactions

Trade receivables are measured at initial recognition at fair value, and are subsequently measured at amortised cost using the effective interest method. Appropriate allowances for estimated irrecoverable amounts are recognised in surplus or deficit when there is objective evidence that the asset is impaired. Significant financial difficulties of the debtor, the probability that the debtor will enter bankruptcy or financial reorganisation, and default or delinquency in payments (more than 30 days overdue) are considered indicators that the trade receivable is impaired. The allowance recognised is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the effective interest rate computed at initial recognition.

The carrying amount of the asset is reduced through the use of an allowance account, and the amount of the deficit is recognised in surplus or deficit

within operating expenses. When a trade receivable is uncollectible, it is written off against the allowance account for trade receivables. Subsequent recoveries of amounts previously written off are credited against operating expenses in surplus or deficit.

Trade and other receivables are classified as loans and receivables.

Payables from exchange transactions

Trade payables are initially measured at fair value, and are subsequently measured at amortised cost using the effective interest method.

Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and demand deposits, and other short-term highly liquid investments that are readily convertible to a known amount of cash and are subject to an insignificant risk of changes in value. These are classified as loans and receivables and subsequently measured at amortised cost.

5. Leases

A lease is classified as a finance lease if it transfers substantially all the risks and rewards incidental to ownership. A lease is classified as an operating lease if it does not transfer substantially all the risks and rewards incidental to ownership.

When a lease includes both land and building elements, the entity assesses the classification of each element separately.

Finance leases – lessee

Finance leases are recognised as assets and liabilities in the statement of financial position at amounts equal to the fair value of the leased property or, if lower, 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.

The discount rate used in calculating the present value of the minimum lease payments is the interest rate implicit in the lease.

Minimum lease payments are apportioned between the finance charge and reduction of the outstanding liability. The finance charge is allocated to each period during the lease term so as to produce

a constant periodic rate of the remaining balance of the liability.

Operating leases – lessee

Operating lease payments are recognised as an expense on a straight-line basis over the lease term. The difference between the amounts recognised as an expense and the contractual payments are recognised as an operating lease asset or liability.

6. Inventories

Inventories are initially measured at cost except where inventories are acquired at no cost, or for nominal consideration, then their cost is their fair value as at the date of acquisition. Cost generally refers to the purchase price, plus taxes, transport costs and any other costs in bringing inventories to their current location and condition.

Subsequently inventories are measured at the lower of cost and net current replacement cost.

Current replacement cost is the cost the entity incurs to acquire the asset on the reporting date.

The carrying amounts of inventories is recognised as an expense in the period that the inventory was distributed, written off or consumed, unless the cost qualifies for capitalisation to the cost of another asset. The amount of any write-down of inventories to current replacement cost and all losses of inventories is recognised as an expense in the period the write-down or loss occurs. The amount of any reversal of any write-down of inventories, arising from an increase in the current replacement cost, is recognised as a reduction in the amount of inventories recognised as an expense in the period in which the reversal occurs.

7. Employee benefits

Short-term employee benefits

The cost of short-term employee benefits (those payable within 12 months after the service is rendered, such as paid vacation leave and sick leave, bonuses, and non-monetary benefits such as medical care) are recognised in the period in which the service is rendered and are not discounted.

The expected cost of compensated absences is recognised as an expense as the employees render

services that increase their entitlement or, in the case of non-accumulating absences, when the absence occurs.

The expected cost of bonus payments is recognised as an expense when there is a legal or constructive obligation to make such payments as a result of past performance.

Defined contribution plans

Payments to defined contribution retirement benefit plans are charged as an expense as they fall due.

8. Provisions and contingencies

Provisions are recognised when:

- » the entity has a present obligation as a result of a past event;
- » it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; and
- » a reliable estimate can be made of the obligation.

The amount of a provision is the best estimate of the expenditure expected to be required to settle the present obligation at the reporting date.

Where the effect of time value of money is material, the amount of a provision is the present value of the expenditures expected to be required to settle the obligation.

Provisions are reviewed at each reporting date and adjusted to reflect the current best estimate. Provisions are reversed if it is no longer probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation.

Where discounting is used, the carrying amount of a provision increases in each period to reflect the passage of time. This increase is recognised as an interest expense in surplus or deficit.

