

SAHRC ANNUAL REPORT 2005 / 2006



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## SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Annual Report 2005/2006

Ms Baleka Mbete, MP  
Speaker of the National Assembly

Pursuant to the provisions of section 40(1) (e) of the Public Finance Management Act (Act 1 of 1999), I am pleased to submit the Tenth Annual Report of the South African Human Rights Commission for the period 1 April 2005–31 March 2006.

Please find, annexed to the report, the Commission's Annual Report as per sections 83(1) (b) and 84 of the Promotion of Access to Information Act 2 of 2000 (PAIA).

A handwritten signature in black ink, appearing to read "Thipanyane".

Tseliso Thipanyane  
CHIEF EXECUTIVE OFFICER

# VISION AND MISSION STATEMENT

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## VISION

The South African Human Rights Commission seeks to be an effective instrument for the promotion and protection of human rights, to be the focal point for human rights practice in South Africa and to be accessible to all South Africans.

## MISSION STATEMENT

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

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

# ABBREVIATIONS

**AD**

Assistant Director

**AU**

African Union

**AIDS**

Acquired Immuno-deficiency Syndrome

**CBO**

Community Based Organisation

**CEO**

Chief Executive Officer

**CERD**

Convention on the Elimination of Racial Discrimination

**CFO**

Chief Financial Officer

**CGE**

Commission on Gender Equality

**CHRAGG**

Commission for Human Rights and Good Governance

**CSVR**

Centre for the Study of Violence and Reconciliation

**DHRE**

Democracy and Human Rights Education

**EEC**

Employment Equity Commission

**ESR**

Economic and Social Rights

**GAAP**

General

**HIV**

Human Immuno-deficiency Virus

**HR**

Human Resources

**IMS**

Integrated Information, Documents and Records Management

**IT**

Information Technology

**MCU**

Media and Communications Unit

**MRMR**

My Rights My Responsibilities

**MTEF**

Medium Term Expenditure Framework

**NACHRET**

National Centre for Human Rights Education and Training

**NGO**

Non-governmental Organisation

**NQF**

National Qualifications Framework

**NSB**

National Standards Body

**PAIA**

Promotion of Access to Information Act

**PEPUDA**

Promotion of Equality & Prevention of Unfair Discrimination Act

**PFMA**

Public Finance Management Act

**RBE**

Right to Basic Education

**SADC**

Southern African Development Community

**SAHRC**

South African Human Rights Commission

**SALGA**

South African Local Government Authority

**SAPS**

South African Police Services

**SAQA**

South African Qualifications Authority

**SCM**

Supply Chain Management

**SGB**

Standards Generating Body

**UN**

United Nations

**WBI**

Women's Budget Initiatives

# CONTENTS

## PART ONE

Overview by the Chairperson .....	1
Introduction by the Chief Executive Officer .....	3
Legislative framework.....	5

## PART TWO: PROGRAMME PERFORMANCE

Introduction.....	7
Organisation structure .....	10
Commissioners.....	11
Strategic Management .....	15
• Human Resources .....	16
• Finance and Administration.....	17
Media and Communications.....	21
Legal Services .....	26
Research and Documentation.....	32
Education and Training.....	38
Provincial Offices.....	42

## PART THREE

Human Resources Management.....	47
Human Resources Tables .....	47
Table 1.1 Personnel costs per programme .....	47
Table 1.2 Personnel costs by salary band.....	47
Table 1.3 Salaries, Overtime, Home Owners' allowance, Medical Aid Assistance by programme .....	48

Table 1.4	Salaries, Overtime, Home Owners' allowance, Medical Aid Assistance by salary band.....	48
Table 1.5	Employment and Vacancies by programme.....	49
Table 1.6	Employment and Vacancies by salary bands.....	49
Table 1.7	Annual Turnover rates by salary band .....	50
Table 1.8	Reasons why staff are leaving the Commission.....	50
Table 1.9	Promotions per salary band .....	51
Table 1.10	Recruitment for the period.....	51
Table 1.11	Promotions for the period.....	52
Table 1.12	Terminations for the period.....	52
Table 1.13	Performance, Rewards by salary band for personnel below senior management service.....	53
Table 1.14	Sick leave.....	53

#### **PART FOUR**

Finances.....	54
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#### **PART FIVE: ANNEXURES**

Annexures A - PAIA .....	81
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## OVERVIEW BY THE CHAIRPERSON



The financial year 2005/06 represents an important milestone in the life and existence of the South African Human Rights Commission (SAHRC) with October 2005 being the tenth anniversary of the SAHRC.

In this regard, the SAHRC held an event in September 2005 to mark this important milestone.

The Deputy Minister of Justice and Constitutional Development, Adv Johnnie De Lange and the Deputy Chief Justice, Justice Dikgang Moseneke were some of the dignitaries that graced this important event which appropriately recognised the role, work and worth of the SAHRC in advancing constitutional democracy in South Africa.



This annual report reflects the South African Human Rights Commission's responsiveness to the challenges and caveats of the human rights landscape on a national, regional and international level. The report also registers the organisational receptiveness of the SAHRC to the national policy environment and to national priorities.

The SAHRC has the mandate to promote and protect human rights and to monitor the observance of human rights in the country. This includes an accountability function through the SAHRC as a constitutional body that publicly interrogates the progress the state and other sectors of society are making in the pursuit of the enjoyment of human rights for all.

The service delivery environment within which the SAHRC operated for this financial year (2005/06) straddles all spheres of political, social, cultural and economic life in South Africa. This environment is complex and characterised by the following challenges:

- Poverty, unemployment and the degradation of human dignity.
- Unequal treatment on the basis of various discriminatory grounds.
- Inadequate delivery of social services including education, housing, social security, water, etc.
- The undermining of a human rights culture through crime and violence.
- Violence against women and children.
- The impact of the HIV/AIDS pandemic on life in South Africa.

Our policy trajectory is influenced by this service delivery environment and constitutional values. As such this annual report mirrors our commitment to challenge the human rights degradation that accompanies poverty, unemployment, discrimination, inequality, abuse and violence.

Against this backdrop, the SAHRC also contributed to the celebrations and reflections that accompanied our 10th anniversary as a young democracy. This reaffirmed our commitment to build a democratic and open society committed to social justice. The commitment is firmly located in the constitutional framework and inspired by the values underpinning that framework – dignity, equality and the advancement of human rights and freedoms. The SAHRC exists within that very same framework and its work is intended to advance the imperatives and the ideals of the Constitution.

In conclusion, the Commissioners appointed Adv Tseliso Thipanyane as Chief Executive Officer, first in an acting capacity in November 2005 and then permanently with effect from May 2006. I would thus like to thank him and his staff, my colleagues in the Commission, the donor community and all those who have supported the Commission in the past year.



Jody Kollapen  
Chairperson

## INTRODUCTION BY THE CHIEF EXECUTIVE OFFICER



The strategic plan of the SAHRC for 2005/06 builds on the continuing Medium Term Expenditure Framework (MTEF) cycle and was adopted by Commissioners in March 2005. We have submitted this plan to National Treasury and presented it to the National Assembly on 17 March 2006 together with a self-assessment report on the SAHRC's performance for the 2004/05 financial year.

We also made a presentation to the Medium Term Expenditure Committee on 22 September 2005 for a revision of our baseline allocation based on the expansion and reconfiguration of our strategic plan. In terms of National Treasury guidelines, this annual report is an appraisal scorecard on the performance of the SAHRC against the outputs, service delivery indicators

and targets as reflected in the 2005/06 strategic plan. In this way the SAHRC signals its commitment to transparent governance and accountable management and thus ensures the basis for the efficient, effective and economical use of public resources.

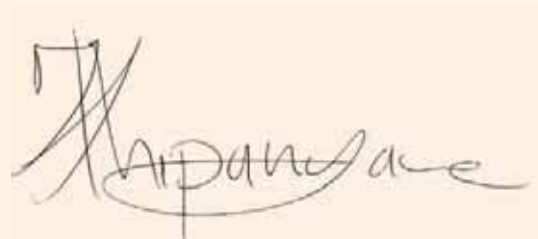
This annual report is an index of the increase in the substantive activities of the SAHRC. We have measured the vision of the organisation against the service delivery environment and national priorities and translated it into the following strategic programme plans which have been implemented over the year under review.

- Programme 1: Strategic Management
  - Sub-programme A: Human Resources
  - Sub-programme B: Finance and Administration
- Programme 2: Commissioners
- Programme 3: Media and Communications
- Programme 4: Legal Services
- Programme 5: Research and Documentation
- Programme 6: Education and Training
- Programme 7: Provincial Offices

Despite a number of challenges and with a few exceptions, the work of the SAHRC has improved across the various programmes as evidenced by this report. Contestations relating to quality assurance and measuring the impact of the work of the SAHRC are being addressed

and we have adopted an expanded and rearranged strategic plan for the 2006/07 financial year and 2006–2009 MTEF cycle. The SAHRC did not have a head of Finance and Administration Department (Chief Financial Officer) for the greater part of the year. However, in January 2006 Ms Ngwenya was appointed as the Head of the Finance and Administration Department and has, together with her staff, helped to ensure that public funds allocated to the SAHRC are well managed.

We are pleased to present this report to the National Assembly which includes an unqualified financial report from the Auditor-General.



Tseliso Thipanyane  
Chief Executive Officer

# LEGISLATIVE FRAMEWORK

## Governing Principles

The Commission is one of the institutions established by Chapter Nine of the South African Constitution to support constitutional democracy in South Africa. The governing principles of these institutions are contained in section 181 of the Constitution:

- (a) These institutions are independent and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice.
- (b) Other organs of state, through legislative and other measures, must assist and protect these institutions to ensure the independence, impartiality, dignity and effectiveness of these institutions.
- (c) No person or organ of state may interfere with the functioning of these institutions.

- (d) These institutions are accountable to the National Assembly, and must report on their activities and the performance of their functions to the Assembly at least once a year.

## The Mandate of the Commission

The functions and powers of the Commission, as contained in section 184 of the Constitution are the following:

### Functions

- (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.



## Powers

- (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;
- (d) to educate; and
- (e) to 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 Commission has additional powers and functions prescribed by national legislation. The Promotion of Access to Information Act 2 of 2000 is the legislation that gives effect to section 32 of the Constitution. In terms thereof the Commission has further statutory powers and functions, some of which are mandatory and some discretionary.

The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 also places duties on the Commission to promote the achievement of equality.



## Chapter 1

# PROGRAMME PERFORMANCE

## Introduction

The SAHRC is guided by the Strategic Plan towards achieving its stated mandate. At the same time the Strategic Plan serves as an important tool for measuring our performance as an organisation against the set objectives and service delivery targets. This section reports on the programme performance of the Commission in relation to the Strategic Plan of 2005/06.

Though the historical performance of the SAHRC is reflected in the performance programmes, as shown below, a substantial part of its work is transversal, integrated and inter-departmental:

- The promotion of human rights through presentations, papers and workshops is conducted inter-departmentally.
- The protection of human rights through public inquiries, hearings and responses to community is aligned to an integrated strategy.
- The activities related to monitoring human rights, especially economic and social rights, equality and access to information are also based on the principle of integration.
- Timely and strategic interventions across programmes expanded the reach of the SAHRC to marginalised communities, and also sustained a positive media profile.

- The SAHRC acted as a resource at several countries in Africa, South America and Europe.

### Programmes

The SAHRC's work is divided into the following programmes:

- Programme 1: Strategic Management  
Human Resources  
Finance and Administration
- Programme 2: Commissioners
- Programme 3: Media and Communications
- Programme 4: Legal Services
- Programme 5: Research and Documentation
- Programme 6: Education and Training
- Programme 7: Provincial Offices

The National Office is based in Gauteng, and there are seven current provincial offices. Plans to open the North West provincial office are underway.

Provincial offices raise awareness and deal with violations of human rights at provincial and local level. In addition to day-to-day communication, the SAHRC strives to integrate its work through structured interactions, including: quarterly plenary meetings, management meetings, and meetings of inter-departmental committees, which are chaired by Commissioners.





## Overview of the service delivery environment for 2005/06

The South African Human Rights Commission (SAHRC) is mandated by the Constitution to ensure that everyone's rights are protected and advocated for, through human rights education, legal representative and monitoring the observance of human rights in the country and around the region if required. In this regard, the Commission has gained more popularity in the country in carrying out its mandate, regardless of these challenges it faced when discharging its mandate:

**Economic and Social Rights:** The failure by numerous organs of the state to submit protocols timeously caused a delay in the consolidation of field and desktop research for the purpose of compiling the 6th ESR report. The delay, in turn, negatively impacted on timeframes for the development and launch of the 6th ESR report.

Furthermore a total of five researchers, including the manager of the Unit, left the Commission during the year under review. The researchers' resignation became a major challenge as the bulk of their work was the compilation of the said 6th ESR Report.

**PAIA:** The distribution of the Guide compiled in terms of section 10 of PAIA, as required by the Regulations to the Act has been a challenge. Whilst a number of copies were distributed at the provincial launches of the Guide, a large number remain undistributed as the SAHRC is still awaiting the Department of Communications to provide it with the required number of copies of the Guide so as to deposit them at post offices. Despite a number of efforts taken by the Commission requesting the number of copies to be sent to the Department of Communications, that number was never sent to the Commission.

The challenge is to ensure that all are distributed as required before the compilation of a second Guide, which is due on 15 February 2007.

The second challenge was to ensure that a long-term exemption for small private bodies from compiling a manual in terms of section 51 of PAIA was passed prior to 31 August 2005 (the expiry of an exemption granted in 2003) by the Minister of the Department of Justice and Constitutional Department. The due date caused wide-spread panic among all private bodies in the country. It was simply not realistic to expect small business and informal traders to comply with section 51 by the due date.

The SAHRC had forwarded its recommendations for a further exemption to the Department some time prior to 31 August 2005. However, the current exemption was granted only on the due date of 31 August 2005. As a result of the delay, a number of small businesses spent a fair amount of money on compiling manuals, which are now no longer required as the current exemption exempts such businesses from compiling a manual until 31 December 2011.

**PEPUDA:** The Equality Unit as the custodian of the Promotion to Equality and Prevention of Unfair Discrimination Act 4 of 2000 (also referred to as the Equality Act) finds it difficult to implement the Act without regulations. This further hampers the preparation of the section 28(2) Annual Report, which the unit is required to submit to the National Assembly in terms of the Equality Act.

The lack of regulations to the Equality Act also creates difficulty for researchers in their work as it is often not clear as to whether the information that goes into the Annual Report has to incorporate the implementation of the Act on its own or with regulations.

## Overview of the service delivery environment for 2005/06

Be as it may, on 2 December 2005 the Equality Unit had prepared a draft Chapter 1 of the section 28(2) Annual Report. The chapter focusses on the historical origins of inequalities and unfair discrimination. The other two chapters focussing on Promotion of Equality and Prevention of Unfair Discrimination respectively, are being prepared.

**Media and Communications:** Due to the resignation of the key personnel in the unit, media liaison activities were relocated to the Offices of the Chairperson and the CEO. Restructuring of the Media and Communications Unit (MCU) is under way, to increase the efficacy of the Commission's media liaison, expand on the Commission's capacity to utilise media and communication tools for public outreach and educative functions.

**Education and Training:** Even though the National Centre for Education and Training (NACHRET) has succeeded in meeting its targets in terms of the Commission's strategic planning framework, there were a number of challenges experienced and lessons learned during the period under review. These relate to both internal and external circumstances. Internally, one of the challenges experienced was the limited inter-department collaboration between various units in the Commission. Even though members of other units are invited to give presentations during education and training events, there is recognition that more collaboration will enhance outputs at the end of the day. For instance training should inform the research direction of the Commission and *visa versa*. In addition, complaints received and handled by the Legal Department should inform the type of training interventions that NACHRET embarks on.

Another additional internal challenge encountered is with regard to staff development and generally being able to follow new trends taking place within the Human Rights Education discourse. NACHRET recognises that the human rights field grows everyday and therefore it is important for all involved in training and education to be conversant with all the new developments so that our human rights awareness initiatives respond to the relevant needs of people.

Externally, NACHRET's main challenge has been to get all the Commission's courses accredited with South African Qualifications Authority (SAQA). Institutionalisation of human rights, especially through curricula development in institutions of higher learning and further education and training has also been another challenge. NACHRET worked with several external stakeholders to assist in overcoming these challenges.

**LEGAL:** Poor co-operation from government departments retards the speedy finalisation of some complaints. In equality matters, some courts are not properly prepared to hear equality cases as they need refresher training. Some Equality Court clerks are not conversant with the provisions of the Equality Court regulations in particular timeframes prescribed for the service and submission of documents.

Delays in promulgating the proposed amendments to the SAHRC Act and regulations need to be addressed. The Commission has submitted its proposed amendments to the Department of Justice and Constitutional Development which is responsible for processing and tabling them before Parliament.





# ORGANISATIONAL STRUCTURE



**Key**

- Vacant
- Filled

# PROGRAMME: COMMISSIONERS

## Purpose

To engender relationships with national, regional and international role-players, and to contribute to policy development and strategy for the Commission

## Measurable Objectives

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

## Service Delivery Objectives and Indicators

### Recent outputs

Commissioners represent the Commission in its interface and interaction with government, civil society, the international human rights community and the multitude of communities and structures who seek the services of the Commission. They also set policy and lead many of the human rights interventions the Commission made.

