



**Towards a Culture  
of Human Rights**

# **ANNUAL REPORT**

**(For the year ended 31 March 2020)**

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**Annual Financial Statements attached as separate document to this copy, and with Pages 1 – 43.**

## **FOREWORD BY THE CHAIRPERSON**

Violations of human rights in the country are an endemic challenge to society. We have dealt with the highest number of cases of reported violations during this financial year compared with the last five years. One of the persistent concerns is the inequalities, which also exacerbate racial tensions and racism in our country.

As the challenges are enormous, the Commission benefits from strengthened collaborations and partnerships with a range of stakeholders to ascertain pro-human rights discourses. Public outreach initiatives and engagements with community leaders enable the Commission to spread its education and awareness mission to empower most vulnerable and marginalised communities. This is enhance with stronger liaison with community and mainstream media to increase our accessibility and reach to masses of the population.

The Commission has promoted the protection of rights for the victims of human rights violations through appropriate redress mechanisms. These included disputes resolution, strategic impact litigation and litigation at the equality courts. The challenges of inequalities remain a growing concern, particularly racism and hate speech, which remain the highest number of complaints received by the Commission.

In terms of its monitoring mandate, the Commission continued an to assess the state of human rights in the country, including economic and social rights, civil and political rights, equality, and the international and regional human rights obligations. It observes much needed effort to improve the state of human rights significantly in the country. It is also clear that the Commission alone cannot alone turn the concerning trends of human rights violations around.

In spite of the endeavours to promote and protect human rights in the country, there remain huge challenges prohibiting greater impact of the work of the Commission. The broad mandate, coupled with resource constraints and an uncertain political environment present risks to the attainment and entrenchment of a human rights culture in our society.

We call on all relevant stakeholders, especially the Legislatures and the Executive to increasingly support and uphold the constitutional principles of accountability for human rights. We appeal for greater oversight and collaboration in support of the pro-human rights trajectory of our development by those tasked with the responsibility. We, in the Commission, unwaveringly declare our commitment to a Commission that is impactful in the promotion and protection of people's rights in society.

**Advocate Bongani Majola**  
**Chairperson**

## **OVERVIEW BY THE CHIEF EXECUTIVE OFFICER**

Institutional stability and good governance are of paramount importance for the effectiveness and efficiency in delivering on the mammoth task required of us by our constitutional mandate. Despite the constraints on financial and human resources, we have maintained a stable and effective administration to ensure sustainable delivery on our mandate. While areas of concern have been highlighted, the South African Human Rights Commission (Commission) has managed to secure a continuous unqualified audit opinion for the 2019/20 financial year.

The Human Rights situation in South Africa is volatile that it warrants constant dedication to constitutional principles and values as enshrined in the Bill of Rights. As the Commission we tirelessly strive to redress the ills in our society, as mandated by the constitution. The nature of human rights violations has persistently remained unchanged over the years, with complaints lodged largely including issues relating to equality, socio-economic rights, and human dignity. The continuous plague of violent expressions in response to limited opportunities for employment, access to higher education and consequent inequalities is one of the major concerns. Further exacerbating the situation are trends of violence against children, gender-based violence, hate crimes and violent protest action.

The Commission's endeavours at addressing the human rights challenges facing our country are underpinned by integration of our mandate elements. During the financial year under review, our promotional mandate efforts have yet significantly increased our public outreach and media visibility, reaching billions of people and with an average value equivalent approaching half-a-billion Rands. This has helped ascertain human rights awareness and advocacy of constitutional values in various communities, the general public and with key stakeholders.

Our protection mandate has seen us deal with the highest number of complaints and enquiries compared with the past five years, with more than 11 000 lodged with us, and 75% of these resolved during the period under review. This is evident of our concerted efforts at providing effective redress to human rights violations. We have successfully instituted litigation on certain strategic matters, including in equality courts across the country, to enforce adherence with the upholding of constitutional values.

The state of human rights in our society, as observed through our monitoring findings, is still far from ideal as embedded with the values of dignity, equality and justice for all. Lack of accountability and poor observance of human rights in various sectors of society seem entrenched. We continue to monitor observance and provide advisory recommendations with a view to influence the various actors towards promoting rights and entrenching a human rights culture in the country.

As the head of the Secretariat of the Commission, we are grateful for the guidance and support of our Commissioners and staff for the commitment and dedication demonstrated towards promoting the ideals of a constitutional democracy.

