

## 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.

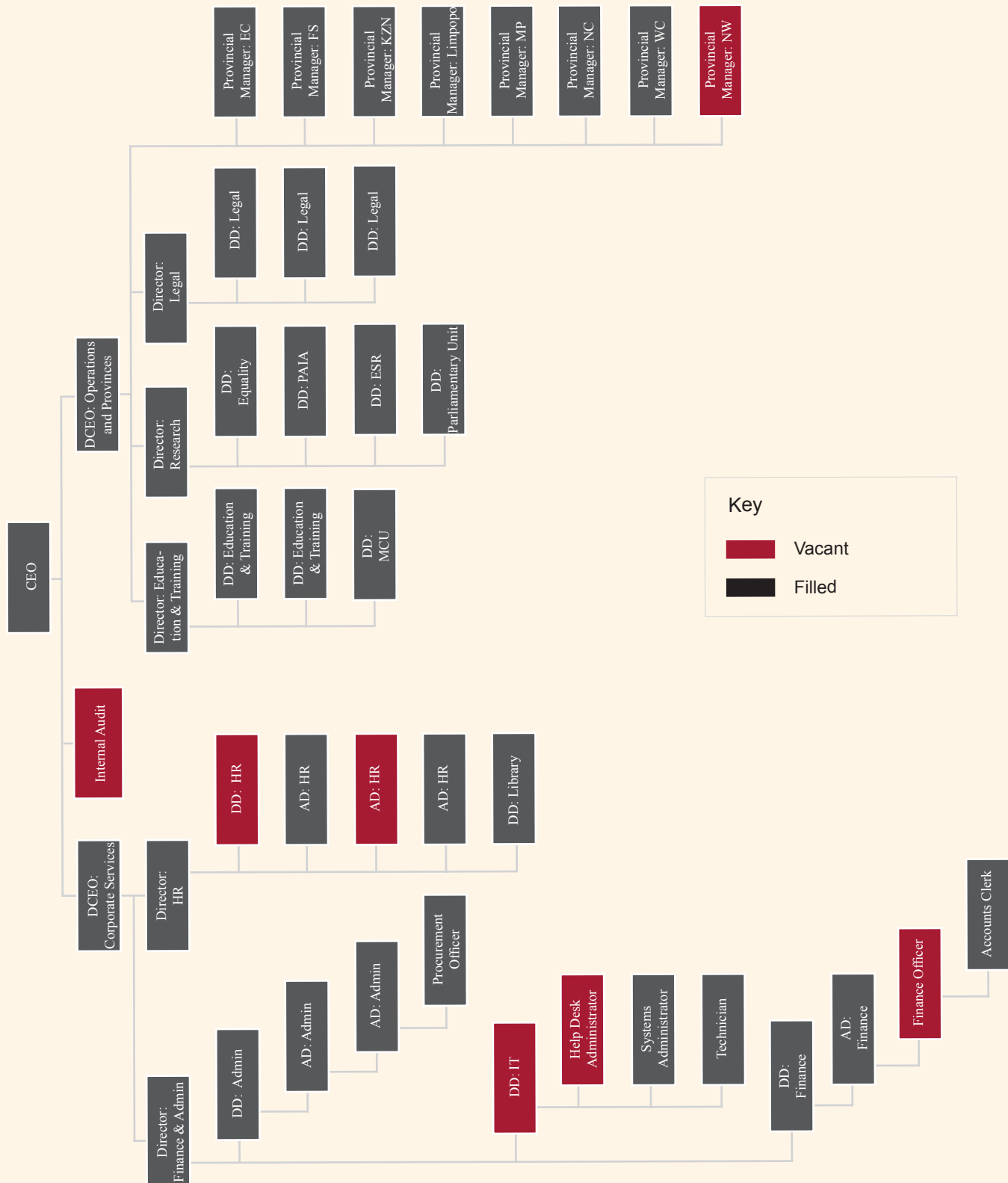
Externally, NACHRET's main challenge has been to get all the Commission's courses accredited with South African Qualifications Authority (SAQA). Institutionalisation of human rights, especially through curricula development in institutions of higher learning and further education and training has also 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	
	Review financial policy and procedures by 31 March 2006	Ongoing	Achieved	
	Establishment of the North West provincial office	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