### Raising the profile of the Commission

Commissioners have appeared before and briefed Parliament and its various committees on their work, made key inputs into legislation such as the Older Persons Bill, met with and briefed Ministers, Deputies, Premiers and Mayors on their work, seeking closer collaboration. Commissioners also lead our interaction with



civil society structures, worked closely with UN agencies inside and outside South Africa acting as a resource to countries that seek the Commissioners' collective experience and assisting in training programmes for Commissioners and staff of other national institutions. Commissioners have worked with, amongst others: the AU in the context of Darfur to examine issues of accountability and impunity for human rights violations; and the UN on Human Rights and Business in order to advance the debate around corporate responsibility for human rights compliance. Commissioners have also responded to regular human rights briefings by members of the diplomatic corps.

In addition, Commissioners have represented the Commission at the UN Commission on Human Rights, the African Commission and the 5th Meeting of the African Co-ordinating Committee of National Institutions in Abuja, Nigeria and addressed conferences and workshops in various countries including India (socio-economic rights), the Seychelles (refugee protection) and at the United Nations in Geneva (civil society and the United Nations). The Commission enjoyed a very good profile both at the national and the international level as a result of these interventions.

### ***Making Strategic Interventions and leadership on Human Rights Issues***

Commissioners have led the process in two significant inquiries – Voluntary Associations and the Right to Basic Education providing guidance and leadership in the conception of the inquiry, presiding over the public hearings and contributing to the preparation and finalisation of the Inquiry Reports. They have written media articles on criminal justice, refugees, access to information, etc and given interviews and further ensured that the voice of the Commission was heard on a variety of matters including refugees and migrants, crime and human rights, freedom

of religion and free expression, older persons, equality, racism and poverty.

They have also assisted in the complaints handling process including appeals, presided over mediations and subpoena hearings and worked closely in mentoring legal staff of the Commission. Commissioners have also played a central role in many of the seminars and dialogues convened by the Commission making presentations on matters including crime and human rights, human rights and values, religion and human rights.

Commissioners have and continue to serve on the boards of both state and non-state structures such as the National Council on Correctional Services, University Councils and NGOs where they contribute their knowledge and expertise.

### ***Responding to Human Rights Issues within Communities***

Commissioners have undertaken visits on a regular basis and intervened in human rights situations across the country. These included regular visits to Lindela Repatriation Centre, Delmas in the aftermath of the typhoid epidemic, Olievenhoutbosch in the context of clashes between national and non-nationals, old age homes, schools including farm schools, prisons, the wider community of Rustenburg during Human Rights Week. Such visits enabled the monitoring of human rights practice, allowed the mediating of conflict, the assessment of human rights programmes and policies and generally ensured the visibility and assistance of the Commissions in situations where it was needed.

In addition Commissioners also responded to requests for advice, expertise and input from government departments, academic institutions (health and human rights), other regulatory bodies such as ICASA (freedom of expression/ adult content and human rights) the legal profession on matters of racism and transformation and generally from NGOs and CBOs.

### **Representing the Commission and its interest in human rights initiatives**

Commissioners working closely with staff have undertaken workshops in most of the provinces on the Equality Act including the workings of the Equality Courts. The objective was to create greater public awareness of the Equality Act and encourage the use of the Equality Courts. They also oversaw the production of the guide in terms of the Promotion of Access to Information Act and led the process of launching the guides in all the provinces. The guides were distributed during the launches.

Commissioners also led, guided and supported the formation of the historic Older Persons Forum which has brought together, for the first time ever, diverse structures of older persons in a single body with the objective of creating a strong and united body that can effectively articulate the needs, interests and rights of older persons.

In this regard a nationwide consultation on the Older Persons Bill saw Commissioners and staff working effectively together to enhance popular participation in the legislative process.

### **Developing Human Rights related and organisational polices**

Commissioners oversaw the period between the departure of the former CEO of the Commission and the process that led to the recruitment and appointment of the current CEO including the negotiation and finalising of a performance agreement.

At other levels Commissioners ensured the development of coherent and consistent organisational policy on a number of matters including gay and lesbian marriages, school fees, cultural practices and human rights and social security for non-nationals, amongst others.



*Commissioner Zonke Majodina addressing the Ekurhuleni Metropolitan Police during a Xenophobia seminar.*



*The chairperson of the SAHRC, Jody Kollapen (left) discussing the Puisano (Dialogue) proceedings with Commissioner Tom Manthata (right). The dialogue was held on Human Rights Day 2006 in Rustenburg. The occasion was graced by more than 700 people, representing various community forums and stakeholders in the area.*



*Jody Kollapen chairing the public hearings on Voluntary Associations with Commissioner Leon Wessels (right). The public hearing were held on 12–14 July 2005 at the SAHRC's Johannesburg offices.*



**Programme: Commissioners**

Sub-programmes	Outputs	Measures/Indicators	Actual Performance against target	
			Target	Actual
Commissioners	Raising profile of and representing the Commission	Intervene in focus areas of child rights, disability, older persons, non-nationals, NGOs/CBOs, international standards, HIV/AIDS	Monthly meetings stakeholders and role players	Achieved
	Chair and oversee public hearings	Appeals,	Weekly/Monthly	Achieved
	Strategic interventions on human rights	Taking position and articulating human rights standards	Ongoing	Achieved
	Media engagements	Regular media coverage of human rights issues and work of commission	Ongoing	Achieved: Lindela, Delmas, prisons and schools visited
	Community interventions, support and assistance/ Monitoring of service delivery at public institutions	Visit communities and monitor observance of human rights	Once every 2 months	Achieved
	Human rights policy development	Adopt policy papers	Once every 2 months	Partially achieved: inadequate capacity in Commissioners' department

# PROGRAMME: STRATEGIC MANAGEMENT

## Purpose

To ensure operations comply with the legislative and constitutional obligations, strategic objectives and national priorities of the Commission.

## Measurable Objectives

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





## Service Delivery Objectives and Indicators

### Recent Outputs

The strategic management function houses the central support services system and strategic framework of the Commission. Its main functions include statutory compliance with the Constitution and other Acts; adherence to the provisions of the Public Finance Management Act (PFMA) and Treasury Regulations; strategic leadership; human resource management; risk management; and national-provincial co-ordination and integration.

Legislative compliance with the PFMA and Treasury Regulations has been achieved – weekly, monthly and quarterly reviews of programmes were conducted and a risk management system has been developed. Financial controls are exercised and financial and administrative procedures are followed. A human resource strategy that follows the prescripts of the relevant legislation is in place and policy gaps are being attended to.

A working and uniform performance management regime has been adopted and incrementally implemented in the previous year alongside an update of our staff regulations. Job evaluations have been completed and at least 50% of the job level verifications have been done. In addition the national-provincial co-ordination and oversight, and quality assurance of the work of the Commission were augmented under this programme.

These processes coalesced into regular strategic reviews and an assessment of our adherence to the Strategic Plan and have also resulted in an unqualified audit report from the Auditor-General. Apart from financial and administrative matters, this programme also implements the Commission's regional and international liaison with other institutions, and contributes to the favourable positioning of the Commission within the human rights field.

## Sub programme: Human Resources

### Policies and Procedures:

On 1 April 2005, the Commission adopted eleven (11) Human Resources policies as well as the staff regulations. Human Resources is currently in the process to undertake a training and familiarisation exercise on all existing policies and procedures, throughout the Commission. Feedback and responses elicited from staff members will be used to refine and update the policies further.

Human Resources has also developed a university-based internship policy and will also be revising and introducing new Human Resource administrative forms, including but not limited to the termination of contract form, personnel file checklist and the application for employment form.

### Organisational Development:

The growth of the Commission's staff establishment necessitated an overview of the current organisational structure with a special focus on the Research and Documentation department and the Provincial Offices.

### Retention of staff:

Human Resources is in the process of developing a formalised staff retention plan.

### Human Resources Strategy:

The Commission ensures regular compliance and reporting in terms of applicable pieces of labour legislation, including but not limited to the Employment Equity Act, Basic Conditions of Employment Act and the Labour Relations Act.

In order to enhance in-house capacity building the Commission carried out training needs analysis to inform development needs of its staff. A training directory was also developed. Human Resources has also appointed a Training Administrator as from 1 January 2006.

A number of staff members attended various external training courses aimed at addressing the needs identified. The Commission has a fully

functional internship programme aimed at meeting its strategic staffing needs in critical areas and has extended this programme to develop the skills of University-based interns.

An employee wellness provider has been appointed to provide services such as a personal support line, life management, face to face interaction, trauma response, HIV and AIDS counselling, account consultancy as well as managerial services. The unit has also established an Occupational Health and Safety Committee and have a fully equipped first aid room for staff. The Commission is also compliant with the employment equity requirements and submitted its employment equity report to the Department of Labour.

**Job Evaluation System:**

The Job Evaluation System is fully operational within the Commission. The policy on job evaluation needs has been enforced at all times and a Job Evaluation Committee has been appointed to ensure compliance to this policy.

**Assessment and Quality Assurance:**

An effective performance management system is in place and regular assessment of staff and evaluation of programmes is continuing.

**Sub programme: Finance and Administration**

**Meeting statutory requirements:**

Monthly expenditure reports to National Treasury were submitted only from December 2005 due to absence of key staff members at Finance to compile them between May and November 2005. Supply Chain Management legislative requirements were met and the SCM policy revised during the year under review.

**Information and Communication Technology Systems:**

A draft IT policy has been compiled and is pending approval by the Chief Executive Officer. In the meanwhile, 3G cards were purchased and

installed for senior management staff and Commissioners. The 3G system allows for senior management and Commissioners to access e-mail and Internet outside the office.

**Audit Services:**

There is an outsourced internal audit function. The Internal Audit Committee continues to function and met at least four times during the period under review.

**Building and Facilities:**

The tagging, asset count and updating of the Asset register was completed during the period under review.

**Risk Assessment and Management:**

A risk management system is in place.

**Framework for Legislative and Statutory Compliance**

There was acceptable levels of compliance with the relevant Public Finance Management Act (PFMA) and Treasury Regulations.

**Strategic Reviews and Adherence to Strategic Objectives:**

Monthly and quarterly reviews of programmes were conducted. These processes contributed to regular strategic reviews to ensure adherence to the Strategic Plan.

**Financial Management Outsourcing:**

Due to the absence of key finance officials between May and November 2005, De Loitte and Touche was engaged by the Commission to provide the financial management support. They updated the Asset Register, developed new processes and procedures for procuring goods and services within the Commission. De Loitte's engagement period was from November 2005 to February 2006.

Appointments of the Deputy Director and Assistant Director: Finance were made in December 2005 and the Head of Finance and Administration (Chief Financial Officer) was appointed in January 2006.





**Programme: Strategic Management**

Sub-programmes	Outputs	Measures/Indicators	Actual Performance against target	
			Target	Actual
Human Resources	Skills development and organisational development strategies	Implement adopted skills development plan and organisational development strategy	1 April 2005/ Quarterly review	Training directory in place on 15 Sept 2005 Training Administrator appointed as from 1 Jan 2006. Administrator was trained as a skills development facilitator. The development of a skills plan and organisational strategy is in process
	Remuneration	Accurate and fair remuneration practices	1 July 2005/ Quarterly reviews	The Commission is aligned to the Public Service
	Employee Assistance Programme	Implement adopted Employee Assistance Programme	1 July 2005 / Quarterly reviews	Achieved: Employee Wellness Policy and provider approved
	Human resource administrative systems	Modernised and accurate systems	1 April 2005	Fully integrated HR, Payroll and Financial System as from 1 April 2005
	Sound labour relations	Legislative compliance	1 April 2005	Recognition Agreement signed on 12 May 2005
	Employment equity	Legislative compliance	March 2006	Complied fully with statutory requirements
	Human resource policy development	Response to policy gaps	Quarterly reviews as and when needed	The reviewing of all policies is in process

**Programme: Strategic Management**

Sub-programmes	Outputs	Measures/Indicators	Actual Performance against target	
			Target	Actual
Finance and Administration	Financial management and administration systems	Finalisation of annual financial statements for auditing by the Auditor-General in terms of the PFMA.	Submit financial by 31 May 2006	Partly achieved: Financials had to be resubmitted on 12 June 2005 after effecting title changes from GAAP to GRAP
		MTEF budget submission for the 2006/07 – 2008/09 period to National Treasury	Submission date: 31 July 2005	Achieved
		Preparation of monthly expenditure reports to Accounting Officer	By the 15th of each month	July–Dec 2005 reports were not submitted timely due to the absence of senior officials. Jan to March 2006 submitted timely
	Establishment of the North West provincial office	Review financial policy and procedures by 31 March 2006	Ongoing	Achieved
		Fully operational provincial office	January 2006	Not achieved: Office space not yet secured with Department of Public Works



**Programme: Strategic Management**

Sub-programmes	Outputs	Measures/Indicators	Actual Performance against target	
			Target	Actual
Finance and administration	Information and Communications technology systems	Development and maintenance of systems, programmes, hardware and software in terms of the Commission's IT Security Policy and Master Systems Plan Complaints management system: support and maintenance	Ongoing	<ul style="list-style-type: none"> <li>Intranet operational</li> <li>Uninterrupted Power Supply (UPS) for head office and provincial offices is functional</li> <li>Information management system procured</li> <li>Internet security access server functional</li> <li>Video conference facility for all Provincial Offices in place</li> <li>3Gs purchased and installed for Commissioners and senior management</li> </ul>
	Maintenance and development of building and facilities	Installing additional cameras for enhancing security	31 March 2006	Achieved

Chapter 5

# MEDIA AND COMMUNICATIONS

## Purpose

To plan, develop and implement the Commission's internal and external communications strategy in order to promote the work of the Commission and use media and communications tools to create awareness of human rights issues.

## Measurable Objectives

- To establish a communication-friendly environment within the Commission and with stakeholders/role-players
- To promote human rights awareness by implementing an effective and efficient communications strategy
- To promote the work and corporate image of the Commission through public and media relations initiatives

## Service Delivery Objectives and Indicators

### Recent Outputs

In order to position the Commission in the South African society it is necessary to continuously build a positive and credible image through positive media coverage. The Media and Communications unit is responsible in that regard. Effective management of communication within and outside the Commission and favourable coverage of the Commission and its work have been achieved.

The unit continued to play a vital role in educating the public about programmes and services provided by the Commission through use of media and communication tools. This included, among others, overseeing and managing the resource centre by distributing publications and information to all stakeholders through, amongst others, the website.



In the context of there being no dedicated MCU personnel since June 2005, much of the unit's work was not quantified and response to media inquiries and press releases were handled by the office of the Chairperson and the CEO.

### **Reports, publications, promotional material**

The Commission's publications, including posters, pamphlets/leaflets played a significant role in the dissemination of information to internal and external stakeholders. Two posters on Equality and on the Bill of Rights, were reproduced in all 11 official languages. These and other advocacy material were distributed to members of the public, NGOs/CBOs and government departments through public outreach initiatives and largely through Education and Training Officers.

The training manual, My Rights My Responsibilities, continues to be the most sought after resource book. The Commission has also seen a rise in requests for Constitution booklets printed by the Department of Justice and Constitutional Development, which the Commission helps to distribute during its activities.

### **Other printing and distribution included:**

- Reprinting 5 000 of My Rights My Responsibilities booklets
- Annual Report March 2004–April 2005
- Strategic Plan 2005/06
- Bill of Rights Poster
- Equality Poster
- Children's Rights Poster
- What is the SAHRC pamphlet
- Promotion of Access to Information Act (PAIA) Pamphlet
- Elderly People Pamphlet
- Report on Freedom of Expression
- Report on Voluntary Associations
- Promotional material for 2005 Human Rights Week

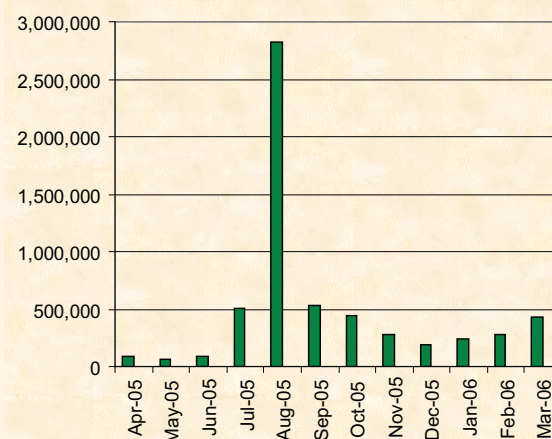
Reports of the Commission's inquiries/interventions/seminars were published and/or placed on the website for easier access. The reports included those on the *Inquiry into Voluntary Associations; Xenophobia and problems related to it; Human Rights and Values and Freedom of Expression in the Context of Religious Diversity in South Africa.*

### **Website and Intranet**

In addition to publications, public access to the Commission's information happens through the placement of all major reports, publications and policy papers on the website. The site is under continuous review to improve its effectiveness as a communication tool.

The Commission has developed an Intranet whose primary aims are to enhance communication, promote dialogue and improve relations amongst employees. The Intranet has been operational since April 2005.

Web hits per month 2005/6



*In terms of the Promotion of Access to Information Act, private bodies had to submit section 51 manuals to the Commission. The deadline was 31 August, hence the high web hits for the month of August.*

### Media Liaison

The Media Liaison component is responsible for information, publicity and promotion of the Commission to local, regional and international media. It also communicates to internal and external audience, events, programmes and policies of the Commission.

Media engagements were also done at provincial offices where good relationships with local media were established. In the Northern Cape, Riverside Radio provides the office with a regular slot to talk about the Equality Act, Equality Courts, PAIA and other areas of the Commission's work. Other community radio stations also called on the Commission to provide similar presentations to their listeners.