A provision is used only for expenditures for which the provision was originally recognised.

A restructuring provision includes only the direct expenditures arising from the restructuring, which are those that are both:

- » necessarily entailed by the restructuring; and
- » not associated with the ongoing activities of the entity.

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

- » 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 assets and contingent liabilities are not recognised. Contingencies are disclosed in note 26.

9. Revenue from exchange transactions

Revenue is the gross inflow of economic benefits or service potential during the reporting period when those inflows result in an increase in net assets.

An exchange transaction is one in which the entity receives assets or services, or has liabilities extinguished, and directly gives approximately equal value (primarily in the form of goods, services or use of assets) to the other party in exchange.

Fair value is the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction.

Measurement

Revenue is measured at the fair value of the consideration received or receivable.

Interest and administration fees

Interest is recognised, in surplus or deficit, using the effective interest method.

Administrative fees are recognised as revenue over the period during which the service is performed.

10. Revenue from non-exchange transactions

Non-exchange transactions are defined as transactions where the entity receives value from another entity without directly giving approximately equal value in exchange.

Revenue is the gross inflow of economic benefits or service potential during the reporting period when

those inflows result in an increase in net assets, other than increases relating to contributions from owners.

Fair value is the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction.

Government grants

Government grants are recognised as revenue when:

- » it is probable that the economic benefits or service potential associated with the transaction will flow to the entity;
- » the amount of the revenue can be measured reliably; and
- » to the extent that there has been compliance with any restrictions associated with the grant.

The entity assesses the degree of certainty attached to the flow of future economic benefits or service potential on the basis of the available evidence. Certain grants payable by one level of government to another are subject to the availability of funds. Revenue from these grants is only recognised when it is probable that the economic benefits or service potential associated with the transaction will flow to the entity. An announcement at the beginning of a financial year that grants may be available for qualifying entities in accordance with an agreed programme may not be sufficient evidence of the probability of the flow. Revenue is then only recognised once evidence of the probability of the flow becomes available.

Other grants and donations

Other grants and donations are recognised as revenue when:

- » it is probable that the economic benefits or service potential associated with the transaction will flow to the entity;
- » the amount of the revenue can be measured reliably; and
- » to the extent that there has been compliance with any restrictions associated with the grant.

If goods in kind are received without conditions attached, revenue is recognised immediately. If conditions are attached, a liability is recognised, which is reduced and revenue recognised as the conditions are satisfied.

11. Fruitless and wasteful expenditure

Fruitless expenditure means expenditure which was made in vain and would have been avoided had reasonable care been exercised.

All expenditure relating to fruitless and wasteful expenditure is recognised as an expense in the statement of financial performance in the year that the expenditure was incurred. The expenditure is classified in accordance with the nature of the expense, and where recovered, it is subsequently accounted for as revenue in the statement of financial performance.

12. Irregular expenditure

Irregular expenditure as defined in Section 1 of the PFMA is expenditure other than unauthorised expenditure, incurred in contravention of, or that is not in accordance with a requirement of any applicable legislation, including:

- (a) this Act; or
- (b) the State Tender Board Act, 1968 (Act No. 86 of 1968), or any regulations made in terms of the Act; or
- (c) any provincial legislation providing for procurement procedures in that provincial government.

National Treasury Practice Note No. 4 of 2008/09 which was issued in terms of Sections 76(1) to 76(4) of the PFMA requires the following (effective from 1 April 2008):

Irregular expenditure that was incurred and identified during the current financial year and which was condoned before year end and/or before finalisation of the financial statements, must also be recorded appropriately in the irregular expenditure register. In such an instance, no further action is also required with the exception of updating the note to the financial statements.

Irregular expenditure that was incurred and identified during the current financial year and for which condonement is being awaited at year end, must be recorded in the irregular expenditure register. No further action is required with the exception of updating the note to the financial statements.

Where irregular expenditure was incurred in the previous financial year and is only condoned in the

following financial year, the register and the disclosure note to the financial statements must be updated with the amount condoned.