**Advocate Tseliso Thipanyane**  
**Chief Executive Officer**

## PART A: GENERAL INFORMATION

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### 1. STRATEGIC OVERVIEW

The South African Human Rights Commission's strategic intent is informed by various instruments and policy mechanisms. These include the Constitution as well as other founding and supporting legislation.

#### 1.1 *Vision*

To transform society, secure rights, and restore dignity.

#### 1.2 *Mission*

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

#### 1.3 *Values*

The values of the Commission are:

- a) Integrity
- b) Honesty
- c) Respect
- d) Objectivity
- e) Batho Pele Principles
- f) Equality

### 2. LEGISLATIVE AND POLICY MANDATES

The Commission is an independent institution that supports constitutional democracy, and is established in terms of Chapter 9 of the Constitution. Its specific mandate is stipulated in Section 184 of the Constitution. The following sub-sections broadly describe the parameters of the institution.

#### 2.1 *Constitutional mandate*

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

- a) The South African Human Rights Commission (SAHRC) must:
  - i. promote respect for human rights and a culture of human rights.
  - ii. promote the protection, development, and attainment of human rights.
  - iii. monitor and assess the observance of human rights in the Republic.

- b) The Commission has the necessary powers, as regulated by national legislation, to perform its functions, including the power:
  - i. to investigate and report on the observance of human rights.
  - ii. to take steps to secure appropriate redress where human rights have been violated.
  - iii. to carry out research.
  - iv. to educate.
- c) Each year, the Commission must require relevant organs of state to provide the Commission with information on the measures that it has taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education, and the environment.
- d) The Commission has additional powers and functions prescribed by other national legislation.

## **2.2 Other legislative and policy mandates**

The Commission has additional powers and functions prescribed by specific legislative obligations in terms of the South African Human Rights Commission Act, the Promotion of Access to Information Act and the Promotion of Equality and Prevention of Unfair Discrimination Act.

In this respect, the Commission must:

- a) promote awareness of the statutes
- b) monitor compliance with the statutes
- c) report to Parliament in relation to these statutes
- d) develop recommendations with regard to persisting challenges related to these statutes and any necessary reform.

### ***South African Human Rights Commission Act 40 of 2013 (SAHRCA)***

While the Commission fulfils the obligations set out in the SAHRCA, the Commission has suggested a number of amendments to bring the SAHRCA in line with the Constitution and subsequent legislation. The Commission awaits the tabling in Parliament of amendments to the (SAHRCA) occasioned by the adoption of the Constitution in 1996.

### ***Promotion of Access to Information Act 2 of 2000 (PAIA)***

The Commission promotes compliance with the PAIA and produces an annual report in this regard, in line with Sections 83 and 84 of the PAIA. Key prescripts of the PAIA are the development of transparency frameworks and increasing institutional responsiveness to information requests, with a view to promote access to information.

### ***Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA)***

The Commission continues to promote compliance with the PEPUDA, and will start producing a thematic equality report on an annual basis. Section 25 (5) (a) of the PEPUDA prescribes the submission of equality plans to the SAHRC to be dealt with in the prescribed manner, in consultation with the Commission on Gender Equality. Section

28 (2) requires the SAHRC to assess and report on the extent to which unfair discrimination on the grounds of race, gender, and disability persists in the Republic, the effects thereof, and recommendations on how best to address the problems. The Commission continues to assess and report on the state of equality, notwithstanding that Sections 25 and 28 are not yet in operation.

### ***International and regional instruments***

The Commission is actively involved in ensuring the ratification and domestication of international and regional human rights instruments through, among others, advocacy and policy influence.

At an international level, the Commission is recognised by the United Nations Office of the High Commissioner for Human Rights as an "A" status National Human Rights Institution (NHRI). The Commission has thus adhered to the Paris Principles, which are guiding principles that set out the nature and functioning of NHRIs. These principles emphasise the independent nature of NHRIs and guide the manner in which they should conduct their work.

Summarised, the principles state, among others, that national human rights institutions should:

- a) monitor any situation of violation of human rights.
- b) be able to advise the government, Parliament, and any other competent body on specific violations.
- c) educate and inform on issues of human rights.
- d) be able to use their quasi-judicial powers where these exist.

The mentioned legislation and policies form the basis on which the Commission plans its strategy and operations.