The Western Cape office also had regular talk shows on human rights issues in the area.

The following were successfully handled during the year under review:

- Organising/facilitating press briefings and media interviews with senior staff/commissioners and thereby ensuring that the work of the Commission was constantly covered by all major national, regional and local print and electronic media.
- Responded to over 200 spontaneous media enquiries. The Commission also enjoyed nationwide media coverage through appearances and/or made comments on human rights issues, on average, three times a week.
- Publicising events such as public hearings, report launches and seminars/workshops through press releases. The Unit produced press releases and opinion pieces (*Race-based attack on Judge Squires not warranted*; *SAHRC calls for Action on Child sex workers in Beaufort West*; *Settle-*

*ment of the Equality Court case against the Broederstroom Holiday Resort*; and *SAHRC chairperson in barbershop Equality Court case* human rights issues in the media as they surfaced.

- The Mpumalanga provincial office contributed to the closing down of a mental health facility of the Themba hospital. This was reported in the Sunday Times of 16 August 2005 titled *Hospital where patients are prisoners and Hospital ward of shame demolished*.

Coverage of human rights issues in the media was monitored through subscribing to national newspapers, monitoring television news, radio stations, checking the websites of national newspapers and news stories published daily. The weekly press cuttings forwarded to management, commissioners and to the research and legal departments informed interventions by the commission

### Corporate and Public Relations initiatives

MCU also plays a critical role in profiling the Commission externally through distribution of T-shirts, pens and other creative promotional material. Advertorials and editorials were placed in magazines and publications.

### Partnerships

The MCU ensured strengthened relations with Parliament, Public and Private Sector by reporting back on complaints attended to. Due to inadequate staffing in the unit, plans to promote inter-governmental relations with GCIS, by distributing information through their Multi-Purpose Community Centres (MPCC), were not fully discharged.



**Programme: Media and Communication**

Sub-programmes	Outputs	Measures/Indicators	Actual Performance against target	
			Target	Actual
Publications/Website/ Intranet	Reports, publications, promotional materials, website and Intranet	Website revamp  Improved internal communications through Intranet  Development and production of Annual Report  Development and production of other reports  Development, production and distribution of promotional materials	Ongoing	All major reports placed on website for easier access. Site is continually updated with new information
			Ongoing	Intranet operational since April 2005
			Once per year	2004/05 Annual report was published and distributed to Parliament as per requirement. It was also distributed to various stakeholders
			As per requirement	Voluntary Associations report printed and posted on website. Freedom of Expression report released and published on website
			As per distribution list/ on request/ quarterly	Credit card key rings were produced and distributed to provincial offices and as requested. 1000 T-shirts were distributed during the Human Rights Week in Rustenburg

**Programme: Media and Communication**

Sub-programmes	Outputs	Measures/Indicators	Actual Performance against target	
			Target	Actual
Media liaison, monitoring and coverage	Improved coverage of the Commission in both print and broadcast media; nationally and regionally.	Quarterly report on Commission's media coverage  Improved coverage of the Commission in national and provincial media.	Weekly media monitoring reports  Weekly media releases	The unit had no dedicated media person to fulfil media relations functions. These were done by the Publications Officer  Media reports submitted to management/commissioners and other departments on a weekly basis
Corporate and Public Relations initiatives	Media monitoring/training  Image and reputation management	Workshops, seminars  Planning special events, briefings, and/or campaigns	Monthly features  Ongoing	Not achieved. No training/workshop took place for reasons given above  Facilitated national and international human rights organisation's/ NGOs/visitors' meetings, workshops and seminars



# PROGRAMME: LEGAL SERVICES

## Purpose

To promote the protection, development and attainment of human rights

## Measurable objectives

- To investigate individual and systemic complaints of human rights violations
- To provide appropriate redress and resolve disputes regarding violations; and
- To provide appropriate legal advice/opinion both internally and externally.
- To make necessary interventions where appropriate.

## Service Delivery Objectives

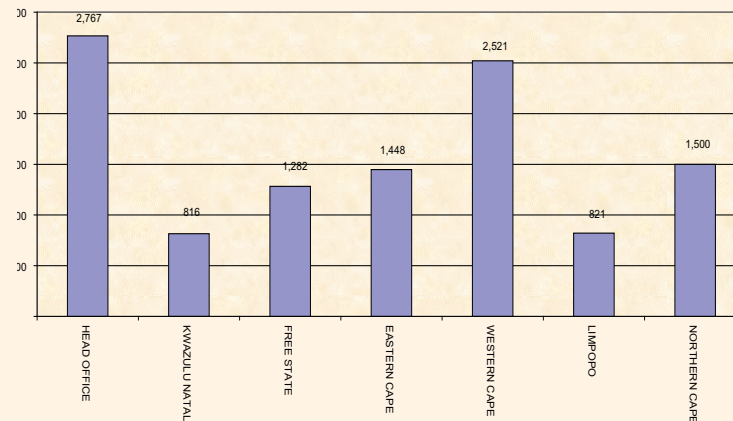
The legal services programme endeavours to discharge the protection mandate of the Commission. In doing so it investigates complaints of human rights violations lodged with the Commission while at the same time initiating its own investigations where necessary. The ultimate aim being to provide or to secure appropriate redress.

The investigation of complaints involves conducting public inquiries, issuing of subpoenas and *in loco* inspections where necessary. Recourse to litigation is only in instances where negotiations

and mediation have failed or did not produce the required results. The detailed procedure for lodging complaints with the legal service department can be found in the Commission's website. The procedure followed in handling complaints is contained in the complaints handling manual.

The legal service department/programme seeks to foster an understanding and respect of human rights by addressing human rights violations/concerns which includes making appropriate findings and recommendations to relevant stakeholders.

Total Number of Complaints handled per Office 2005/06  
Total: 11,710



## Recent outputs

### Complaints handling

Complaints were screened to establish whether there is a prima facie violation of human rights. This involved reading the complaint, interviewing complainants and where appropriate, corresponding with respondents, consultations with parties involved, meeting(s) within the Commission to debate appropriate steps to be followed, that is, either mediation and/or litigation. In instances where the respondents failed to co-operate i.e, not responding to our letters a subpoena was issued and during the hearing a Commissioner presided.

In appropriate instances, complainants were either offered advice and/or referred to other institutions and bodies that are more appropriately equipped to deal with their complaints.

In cases of direct referrals the Commission monitored the progress of the complaint so referred. During the period under review, head office received 2 767 complaints, 957 of which were accepted/regarded as human rights violations. The number of complaints received by provincial offices has increased from 7 216 (2004/05) to 8 943 out of which 2 946 were accepted/regarded as human rights violations. From a total of 3 903 accepted complaints, 2 107 have been dealt with and files closed accordingly. Rejections and referrals constitute 2 183 of written complaints received during this reporting period.

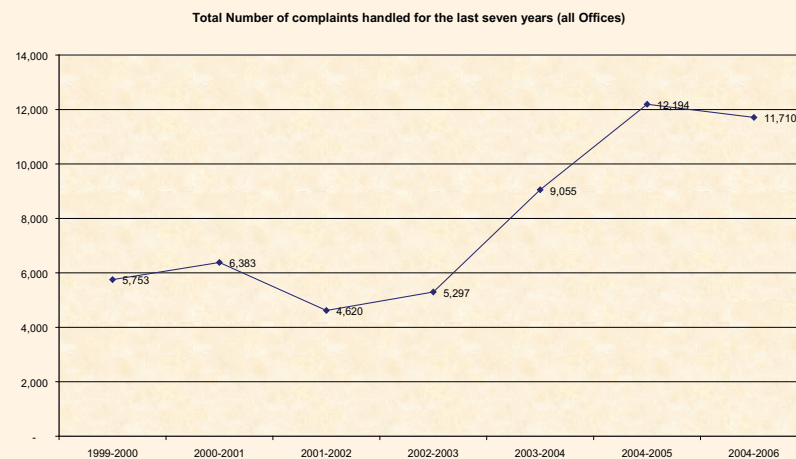
### Litigation

The Commission instituted proceedings in the Constitutional Court in the matter of *Bhe and Others v Magistrate, Khayelitsha and Others; Shibi v Sithole and Others; SA Human Rights Commission and Another v President of the RSA and Another* 2005 (1) BCLR 1 (CC) where it successfully challenged the constitutionality of certain provision of the Black Administration Act and Intestate Succession Act which upheld and guaranteed the rules of primogeniture.

The Commission has also successfully litigated in the Equality Court for accessibility and user-friendliness of all courts in South Africa to people with disabilities. The respondents i.e, the National Department of Public Works, together with the Department of Justice and Constitutional Development were ordered to ensure that all courts in South Africa are, within a period of five years, made accessible to the disabled. The respondents were ordered to furnish progress reports every six months, both to the court and to the Commission.

The Commission has received three progress reports, the last of which indicates that there will be allocation of funds for construction in September 2006. According to the reports construction will be completed by February 2008.

A number of complaints pertaining to access to information were lodged with the Commission



either on the verge of their prescription or when they had prescribed. Thus, suggestions for the amendment of the Promotion of Access to Information Act and other approaches to achieve the objectives of the Act have been recommended by the PAIA unit to the responsible ministry, amongst which is the extension of the prescribed period for lodging an application to court after the refusal of access.

Numerous cases have been lodged with the Equality Courts by the Commission. Most, if not all of them have been successful. In all those cases respondents have been legally represented, and one wonders whether the applicants would have been successful if they were not represented by the Commission. The point is that though the intention of the government/legislature is to make the proceedings in the Equality Court easier and user-friendly to all, they are in fact not. This is because of the technicalities which lawyers tend to raise relying on the Magistrates Court Act 32 of 1944 and the Supreme Court Act 59 of 1959 and rules made thereunder as provided for by section 19 of the Promotion of Equality and the Prevention of Unfair Discrimination Act 2 of 2000. Thus despite the abundance of cases, falling within the ambit of the Equality Act, most people shy away from approaching the Equality Court as in most cases perpetrators are those who can afford the services of private attorneys and advocates.

In some instances magistrates who have been trained to preside on equality matters/cases

either have resigned, redeployed and some are not confident to preside as they want refresher training courses. In the worst scenario, there will be no established or designated Equality Court. We continued to receive referrals from the Equality Court but at a very minimal scale i.e, only two cases have been referred.

### Public inquiries/hearings

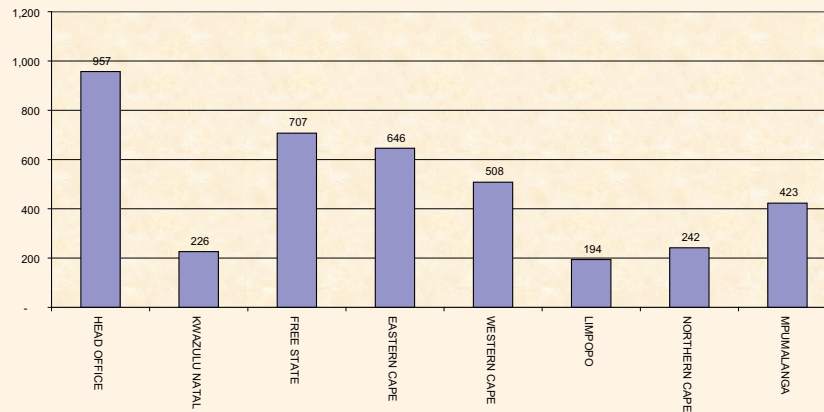
Systemic or widespread human rights violations in a particular area or of a particular vulnerable group form the focus on public inquiries. During this reporting period major inquiries conducted and published included the Right to Basic Education inquiry which focused on the meaning, content and context of this right as enshrined in the Constitution; and the Voluntary Associations inquiry considered the constitutionality of the exclusionary policies which formed the basis for the establishment of these associations.

### Visit to Lindela/holding institutions

This was aimed at monitoring and ensuring the observance of human rights in the holding institutions. Most of the problems identified were addressed as early as possible with the role players. Some of the problems ranged from delays in the repatriation process, and non-compliance with the Immigration Act and the Refugees Act to conditions of the detention which are not consistent with human dignity.

Visits were scheduled to take place every two weeks, followed by a monthly internal report.

Complaints actioned upon as violations of human rights and actioned per Office 2005/06



The staff member who visited Lindela also offered legal advice to inmates and has established a good working relationship with the Lindela officials, hence some complaints were settled spot-on. Working relationships have also been established with other institutions working on the same field, like the refugee unit of Lawyers for Human Rights.

Notable during this reporting period was an investigation undertaken after the death of two inmates while at Lindela one of which was a pregnant woman. A detailed report from the Department of Home Affairs has been received by the Commission and is to the effect that they died of natural causes not related to Lindela conditions.

#### Follow-up undertaken:

- Farming inquiry

The farming inquiry report was released in August 2003. A lot has been done on this aspect to follow up on the implementation or observance of recommendations that were made after the farming inquiry. Several meetings have been held with the responsible officials to check progress thus far and to map out a way forward.

A report on these proceedings is due to be finished soon and to be sent to the relevant stakeholders. However, in the meantime all complaints that need follow-up have been sent to the respective provincial offices for necessary action.

	Head Office	EC	LP	FS	KZN	WC	NC	MPL	TOTAL
Telephonic complaints	750	253	220	140	235	650	352	24	2 624
Interviews	469	285	222	198	306	874	598	48	3 000
<b>Written complaints<sup>1</sup></b>	<b>1 548</b>	<b>910</b>	<b>379</b>	<b>944</b>	<b>274</b>	<b>997</b>	<b>550</b>	<b>483</b>	<b>6 086</b>
<b>Total complaints</b>	<b>2 767</b>	<b>1 448</b>	<b>821</b>	<b>1 282</b>	<b>816</b>	<b>2 521</b>	<b>1 500</b>	<b>555</b>	<b>11 710</b>
Accepted complaints <sup>2</sup>	957	646	194	707	226	508	242	423	3 903
Rejections <sup>3</sup>	111	45	54	-	19	221	86	11	547
Referrals <sup>4</sup>	480	219	131	237	30	268	222	49	1 636
Resolved complaints	74	101	15	279	10	40	150	78	732
Finalised complaints	180	231	15	279	137	489	19	25	1 360

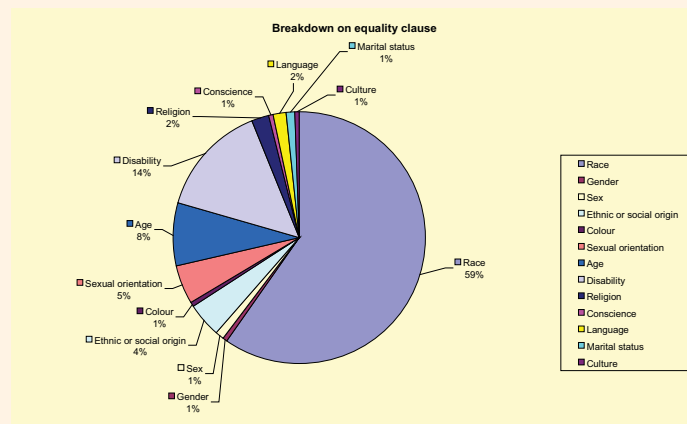
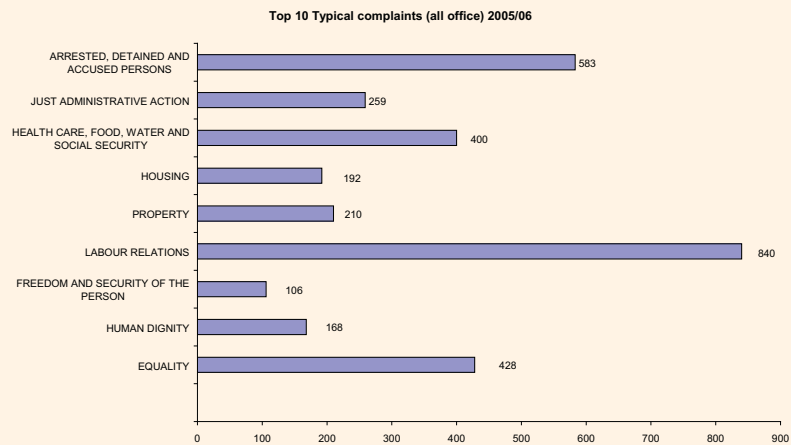
Note 1: Accepted complaints, Rejections and Referrals = Written complaints

Note 2: Written complaints, Telephonic complaints and Interviews = Total Complaints

Note 3: Finalised = refers to complaints where a finding/

decision has been made after receiving both versions of the parties.

Note 4: Resolved = refers to complaints successfully resolved either through mediation, conciliation or court intervention.



• **Plasket judgment**

Subsequent to the 2004 Plasket judgment, in the case of *Vumazonke & Others v MEC for Social Development and Welfare for Eastern Cape Province* wherein the Commission was asked to consider possible violations of human rights by the Eastern Cape Department of Social Development in its non-observance of numerous court judgment relating to social grants, a meeting was held with the Eastern Cape Premier and the Commission wherein certain information was

requested by the latter in order to consider what steps could be taken to address the problem.

The said information has since been received though with many information gaps. Plans to obtain the information directly by other means are being considered before the Commission can take a decision. The information has since been obtained and arrangements to meet the Premier and the MEC for Social Development are in progress wherein the Commission's findings and recommendations will be discussed.