Irregular expenditure that was incurred and identified during the current financial year and which was not condoned by the National Treasury or the relevant authority, must be recorded appropriately in the irregular expenditure register. If liability for the irregular expenditure can be attributed to a person, a debt account must be created if such a person is liable in law. Immediate steps must thereafter be taken to recover the amount from the person concerned. If recovery is not possible, the accounting officer or accounting authority may write off the amount as debt impairment and disclose such in the relevant note to the financial statements. The irregular expenditure register must also be updated accordingly. If the irregular expenditure has not been condoned and no

person is liable in law, the expenditure related thereto must remain against the relevant programme/expenditure item, be disclosed as such in the note to the financial statements and updated accordingly in the irregular expenditure register.

13. Effect of new GRAP standards

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

- » GRAP 20: Related party disclosure;
- » GRAP 25: Employee benefits;

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.



5.9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

2. Inventories

	2012 R'000	2011 R'000
Consumable stores	140	106

3. Receivables from exchange transactions

	2012 R'000	2011 R'000
Receivable income (ex-employees' debts)	371	171
Sundry debtors	(1)	(1)
Prepayments	85	725
Discounting	–	(15)
Provision for bad debts	(186)	(155)
	269	725

Fair value of trade and other receivables

	2012 R'000	2011 R'000
Trade and other receivables	269	725

The fair value of trade and other receivables is approximating the current values as interest is based on market-related rates.

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-employee debts to the State Attorney to consider recovery of the debt through legal processes. Should this process fail to recover the outstanding amounts, the debt will be impaired. The impairment can be reconciled as follows:

Trade and other receivables past due but not impaired
Trade and other receivables which are less than 30 days past due are not considered to be impaired.

The ageing of amounts past due but not impaired is as follows:

	2012 R'000	2011 R'000
Current	184	21
1 month past due	1	1
2 months past due	1	1
3 months past due	1	148
4 months past due	184	–
	371	171

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

Trade and other receivables impaired

As of 31 March 2012, trade and other receivables of Rnil (2011: R41 000) were impaired and provided for. The amount of the provision was R186 008 as of 31 March 2012 (2011: R155 000).

The ageing of these balances is as follows:

	2012 R'000	2011 R'000
Past due for longer than one month but for less than one year	186	155

Reconciliation of provision for impairment of receivables from exchange transactions

	2012 R'000	2011 R'000
Opening balance	155	41
Impairment added during the year	31	155
Amounts utilised during the year	–	(41)
	186	155

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 trade and other receivables of R145 292 (2011 – R179 199).

4. Cash and cash equivalents

Cash and cash equivalents consist of:

	2012 R'000	2011 R'000
Cash on hand	41	49
Current account	2 108	3 266
Credit card account	87	22
Call account	1 591	3 834
	3 827	7 171

5. Property, plant and equipment

	2012			2011		
	Cost R'000	Accumulated depreciation R'000	Carrying value R'000	Cost R'000	Accumulated depreciation R'000	Carrying value R'000
Furniture and fittings	3 713	(2 587)	1 126	3 666	(2 427)	1 239
Motor vehicles	4 067	(1 545)	2 522	4 270	(1 167)	3 103
Office equipment	3 396	(2 504)	892	3 354	(2 271)	1 083
Computer equipment	4 786	(3 182)	1 604	4 511	(2 697)	1 814
Leasehold improvements	277	(277)	–	855	(795)	60
Finance lease	1 909	(1 132)	777	1 620	(716)	904
Library materials	3 068	(1 362)	1 706	2 911	(1 064)	1 847
Total	21 216	(12 589)	8 627	21 187	(11 137)	10 050

Reconciliation of property, plant and equipment – 2012

	Opening balance R'000	Additions R'000	Disposals R'000	Depreciation R'000	Total R'000
Furniture and fittings	1 239	125	(10)	(228)	1 126
Motor vehicles	3 103	–	(203)	(387)	2 522
Office equipment	1 083	122	(7)	(306)	892
Computer equipment	1 814	646	(74)	(782)	1 604
Leasehold improvements	60	–	–	(60)	–
Finance lease	904	581	(85)	(623)	777
Library materials	1 847	157	–	(298)	1 706
	10 050	1 631	(379)	(2 675)	8 627