### 3. ORGANISATIONAL STRUCTURE

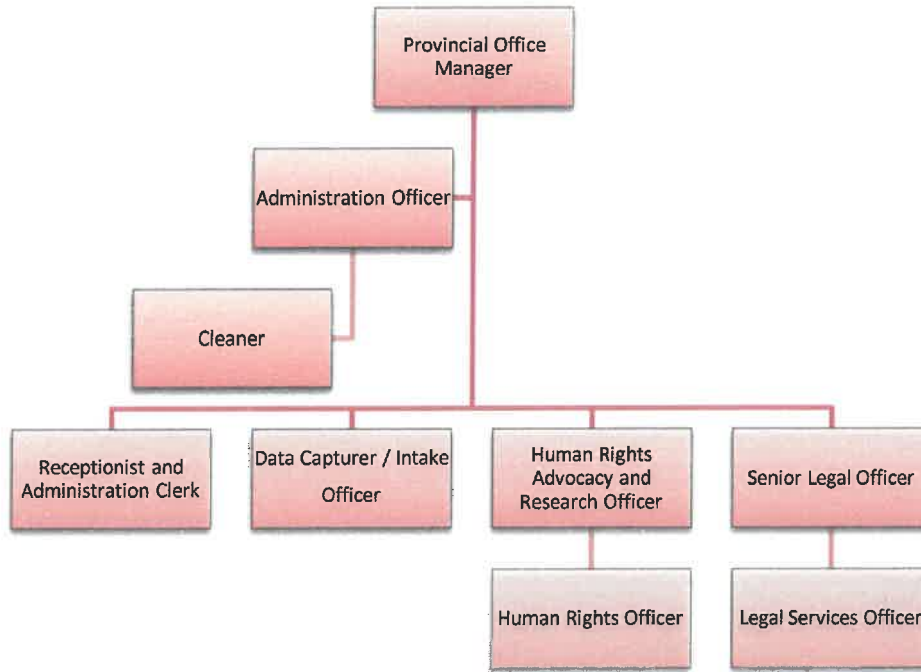
The execution of the Commission's constitutional and legislative mandate is supported by an organisational structure constituted at the head office in Johannesburg, and supported by provincial offices across all nine provinces.

Figure 1: Head office structure





**Figure 2: Provincial level generic structure:**



## PART B: PERFORMANCE INFORMATION

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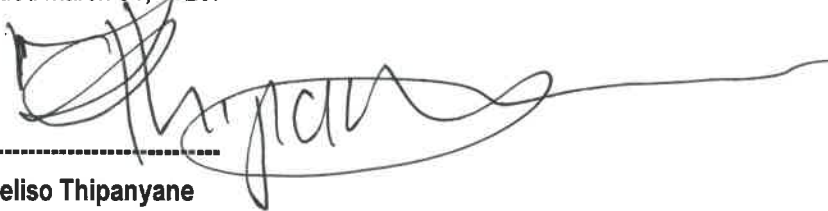
### STATEMENT OF RESPONSIBILITY FOR PERFORMANCE INFORMATION

#### Statement of responsibility for performance information for the year ended March 31, 2020

The Chief Executive Officer is responsible for the preparation of the institution's performance information and for the judgements made in this information.

The Chief Executive Officer is responsible for establishing and implementing a system of internal control designed to provide reasonable assurance as to the integrity and reliability of performance information.

In my opinion, the performance information fairly reflects the performance of the institution for the financial year ended March 31, 2020.

A handwritten signature in black ink, appearing to read 'Tseliso Thipanyane', written over a horizontal dashed line.

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**Tseliso Thipanyane**  
**Chief Executive Officer**  
**Date: 31 July 2020**

## **1. OVERVIEW OF INSTITUTIONAL PERFORMANCE AND ORGANISATIONAL ENVIRONMENT**

### **1.1 Institutional delivery and organisational environment**

The ongoing violations of human rights in the country remain an endemic challenge in society. The Commission had to deal with more than 11 000 cases during the period under review, the highest caseload over the last five years. The key human rights concerns based on top five complaints lodged with the Commission include rights relating to equality; Section 27 (health care, food, water, and social security); just administrative action; labour relations; and human dignity. In terms of the right to equality, the highest number of complaints received concerned the issue of racism.

Beyond the top 5 complaints, the other concerns, from a complaints perspective, have included the rights to education; arrested, detained, and accused persons; housing; and children. In dealing with these issues, the Commission continued to apply its protective, promotional and monitoring interventions, which includes complaints handling and resolution, strategic impact litigation, recommendations monitoring, public outreach engagements, collaborative engagements, media and communications liaison, as well as research and monitoring of the state of human rights in the country. The Commission will increasingly endeavour to find mechanisms to maximise the impact of its interventions to effectively deal with these and other human rights concerns.