**Programme: Legal Services**

Sub-programmes	Outputs	Measures/Indicators	Actual Performance against target	
			Target	Actual
Legal Services	Complaints handled	Mediate and conclude complaints within 90 days of receipt	125 complaints within six months	Achieved
	Litigation	Identify and litigate appropriate cases	15 cases per year	Achieved
	Hearings and inquiries	Decide on hearings based on complaints received	Three public inquiries	Achieved
	New case management system	Quality control and co-ordination of complaints	First quarter of the year	Partially achieved

Chapter 7

# PROGRAMME: RESEARCH AND DOCUMENTATION

## Purpose:

To monitor the observance of human rights in South Africa, through research and documentation.

## Measurable Objectives

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

## Service Delivery Objectives

### Recent Outputs

In late 2004, the Research and Documentation Department undertook to transform its methodology in respect of monitoring the realisation of economic and social rights. To this end, field research has become a vital component of the work of the Economic and Social Rights (ESR) Unit and forms the backbone of the 6th ESR Report.

In order to give effect to the obligations of the Commission under section 184(1) of the Constitution and to extend its research work to the local sphere, the ESR Unit conducted, in September 2004, a pilot field study in the Local Municipality of Madibeng (North West Province).



The Commission then hosted a workshop on the approaches to monitoring to consolidate the way forward in other municipalities. Based on the findings of the pilot study, the ESR Unit developed a toolkit for monitoring economic and social rights in all the provinces of the Republic.

In total, seven district municipalities in seven provinces were visited in 2005. The research is included as case studies in the 6th Economic and Social Rights Report. The case studies provide valuable insights into the best practices, strengths, weaknesses and gaps in government policy. The fieldwork will ensure that the ESR Report includes an assessment of the progress made by the three spheres of government more explicitly than in previous reports.

In relation to our obligations under the Promotion of Access to information Act (PAIA), we have conducted seven briefings; completed the section 10 guide; submitted recommendations on law reform to the Department of Justice and Constitutional Development; assisted with complaints handling; reviewed the various models for an enforcement mechanism; raised awareness about pertinent provisions of the Act; and managed the receipt of section 14 and 51 manuals through our information management systems.

The Equality Unit is responsible for implementing the Commission's obligation under the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA). The Unit has conducted training sessions, produced monthly progress reports on equality, visited Equality Courts and initiated the development of an equality barometer. The annual report on equality is under construction and will be finalised once the regulations are in force.

The Unit used research to provide legal opinions, advice and assisted the Legal Department of the Commission with research for preparation of equality cases that went to court or for internal resolution. It also assisted its parliamentary office with research for the preparation of parliamentary submissions on virginity testing (4 October 2005). Education and training assistance, on equality, was provided at workshops conducted by the SAHRC's Education and Training Department in different provinces.

The Library and Documentation Centre provides a core support function to the Commission and general public. It provides an information service at the cutting edge of human rights developments, which informs the strategies of the Commission. All materials were catalogued and managed using Library software applications.

The Library acquired the following material during the 2005/06 financial year.

Books	National Office	Provinces
	• 41 purchased	• 49 purchased
	• 82 donated	• 7 donated
	Total 123	Total 56
Journals	281 Journal issues acquired	
Law Reports	65 law reports received	
CDs ROM	13 CDs were received	
Reports/Annual Reports	79 Reports and 44 annual reports were received mainly from government departments to assist the ESR's monitoring function	
SAHRC Publications	• 7 SAHRC publications were acquired by the library	





## *Chapter 7 - Research and Documentation*

The Commission, through the Parliamentary Liaison Unit, played a pivotal role in facilitating the participation of civil society and key role players in interacting with the legislative drafting process through its work on the Older Persons Bill.

The Unit was involved in, among others, drafting and presenting submission to Parliament on the Bill, assisting many civil society organisations to prepare their submissions; regular distribution of updates on the Bill's progress and advice on how to participate in the parliamentary process through the rights of Older Persons Working Group e-mail information service (an e-mail distribution list maintained by the unit); and hosting 7 workshops on the Bill.

Other submissions to government departments and Parliament during 2005/06 addressed issues such as water allocation reform, conditions of farm workers, school uniforms, school fees and expulsion, land rights and prisoners' rights.

Children's rights to live in violence-free environments within their homes and to be disciplined in appropriate manners that respect their dignity has been undertaken by the Unit.

This is in line with legislative developments regarding children and the passing in December 2005 of the section 75 Children's Bill and the anticipated section 76 Children's Bill that will come before Parliament during 2006. The Roundtable on 'Appropriate Forms of Discipline in a Constitutional South Africa' in January 2006 was part of a series of events that also included a provincial workshop, a children's workshop and a 2-day regional workshop with participants from Southern Africa. This work was conducted in collaboration with RAPCAN and Save the Children – Sweden. Peter Newall, the Director of the Global Campaign to End All Corporal Punishment of Children visited South Africa and participated in all of these events.

The Unit attended 57 Portfolio Committee meetings in order to establish a presence for the Commission in Parliament. The section 5 Committee on Parliamentary and Government Liaison convened a meeting in January 2006. Attendees at the meeting broadly reflected key civil society stakeholders who participate in parliamentary processes.



**Programme: Research and Documentation**

Sub-programmes	Outputs	Measures/Indicators	Actual Performance against target		
			Target	Actual	
Economic and Social Rights	Monitor observance of Economic and Social Rights	Production of the 6th ESR report	Published and launched by December 2005	Not achieved: Monitoring regime review necessitated adjustments	
	Protocols	Deliver to organs of state	Deliver to all state organs by August 2005	Achieved	
	Workshops and seminars	Three workshops / seminars/ meetings / training per quarter	Quarterly	Achieved	
	Field work	Conduct one per quarter	Quarterly	Partially achieved: ESR monitoring review necessitated adjustments	
Equality (PEPUDA)	Equality monitoring systems	Three workshops/seminars/meetings/training	Quarterly	Achieved	
	Fieldwork/Equality court monitoring	Equality Court visits	50% of existing Equality Courts in Gauteng	Achieved	
	Annual report on equality	Submit section 28(2) annual report to Parliament	Upon promulgation of regulations	Achieved in part: Chapter 1 of the Annual report in draft format and to be completed upon promulgation of regulations – see page 8 of this report	
	Research	Conduct research to produce an Equality Update	Publish monthly updates	Achieved	
	Recommendations on law reform	Participate in the drafting of the regulations to the Equality Act	Before finalisation of the regulations	Achieved: The SAHRC made comments on the draft regulations to the Equality Act in May 2005	



**Programme: Research and Documentation**

Sub-programmes	Outputs	Measures/Indicators	Actual Performance against target	
			Target	Actual
PAIA	Public awareness/interventions on access to information	Conduct /respond to requests for training sessions on the working of PAIA, procedures thereunder, and the duties and responsibilities of officials in terms thereof	100% response	Achieved
	Legislation monitoring and internal and external legal advice	Produce legal opinions and mediate in PAIA disputes	100% requests	Achieved
	Recommendations on law reform	Recommendations for amendments to PAIA/Identify areas of the Act which need amendments	As and when an issue arises	Achieved
Library	Development and maintenance of the library	Acquire material as per budget and subscriptions	Quarterly	Achieved
	Cataloguing and Classification	Monitoring of expenditure on acquisitions for 2005/2006	Monthly	Achieved
	Managing library usage	Create, organise maintain and update the library holdings on the information management system for accessibility	Weekly	Achieved
	Providing research assistance/advice	Loan (books and material) management	Daily	Achieved
		Cataloguing and Kardexing	Cataloguing and Kardexing	Daily

**Programme: Research and Documentation**

Sub-programmes	Output	Output performance measures/service delivery indicators	Actual performance against target	
			Actual target	Actual
Parliamentary Liaison	Legislative monitoring and interventions in the legislative process, parliamentary liaison and awareness raising around legislative matters	Submissions on proposed legislation	4	11
		Research/ monitoring projects	2	2
		Internal Parliamentary Update Reports	Quarterly	Completed
		Internal Memo on legislative developments	10	6
		Attend Parliamentary Committee meetings	20	57
		Attend civil society functions	30	36
		Workshops/ Seminars	5	12
		Coordinate – Section 5 Parliamentary and Government Liaison Committee meetings	5	1

# PROGRAMME: EDUCATION AND TRAINING

## Purpose

To promote human rights through education and training, public awareness, materials development and the institutionalisation of human rights

## Measurable objectives:

- To conduct training, workshops, seminars, presentations and capacity building programmes on equality, economic and social rights, promotion of access to information, farming communities and the SAHRC's focus areas. Respond to requests for training from organisations and communities.
- To provide in-house capacity building for the Commission on the equality legislation, access to information and general human rights themes and training methodology.
- To ensure the institutionalisation of human rights education and provide a system of quality assurance in the education and training programmes of the SAHRC.
- To implement human rights education projects in line with the strategic objectives of the Commission, nationally and regionally.
- To conduct community outreach and awareness programmes.
- To develop appropriate human rights education and training materials

## Service Delivery Objectives and Indicators

### Recent Outputs

#### *Training Programmes and Workshops*

During the period under review, 945 educational interventions (workshops, training programmes, seminars, presentations) were conducted. Through these activities 25 840 people were reached. This amounted to an average of 79 interventions per month and exceeded the service delivery indicators and targets of the Commission across all programmes.

Other educational interventions were conducted through radio and other forms of media continue to reach millions of South Africans in rural communities.

In order to strengthen regional ties and collaborative efforts to build a culture of human rights, the Commission continues to deliver workshops with civil society stakeholders in the Southern African Development Community (SADC) on Human Rights, Democracy and Worker Union Rights.

#### **Public Education and Community Outreach**

These activities continue to focus on poverty-stricken communities in rural and peri-urban

areas, as well as areas where poverty indicators suggest that communities are particularly impoverished. The omnibus, which is a series of educational interventions ranging from workshops, seminars, site visits, presentations and walkabouts to campaigns, events and advocacy initiatives, continue to be deployed in remote areas of the country to enable successful community outreach. Some of the areas reached include, among others, Ganyesa and Taung in the North West Province and the Vhembe District Municipality in Limpopo. In the period under review, a total of 693 omnibus interventions were conducted. There were a total of 218 rural educational interventions reaching 10 599 people.

Public Outreach Activities in 2005/06 included a focus on the North-West Province. The Commission reached the most remote areas of the province, where communities have limited access to infrastructure and resources such as health care facilities, schools and housing.

The annual Human Rights Week 2006 programme leading up to South Africa's Human Rights Day on March 21, focused on Rustenburg

Total: 954			
Province	Number of Interventions	Province	Number of Interventions
Eastern Cape	98	Limpopo	134
Free State	81	Mpumalanga	81
Gauteng	271	Northern Cape	86
KwaZulu Natal	116	North West	16
Western Cape	71		





## Chapter 8 - Education and Training

Municipality in the Bojanala District of the North-West Province. As a rapidly growing city in Africa (due to the platinum mines), the area faces insurmountable economic and social challenges. It is against this background that the Commission selected the province to host the Human Rights Week celebration. The Human Rights Week Campaign encompassed site visits, walkabouts and information sessions and community presentations in semi urban, rural and informal settlements in Rustenburg. This culminated in Human Rights Day Celebration on 21 March 2006. The event focused on Human Rights Dialogue (Puisano), which aimed at assessing the impact and influence of the Constitution on the lives of communities (in alignment with the Human Rights Week Theme '1996–2006, Ten Years of the Constitution: Living the Constitution Today'). In addition, provincial Offices initiated various activities to mark Human Rights week 2006.

Themes and target groups for all educational interventions are reflected in the table below.

### *Institutionalisation of Human Rights Education*

- As part of the Standard Generating Body (SGB) for Human Rights, the Commission participated in a successful series of consultative workshops on the unit standards developed by the Human Rights and Democracy Task Team in Gauteng, KwaZulu-Natal, Eastern Cape and Western Cape.
- The Commission assisted in developing seven Human Rights unit standards, which will be registered on the NQF soon.
- The SAHRC was actively involved in the development of qualification standards on Democracy, Human Rights, peace and Elections.
- Commission staff participated and gave presentations at two Provincial Rundtable Discussions on the state of education in South Africa organised by the Electoral Institute of Southern Africa and the Department of Education.
- The Commission continues to act in an advisory capacity with regard to the institutionalisation of human rights in learning programmes, and to engage in education research.

Theme	Total Interventions	Target Groups
▪ Equality	96	Communities/ Learners
▪ The Elderly	19	Older Persons
▪ People with Disabilities	18	Communities
▪ Basic Human Rights Education/ Role of the SAHRC	155	Communities/Prisoners
▪ Children	24	Communities/Learners
▪ Economic and Social Rights	67	Schools
▪ Promotion of Access to Information Act	26	Farm Workers
▪ HIV/AIDS	14	Government
▪ Gender	13	Departments
▪ Others, eg farmworkers, Xenophobia	4	Educators/Children



### Programme: Education and Training

Sub-programmes	Output	Output performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Education, training and public outreach	Seminars, omnibus outreach, training programmes, workshops, public education initiatives and educative leaflets and materials	120 interventions: Economic and social rights, Equality, Access to information, SAHRC and Human Rights	10 interventions per month	Total Interventions in NACHRET: 954 including provinces Total interventions by NACHRET: 271
Materials, equipment and course development	Training materials, equipment	4 sets of material based on focus area	1 set per quarter	Achieved: Training manuals and resources developed as per workshop requirements
Quality assurance, co-ordination and in-house capacity building	Interdepartmental collaboration/ Performance management	1,5 quality assurance and co-ordination activities	3 per quarter	Achieved
Human Rights Day/ Week	Conduct community outreach and awareness programmes	7-day intense community outreach programme; increase of 20% in outreach from previous year	17-21 March 2006 (Human Rights Day)	Human Rights Report compiled, not published
Institutionalisation of human rights	Ensure the institutionalisation of human rights education	Curriculum development, NQF Project and links with National Department of Education SAQA representation and co-ordination (SGB for Peace, Human Rights and Democracy Education)	Curriculum – ongoing – once a semester for co-ordination/ quarterly NSB and SGB workshops	Curriculum and NQF is ongoing The SGB reached the end of its tenure in February

## Chapter 9

# PROGRAMME: PROVINCIAL OFFICES

## Purpose:

To ensure efficient and effective implementation of the Commission's programmes and policies at provincial and local level and to enhance the accessibility of human rights services

## Measurable Objectives

- To enhance the accessibility of human rights services to ordinary people at a local level.
- To promote human rights and create awareness among all stakeholders.
- Investigation of individual and systemic complaints of human rights violations at the point of occurrence and to provide appropriate redress.

## Service Delivery Objectives and Indicators

### Recent outputs

#### **Free State**

During this reporting period, the Free State Provincial office targeted rural schools in remote areas such as Vekeerdevlei, Memel, Smithfield, Excelsior, Hennemann, Hertzogville and Marquard. Through the assistance and joint collaboration with the Provincial Government Communications and Information Systems (GCIS), which has information officers in different regions of the Province, the office was able to identify potential participants and to reach very remote areas of the Province.

In addition to joint interventions with government departments and Non-Governmental Organisations (NGOs), the Office also co-facilitated events with other Chapter 9 Institutions, especially, the Commission for Gender Equality and the Office of the Public Protector.

The Office also assisted in coordinating and participating in two provincial forums namely the Forum for Democracy and Human Rights, and the Forum on Gender.

### **Eastern Cape**

The Eastern Cape office has strengthened collaboration with other Chapter 9 institutions in the Province, which has had positive spin-offs in terms of multiplying its interventions with communities. For example, these institutions have collaborated on human rights calendar days such as freedom day, human rights day, women's day, etc to organise collaborative week-long activities focusing largely on rural communities.

On some occasions, relevant government departments such as Departments of Labour and of Social Development have been invited to these events.

One of the collaborative events between SAHRC and other Chapter 9 institutions took place in a farming community in Southwell, outside Port Alfred. As a result of this intervention, the office is investigating complaints of alleged demolition of graves by a farm owner in the area.

The reporting year's highlight has been a settlement agreement this office has reached with a local firm of attorneys that prevented a community member and his family from being evicted from a farmland that they occupied for over ten years. Through negotiations between the Provincial Office and the attorneys, a settlement of R50 000 was agreed upon on behalf of the complainant.

### **KwaZulu-Natal**

The KZN provincial office has conducted a number of human rights awareness raising interventions within the province. Intensive workshops were conducted for COMBOCO (KZN CBO network), Black Sash and with officials from the Department of Social welfare. Regular participation in community radio programmes also served to promote the work of the Commission in the province.

During Human Rights month, staff from the provincial office conducted a field study in the

Vryheid area. During their stay, various government departments, NGOs, schools and pension pay-points were visited. A number of workshops and presentations were also conducted in the Bhekuzulu, Emondlo and Hlobane areas.

The number of complaints received at the provincial office has increased, many of which dealt with labour issues, prisoners' complaints and education. The legal component within the provincial office also actively participated in the various community education activities conducted.

### **Limpopo**

The Limpopo provincial office has made a number of high profile presentations, notably, to the Limpopo Executive Council at the invitation of the newly appointed Provincial Director-General and also to the Provincial Commissioner and senior management of SAPS.

The Commission was involved in a successful intervention in a stand-off between the Provincial Department of Education and a farm owner in Lephalale who allegedly burned down a school to frustrate the rights of learners in his

farm. Through the intervention, the Department secured a court order against the farmer to continue with the school. In addition, the Provincial office has successfully managed to ensure that learners in the school are provided with a feeding scheme. Currently, the commission is in discussion with the Department of Education to assist with transport for learners who are travelling more than 15 kilometres to the school.