Reconciliation of property, plant and equipment – 2011

	Opening balance R'000	Additions R'000	Disposals R'000	Transfers R'000	Depreciation R'000	Total R'000
Furniture and fittings	1 363	128	(11)	–	(241)	1 239
Motor vehicles	2 337	1 166	(157)	–	(243)	3 103
Office equipment	1 297	97	–	–	(311)	1 083
Computer equipment	2 119	167	(23)	–	(449)	1 814
Leasehold improvements	338	2	(30)	–	(250)	60
Finance lease	379	655	–	38	(168)	904
Library materials	2 008	85	–	–	(246)	1 847
	9 841	2 300	(221)	38	(1 908)	10 050

Assets subject to operating lease (net carrying amount)

	2012 R'000	2011 R'000
Leasehold improvements	–	60

6. Intangible assets

	2012			2011		
	Cost R'000	Accumulated amortisation R'000	Carrying value R'000	Cost R'000	Accumulated amortisation R'000	Carrying value R'000
Computer software	896	(819)	77	984	(800)	184

Reconciliation of intangible assets – 2012

	Opening balance R'000	Additions R'000	Amortisation R'000	Total R'000
Computer software	184	61	(168)	77

Reconciliation of intangible assets – 2011

	Opening balance R'000	Additions R'000	Amortisation R'000	Total R'000
Computer software	324	7	(147)	184

7. Payables from exchange transactions

	2012 R'000	2011 R'000
Trade payables	2 822	8 013
Accrued expense	1 977	1 525
Other accrued expenses	23	–
	4 822	9 538

Fair value of trade and other payables

	2012 R'000	2011 R'000
Trade payables	4 822	9 538

Trade payables are assumed to approximate fair value as market related interest rates were used in calculating the financial liability.

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:

	2012 R'000	2011 R'000
Interest rate	9.00	6.55

The interest rate as at 31 March was used to discount the purchases.

8. Employee benefits due

	2012 R'000	2011 R'000
Leave accrual	490	659
13th cheque	1 251	1 322
	1 741	1 981

9. Finance lease obligation

	2012 R'000	2011 R'000
Minimum lease payments due		
– within one year	497	373
– in second to fifth year inclusive	306	359
	803	732
Less: future finance charges	(64)	(84)
Present value of minimum lease payments	739	648
Present value of minimum lease payments due		
– Within one year	289	344
– In second to fifth year inclusive	450	304
	739	648
Non-current liabilities	450	304
Current liabilities	289	344
	739	648

The South African Human Rights Commission has, during the period under review, made a total contribution of R195 890 (2011: R223 912) to finance leases as defined in IAS 17 and National Treasury RT3. These payments are irregular but condoned.

The average lease term was 36 months and the average effective borrowing rate was 10% (2011: 7%).

Interest rates are linked to prime at the contract date. All leases have fixed repayments and no arrangements have been entered into for contingent rent.

The entity's obligations under finance leases are secured by the lessor's charge over the leased assets. (Refer note 5.)

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) The contract will be renewed for a period of one year if the SAHRC does not give written notice of cancellation of the contract.

10. Operating lease commitments

	2012 R'000	2011 R'000
Deferred operating lease expenditure recognised on a straight-line basis	(1 497)	(48)

Operating lease represents the rentals paid by the Commission for the office buildings for Head Office and the province.

	2012 R'000	2011 R'000
Operating lease	(7 944)	(8 359)

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 ranging between 7% and 10%.

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

	2012 R'000	2011 R'000
Due within one year	9 061	8 845
Due within two to five years	30 643	14 827
Total	39 704	23 672

11. Deferred revenue

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

Unspent conditional grants and receipts comprises:

	2012 R'000	2011 R'000
Deferred revenue		
Atlantic Philanthropies	–	12
Australian Aid Grant	2	177
Unspent Grant 3	(2)	–
UNCHR (UN) Donor Fund	–	551
Osisa	389	–
	389	740

(See Note 23 for reconciliation of grants from donor agencies.)