Resource limitations amidst a very broad constitutional mandate for the Commission are always a significant restraint. Senior management resignations and vacancies within the period meant that delivery would be adversely affected. In addition, concerns of National Treasury effected budget reductions posed challenges for the 2020-21 planning processes and the rethinking of the strategic plan going forward. The institution had to continue with significant cost savings measures including operating without suspended senior posts during the financial year.

Institutional performance was adversely affected towards the end of the financial year and during human rights month, owing to the rapid spread of the Corona Virus of 2019 in South Africa, and the resultant declaration of the state of disaster.

### **1.2 Key policy developments and legislative changes**

With the introduction of the Information Regulator (IR) in terms of the Protection of Personal Information Act 4 of 2013, the anticipation is for the legislative mandate imposed by the Promotion of Access to Information Act 2 of 2000 (PAIA) to be carried out by the IR. However, until full establishment of the IR and a comprehensive Handover process, the Commission will continue to deliver on the PAIA mandate.

During the period under review, the Commission made legislative submissions on the following:

- 1.2.1 National Health Bill
- 1.2.2 PAIA Amendment Bill
- 1.2.3 Constitution Eighteenth (18<sup>th</sup>) Amendment

## 2 STRATEGIC FOCUS AREAS AND OUTCOME ORIENTED GOALS

### 2.1 Strategic focus areas

In pursuit of its constitutional mandate, and in consideration of the broad thematic areas, the Commission has adopted and integrates the following key focus areas into its operations:

- 2.1.1 Children and migration
- 2.1.2 Civil and political rights
- 2.1.3 Disability and social security
- 2.1.4 Education
- 2.1.5 Equality and social cohesion
- 2.1.6 Healthcare
- 2.1.7 Land, environment and right to food
- 2.1.8 Water, sanitation and housing

### 2.2 Outcome-oriented goals and strategic objectives

The Commission's planning and internal evaluation exercises over the five-year strategic planning period, 2015 to 2020, resulted in the revision of key strategic outcomes, as follows:

**Strategic outcome oriented goal 1:** Enhance organisational development and excellence.

**Goal statement:** Improved institutional governance and capacity to ensure effective and efficient delivery on the mandate.

**Strategic outcome oriented goal 2:** Promote a sustainable culture of human rights in the country.

**Goal statement:** Enhancing awareness of human rights in the country; providing appropriate redress mechanisms to human rights violations; and monitoring and reporting on observance of human rights.

**Strategic outcome oriented goal 3:** Play a leading role in international and regional human rights matters.

**Goal statement:** Meeting obligations under the international and regional human rights mechanisms.

To achieve these goals, the Commission set out five (5) strategic objectives that were used to measure programme performance. A detailed narrative on the realisation of these strategic objectives will be provided under the section on "Programme performance by strategic objective".

The Commission has reconfigured its programme structure to allow for meaningful execution and realisation of its outcome-oriented goals and strategic objectives. The Commission has four (4) main programmes, which include:

- (a) Administration
- (b) Promotion of human rights
- (c) Protection of human rights

(d) Monitoring of human rights

These programmes have sub-programmes that are referred to as business units and include provincial offices, which contribute towards the realisation of the outcome-oriented goals and strategic objectives.

### **3 PERFORMANCE INFORMATION BASED ON STRATEGIC OBJECTIVES AND PROGRAMMES**

#### **3.1 Strategic objectives**

The Commission adopted five (5) strategic objectives towards the realisation of its strategic outcome-oriented goals, which were as follows:

- 3.1.1 Strategic Objective 1: Improve institutional governance and capacity to ensure effective and efficient delivery on the mandate;
- 3.1.2 Strategic Objective 2: Enhance advocacy, visibility and awareness programmes;
- 3.1.3 Strategic Objective 3: Take steps to secure appropriate redress where human rights have been violated;
- 3.1.4 Strategic Objective 4: Monitor, assess and report on the observance of human rights; and
- 3.1.5 Strategic Objective 5: Meet obligations under the Constitution, the SAHRC Act, and the Paris Principles.

#### **3.2 Summary of programmes**

In support and alignment with the constitutional mandate, outcome oriented goals and strategic objectives, the Commission is broadly structured into four programmes:

- a) Programme 1: Administration;
- b) Programme 2: Promotion of human rights;
- c) Programme 3: Protection of human rights; and
- d) Programme 4: Monitoring observance of human rights.