The matter is receiving attention from the Department of Education.



## Chapter 9 - Provincial Offices

The Provincial Office has been monitoring the socio-economic rights of the people who were evicted by the Lepelle Nkumpi Municipality in Lebowakgomo. The commission has managed to secure the allocation of a certain number of RDP houses to some people who were affected by the eviction.

During this reporting year, the Commission conducted PAIA workshops for all districts of the Provincial Department of Public Works covering all relevant senior managers and junior officials dealing with information in the Department. The

Commission also had a PAIA workshop with CEO's of all Provincial hospitals in Limpopo.

The Provincial Office co-hosted the Human Rights day celebrations with the Office of the Premier and Department of Safety, Security and Liaison. Commissioner Leon Wessels delivered on the purpose of the day and shared the stage with Premier Moloto.

The office has also been involved in mediating between learners of Capricorn High School and the Department of Education regarding the interpretation of the language policy.

### Northern Cape

The office celebrated Human Rights day at Griekwastad, near Kimberley. The Premier of the Northern Cape, Ms Dipuo Peters, was the main speaker at the event. Government and community leaders and community members Douglas, Kimberley, Upington, and the Griekwastad attended the occasion. During the event, the Commission gave a presentation on "Human Rights are Women's Rights". This was in recognition of the 50th anniversary of the women's march to the Union Buildings.

The Provincial Office partnered with government departments such as GCIS and SAPS, NGOs

such as the Lawyers for Human Rights and legal Aid Board and other Chapter 9 institutions such as the Office of the Public Protector and the CGE to raise more awareness about human rights in rural communities during the Human Rights Month of March.

The Office also enjoys a good working relationship with Radio Riverside, which provides a regular slot for the Commission to talk about the Equality Act, Equality Courts, PAIA and other areas of the Commission's work. Other community radio stations also call on the Commission to provide similar presentations to their listeners.

### Mpumalanga

In its one year of existence, the Mpumalanga office has managed to hold 17 public awareness campaigns reaching about 1128 people.

This has assisted in building the profile and image of the SAHRC office in Mpumalanga. The provincial office had a provincial briefing on the Promotion of Equality and Prevention of Unfair Discrimination Act on 27 July 2005.

On 22 and 23 September 2005 the provincial office, together with head office, held briefing sessions on PAIA. The office had also success-

fully litigated its first equality matter at the Sabie Magistrate court, *Rajah Ayesha v Merry Pebbles holiday resort*.

The office had also successfully contributed to the closing down of the mental health facility of the Themba hospital, which had massive human rights violations. During the reporting period the office had targeted farm areas in Lothair, Middleburg, Ermelo, Bethal and Belfast. The office had joint ventures with government departments, NGOs and the Public Protector.



## Western Cape

The Western Cape Office has seen a significant growth in complaints received as well as in the demand for educational interventions. This testifies to the growing public awareness of the Commission in the province and on the Bill of Rights. During the period under review, the office has facilitated an integrated approach to its legal and educational work thereby increasing its coverage and accessibility to communities on the ground.

The legal section of the office educated people about the Bill of Rights and Equality Act by actively participating in community education initiatives, especially in rural areas such as Montague and Robertson.

In respect of complaints handling, typical cases concern dignity, children, refugee, equality, access to information, education, prisoners' complaints, and labour matters. To facilitate redress of complaints, the office frequently provides legal advice, and investigates and mediates human rights disputes. It has developed a referral point to more appropriate institutions, such as the Legal Aid Clinics and Justice Centres, Independent Complaints Directorate, Judicial Inspectorate on Prisons, the City Ombudsman and the Public Protector. The Office's legal and advocacy networks have increased due to this approach and has seen better co-operation and collaboration with other role-players and stakeholders in the handling of complaints.

A particular difficulty encountered is the denial

of legal aid to complainants and the frustration of seeking alternatives to achieving access to justice for poor and marginalised people. To meet this challenge, the office has obtained Law Clinic status and intends operating as a properly constituted, organised and effective Law Clinic for the poor, marginalised and vulnerable people and communities.

Training programmes and workshops have been developed and conducted for various beneficiary groups on certain key human rights themes. There has been liaison and support for government and organs of civil society for human rights education interventions, and expanded resources and reading material for workshops. In addition, extensive networking and training for the health sector, schools and communities has had the effect of disseminating knowledge about the Bill of Rights, the right to equality, economic and social rights and PAIA.

Frequent participation in radio talk shows, exposure in media reports and participation in community workshops and meetings at carefully chosen and strategic community locations around the Western Cape, such as Plettenberg Bay, Grabouw and Vredendal, has resulted in increased awareness of human rights in these places. However, there remains the need to devote resources to increase public awareness and impact in the broader Western Cape, particularly in rural and peri-urban areas.





**Programme: Provincial Offices**

Sub-programmes	Output	Output performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Complaints handled	Recommending cases for litigation according to litigation policy	As per national indicators	As per national indicators	As per national indicators
	Successfully resolving at least 50% of complaints received within 90 days of receipt	See legal services programme	See legal services programme	See legal services programme
	Audit of old (unresolved) cases of previous financial year			
Training programmes, workshops, information sessions and seminars	One 2-day workshop per province per month on focus areas	As per national indicators	As per national indicators	As per national indicators
	One 1-day workshop per province per month on request	See education and training programme	See education and training programme	See education and training programme
Responding to requests for training	Two other education and training interventions			
Public awareness programmes	In line with national projects and targets	As per national indicators	As per national indicators	As per national indicators
		See education and training programme	See education and training programme	See education and training programme

# HUMAN RESOURCE MANAGEMENT

*Table 1.1: Personnel costs by programme, 2005/06*

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional & Special Services (R'000)	Personnel as a percent of total expenditure	Average personnel costs per employee (R'000)
Commission	3,711	3,020	-	-	81%	431
Management	19,099	4,774	-	-	25%	221
Advocacy				-	-	-
Legal Services	1,771	1,864	-	-	105%	155
Research & Documentation	6,414	2,595	-	-	40%	153
Education and Training	3,460	1,428	223	-	41%	143
Provinces	7,866	3,743	157	-	48%	139
<b>Total</b>	<b>42,321</b>	<b>17,424</b>	<b>380</b>	<b>-</b>	<b>41%</b>	<b>176</b>

*Table 1.2: Personnel costs by salary band, 2005/06*

Salary Bands	Personnel Expenditure (R'000)	% of Total Personnel Cost	Average personnel cost per employee (R'000)
Lower skilled (Levels 1–2)	455	2%	13
Skilled (Levels 3–5)	255	1%	51
Highly skilled production (Levels 6–8)	2,428	12%	56
Highly skilled supervision (Levels 9–12)	11,210	56%	350
Senior management (Levels 13–16)	5,712	28%	519
<b>Total</b>	<b>20,060</b>	<b>100%</b>	<b>157</b>





*Part Three: Human Resource Management*

**Table 1.3: Salaries, Overtime, Home Owners Allowance and Medical Assistance by programme, 2005/06**

Programme	Salaries		Overtime		Home Owners Allowance		Medical Assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Med assistance as a % personnel cost
Commission	3,711	18%	0	0	43	0%	85	0%
Management	19,099	95%	0	0	139	1%	296	1%
Advocacy	–	0%	0	0	–	0%	–	0%
Legal Services	1,771	9%	0	0	51	0%	109	1%
Research and Doc	6,414	32%	0	0	98	0%	195	1%
Education & Training	3,460	17%	0	0	61	0%	122	1%
Provinces	7,866	39%	0	0	166	1%	329	2%
<b>Total</b>	<b>42,321</b>	<b>211%</b>	<b>0</b>	<b>0</b>	<b>559</b>	<b>3%</b>	<b>1,135</b>	<b>6%</b>

**Table 1.4: Salaries, Overtime, Home Owners Allowance and Medical Assistance by salary bands, 2005/06**

Programme	Salaries		Overtime		Home Owners Allowance		Medical Assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Med assistance as a % personnel cost
Low skilled (level 1–2)	455	2%	0	0	42	0%	28	0%
Skilled (Levels 3–5)	255	1%	1	0	13	0%	34	0%
Highly skilled production (Levels 6–8)	2,428	12%	10	0	98	0%	149	1%
Highly skilled supervision (Levels 9–12)	11,210	56%	11	0	236	1%	458	2%
Senior management Levels 13–16	5,712	28%	0	0	35	0%	118	1%
<b>Total</b>	<b>20,060</b>	<b>100%</b>	<b>0</b>		<b>424</b>	<b>2%</b>	<b>787</b>	<b>4%</b>

*Table 1.5: Employment and vacancies by programme, 31 March 2006*

Programme	Number of vacant	Number of posts filled	Total number of posts	Vacancy rate	Number of posts filled additional to the establishment
Commission	1	9	10	10%	0
Management	2	26	28	7%	0
Advocacy	0	0	0	0%	0
Legal Services	4	7	11	36%	0
Research & Documentation	3	22	25	12%	0
Education and Training	3	11	14	21%	0
Provinces	2	32	34	6%	0
<b>Total</b>	<b>15</b>	<b>107</b>	<b>122</b>	<b>12%</b>	<b>0</b>

*Table 1.6: Employment and vacancies by salary bands, 31 March 2006*

Salary band	Number of vacant posts	Number of posts filled	Total number of posts	Vacancy rate	Number of posts filled additional to the establishment
Lower skilled (Levels 1–2)	0	10	10	0%	0
Skilled (Levels 3–5)	1	4	5	20%	0
Highly skilled production (Levels 6–8)	7	25	32	22%	0
Highly skilled supervision (Levels 9–12)	5	56	61	8%	0
Senior management (Levels 13–16)	2	12	14	14%	0
<b>Total</b>	<b>15</b>	<b>107</b>	<b>122</b>	<b>12%</b>	<b>0</b>



*Part Three: Human Resource Management*

**Table 1.7: Annual turnover rates by salary band for the period 1 April 2005 to 31 March 2006**

Salary band	Number of employees per band 1 April 2005	Appointments and transfers into the Commission	Terminations and transfers out of the Commission	Permanent employees	Turnover rate
Lower skilled (Levels 1–2)	10	0		10	0%
Skilled (Levels 3–5)	4	0	0	4	0%
Highly skilled production (Levels 6–8)	25	0	19	25	76%
Highly skilled supervision (Levels 9–12)	36	3	9	56	16%
Senior Management	0	0	3	11	27%
Service Band A – Snr management	0	0	0	1	0%
Service Band B – Snr management	0	0	0	0	0%
Service Band C – Snr management	0	0	0	0	0%
Service Band D – Snr management	0	0	0	0	0%
<b>Total</b>	<b>50</b>	<b>3</b>	<b>31</b>	<b>107</b>	<b>29%</b>

**Table 1.8: Reasons why staff are leaving the Commission**

Termination Type	Number	% of total
Death	0	0%
Resignation	20	100%
Expiry of contract	0	
Dismissal – operational changes		
Dismissal – misconduct		
Dismissal – inefficiency		
Discharged due to ill-health	0	0%
Retirement	0	0%
Transfers to other Public Service Departments		
Other		
<b>Total</b>	<b>20</b>	<b>100%</b>
Total number of employees who left as a % of the total employment		19%

**Table 1.9: Promotions by salary band**

	Employees as at 1 April 2005	Promotions to another salary band	Salary bands promotions as % 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)					
Skilled (Levels 3–5)					
Highly skilled production (Levels 6–8)	25	3			
Highly skilled supervision (Levels 9–12)					
Senior management (Levels 13–16)					
<b>Total</b>	<b>25</b>	<b>3</b>			

**Table 1.10: Recruitment for the period 1 April 2005 to 31 March 2006**

Occupational Bands	Male				Female			
	African	Coloured	Indian	White	African	Coloured	Indian	White
Top management	1							
Senior Management	1				1			
Professionally qualified and experienced specialists and mid-management	4				4			
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	4		1		8			1
Semi skilled and discretionary decision making	6				1			
Unskilled and defined decision making	2							
Employees with disabilities								
<b>Total</b>	<b>17</b>		<b>1</b>		<b>14</b>	<b>0</b>		<b>1</b>



*Part Three: Human Resource Management*

*Table 1.11: Promotions for the period 1 April 2005 to 31 March 2006*

Occupational Bands	Male				Female			
	African	Coloured	Indian	White	African	Coloured	Indian	White
Top management								
Senior Management								
Professionally qualified and experienced specialists and mid-management								
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents					1			
Semi skilled and discretionary decision making								
Unskilled and defined decision making								
Employees with disabilities								
<b>Total</b>					<b>1</b>			

*Table 1.12: Terminations for the period 1 April 2005 to 31 March 2006*

Occupational Bands	Male				Female			
	African	Coloured	Indian	White	African	Coloured	Indian	White
Top management					1			
Senior Management	1			1				
Professionally qualified and experienced specialists and mid-management	2				4		1	1
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	8				3	2		1
Semi skilled and discretionary decision making	7							
Unskilled and defined decision making								
Employees with disabilities								
<b>Total</b>	<b>18</b>			<b>1</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>2</b>

*Table 1.13: Performance rewards by salary bands for personnel below senior management service, 1 April 2005 to 31 March 2006*

Salary bands	Beneficiary profile			Cost (R'000)	Cost	
	Number of beneficiaries	Total number of employees in group	% of total within salary bands		Average cost per employee	Total cost as a % of the total personnel expenditure
Lower skilled (Levels 1–2)	6	10	60%	1	0	0%
Skilled (Levels 3–5)	2	5	40%	1	0	0%
Highly skilled production (Levels 6–8)	17	33	52%	21	1	0%
Highly skilled supervision (Levels 9–12)	9	47	19%	13	1	0%
Senior Management	5	6	83%	29	6	0%
Commissioners	5	0%			0%	
<b>Total</b>	<b>39</b>	<b>106</b>	<b>37%</b>	<b>65</b>	<b>2</b>	<b>0%</b>

*Table 1.14: Sick leave, 1 April 2005 to 31 March 2006*

Salary Band	Total days	% days with medical certification	Number of employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated cost (R'000)
Lower skilled (Levels 1–2)	44	10	6	60%	7	1
Skilled (Levels 3–5)	12	5	4	100%	3	1
Highly skilled production (Levels 6–8)	122	35	20	80%	6	8
Highly skilled supervision (Levels 9–12)	70	54	13	23%	5	10
Senior Management (Levels 13–16)	7	6	2	18%	4	3
Commissioners	3	5	2	18%	2	3
<b>Total</b>	<b>258</b>	<b>115</b>	<b>47</b>	<b>44%</b>	<b>5</b>	<b>26</b>

# **FINANCES**

Management Report.....	55
Statement of Responsibility .....	58
Approval of Financial Statements.....	60
Report of the Audit Committee .....	61
Report of the Auditor-General.....	63
Annual Financial Statements.....	66
Statement of Financial Position .....	66
Statement of Financial Performance.....	67
Statement of Changes in Net Assets .....	68
Cash Flow statement .....	69
Notes to the Annual Financial Statements.....	70
Annexures to the Annual Financial Statements.....	81



# MANAGEMENT REPORT

## REPORT OF THE CHIEF EXECUTIVE OFFICER FOR THE YEAR ENDED 31 MARCH 2006

### 1. General Overview

1.1 The functions and powers of the South African Human Rights Commission (SAHRC) as contained in section 184 of the Constitution (Act No. 108 of 1996) are the following:

#### Functions:

- Promote the respect for human rights and a culture of human rights;
- Promote the protection, development and attainment of human rights; and
- Monitor and access the observance of human rights in the Republic.

#### Powers:

- 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;
- To educate; and
- To require relevant organs of state to provide the SAHRC 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.

### 2. Vision

The SAHRC seeks to be an effective instrument for the promotion and protection of human rights, to be the focal point for human rights practice in South Africa and to be accessible to all South Africans.

### 3. Mission Statement

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

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

### 4. Key Objectives

To be an effective institution for the promotion and protection of human rights, the SAHRC will pursue the following primary objectives:

- To establish the SAHRC as a resource and a focal point for human rights in South Africa;
- To raise awareness of human rights and the role of the SAHRC;
- To investigate individual and systematic complaints of human rights violations and provide appropriate redress;
- To provide a comprehensive research and documentation facility designed to advance human rights, through the monitoring and assessment of the observance of human rights, especially social and economic rights;



## **MANAGEMENT REPORT OF THE CHIEF EXECUTIVE OFFICER FOR THE YEAR ENDED 31 MARCH 2006**

- To develop a sustainable culture of human rights through education and training; and
- To maintain and continue to implement an integrated human resource management strategy and system.

### **5. Programme and output details for the year ending 31 March 2006**

The SAHRC has pursued the following objectives:

#### **Programme 1: Strategic Management**

- To ensure constitutional and legislative compliance within the operations of the SAHRC;
- To conduct strategic reviews in response to the internal and external environment;
- To guarantee the alignment of the SAHRC programmes with its strategic objectives and national priorities;
- To manage effective accountability mechanisms;
- To provide efficient, effective and economical corporate services;
- To develop and implement financial, administrative and procurement systems in line with the PFMA and Treasury prescripts and regulations; and
- To maintain and develop high-level information and communications technology systems.

#### **Programme 2: Commissioners**

- To raise the profile of the SAHRC by engaging with various stakeholders including government and civil society on issues relating to human rights;
- To ensure strategic interventions on various human rights issues such as policy development;
- To contribute to the creation of a human rights body of knowledge; and
- To ensure the fulfillment of the SAHRC constitutional and statutory mandate.