12. Financial liabilities by category

The accounting policies for financial instruments have been applied to the line items below:

	2012 R'000	2011 R'000
Financial liabilities at amortised cost		
Payables from exchange transactions	4 822	9 539
Employee benefits due	1 741	1 981
Finance lease obligations	450	648
Unspent conditional grants and receipts	389	740
	7 402	12 908

13. Non-exchange revenue

	2012 R'000	2011 R'000
SA government grant	89 773	74 368
Other income	1 092	87
	90 865	74 455

14. Exchange revenue

	2012 R'000	2011 R'000
Administrative fees	143	298
Interest revenue	331	259
Interest charged on outstanding debts	15	128
	489	685

15. Personnel expenditure

	2012 R'000	2011 R'000
Basic salaries	38 844	37 118
Performance bonuses	1 725	765
Pension fund contribution	3 628	3 768
Travel allowance	901	1 660
Medical aid contributions	1 972	2 030
Housing benefits and allowances	1 354	1 224
Non-pensionable allowance	2 967	2 432
Other short-term benefits	600	1 311
Voluntary severance packages	4 165	—
	56 156	50 308

16. Finance costs

	2012 R'000	2011 R'000
Fair value adjustments: notional interest	73	84
Other interest paid	125	4
	198	88

17. General expenses

	2012 R'000	2011 R'000
Advertising	8	—
Auditors remuneration	1 305	1 072
Provision for doubtful debts	22	(9)
Cleaning	743	319
Computer expenses	4	6
Conferences and seminars	189	—
Consulting and professional fees	1 665	1 592
Lease and hire expenses	165	233
IT upgrades, licences and maintenance	—	2
IT expenses	129	—
Impairments of debtors	—	(40)
Insurance	257	256
Internal audit fees	409	88
Lease rentals on operating lease	7 944	8 948
Motor vehicle expenses	333	304
Other administrative expenditure	159	84
General expenses	1	—
Postage and courier	87	60
Printing and stationery	419	493
Recruitment and placement fees	457	321
Rental municipal services	2 455	2 155
Rental Telkom VPN	2 150	356
Repairs and maintenance	216	143
Security (guarding of municipal property)	555	563
Staff development	254	197
Staff relocation costs	111	368
Subscriptions and membership fees	552	362
3G subscriptions	—	(6)
Telephone and fax	1 394	1 206
Travel – local	39	85
	22 022	19 158

18. Operating expenditure

	2012 R'000	2011 R'000
Expenses donor-funded projects	1 092	87
Translation and project cost	10 002	4 464
Strategic planning costs	1	141
Internal and external liaison	170	146
Plenary, bosberaad and meetings	299	210
	11 564	5 048

19. Cash (used in) generated from operations

	2012 R'000	2011 R'000
Deficit	(1 525)	(1 586)
Adjustments for:		
Depreciation and amortisation	2 843	2 053
Loss on sale of property, plant and equipment	96	71
Movements in operating lease assets and accruals	1 449	(697)
Provision for doubtful debts	–	155
Other non-cash items	–	(38)
Interest charged on outstanding debts	–	(128)
Finance costs	124	88
Interest charged on outstanding debts:		
Inventories	(34)	41
Receivables from exchange transactions	456	(349)
Payables from exchange transactions	(4 864)	5 015
Deferred revenue	(351)	521
Employee benefits due	(240)	586
	(2 046)	5 732

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. Risk management

Financial risk management

The entity's activities expose it to a variety of financial risks: market risk, credit risk and liquidity risk.

The entity's overall risk management programme focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the entity's financial performance. The entity uses derivative financial instruments to hedge certain risk exposures. Risk management is carried out by a central treasury department (entity treasury) under policies approved by the Commissioners. Entity treasury identifies, evaluates and hedges financial risks in close co-operation with the entity's operating units. The Commissioners provide written principles for overall risk management, as well as written policies covering specific areas, such as foreign exchange risk, interest rate risk, credit risk, use of derivative financial instruments and non-derivative financial instruments, and investment of excess liquidity.

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. The 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.

The table below analyses the entity's financial liabilities into relevant maturity groupings based on the remaining period at the statement of financial position to the contractual maturity date. The amounts disclosed in the table are the contractual undiscounted cash flows.

Balances due within 12 months equal their carrying balances as the impact of discounting is not significant.