These Programmes are further structured into business units responsible for operations for the realisation of the strategic objectives. It must be noted that some of the business units' work cuts across the core Programmes, 2 to 4, and related strategic objectives. However, for programme budgeting purposes, these have been allocated to specific Programmes and include the Commissioners' Unit, Office of the Chief Operations Officer and the Provincial Offices. It must also be noted that the Office of the Chief Executive Officer contributes throughout all the 4 Programmes of the Commission.

#### **Programme 1: Administration**

This Programme consists of the following business units:

***Finance:***

Finance provides effective and efficient management of the budget to allow for successful achievement of strategic objectives within limited resources. The unit also facilitates and monitors the management of identified organisational risks to minimise threats to operations.

**Corporate services:**

This unit encompasses the functions of human resources management, administration and supply chain management, and information communications technology. The unit aligns the Commission's human resource objectives to its planning processes, enabling recruitment and retention of staff with capacity to support the achievement of strategic objectives. It establishes and manages integrated supply chain management, asset management and coordination of all administrative functions of the Commission within defined regulatory frameworks. It is also responsible for ensuring effective and efficient information communications technology systems and services.

**Internal audit:**

The Internal Audit Unit assesses the adequacy and reliability of internal controls and governance processes. It identifies gaps and recommends corrective action to the controls and processes.

**Strategic support and governance:**

The unit is responsible for coordination of the processes including institutional strategic planning, performance monitoring, evaluation, and reporting.

**Office of the Chief Executive Officer:**

The Chief Executive Officer (CEO) is responsible for establishing and maintaining an effective and efficient corporate governance framework that ensures management accountability through improved mechanisms for controlling and directing management activities. It further provides guidance and oversight to the core operations Programmes.

**Programme 2: Promotion of human rights**

This Programme consists of the following business units, responsible for the promotional and protective aspects of the Commission's mandate:

**Commissioners' programme (Office of the Commissioners):**

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

**Human rights advocacy and communications:**

The human rights' advocacy and communications (Advocom) unit promotes awareness of human rights and contributes to the development of a sustainable human rights' culture in South Africa. It also serves to promote the Commission activities and enhance understanding through comprehensive communications and media relations.

**Provincial offices**

Provincial offices are responsible for carrying out the Commission's mandate through core operations and actual implementation at provincial level.

### **Programme 3: Protection of human rights**

#### ***Legal Services:***

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

#### ***Office of the Chief Operations Officer:***

The Chief Operations Officer (COO) coordinates core operations business units (Legal Services, Research, Advocacy and Communications, and provincial offices); operational process improvements to ensure efficient delivery on the core business of the Commission.

### **Programme 4: Monitoring of human rights**

This programme consists of the following business unit, responsible for the institution's constitutional monitoring and reporting mandate:

#### ***Research:***

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

### **3.3 Alignment of programme structure with strategic objectives**

The Programmes of the Commission are aligned with the strategic objectives for the meaningful realisation of the Commission's outcome-oriented goals and priorities. The performance information for 2019-20 is presented based on these strategic objectives. Table 1 is a schematic presentation of alignment of programme structure of the Commission with strategic objectives.

**Table 1: Alignment of strategic objectives with programmes**

	Programme	Strategic Objective 1 (Improve institutional governance and capacity to ensure effective and efficient delivery on the mandate)	Strategic Objective 2 (Enhance advocacy, visibility and awareness programmes)	Strategic Objective 3 (Take steps to secure appropriate redress where human rights have been violated)	Strategic Objective 4 (Monitor, assess and report on the observance of human rights)	Strategic Objective 5 (Meet obligations under the Constitution, the SAHRC Act, and the Paris Principles)
1.	<b>Programme 1: Administration</b>	All programme performance indicators	-	-		
2.	<b>Programme 2: Promotion</b>	-	All programme performance indicators	-	-	Programme Performance Indicator 5.3
3.	<b>Programme 3: Protection</b>	-	-	All programme performance indicators	Programme Performance Indicator 4.6	
4.	<b>Programme 4: Monitoring</b>	-		-	All programme performance indicators	All programme performance indicators

Some of the programme and business units' operations contribute across the strategic objectives, hence the presentation of performance based on its alignment with strategic objectives.