#### **Programme 3: Media and Communication**

- To establish a communication-friendly environment within the SAHRC and with stakeholders/role-players;
- To promote human rights awareness by implementing an effective and efficient communication strategy; and
- To promote the work and corporate image of the SAHRC through public and media relations initiatives.

#### **Programme 4: Legal Services**

- To investigate the individual and systemic complaints of human rights violations; and
- To provide appropriate redress and resolve disputes regarding violations.

#### **Programme 5: Research and Documentation**

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

**MANAGEMENT REPORT OF THE CHIEF EXECUTIVE OFFICER FOR THE YEAR ENDED 31 MARCH 2006**

**Programme 6: Education and Training**

- To conduct training, workshops, seminars, presentations and capacity building programmes on equality, economic and social rights, promotion of access to information, farming communities and the SAHRC focus areas and responding to requests for training from organisations, communities;
- To provide in-house capacity building for the SAHRC on the equality legislation, access to information and general human rights training methodology;
- To ensure the institutionalisation of human rights education and provide for system of quality assuring the education and training programmes of the SAHRC;
- To implement human rights education projects in line with the strategic objectives of the SAHRC, nationally and regionally;
- To conduct community outreach and awareness programmes;
- To develop appropriate human rights educative and training materials.

**Programme 7: Provincial Offices**

- To enhance the accessibility of human rights services to ordinary people at a local level;
- To promote human rights and create awareness among all stakeholders; and
- Investigation of individual and systemic complaints of human rights violations, at the point of occurrence and to provide appropriate redress.

**Civil Society Advocacy Programme (CSAP)**

- The CSAP programme provides financial and other targeted support on three different levels (directly to grassroots communities and citizens, Civil Society Organisations and to the Chapter 9 institutions; i.e, Gender Commission, SAHRC and Office of the Public Protector). The total programme cost is estimated at 10 million euros. Complimentary financial and other inputs will be made by the three participating Chapter 9 institutions.

**Spending trends as per Standard items**

Programme	Expenditure Outcome			
	Audited	Audited	Audited	Estimates
	R'000	R'000	R'000	R'000
	2002/03	2003/04	2004/05	2005/06
Personnel	14,382	18,330	21,246	25, 073
Administrative	3,102	2,005	3,729	6, 057
Inventories	564	1,178	884	756
Equipment	282	3,093	-	119
Land and Buildings	2,538	1,860	4,475	5, 403
Professional Services	7,333	2,992	8,493	4, 985
<b>Total</b>	<b>28,201</b>	<b>29,458</b>	<b>38,827</b>	<b>42,393</b>
<b>Baseline Allocation</b>	<b>27,401</b>	<b>32,728</b>	<b>37,653</b>	<b>41,774</b>



## STATEMENT OF RESPONSIBILITY

FOR THE YEAR ENDED 31 MARCH 2006

### By the Chief Executive Officer

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

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

### Commissioners

The following persons have served as Commissioners during the period under review:

Name	Capacity	From	To
Jody Kollapen	Chairperson	01-04-2005	31-03-2006
Zonke Majodina	Deputy Chairperson	01-04-2005	31-03-2006
Tom Manthata	Commissioner	01-04-2005	31-03-2006
Charlotte McClain-Nhlapo	Commissioner	01-04-2005	31-12-2006*
Karthy Govender	Part-time Commissioner	01-04-2005	31-03-2006

\* Commissioner McClain-Nhlapo has been on unpaid leave from December 2004.

### Role and Function

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

### Audit Committee Members

### Number of Meetings Attended

Ms Carin Strickett	5
Mr Alan J Mackenzie	3
Mr Tshiamo Sedumedi	3
Ms Lindiwe Mokate (Resigned in November 2005)	1
Adv Tseliso Thipanyane (Co-opted member)	3

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

### Risk Management

The system of internal control is designed for the different components within the SAHRC to tailor and adapt risk management processes to suit specific operational circumstances. The risk management strategy which includes the fraud prevention plan is used by all managers for continuous monitoring of risk and control processes.

**Internal Audit**

The internal audit function has been outsourced to an external firm of auditors namely, Price Water House Coopers (PwC) & Xabiso.

SAHRC Address: 29 Princess of Wales Terrace  
Private Bag 2700, Houghton, Johannesburg, 2041

**Bankers**

First National Bank, Parktown

**Chief Executive Officer**

The Chief Executive Officer who resigned in November 2005 was Ms L Mokate and as at 31 March 2006, the Acting CEO was Adv T Thipanyane.

**Property, plant and equipment**

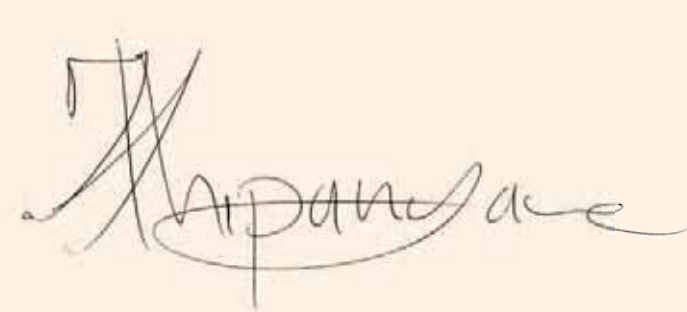
There have been prior year adjustments made to the property, plant and equipment held during the period under review nor have there been any changes in the policy relating to the use thereof.

**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. No contingent liabilities are expected.

**Auditors**

Office of the Auditor-General



Tseliso Thipanyane  
Chief Executive Officer: SAHRC



## **APPROVAL OF FINANCES**

### **Approval**

The financial statements fairly represent the state of affairs of the office as at 31 March 2006. These statements are the responsibility of the office while the auditors are responsible for the reporting on the fair presentation of these financial statements.

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

The annual financial statements for the year ended 31 March 2006 were submitted to the Accounting Officer for approval on 19 May 2006 for submission to the Auditor-General and Treasury; as in terms of section 51(1)(f) of the Public Finance Management Act 1 of 1999 as amended.

The annual financial statements set out on pages 66 to 79 have been approved by the Accounting Officer and signed on behalf of the SAHRC by:

Tseliso Thipanyane  
Chief Executive Officer: SAHRC

Jody Kollapen  
Chairperson: SAHRC

## REPORT OF THE AUDIT COMMITTEE

FOR THE YEAR ENDED 31 MARCH 2006

Our report for the financial year ended 31 March 2006 is set out below.

### **Audit Committee Members and Attendance:**

During the Financial year ended 31 March 2006, the Audit Committee consisted of the members listed hereunder who, in terms of the Audit Committee Charter, meet a minimum of four times per annum. During the year under review five (5) meetings were held.

Names of Member	Number of Meetings Attended
Ms Carin Strickett	5
Mr Alan Mackenzie	3
Mr Tshiamo Sedumedi	3
Ms Lindiwe Mokate	1
Adv Tseliso Thipanyane	3

### **Audit Committee Responsibility**

The Audit Committee reports that it has complied with all its responsibilities arising from section 38 (1)(a) of the PFMA and Treasury Regulation 3.1.10. The Audit Committee also reports that it complied with the Audit Committee Charter.

### **The Effectiveness of Internal Control and the Internal Audit function**

During the year under review the Audit Committee continued to express concern regarding the financial management capacity within the SAHRC. Essential resources to address the problems of the past were only appointed during the last quarter of the year. The impact of the implementation of any sound financial management principles and more effective internal controls will only be evident in the new financial year.

The internal audit function was outsourced to PwC & Xabiso during the third quarter of the year and their initial findings and recommendations support the Audit Committee's notion that improvements in financial management and internal control will only be evident in the future.





### **Evaluation of Financial Statements**

The Audit Committee has:

- Reviewed, suggested amendments where appropriate and discussed with the Auditor-General and the Accounting Officer the audited Annual Financial Statements to be included in the Annual Report;
- Reviewed the Auditor-General's management letter and the management response thereto;
- Reviewed all audit adjustments recommended and effected;

The Audit Committee accepts the conclusion of the Auditor-General on the Annual Financial Statements and is of the opinion that the audited Annual Financial Statements be accepted and read together with the report of the Auditor-General.

Carin Strickett

Chairperson of the Audit Committee  
4 August 2006

# REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

## 1. AUDIT ASSIGNMENT

The financial statements as set out on pages 66 to 79 for the year ended 31 March 2006, have been audited in terms of section 188 of the Constitution of the Republic of South Africa Act 108 of 1996, read with sections 4 and 20 of the Public Audit Act 25 of 2004 and section 16(2) of the South African Human Rights Act 54 of 1994. These financial statements are the responsibility of the accounting authority. My responsibility is to express an opinion on these financial statements, based on the audit.

## 2. SCOPE

The audit was conducted in accordance with International Standards on Auditing read with General Notice 544 of 2006, issued in Government Gazette no. 28723 of 10 April 2006 and General Notice 808 of 2006, issued in Government Gazette no. 28954 of 23 June 2006. Those standards require that I plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement.

An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements
- assessing the accounting principles used and significant estimates made by management
- evaluating the overall financial statement presentation

I believe that the audit provides a reasonable basis for my opinion.

## 3. BASIS OF ACCOUNTING

The entity's policy is to prepare financial statements on the basis of accounting determined by the National Treasury, as described in note 1 to the financial statements.

## 4. AUDIT OPINION

In my opinion, the financial statements present fairly, in all material respects, the financial position of the South African Human Rights Commission at 31 March 2006 and the results of its operations and its cash flows for the year then ended, in accordance with the basis of accounting determined by the National Treasury of South Africa, as described in note 1 to the financial statements, and in the manner required by the Public Finance Management Act 1 of 1999.

## 5. EMPHASIS OF MATTER

Without qualifying the audit opinion, attention is drawn to the following matters:

### 5.1 CASH AND BANK

Bank reconciliations for the months April 2005 to January 2006 were incorrectly performed. They were subsequently corrected prior to year end.



## **5.2 PAYABLES**

Creditor's reconciliations were not performed at the South African Human Rights Commission.

## **5.3 PAYROLL**

### **5.3.1 Fringe benefit tax**

Paragraphs 2(f) and 10A of the Seventh Schedule of the Income Tax Act states that a taxable benefit accrues if a loan has been granted to an employee whether by the employer or by any person by arrangement with the employer or any associated institution in relation to the employer and either no interest is payable or interest is payable by the employee at a rate less than the official rate of interest.

Upon review of selected payslips, audit identified that employees were not taxed on the fringe benefits received in the form of staff loans (Interest free loans).

## **5.4 PROPERTY, PLANT AND EQUIPMENT**

Treasury Regulations 10.1.1 (a) prescribes that the accounting officer of an institution must take full responsibility and ensure that proper control systems exist for assets and that preventative mechanisms are in place to eliminate theft, losses, wastage and misuse.

The following weaknesses were identified:

- (a) Certain assets as per the asset register were not bar-coded and
- (b) Depreciation for certain assets was not calculated from the date of use of the asset.

## **5.5 GOVERNANCE MATTERS**

### **5.5.1 Insurance premium**

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

Approval was not obtained from National Treasury in respect of insurance expense amounting to R 370,085.

### **5.5.2 Human resources**

- (a) There was no evidence of quarterly performance reviews on personnel files, contrary to the SAHRC Appointment, Promotion and Termination of Service Policy. Performance feedback was given to employees on an annual basis.
- (b) A policy was not in place on skills retention and monitoring of the competency of staff to ensure that skilled and competent staff were retained and assessed regularly.
- (c) Performance contract of the Accounting Officer was not revised annually between the Accounting Officer and the Accounting Authority.

- (d) Letters of appointments which served as employment contracts were not signed by certain officials as an acceptance of terms and conditions of the contract.
- (e) Staff debts were not adequately followed up in accordance with the debt collection of the SAHRC.

#### **5.5.3 Non-compliance with the Preferential Procurement Policy Framework Act**


Certain contracts were awarded contrary to section 2(1) of the Preferential Procurement Policy Framework Act. The 80/20 principle, 80 points for price and 20 points for functionality was applied incorrectly by the SAHRC. 80 points were used to evaluate functionality and 20 points were used to evaluate price. Due to the inappropriate application of the 80/20 principle, certain contracts were not awarded in a fair, equitable and competitive manner.

#### **5.5.4 Internal control weaknesses**

- (a) Claims for projects were made in advance and supporting documentation was not submitted as proof that the claimed money was used for the required purpose.
- (b) Certain journals were not authorised due to a lack of senior officials in the Finance section from July 2005 to December 2005. These vacancies impacted negatively on the overall control environment of the SAHRC.

### **6. APPRECIATION**

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



Ms M A Masemola  
for Auditor-General

Johannesburg  
29 July 2006





## ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2006

### STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2006

	Notes	2006 R	2005 R
<b>ASSETS</b>			
Non-current assets			
Property, plant and equipment	2	5,337,157	4,892,802
<b>Current assets</b>			
Trade and other receivables	3	222,293	399,305
SAHRC Trust	4	203,445	203,427
Cash and cash equivalents	5	6,728,864	6,372,744
Total assets		12,491,759	11,868,278
<b>NET ASSETS AND LIABILITIES</b>			
<b>Reserves</b>			
Accumulated Surplus		6,722,485	6,146,430
<b>Current liabilities</b>			
Trade and other payables	6	2,059,238	3,403,172
Unexpended donated projects	7	1,791,665	1,026,871
Provisions	8	1,918,371	1,291,805
Total Net Assets and liabilities		12,491,759	11,868,278

**STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 31 MARCH 2006**

	Notes	2006 R	2005 R
<b>Income</b>		<b>42,000,451</b>	<b>39,045,960</b>
Donations	9	49,265	-
Grants	9	41,774,000	37,653,000
Other Income	9	177,186	1,392,960
<b>Expenditure</b>		<b>42,391,897</b>	<b>38,827,409</b>
Administrative expenses	11	8,451,886	8,203,794
Staff costs	12	25,073,014	21,246,358
Other operating expenditure	13	7,587,362	8,448,873
Depreciation	14	1,279,635	928,384
<b>Surplus /(Deficit) from operations</b>		<b>(391,447)</b>	<b>218,551</b>
Financing cost	15	(949)	(240)
Income from investments	16	340,798	429,755
<b>Surplus / (Deficit) for the year</b>		<b>(51,598)</b>	<b>648,066</b>



**STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 31 MARCH 2006**

	<b>Notes</b>	<b>Accumulated Surplus</b> 2006
Balance at 1 April 2004		<u>5,498,364</u>
Restated Accumulated Surplus		5,498,364
Surplus for the year		<u>648,066</u>
Balance at 1 April 2005		6,146,430
Prior year Adjustments	18	627,652
Restated Accumulated Surplus		<u>6,774,082</u>
<b>Deficit for the Year</b>		<u><b>(51,598)</b></u>
<b>Balance at 31 March 2006</b>		<u><b>6,722,485</b></u>



**CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2006**

	Notes	2006 R	2005 R
<b>Operating activities</b>			
Cash generated from operations	17	1,112,609	2,724,498
Interest income		340,798	429,755
Interest expense		(949)	(240)
Net cash from operating activities		1,452,458	3,154,013
<b>Investing activities</b>			
Acquisition of assets		(1,096,338)	(2,740,966)
<b>Net cash used in investing activities</b>		<b>(1,096,338)</b>	<b>(2,740,966)</b>
Net increase in cash and cash equivalents		356,120	413,047
Cash and cash equivalents at beginning of year		6,372,744	5,959,697
<b>Cash and cash equivalents at end of year</b>	<b>5</b>	<b>6,728,864</b>	<b>6,372,744</b>



# NOTES TO THE ANNUAL FINANCIAL STATEMENTS

## 1. Accounting Policy

### 1.1 Basis of preparation

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

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

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

#### 1. Terminology differences:

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

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

3. Specific information such as:

- receivables from non-exchange transactions, including taxes and transfers;
- taxes and transfers payable;
- trade and other payables from non-exchange transactions; must be presented separately on the statement of financial position

4. The amount and nature of any restrictions on cash balances is required to be disclosed. Paragraph 11–15 of GRAP 1 has not been implemented as the budget reporting standard is in the process of being developed by the international and local standard setters. Although the inclusion of budget information would enhance the usefulness of the financial statements, non-disclosure will not affect fair presentation.

## 1.2 Accounting policies

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

## 1.3 Revenue

Voted funds are the amounts appropriated to the SAHRC by National Treasury in accordance with the final budget.

## 1.4 Donor Funds

**1.4.1** In terms of donor requirements contained in financial agreements with benefactors, unexpended donor funds ringfenced for specific projects are reflected as current liabilities in circumstances where such funds are repayable to donors in the event of the funds not being utilised on the specific project.

**1.4.2** Unexpended donor funds that are not required to be repaid that relate to completed projects are treated as operating income in the year that the projects are deemed completed.

## 1.5 Current Expenditure

Current expenditure is recognised in the income statement on an accrual basis.

### 1.5.1 Inventory

Inventory is purchased when required, and is expensed in the income statement.

## 1.6 Property, plant and equipment

Property, plant and equipment are shown at cost less accumulated depreciation. These assets are depreciated on the straight-line basis at rates, which will result in each asset being written off over its useful life.