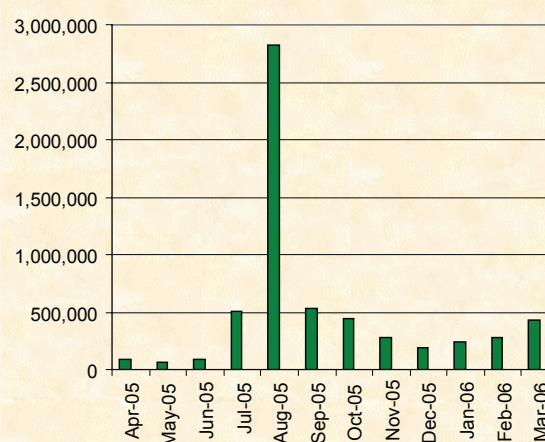
Reports of the Commission's inquiries/interventions/seminars were published and/or placed on the website for easier access. The reports included those on the *Inquiry into Voluntary Associations; Xenophobia and problems related to it; Human Rights and Values and Freedom of Expression in the Context of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

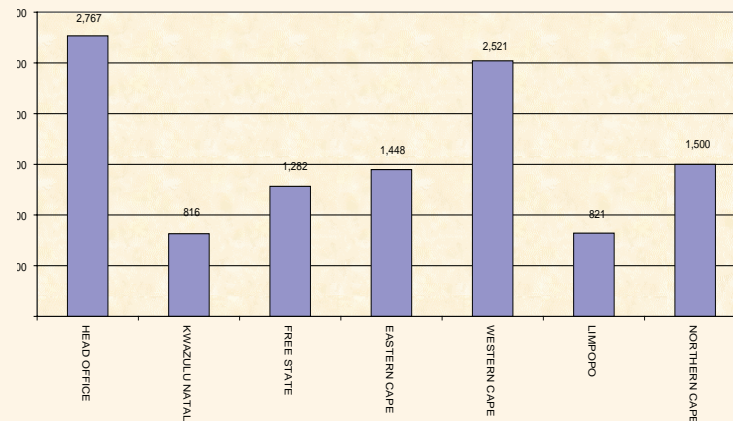
The legal services programme endeavours to discharge the protection mandate of the Commission. In doing so it investigates complaints of human rights violations lodged with the Commission while at the same time initiating its own investigations where necessary. The ultimate aim being to provide or to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