### 3.4 Organisational performance by strategic objective

The intention of this section is to report on performance achievements against the planned organisational performance targets set for the 2019-20 financial year. The Commission achieved 88% (that is, 36 of 41) of its annual targets for the period under review. This is an improvement from 73% in the previous financial year. The overview breakdown of target achievement by objective is presented in Table 2 below.

**Table 2: Summary of overall target achievement**

Strategic Objective	Total Targets	Annual Targets Achieved	Annual Targets Under-Achieved	Annual Percentage achievement
Strategic objective 1 (Administration)	15	11	4	73%
Strategic objective 2 (Promotion mandate)	10	9	1	90%
Strategic objective 3 (Protection mandate)	4	4	0	100%
Strategic objective 4 (Monitoring mandate)	7	7	0	100%
Strategic objective 5 (Monitoring – International)	5	5	0	100%
<b>Total</b>	<b>41</b>	<b>36</b>	<b>5</b>	<b>88%</b>



### 3.4.1 Strategic Objective 1: Improve institutional governance and capacity to ensure effective and efficient delivery on the mandate

In order to continuously improve effectiveness and efficiency, the Commission focuses on ensuring institutional compliance with key legislative requirements; effective and comprehensive management of human capital; review of administrative systems; policies and processes; effective risk management; resolution of audit findings; implementation of combined knowledge and information, and communications and technology management; and a review and enhancement of the governance framework and structures.

**Table 3: Achievement on improving institutional governance and capacity to ensure the effectiveness and efficiency of the Commission to deliver on the mandate**

Strategic Objective 1: : Improve institutional governance and capacity to ensure effective and efficient delivery on the mandate						
Objective Statement: Review governance framework and institutional policies, systems and processes, ensure comprehensive human resources planning, and comprehensive monitoring and evaluation						
Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20	Comment on variances/ corrective measures
Percentage compliance with key legislative requirements	100%	100%	100%	Target Achieved	None	None
Percentage implementation of risk management plans	95%	100%	100%	Target achieved	Improved from 95% to 100%	None
Percentage implementation of annual integrated human resources (capital) management plan	89%	100%	83%	17% less than targeted	Declined from 89% to 83%	Inadequate implementation of succession plan as a result of frozen posts. Employee Wellness aspects postponed due to scheduling challenges. Insufficient levels of compliance with the application of the Performance Management System (PMS). PMS will be revised to address some of the current challenges.

**Strategic Objective 1: : Improve institutional governance and capacity to ensure effective and efficient delivery on the mandate**

**Objective Statement:** Review governance framework and institutional policies, systems and processes, ensure comprehensive human resources planning, and comprehensive monitoring and evaluation

<b>Performance indicator</b>	<b>Actual achievement 2018/19</b>	<b>Annual Planned target 2019/20</b>	<b>Actual achievement 2019/20</b>	<b>Deviation from planned target for 2019/20</b>	<b>Variance from 2018/19 to 2019/20</b>	<b>Comment on variances/ corrective measures</b>
Automation of supply chain management system	-	Full (100%) automation of identified areas	(Full) 100%	Target achieved	None	None
Completion of Monitoring Report on compliance and effectiveness of institutional policies	Complete institutional policy monitoring report	Monitoring Report completed	Monitoring Report completed	Target achieved	None	None
Percentage adherence with Corporate Services Charter	93%	100%	100%	Target achieved	None	None
Percentage implementation of Organisational Renewal Plan	100%	100%	93%	7% Less than targeted	Declined from 100% to 93%	Labour Engagement Framework and Revised Recognition Agreement could not be concluded due to emergence of a new union and therefore need for renegotiation processes. Employee Award Programme delayed by the need for an SAHRC based remuneration structure, the development of which is underway.
Percentage implementation of knowledge management plan	100%	100%	100%	Target achieved	None	None

**Strategic Objective 1: : Improve institutional governance and capacity to ensure effective and efficient delivery on the mandate**

**Objective Statement:** Review governance framework and institutional policies, systems and processes, ensure comprehensive human resources planning, and comprehensive monitoring and evaluation

Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20	Comment on variances/ corrective measures
Percentage implementation of annual ICT Plan	93%	100%	93%	7 % less than targeted	No change from previous year	Data recovery rehearsals not conducted. To proceed in the new financial year.
Percentage implementation of Internal Audit Plan	100%	100%	100%	Target Achieved	None	None
Percentage resolution of audit findings	81%%	100%	59% resolved	41% less than targeted	Reduced from 81% to 59%	Delays in resolution of findings due to capacity constraints.
Completion of institutional performance monitoring and evaluation report	Completed 1 report	Report completed	Report completed	Target achieved	None	None
Completion of report on compliance with governance framework	Complete governance compliance report	Report completed	Monitoring report completed	Target achieved	None	None
Development of standard operating procedures for synergy and integration of processes	-	Develop operating procedures for synergy	Synergy of work proposal approved.	Target achieved	New Target	None
Implementation of fundraising plan	-	Full implementation (4 proposals)	150% (Distributed 6 of targeted 4 proposals)	Target exceeded by 2 proposals	New Target	Target exceeded by 2 proposals due to need for additional funding.