Item	Write-Off period in years	Depreciation rate
Computer Equipment	3	33.3% pa
Office Furniture and Equipment	8	12.5% pa
Motor vehicles	5	20% pa
Library Material	Not depreciated	

The carrying value of property is reviewed for impairment when events or changes in circumstance indicate that the carrying amount may not be recoverable. If any such indication exists and where the carrying amount exceeds the estimated recoverable amount, the assets are written down to their recoverable amount. Impairment losses and the reversal of impairment losses are recognised in the income statement.

All assets valued at less than R1000.00 have been expensed during the year under review.



### **1.7 Receivables**

Accounts receivables are stated at their nominal value as reduced by appropriate allowances for estimated irrecoverable amounts.

### **1.8 Payables**

Trade and other payables are stated at their nominal value.

### **1.9 Provisions**

Provisions are recognised when the Commission has a present obligation as a result of a past event and it is probable that this will result in an outflow of economic benefits that can be estimated reliably.

### **1.10 Accruals**

This amount represents goods and services that have been delivered, but where no invoice has been received from the supplier at the year-end, or an invoice has been received, but remains unpaid at year-end.

### **1.11 Salaries and Wages**

#### **Short-Term Employee Benefits**

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

### **1.12 Employee Benefits**

#### **1.12.1 Termination Benefits**

Termination benefits are recognised and expensed only when the payment is made.

#### **1.12.2 Retirement Benefits**

The SAHRC provides retirement benefits for its employees through a defined contribution plan.

#### **1.12.3 Medical Benefits**

The SAHRC provides medical benefits for its employees through a defined contribution plan. These benefits are funded by both employer and employee contributions.

### **1.13 Comparative Figures**

Where necessary, comparative figures have been adjusted to conform to changes in presentation in the current year.

### **1.14 Projects**

For the current year, unexpended donor funds relating to incomplete projects and SAHRC reimbursive allowances are reflected as current liabilities.

## 2. Property, plant and equipment: 2005/06

	Business as at 01 April 2006			Current Year Movements				Balances as at 31 March 2006		
	Gross carrying amount	Accumulated Depreciation	Net carrying amount	Prior years' Adjustments	Additions	Disposal	Depreciation for the year	Gross carrying amount	Accumulated Depreciation	Net carrying amount
Motor vehicles	R 656,251	R 322,423	R 333,827	–	R 371,251	–	R 139,947	R 1,027,502	R 462,370	<b>565,131</b>
Computer equipment	4,329,073	3,386,267	942,806	–	315,659	–	421,083	4,644,732	3,807,350	<b>837,383</b>
Office equipment	2,704,947	1,129,690	1,575,257	–	60,575	–	420,944	2,765,522	1,550,634	<b>1,214,887</b>
Furniture and fittings	2,856,845	2,279,871	576,974	627,652	8,272	–	297,661	3,492,769	2,577,532	<b>915,237</b>
Library Material	1,463,938	–	1,463,938	–	340,581	–	–	1,804,519	–	<b>1,804,519</b>
<b>Total</b>	<b>12,011,054</b>	<b>7,118,251</b>	<b>4,892,802</b>	<b>627,652</b>	<b>1,096,338</b>	<b>–</b>	<b>1,279,635</b>	<b>13,735,044</b>	<b>8,397,886</b>	<b>5,337,157</b>

\* NEW ASSETS (PCs (COMPUTERS) X 11 TO THE VALUE OF R61, 898,76 WERE STOLEN IN DECEMBER 2005, THE MATTER IS CURRENTLY BEING INVESTIGATED AND WILL BE FINALISED DURING 2006/07.  
 \* OLD MONITORS X 11 AND 1 TV WERE STOLEN DURING A BURGLARY IN MARCH 2006, THEIR BOOK VALUES WERE R1 EACH, AND 1 LAPTOP STOLEN DURING OFFICE HOURS WITH A BOOK VALUE OF R1.  
 \* ALL ITEMS LISTED ABOVE WILL BE WRITTEN-OFF AFTER OBTAINING APPROVAL FROM THE CEO.



**2. Property, Plant and Equipment: 2004/05**

	Business as at 01 April 2004			Current Year Movements				Balances as at 31 March 2005		
	Gross carrying amount	Accumulated Depreciation	Net carrying amount	Prior years' Adjustments	Additions	Disposal	Depreciation for the year	Gross carrying amount	Accumulated Depreciation	Net carrying amount
	R	R	R		R	R	R	R	R	
Motor vehicles	458,759	213,904	244,855	–	197,492	–	108,520	656,251	322,424	333,827
Computer equipment	3,370,728	3,150,345	220,383	–	958,345	–	235,922	4,329,073	3,386,267	942,806
Office equipment	1,898,805	729,190	1,169,615	–	806,142	–	400,500	2,704,947	1,129,690	1,575,257
Furniture and fittings	2,445,396	2,096,429	348,967	–	411,449	–	183,442	2,856,845	2,279,871	576,974
Library Material	1,096,400	–	1,096,400	–	367,538	–	–	1,463,938	–	1,463,938
<b>Total</b>	<b>9,270,088</b>	<b>6,189,868</b>	<b>3,080,220</b>	<b>–</b>	<b>2,740,966</b>	<b>–</b>	<b>928,384</b>	<b>12,011,054</b>	<b>7,118,252</b>	<b>4,892,802</b>

	<b>2006</b>	<b>2005</b>
	<b>R</b>	<b>R</b>
<b>3. Trade and other receivables</b>	<b>222,293</b>	<b>399,305</b>
Other receivables	56,518	8,575
Staff loans	163,989	123,423
Rent prepaid	-	265,522
Department of Justice	1,785	1,785
<p>Staff loans are in terms of a staff loan policy, and are approved as per policy.</p>		
<b>4. SAHRC Trust</b>	<b>203,445</b>	<b>203,427</b>
<p>The SAHRC Trust account is a bank account that operates as an independent trust with a Trust Deed. The SAHRC is the sole beneficiary of the SAHRC Trust. It is the Commission's intention to utilise the Trust funds in its other operations in the near future subject to obtaining approval in accordance to the trust deed. The Trust has been dormant for a long time and after dissolution this funds will be removed from this account as per resolution.</p>		
<b>5. Cash &amp; cash equivalents</b>	<b>6,728,864</b>	<b>6,372,744</b>
Current Account	1,000,300	1,000,160
Projects accounts	-	450,812
Call Account	5,704,424	4,900,781
Petty Cash	24,139	20,991
<b>6. Trade and other payables</b>	<b>2,059,238</b>	<b>3,403,172</b>
Other accruals / payables	2,059,238	3,403,172
<b>7. Unexpended donated projects</b>	<b>1,791,665</b>	<b>1,026,872</b>
RBX-NCF	326,192	326,192
Secretariat of African National Institutions	4,931	36,262
Norwegian Field Project	517,323	359,863
Vryburg Police Project (NZ)	86,748	86,748
Mott Foundation	354,999	217,807
Foundation for Human Rights SER 2 (0941/021)	250,000	-
Foundation for Human Rights SER 2 (0941/002)	250,000	-
Ten year Anniversary	1,472	-





*Part Four: Finances*

	<b>2006</b> <b>R</b>	<b>2005</b> <b>R</b>
<b>8. Provisions</b>	<b>1,918,371</b>	<b>1,291,805</b>
Leave pay provision	1,792,136	1,208,275
Unpaid salaries provision	126,234	83,530
<b>9. Income</b>	<b>42,177,637</b>	<b>39,045,960</b>
Donations income	49,265	–
SA Government grant	41,774,000	37,653,000
Projects completed and per commission resolution taken as income	–	1,140,400
Sundry income:	177,186	
Administrative fees	1,733	–
Insurance payout for asset loss	93,300	–
General	76,953	–
Training stipend	5,200	252,560
<b>10. Projects closed off - balances transferred to income</b>	<b>–</b>	<b>1,140,400</b>
Duma Nokwe	–	10,069
Foundation For Human Rights	–	122,290
National Conference for Human Rights	–	253,164
Equality Legislation Project	–	743,359
RBX-NCF	–	10,378
Evaluation of SAHRC/10 year review	–	1,140
<b>11. Administrative expenses</b>	<b>8,451,886</b>	<b>8,203,794</b>
Advertising	183,022	198,640
External Audit fees	325,157	345,062
Internal Audit fees	300,087	331,603
Bank charges	40,939	24,191
Computer expenses	265,808	127,723
Courier and postage	145,737	87,205
Legal fees	101,088	55,178
Insurance	370,085	358,905
Lease and hire expenses	797,975	928,874
Printing and stationery	356,381	1,084,533
Rent and services	5,402,992	4,475,170
Repair and maintenance	162,616	186,710
<b>12. Staff cost</b>		
12.1 Staff costs amounting to include the following:	25,073,014	21,246,358
12.2 Aggregated remuneration paid to:	<b>6,577,392</b>	<b>4,837,759</b>
Commissioners	2,632,523	2,380,448
Chief Executive Officer (Inclusive of settlement amount)	1,011,277	542,845
Chief Financial Officer	162,242	309,953
Other senior managers	2,771,350	1,604,513

	2006 R	2005 R
<b>13. Other operating expenditure</b>	<b>7,587,362</b>	<b>8,448,873</b>
Book and subscription	–	8,994
Conference and workshops	609,676	819,002
Consulting fees	1,419,942	1,777,792
Internal and External liason	166,682	257,838
Subscription - library materials	51,237	199,060
Motor vehicle expenses	168,828	190,672
Other expenses	1,294	–
Expensed Equipment	118,680	–
Staff development	94,737	173,309
Staff relocation	60,247	192,200
Telephone, cell & fax	1,868,365	1,688,221
Translation and project cost	2,391,311	2,410,157
Travel & accommodation	636,363	731,629
<b>13.1 SAHRC - projects</b>	<b>2,391,311</b>	<b>2,410,157</b>
Legal	146,462	334,067
Research	1,369,360	1,086,326
Advocacy	178,533	587,046
Commissioners	97,852	14,162
Training	599,104	388,555
<b>13.2 Operating lease commitments</b>		
The South African Human Rights Commission future lease commitments in respect of office in respect of office buildings are as follows:		
	<b>11,334,874</b>	<b>15,404,289</b>
Due within one year	6,484,881	5,683,878
Due within two to five years	4,849,993	9,720,411
<b>14. Depreciation</b>	<b>1,279,635</b>	<b>928,384</b>
Motor vehicles	139,947	108,520
Computer equipment	421,083	235,922
Office equipment	420,944	400,500
Furniture and fittings	297,661	183,442



*Part Four: Finances*

	2006 R	2005 R
<b>15. Finance costs</b>		
Interest expense	(949)	(240)
<b>16. Income from investments</b>		
Interest income - bank deposits	340,798	429,755
<b>17. Cashflow from operating activities</b>		
<b>Surplus / (Deficit) for the year</b>	<b>(51,598)</b>	<b>648,066</b>
Adjusted for:		
Depreciation	1,279,635	928,384
Interest income	(340,798)	(429,755)
Interest expense	949	240
Operating surplus before changes in working capital	888,189	1,146,934
<b>Changes in working capital</b>	<b>224,420</b>	<b>1,577,564</b>
Decrease / (Increase) in debtors	177,012	10,105
Increase / (Decrease) in creditors	47,408	1,567,459
<b>Cash generated from operations</b>	<b>1,112,609</b>	<b>2,724,498</b>

**18. Prior year Adjustments**

There have been amendments to various accounting standards. A review was undertaken to consider whether they would result in any adjustments to the prior year financial statements. The following adjustments were identified:

**18.1 Property, plant and equipment**

Certain assets of the Commission were fully depreciated while still in use. This was because the useful lives of assets were not reviewed on a regular basis, with the effect that the useful life was inappropriate. The property, plant and equipment have been reinstated to reflect net book values, given appropriate useful lives.

The impact of the adjustment on the 2006 financial statements is as follows:

Increase in Accumulated Surplus as at 1 April 2005	627,652
Decrease in Surplus for 2006, resulting from:	-70,605
• Increase in depreciation for 2006	-70,605
Increase in property, plant and equipment as at 31 March 2006	<b>557,047</b>

**19. Insurance Premium Cost**

In 2004/05: R358, 905 and in 2005/06: R370, 085 was paid for insuring the Commission's assets and no approval obtained from Treasury.

**DETAILED STATEMENT OF FINANCIAL PERFORMANCE  
FOR THE YEAR ENDED 31 MARCH 2006**

	<b>2006</b>	<b>2005</b>
	<b>R</b>	<b>R</b>
<b>Operating income</b>	<b>42,341,249</b>	<b>39,475,716</b>
Donations income	49,265	–
Interest received	340,798	429,755
SA Government grant	41,774,000	37,653,000
Projects completed	–	1,140,400
Sundry income	177,186	252,561
<b>Operating expenditure</b>	<b>42,392,847</b>	<b>38,827,650</b>
Advertising	183,022	198,640
Audit Fees: External	325,157	345,062
Internal	300,087	331,603
Bank charges	40,939	24,192
Book and subscription	–	8,994
Computer expenses	265,808	127,723
Conference and workshops	609,676	819,002
Consulting fees	1,419,942	1,777,792
Courier and postage	145,737	87,205
Depreciation	1,279,635	928,384
Legal fees	101,088	55,178
Subscription - library materials	51,237	199,060
Insurance	370,085	358,905
Interest paid	949	240
Expensed Equipment	118,680	–
Internal and External liaison	166,682	257,838
Lease and hire expenses	797,975	928,874
Motor vehicle expenses	168,828	190,672
Other expenses	1,294	–
Printing and stationery	356,381	1,084,533
Rent and services	5,402,992	4,475,170
Repair and maintenance	162,616	186,710
Salaries and wages	25,073,014	21,246,359
Staff development	94,737	173,309
Staff relocation	60,247	192,200
Telephone, cell & fax	1,868,365	1,688,221
Translation and project cost	2,391,311	2,410,157
Travel & accommodation	636,363	731,629
<b>Surplus/ (Deficit) for the year</b>	<b>(51,598)</b>	<b>648,066</b>



**ANNEXURE A**

**SCHEDULE OF DONOR FUNDED / OWN FUNDED PROJECT ROLL-OVER AS AT 31 MARCH 2006**

Donor Funded Projects	Balance Apr 05	Adjusted Balance Apr 05	Income Received	Actual Expenses	Balance March 06
	R		R	R	R
941/019 Norweigan Field Project	359,863	359,863	373,314	215,854	517,323
941/014 UNHCR (Roll back Xenophobia)	326,192	326,192	–	–	326,192
941/001 Secretariat of African National Institutions	36,262	36,262	–	31,331	4,931
941/009 Vryburg police project (NZ)	86,748	86,748	–	–	86,748
941/017 Mott Foundation 200300731	217,807	217,807	247,456	110,265	354,999
941/020 Ten Year Anniversary	–	–	1,472	–	1,472
941/021 Foundation for Human Rights SER 2	–	–	250,000	–	250,000
941/002 Foundation for Human Rights SER 2	–	–	250,000	–	250,000
<b>Sub Total</b>	<b>1,026,871</b>	<b>1,026,871</b>	<b>1,122,243</b>	<b>357,449</b>	<b>1,791,665</b>
Transferred to Rollover Account	1,026,871	1,026,871	1,122,243	357,449	1,791,665

# **ANNEXURES**

**TO THE SAHRC 10TH ANNUAL REPORT  
FOR THE YEAR ENDING MARCH 2006**



**Annexures**



**Part 1**

Introduction.....83

Provincial launches of the Section 10 Guide.....83

Training sessions.....83

Section 51 (Private Bodies) Manuals .....83

Recommendations improvements .....84  
and amendments to PAIA

Compilation of PAIA handbook .....84

Mediation Role.....84

Section 32 reports .....84

**Part 2**

Introduction.....85

Submission of Section 32 Reports .....85

Schedule of Section 32 Reports .....85

Conclusion.....86

Section 32 Statistical Report .....87

**Part 3**

Introduction.....96

Section 83(3) Report .....96



## Part 1

### Introduction

During the previous reporting period, the Promotion of Access to Information Act Unit ('PAIA Unit' or 'the Unit') compiled the Guide in terms of section 10 of the Promotion of Access to Information Act ('PAIA' or 'the Act'), containing such information as may be required by a person wishing to exercise his or her right in terms of the Act, together with the contact details of information officers and deputy information officers. This is a statutory duty of the Commission. In the 2005/2006 financial year, the PAIA Unit concentrated on the provincial launches of the Guide as the main focus of its activities.

### Provincial launches of the section 10 Guide

After launching the Guide at the Commission's head office in Gauteng in the previous financial year, the Unit proceeded to launch the Guide at the provincial level. During the 2005/06 financial year, the Guide was launched at all other provinces save for Kwa-Zulu-Natal. The launch of the Guide in Kwa-Zulu-Natal took place in August 2006.

At the launches, the Unit briefed information officers, deputy information officers and other members of provincial departments, hospitals and municipalities about the Act as well as their statutory duties thereunder. The launches also served as a means of distributing copies of the Guide in accordance with the Regulations to the Act. Non-governmental organisations were also invited to the provincial launches and their attendance met with varied success.

### Training Sessions

Training of public officials arose as a corollary of the briefings that were conducted during the provincial launches. Following the provincial launches, the PAIA Unit received a number of requests for training on PAIA. Training sessions were held with officials from SANPARKS, the City of Johannesburg, City of Cape Town, Cadadu Municipality, Department of Agriculture at national level, Department of Agriculture (Gauteng province) and Department of Correctional Services.