	Carrying amount R'000	Total contractual cash flows R'000	Not later than one year R'000	Between 2 and 5 years R'000	Over 5 years R'000
At 31 March 2012					
Deferred revenue	389	389	389	–	–
Trade and other payables	4 822	4 822	4 822	–	–
Finance lease obligations	739	803	497	306	–
Employee benefit due	1 741	1 741	1 741	–	–
	7 691	7 755	7 449	306	–
At 31 March 2011					
Deferred revenue	740	740	740	–	–
Trade and other payables	9 538	9 538	9 538	–	–
Finance lease obligations	423	487	272	215	–
Employee benefit due	1 981	1 981	1 981	–	–
	12 682	12 746	12 531	215	–

Interest rate risk

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

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

The Commission is mainly exposed to interest rate fluctuations. The Commission's financial assets and liabilities are managed in such a way that the fluctuations in variable rates do not have a material impact on the surplus/deficit as the Commission settles its outstanding obligations 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.

The Commission's interest rate risk arises from long-term finance lease obligations and employee debt. Liabilities issued at variable rates expose the entity to cash flow interest rate risk.

Credit risk

Credit risk consists mainly of cash deposits, cash equivalents and trade debtors. The Commission only deposits cash with major banks with high quality credit standing and limits exposure to any one counterparty.

Credit risk with respect to trade receivables relates to ex-employee debt and an amount owed by the Department of Public Works.

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 also for all the employees who left the employment 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 un-expired 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.

Financial assets exposed to credit risk at year end were as follows:

Financial instrument	2012 R'000	2011 R'000
Trade and other receivables from exchange transactions	269	725
Cash and cash equivalents	3 827	7 171
	4 096	7 896

22. Members' emoluments

Executive

2012	Basic salary R'000	Bonus and performance payments R'000	Expense allowances R'000	Pension contributions R'000	Other benefits R'000	Voluntary severance package R'000	Total R'000
Accounting Officer: Mr A K Ahmed	624	–	316	77	34	–	1 051
Deputy CEO: Adv N Mukweho	545	47	276	64	29	–	961
Chief Financial Officer: M Nhlungwana (Acting)	346	65	236	37	13	–	697
Head of Human Resources: S Zulu	151	–	76	18	8	–	253
Head of Research and Documentation: C Jacobs (Acting)	338	58	306	40	–	–	742
Head of Administration: A Price	459	44	242	56	24	–	825
Head of Legal: D Franzman	253	–	114	31	14	280	692
Head of Legal: E Mokonyama (Acting)	413	34	135	49	10	–	641
Head of HURA: V Maloka	262	–	116	32	14	429	853
Head of HURA: J Tlou (Acting)	433	74	121	51	6	–	685
Head of Parliamentary and Monitoring: J Cohen	459	81	205	56	24	–	825
Head of Internal Audit: P Makaneta	439	77	196	54	24	–	790
Chief Financial Officer: P Makaneta	63	4	–	6	2	–	75
	4 785	484	2 339	571	202	709	9 090

2011	Basic salary R'000	Bonus and performance payments R'000	Expense allowances R'000	Pension contributions R'000	Other benefits: termination leave payout R'000	Total R'000
Accounting Officer: Mr A K Ahmed (from August 2010)	399	–	237	49	–	685
Deputy CEO: Adv N Mukweho	556	–	287	62	–	905
Chief Financial Officer: D Molapo (Aug to Sep 2010)	80	–	40	17	8	145
Chief Financial Officer: M Nhlungwana (Acting)	159	–	–	–	–	159
Head of Human Resources: S Zulu	403	–	243	50	–	696
Head of Research and Documentation: Y Ramkisoan (Acting)	177	–	–	–	–	177
Head of Research and Documentation: C Jacobs (Acting)	105	–	–	–	–	105
Head of Administration: A Price	430	40	246	51	–	767
Head of Legal: D Franzman	424	33	208	50	–	715
Head of HURA: V Maloka	428	72	214	51	–	765
Head of Information and Communication: Z Ndela (April to May 2010)	65	–	125	8	17	215
Head of Information and Communication: R Khuvhutlu (Acting)	59	–	–	–	–	59
Head of Parliamentary and Monitoring: J Cohen	426	34	167	52	–	679
Head of Internal Audit: P Makaneta	392	24	206	49	–	671
	4 103	203	1 973	439	25	6 743

Non-executive

2012	Basic salary R'000	13th cheques R'000	Expense allowances R'000	Pension contributions R'000	Other benefits R'000	Total R'000
Chairperson: Adv L Mushana	605	–	313	72	33	1 023
Deputy Chairperson: P Govender	514	42	224	61	21	862
Commissioner: L Mokate	470	39	206	56	29	800
Commissioner: BJ Malatji	470	39	206	56	29	800
Commissioner: S Baai	470	39	206	56	29	800
Part-time Commissioner: J Love	121	–	–	–	13	134
Part-time Commissioner: D Titus	224	–	–	–	13	237
	2 874	159	1 155	301	167	4 656