### 3.4.2 Strategic Objective 2: Enhance advocacy, visibility and awareness programmes

The strategic objective entails effective advocacy for the adoption of human rights-based positions and approaches, the intensification of human rights and people-based capacity building, as well as education and awareness-raising initiatives through public outreach engagements at community levels to empower people to effectively realise their rights. The objective also serves to ensure accessibility of human rights educational material in different formats and languages, as well as comprehensive communications strategies, which include all media.

**Table 4: Achievements on enhancing advocacy, visibility and awareness programmes**

<i>Strategic Objective 2: Enhance advocacy, visibility and awareness programmes</i>						
<b>Objective Statement:</b> Effective advocacy for the adoption of human rights- based positions and approaches, intensify capacity building, public education and awareness- raising initiatives through public outreach engagements at community levels to empower people to effectively realise their rights, ensure accessibility of human rights educational material in different formats and languages, comprehensive communications strategies which include all media, as well as strategic collaborations to promote human rights.						
<b>Performance indicator</b>	<b>Actual achievement 2018/19</b>	<b>Annual Planned target 2019/20</b>	<b>Actual achievement 2019/20</b>	<b>Reasons for deviation from planned target for 2019/20</b>	<b>Variance from 2018/19 to 2019/20 achievement</b>	<b>Comment on variances/ corrective measures</b>
Hosting of the Schools Moot Court Competition	New target	Host the Competition by Dec 2019	National Schools Moot Court hosted by September 2019, and International Leg by Jan 2020.	Target exceeded with participation in International Leg.	New target	Commission was invited to participate in International Leg in recognition of its role in National Leg.
Hosting of the national annual human rights dialogue	New target	Host national annual human rights dialogue	Annual human rights dialogue hosted	Target achieved	New target	None
Hosting of provincial annual human rights dialogues	New target	Host 9 provincial annual human rights dialogues	4 provincial human rights dialogues hosted	Target not achieved	New target	Annual Target Not Achieved due to COVID-19 Challenges <sup>1</sup> . Commission will review plans to include less targeting for the last month of the year.

<sup>1</sup> In terms of the SAHRC Annual Performance Plan for 2019-20, the provincial dialogues were targeted for hosting by Quarter 4, and mostly as the main Commission events during the Human Rights month of March 2020. Many of these would have taken place closer to Human Rights Day of 21 March 2020. The Health Minister confirmed the spread of the virus to S.A. on 05 March 2020. The President declared a national state of disaster on 15 March 2020, and announced measures including restrictions on travel and public gatherings, social distancing, and cancellation of government's own Human Rights month commemoration event. While our provincial offices were at advanced preparatory stages for the hosting of the dialogues, which were based on large public stakeholder gatherings, the announced measures thwarted the plans to proceed with the actual hosting of the outstanding dialogues.

**Strategic Objective 2: Enhance advocacy, visibility and awareness programmes**

**Objective Statement:** Effective advocacy for the adoption of human rights- based positions and approaches, intensify capacity building, public education and awareness- raising initiatives through public outreach engagements at community levels to empower people to effectively realise their rights, ensure accessibility of human rights educational material in different formats and languages, comprehensive communications strategies which include all media, as well as strategic collaborations to promote human rights.