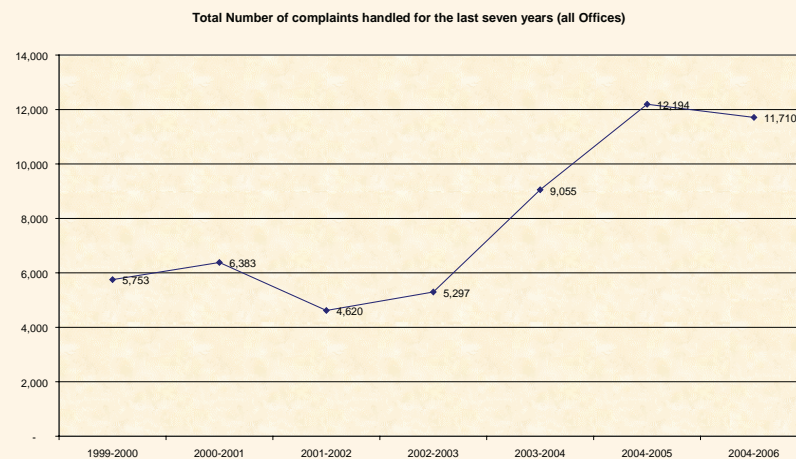
### Litigation

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

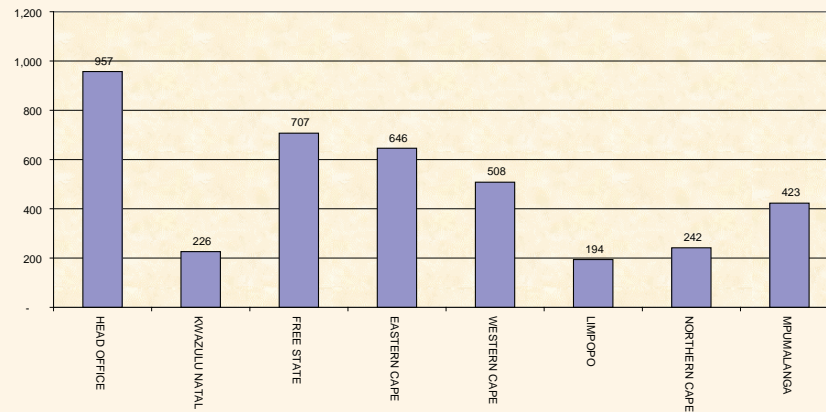
Systemic or widespread human rights violations in a particular area or of a particular vulnerable group form the focus on public inquiries. During this reporting period major inquiries conducted and published included the Right to Basic Education inquiry which focused on the meaning, content and context 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

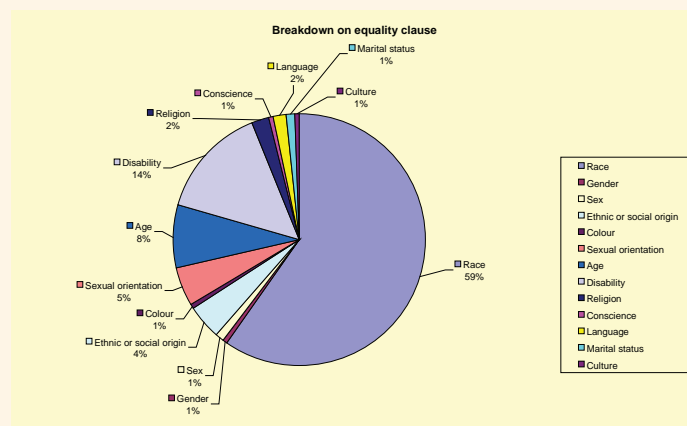
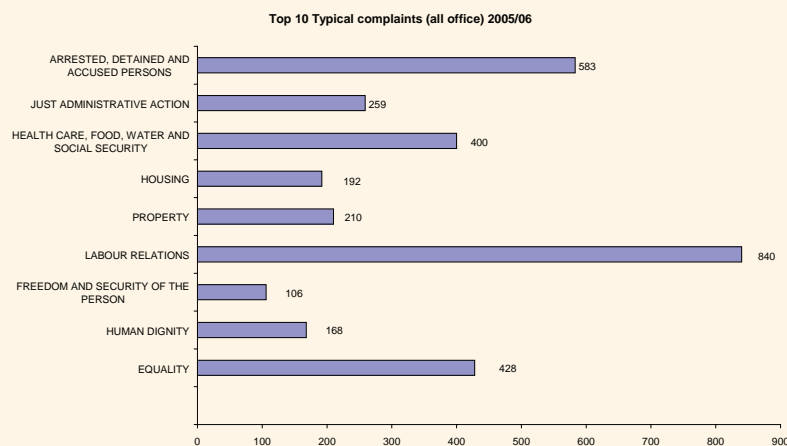
Note 1: Accepted complaints, Rejections and Referrals = Written complaints

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	Daily	Achieved

**Programme: Research and Documentation**

Sub-programmes	Output	Output performance measures/service delivery indicators	Actual performance against target	
			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