### Section 51 (Private Body) Manuals

During the 2005 / 2006 financial year, the PAIA Unit also focused on the Commission's obligation to receive manuals compiled by private bodies in terms of section 51 of the Act. In terms of section 51 of PAIA, all private bodies as defined, are obliged to submit a manual, containing details of the nature of their business as well as the contact details thereof.

The manuals have to be submitted to the Commission in terms of the Regulations to the Act, and after a number of changes and extensions to the due date of submission; the manuals became due on 1 September 2005. It is correct to state that there was wide-spread panic among private bodies about their duty to submit their manuals, fuelled by incorrect and misleading information by both the media and individuals on the consequences of a failure to submit.

The Commission was flooded with telephonic and electronic mail enquiries from private bodies and the public in general. As the deadline of 1 September approached, the Commission

began to receive tens of thousands of manuals; by mail, hand delivery and electronically. In order to assist private bodies in the compilation of the manuals, the Commission posted guidelines for same, as well as a sample manuals on its website.

During this time, the Commission critically considered the need for the submission of the manuals, as well as its role as the custodian of the manuals. Submissions together with recommendations were made to the Department of Justice and Constitutional Development on removing the obligation of certain private bodies to compile section 51 manuals, especially by small private bodies. As a result, a further long-term exemption was granted by the Minister of Justice and Constitutional Development on 31 August 2005. The current position is that small businesses have been exempted from compiling a section 51 manual until 31 December 2011, with the exception of those businesses that have 50 employees or more, and operate within the scheduled sector; or have a scheduled turnover and fall within the scheduled sector.

As a consequence of the Commission being the custodian of section 51 manuals, it has had to employ more staff on a short-term contract basis to sort and electronically capture the names of those private bodies that have submitted.

### Recommendations for improvements and amendments to PAIA

Recommendations were also made to the Department of Justice and Constitutional Development in the financial year for improvements and amendments to PAIA. The Unit submitted its recommendations to the Department of Justice and Constitutional Development, with respect to the draft standard template for PAIA section 15 and 52 notices. The Unit also made recommendations and submission to the Deputy Minister of Justice and Constitutional Development, with regard to the establishment of the office of the

information commissioner. The PAIA Unit and the Department of Justice and Constitutional Development have also established Working Sessions to discuss the recommendations for amendments to the Act.

### Compilation of PAIA Handbook

The PAIA Unit has commenced with the compilation of a simplified version of the Act, in the form of a quick reference handbook, arising from suggestions received on the dire need thereof, in light of the complexity of the provisions of PAIA. This will be completed, published and distributed in the next financial year.

### Mediation Role

The Unit also acted as a mediator in respect of a PAIA request that was made to the National Treasury. The requester had sought the intervention of the Commission in the matter. The Unit met with both parties and attempted to resolve the matter. The Unit ascertained from the National Treasury that they had given the requester the records that she sought by making her copies thereof. National Treasury indicated that they were not in possession or control of the other records that requester sought to access. The Unit then advised the requester to request those records from the body that was either in control or in possession of such records.

### Section 32 Reports

As there has been an increasing downward trend in the number of reports submitted by public bodies in terms of section 32 of PAIA, the Unit saw fit to send out reminder letters to the information officers of public bodies, reminding them of their statutory duty to comply with section 32.

The reporting period has also been changed. Previously it was for the period 9 March to 8 March. The Commission has used its powers in terms of section 83(3)(d) by recommending that

bodies submit their reports in line with the government financial year and reporting cycle of 1 April to 31 March. This is a more workable and reasonable reporting period as it coincides with

the financial year of public bodies. The statistics compiled out of section 32 reports are annexed hereto in Part 2.

## Part 2

### Introduction

In terms of section 32 of PAIA, the information officer of a public body must annually submit a report to the Commission providing details in relation to the public body, a report as follows:

In terms of PAIA,

1. 1 the number of request for access received,
1. 2 the number of requests for access granted in full,
1. 3 the number of requests for access granted in terms of section 46 (this is where an information officer of a public body, despite there being a ground for refusal of access, must grant the request for access to a record, if the disclosure is in the interest of the public),
1. 4 the number of requests for access refused in full and refused partially, as well as the number of times each provision of the Act was relied on, in order to refuse access in full or partially,
1. 5 the number of cases in which the periods stipulated in section 25(1)(the 30 day period within which the information officer

1. 6 must deal with the request), were extended in terms of section 26(1), the number of internal appeals lodged with the relevant authority, and the number of cases in which, as a result of the internal appeal, access was given to a record,
1. 7 the number of internal appeals lodged on the ground that a request was regarded as a deemed refusal in terms of section 27,
1. 8 the number of applications to every court which was lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 (7) (this is where the relevant authority fails to give notice of the decision on an internal appeal to the appellant within 30 days after receipt of the appeal, and the relevant authority is then regarded as having dismissed the appeal).

### 2. Submission of section 32 reports

The number of public bodies submitting section 32 reports continues to remain low with a decrease in the number of reports received compared to the previous reporting period.

This decline was despite the fact that the Commission sent out letters to information officers reminding them of their statutory obligations and informing them of the new reporting period.

This declining trend is a cause for some concern, as five years after the commencement of the Act; information officers are still not complying with their statutory duty under section 32. The result of the Commission not obtaining a greater number of reports is that the extent of use of PAIA by the public cannot be accurately and comprehensively ascertained. The Commission has thus recommended that non-compliance with this section be made an offence in PAIA. More briefing sessions will also have to be provided to information officers on their duties under PAIA.

Another initiative aimed at encouraging more compliance is the Information Officers Forum. This forum will be launched in the next financial year. Some of the objectives of the forum will include the sharing of information on implementation issues on PAIA, and capacity building. The Commission will also publish a handbook simplifying PAIA and its use. The target audience will be both members of the public and public servants. This will be pursued in the next financial year.

### 3. The Schedule of Section 32 Reports

The consolidated schedule of section 32 reports hereunder is divided into four different sections. Section 1 consists of section 32 statistics furnished by National Government Departments, Section 2 of statistics furnished by Provincial Government Departments, Section 3 consists of local government bodies' statistics and section 4 consists of statistics furnished by Chapter 9 Institutions, Parastatals and Other Public Bodies. The statistics furnished is in respect of the reporting period 1 April 2005 up to and including 31 March 2006.

### 4. Conclusion

From the Commission's assessment of its empirical evidence on PAIA, it is of the view that there is a need for the development of more awareness programmes to advance the public's understanding of PAIA and public bodies understanding of their obligations. The Commission hopes that more interaction between public bodies through the Information Officers Forum will help raise awareness in public bodies. The handbook is another tool that will be used to raise awareness of PAIA. These will be pursued in the next financial year with relevant stakeholders.



## Section 32 Statistical Report: 1 April 2005 – 31 March 2006

### Section 1

#### NATIONAL GOVERNMENT DEPARTMENTS

Department	Date Submitted	Number of re-quests for access received Section 32(a)	Number of re-quests for access granted in full Section 32(b)	Number of re-quests for access granted in terms of section 46 Section 32(c)	Number of re-quests for access:			Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26 (1) Section 32(e)	Number of internal appeals lodged with the relevant authority b) number of cases in which as a result of an internal ap- peal access was given Section 32(f)		Number of internal appeals which were lodged on the ground that a request for access was regarded as hav- ing been refused in terms of section 27 Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 (7) Section 32(h)	Other Infor- mation
					(a)	(b)	(a)		(b)	(a)			
1 Agriculture	3/04/06	(18)	(14)	(0)	(0)	(0)	(0)	(5)	(0)	(0)	(0)	(0)	
2 Public Serv- ice & Admin	11/07/06	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
3 Justice & Constitutional Development	9/03/06	(43)	(12)	(0)	(9)	(2)	(9)	(16)	(1)	(0)	(0)	(0)	
4 Land Affairs	8/03/06	(2)	(0)	(0)	(2)	(0)	(0)	(2)	(0)	(0)	(0)	(0)	
5 Trade and Industry	8/03/06	(6)	(4)	(0)	(2)	(1)	(1)	(1)	(0)	(0)	(0)	(0)	
6 Provincial & Local Govern- ment	10/04/06	(1)	(1)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
7 Foreign Affairs	04/04/06	(12)	(4)	(0)	(6)	(2)	(1)	(2)	(1)	(1)	(0)	(0)	
8 Correctional Services	26/06/06	(2)	(2)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
9 Home Af- fairs	26/04/06	(14)	(3)	(3)	(5)	(1)	(0)	(0)	(1)	(1)	(0)	(1)	





**Section 2**

**PROVINCIAL GOVERNMENT DEPARTMENTS**

Department	Date Submitted	Number of re-requests for access received Section 32(a)	Number of requests for access granted in full Section 32(b)	Number of requests for access granted in terms of section 46 Section 32(c)	Number of re-requests for access: Section 32 (d)			Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26 (1) Section 32(e)	Number of internal appeals lodged with the relevant authority b) number of cases in which as a result of an internal appeal access was given Section 32(f)		Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 (7) Section 32(h)	Other Information
					a) refused in full	b) refused partially	c) number of times each provision of the Act was relied on to refuse access in full or partially		a)	b)			
<b>Mpumalanga Province</b>					(a)	(b)	(a)		(a)	(b)			
1. Public Works	5/07/06	(1)	(0)	(0)	(0)	(1)	(0)	(0)	(0)	(0)	(0)	(0)	
2. Provincial Legislature	11/07/06	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
<b>Northern Cape Province</b>													
1. Sports, Arts and Culture	15/03/06	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
<b>Gauteng</b>													
1. Agriculture, Conservation & Environment	3/07/06	(42)	(30)	(0)	(0)	(3)	(0)	(6)	(0)	(1)	(0)	(0)	
<b>Free State</b>													
1. Office of the Premier	23/06/06	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	





## PROVINCIAL LEGISLATURES

Provincial Legislatures	Date Submitted	Number of re-quests for access received Section 32(a)	Number of re-quests for access granted in full Section 32(b)	Number of re-quests for access granted in terms of section 46 Section 32(c)	Number of re-quests for access: a) refused in full b) refused partially c) number of times each provision of the Act was relied on to refuse access in full or partially Section 32(d)	Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26 (1) Section 32(e)	Number of internal appeals lodged with the relevant authority a) number of cases in which as a result of an internal appeal access was given Section 32(f)	Number of internal ap-peals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 Section 32(h)	Other Information
<b>Provincial Legislatures</b>										
<b>Western Cape</b>										
1. Provincial Parliament	13/03/06	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
<b>Limpopo</b>										
2. Office of the Secretary of Legislature	23/06/06	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	

**Section 3  
LOCAL GOVERNMENT**

Municipalities	Date Submitted	Number of re-requests for access received	Section 32(a)	Number of requests for access granted in full	Section 32(b)	Number of re-requests for access granted in terms of section 46	Section 32(c)	Number of re-requests for access: a) refused in full b) refused partially c) number of times each provision of the Act was relied on to refuse access in full or partially	Section 32(d)	Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26 (1)	Section 32(e)	Number of internal appeals lodged with the relevant authority	Section 32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27	Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77	Section 32(h)	Other Information
<b>Free State</b>																		
1. Fetakgomo Local Municipality	23/06/06	(0)		(0)		(0)		(0)		(0)		(0)		(0)		(0)		
2. Setsoto Municipality	4/07/06	(1)		(0)		(0)		(0)		(0)		(0)		(0)		(0)		
<b>Gauteng</b>																		
1. City of Johannesburg	8/03/06	(103)		(84)		(2)		(1)	(2)	(2)		(2)		(0)		(0)		
<b>KwaZulu-Natal</b>																		
1. Uthungulu District Municipality	11/04/06	(2)		(2)		(0)		(0)	(0)	(0)		(0)		(0)		(0)		
2. Ethekwini Municipality	22/06/06	(22)		(12)		(0)		(7)	(7)	(6)		(5)		(0)		(0)		
<b>Limpopo</b>																		
1. Msukalingwa Municipality	5/07/06	(0)		(0)		(0)		(0)	(0)	(0)		(0)		(0)		(0)		
<b>Western Cape</b>																		
1. Theewater Municipality	8/06/06	(23)		(22)		(0)		(1)	(0)	(0)		(0)		(1)		(0)		
2. Saldanha Bay Municipality	5/07/06	(9)		(9)		(0)		(0)	(0)	(0)		(0)		(0)		(0)		

**Section 4  
CHAPTER 9 INSTITUTIONS**

Institution	Date Submitted	Number of requests for access received Section 32(a)	Number of requests for access granted in full Section 32(b)	Number of requests for access granted in terms of section 46 Section 32(c)	Number of requests for access:			Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26 (1) Section 32(e)	Number of internal appeals lodged with the relevant authority		Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 Section 32(h)	Other Information
					(a)	(b)	(c)		(a)	(b)			
1. SAHRC	15/03/06	(1)	(0)	(0)	(0)	(0)	(1)	(0)	(0)	(0)	(0)	(0)	
2. Commission for Culture, Religion and Language	27/06/06	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
3. Auditor-General	10/07/06	(4)	(4)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
4. Public Protector	24/07/06	(1)	(0)	(0)	(0)	(0)	(0)	(1)	(0)	(0)	(0)	(0)	

**Section 5  
OTHER PUBLIC BODIES**

Institution	Date Submitted	Number of requests for access received Section 32(a)	Number of requests for access granted in full Section 32(b)	Number of requests for access granted in terms of section 46 Section 32(c)	Number of requests for access: Section 32(d)			Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26 (1) Section 32(e)	Number of internal appeals lodged with the relevant authority b) number of cases in which as a result of an internal appeal access was given Section 32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 Section 32(h)	Other Information
					(a)	(b)	(c)					
1. South African Secret Service	31/05/06	(5)	(0)	(0)	(0)	(1)	(0)	(0)	(0)	(0)	(0)	(4) Transferred
2. Magistrates Commission	20/03/06	(16)	(14)	(0)	(2)	(2)	(0)	(0)	(0)	(0)	(0)	
3. South African National Qualifications Authority	28/06/06	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
4. Nelson Mandela Metropolitan University	13/03/06	(2)	(0)	(0)	(2)	(0)	(1)	(0)	(2)	(1)	(0)	
5. Trans-Caledon Authority	5/07/06	(1)	(1)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
6. Public Service Commission	25/07/06	(2)	(0)	(0)	(2)	(0)	(0)	(0)	(0)	(0)	(0)	
7. South African National Roads Agency	25/07/06	(8)	(2)	(0)	(4)	(4)	(4)	(0)	(0)	(1)	(1)	

**OTHER PUBLIC BODIES**

Institution	Date Submitted	Number of requests for access received Section 32(a)	Number of requests for access granted in full Section 32(b)	Number of requests for access granted in terms of section 46 Section 32(c)	Number of re-quests for access: Section 32(d)			Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26 (1) Section 32(e)	Number of internal appeals lodged with the relevant authority b) number of cases in which as a result of an internal appeal access was given Section 32(f)		Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 Section 32(h)	Other Information
					a) refused in full	b) refused partially	c) number of times each provision of the Act was relied on to refuse access in full or partially		a)	b)			
9. Radio Pulpit	15/03/06	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)		
10. Telkom	11/04/06	(4)	(0)	(0)	(4)	(0)	(4)	(0)	(0)	(0)	(0)		
11. Accounting Standards Board	18/04/06	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)		
12. Central University of Technology - Free State	12/04/06	(3)	(1)	(0)	(2)	(0)	(0)	(0)	(0)	(0)	(0)		
13. South African Police Service	19/04/06	(18 258)	(14 813)	(771)	(254)	(89)	(343)	(1 271)	(4)	(1)	(2)	(0)	
14. Special Investigating Unit	12/05/06	(1)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	(0)	
15. South African Diamond Board	22/06/06	(3)	(0)	(0)	(2)	(1)	(3)	(0)	(0)	(0)	(0)	(0)	

## Part 3

### Introduction

In terms of section 83(3)(h) the Public Protector must submit to the Commission a report outlining the following:

- (i) The number of complaints lodged with the Public Protector in respect of a right conferred or duty imposed by this Act, and
- (ii) The nature and outcome of those complaints.

The section 83 report follows hereunder

Public Protector Office	Nature of complaint:	Outcome of the investigation: National Office: Pretoria
National Office: Pretoria	The complaint was against the Companies and intellectual Property Registration office regarding the charging of fees for access to company records at a higher rate than that which was allowed for in terms of the Act	Advised the complainant to pursue the matter with the SAHRC in view of the fact that the matter was sent to both this office and the HRC simultaneously
National Office: Pretoria	The complainant submitted a request to the SA Police Service in terms of the Act and never received a response	It was established that the relevant request form was not properly completed and the complainant was referred to the information officer for assistance to complete the forms correctly
National Office: Pretoria	The complainant was against a private company	The complainant was advised to refer the matter to the SAHRC for assistance
National Office: Pretoria	The complainant requested patient records of the complainant's late brother from a hospital in Mpumalanga	The complainant was assisted in obtaining the correct application forms from the relevant information officer for it to be submitted in terms of the Act
Provincial Office: Northern Cape	The complainant applied for a position with the Department of Education and requested to be given the records of the interviews to check his performance against the other candidates	The complainant never applied for information in terms of the Act and was subsequently advised to apply for the documents in terms of the Act. The matter is still under investigation
Provincial Office: North West	The complainant averred that the Department of Education refused to supply her with information about the process followed, and her own performance during an interview for the post of Principal for the George Madoda Primary School	In view of the fact that the complainant elected not to use the Act in order to obtain information, she was advised to approach the relevant Bargaining Council to resolve the labour dispute