2011	Basic salary R'000	Expense allowances R'000	Pension contributions R'000	Other benefits R'000	Total R'000
Chairperson: Adv L Mushana	578	–	331	68	977
Deputy Chairperson: P Govender	491	40	235	58	824
Commissioner: L Mokate	449	37	234	53	773
Commissioner: BJ Malatji	449	37	207	53	746
Commissioner: S Baai	103	–	54	14	171
Part-time Commissioner: J Love	109	–	12	–	121
Part-time Commissioner: D Titus	121	–	8	–	129
	2 300	114	1 081	246	3 741

23. Projects

Name of project balance 2012	Opening Balance R'000	Grants received during the year R'000	Amount utilised to the donor R'000	Amount returned R'000	Closing balance R'000
UNCHR (UN)	551	–	(542)	(9)	–
Atlantic Philanthropies	12	–	–	(12)	–
Australian Aid Grant	177	–	(175)	(2)	–
Osisa	–	389	–	–	389
FOSI	–	201	(201)	–	–
Commonwealth	–	174	(174)	–	–
Total projects	740	764	(1 092)	(23)	389

Name of project balance 2011	Opening Balance R'000	Grants received during the year R'000	Amount utilised to the donor R'000	Amount returned R'000	Closing balance R'000
UNCHR (UN)	–	608	(57)	–	551
Atlantic Philanthropies	42	–	(30)	–	12
Australian Aid Grant	177	–	–	–	177
Total projects	219	608	(87)	–	740

24. Irregular, fruitless and wasteful expenditure

	2012 R'000	2011 R'000
Opening balance	290	352
Lease amount condoned/reversed	(224)	(352)
Finance lease payment	–	224
Irregular payment to suppliers	1 124	66
Closing balance	1 190	290

Irregular expenditure to the value of R1 124 000 (2010/11 R290 000) was incurred in the current year. Irregular expenditure emanates from non-compliance with National Treasury Practice Note 8 of 2007, Treasury Regulation 16A 9.1(d) and 16A 6.3(b) in respect of quotations not sourced from the travel agencies for the travel and accommodation bookings of R89 676 (2010/11 R nil), procurement of services from a supplier who did not have a tax clearance certificate R26 630 (2010/11 R66 000) and requests for quotations sent out to prospective suppliers for the procurement of goods and services between the values of R30 000 and R500 000 did not specify the preference point system to be used as prescribed by the PPPFA R1 007 970 (2010/R nil).

Current financial matters have been reported to the National Treasury. The Commission has since written to National Treasury requesting condonation of these financial matters and is still awaiting a response, therefore none of the expenditure has been condoned by National Treasury.

25. Deviation from supply chain management regulations

Paragraph 12(1)(d)(i) of Government Gazette No. 27636 issued on 30 May 2005 states that a supply chain management policy must provide for the procurement of goods and services by way of a competitive bidding process.

Paragraph 36 of the same gazette states that the accounting officer may dispense with the official procurement process in certain circumstances, provided that he records the reasons for any deviations and reports them to the next meeting of the accounting authority and includes a note to the annual financial statements.

Certain NANHRI conference expenses were incurred during the financial year under review and the process followed in procuring those goods and services deviated from the provisions of paragraph 12(1)(d)(i) as stated above. The reasons for these deviations were documented and reported to the Commissioners who considered them and subsequently approved the deviation from the normal supply chain management regulations.

The total deviations from the abovementioned Government Gazette amounted to R1 174 000.

26. Contingencies

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
Guarantee issued to the bank	Guarantee issued for Head Office	682
Retrenchments	Employees not placed on restructuring	1 795
Total		2 477

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

27. Reconciliation between budget and statement of financial performance

Reconciliation of budget surplus/deficit with the deficit in the statement of financial performance:

	2012 R'000	2011 R'000
Net deficit per the statement of financial performance	(1 525)	(1 586)
Adjusted for:		
Donor funds liability	(412)	(740)
Non-cash items:		
Depreciation and amortisation	2 903	2 053
Finance cost	198	88
Loss on disposal of property, plant and equipment	96	139
Provision of doubtful debts	186	155
Interest on discounting of trade receivables	–	(134)
Interest on discounting of trade payables	–	9
Discounting of trade payables	–	23
Net surplus per approved budget	1 446	7

Budget statement

The Commission's budget is prepared on a cash basis as per policy on the budget management. This budget model is based on zero budgeting.

The material differences in this budget against the actual is due to the restructuring of the Commission

in line with the revised vision and mission which necessitated the re-alignment of the financial resources of the organisation.

The receipts have been committed to purchase orders issued but no invoices have been received. These commitments will be realised within four months after the financial statements as the prescripts of the National Treasury.

28. Prior period errors

Property, Plant and Equipment were depreciated at the tax rates. The useful lives and residual values were not appropriately considered in the following categories:

- » Motor vehicle was depreciated without taking into account the residual value.
- » Assets with zero value at the beginning of the previous year.

The correction of the error(s) results in adjustments as follows:

	R'000
Statement of Financial Position	
Motor vehicle	10
Other PPE	339
Accumulated surplus	(95)
Statement of Financial Performance	
NANHRI conference expenses	(32)
Audit fees accrual	(192)
IT infrastructure	(33)

5.10 ANNEXURE A TO THE ANNUAL FINANCIAL STATEMENTS

Commitments schedule as at 31 March 2012

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

	R'000
ABSA Bank Properties	19
BCD Travel	31
Buffalo City Municipality	–
Buffalo Toyota	–
Dell Computer (Pty) Ltd	2
Derran Travel	2
Dimba Mukelani	25
Exclusive Chauffeuring	14
Ilitha Printing and Stationery	126
Into the Limelight	46
Juta & Co Ltd	–
Med Medical Suppliers & Rental	1
Miyelani Transport and Tourism	6
Motolek Battery Centre	–
SA Mint Company	85
Sally Siema	5
Tswelopele Computer Cabling Services	2
XPS Courier	2
	366



ANNEXURE: ACRONYMS

AA	Automobile Association
ACFO	Acting Chief Financial Officer
ACHPR	African Commission on Human and People's Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AFS	Annual Financial Statement
ANHRI	African National Human Rights Institution
APT	Association for the Prevention of Torture
CAE	Chief Audit Executive
CRC	Convention on the Rights of the Child
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief Executive Officer
CERD	Convention on the Elimination of All Forms of Racial Discrimination
COO	Chief Operations Officer
CRPD	Convention on Rights of Persons with Disability
CSAP	Civil Society Advocacy Programme
DoJCD	Department of Justice and Constitutional Development
ENE	Estimates of National Expenditure
EE	Employment Equity
GRAP	Generally Recognised Accounting Practices
HOA	Homeowners' Allowance
HR	Human Rights/Human Resources
HuRAP	Human Rights Advocacy Programme
IA	Internal Audit
IAS	International Accounting Standards
ICAS	Independent Counselling and Advisory Services
ICC	International Coordinating Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
ICEPED	International Convention for the Protection of all Persons from Enforced Disappearance
ICP	International Covenant on Economic Social and Cultural Rights

ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
IPID	Independent Police Investigative Directorate
IDASA	Institute for Democracy in Africa
LGBT	Lesbian, Gay, Bisexual and Transgender
M&E	Monitoring and Evaluation
MISS	Minimum Information Security Standards
MTEF	Medium Term Expenditure Framework
NAP	National Action Plan
NGO	Non Governmental Organisation
NHRI	National Human Rights Institutions
NANHRI	Network of African National Human Rights Institutions
OHCHR	United Nations Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention Against Torture
OPCESCR	Optional Protocol to ICESCR
OISD	Office for the Institutions Supporting Democracy
PAIA	Promotion of Access to Information Act
PANSALB	Pan South African Language Board
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination
PIAP	Parliament and International Affairs
PFMA	Public Finance Management Act
SALRC	South African Legal Resources Centre
SASCO	South African Students Congress
SCM	Supply Chain Management
SHE	Safety, Health and Environment
SMS	Senior Management Services
UCT	University of Cape Town
UNHCHR	United Nations High Commissioner for Human Rights
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
YTD	Year To Date

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