<b>Performance indicator</b>	<b>Actual achievement 2018/19</b>	<b>Annual Planned target 2019/20</b>	<b>Actual achievement 2019/20</b>	<b>Reasons for deviation from planned target for 2019/20</b>	<b>Variance from 2018/19 to 2019/20 achievement</b>	<b>Comment on variances/ corrective measures</b>
Number of public outreach engagements conducted	1132 outreach and key stakeholder engagements	Conduct 90 public outreach engagements	224	Target exceeded by 134.	Reduced by 908 due to reconfigured targeting, separating public outreach from key stakeholder engagements	Annual Target Exceeded due to performance improvements and innovative engagements.
Number of key stakeholder engagements conducted	1132 outreach and key stakeholder engagements	360	752 engagements	Annual target exceeded by 392 engagements	Reduced by 380 due to reconfigured targeting, separating public outreach from key stakeholder engagements	Annual Target Exceeded due to performance improvements and collaborative engagements.
Number of media and communications activities conducted	3847	803 activities	1724 activities	Annual target exceeded by 921	Target exceeded in 2018/19 and 2019/20	Annual target exceeded due to multiplier effect of media activities.
Completion of media monitoring report	New target	Complete 4 quarterly media monitoring reports	All quarterly media monitoring reports completed.	Target achieved	New target	None
Creation of accessible educational material	8 pamphlets	Create 4 educational material	4 material produced	Target achieved	Reduced from 8 to 4 based on differentiated nature of material – from pamphlets only to including video clips.	None

**Strategic Objective 2: Enhance advocacy, visibility and awareness programmes**

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Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Reasons for deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20 achievement	Comment on variances/ corrective measures
Number of calendar day events hosted	35 events	10 events	20 events	Target exceeded by 10	Reduced by 15 due to focus diverted to other higher impact engagements	Target exceeded due to collaborations and performance improvements
Completion of advocacy and communication report	1 report completed	Complete first draft report by 20 May 2019, and final by 30 June 2019.	1 report completed	Target achieved	None	None

**National and International Schools Moot Court Competitions**

The Commission hosted the flagship advocacy National Schools Moot Court Competition with the Department of Basic Education and the Department of Justice and Constitutional Development, supported by key stakeholders including the University of Pretoria's Centre for Human Rights (CHR), the legal fraternity, civil society organisations and academic institutions.

The competition broadly aims to educate and create awareness among learners in schools about the Constitution and the values that it embodies; the rule of law and Institutions Supporting Democracy by utilizing hypothetical, but topical examples rooted in real human rights praxis. It additionally aims to encourage learners to contribute towards civic education in the social justice of all young people.

A total of 6 000 secondary schools participated and 82 qualified to proceed. A Joint Team of two (2) schools from the Eastern Cape and KwaZulu-Natal won the national final in the Constitutional Court. The Joint Team represented South Africa and competed with 11 other countries in the International Moot Court Competition in Poland. Team South Africa won the international finals against the United States of America.

**Public outreach and stakeholder engagements**

The Commission participated in more than 700 key events including stakeholder and public outreach engagements, and commemoration of human rights Calendar Days during the period under review. The engagements involved a range of stakeholders across all sectors of society, including community based organisations; civil society; academia; the Executive; Parliament; and Constitutional institutions. Key issues of engagement included the following:

- a) Popularisation and hosting of the Schools Moot Court Competition.
- b) Promotion of civil and political rights in view of the national and provincial elections.
- c) Access to information – records management as a tool to promote accountability.
- d) Equality – awareness and protection against gender based violence.
- e) Capacity building and awareness raising on a range of human rights issues.
- f) Launch of the National Policy Framework on Trafficking in Persons.
- g) International learning visit on children's rights.
- h) Corruption and human rights, including consideration of collaboration with Human Rights Watch.
- i) Service delivery protests in Alexandra.
- j) Undocumented matters at the Department of Home Affairs.
- k) Issues of disability, accessibility and safety at schools for children with disabilities.
- l) Monitoring in terms of the Optional Protocol to the Convention against Torture National Preventive Mechanism.
- m) Social cohesion.
- n) Housing, water and sanitation service delivery.
- o) Commemoration of Human Rights Calendar Days: Freedom Day; Workers' Day; World Press Freedom Day; International Day against Homophobia, Transphobia, and Biphobia. (IDAHOT); Africa Day; International Day of the African Child / Youth Day; World Refugee Day; Women's Day; Heritage Day; International Older Persons Day; World Food Day; Africa Human Rights Day; International Day of Persons with Disabilities; and International Human Rights Day.

### Effectiveness and outcomes of the engagements

The Commission's reach through the various engagements conducted during this quarter, increased from approximately 34 000 people and / or stakeholders in the last quarter to more than 40 000. The Commission has generally received positive feedback from the various participants and stakeholders.

**Table 5: Number of engagements and people reached**

No.	Nature of Engagement	Number of Engagements	Number of People and / or Stakeholders Reached
1.	Public outreach engagements	224	19551
2.	Stakeholder engagements	624	13865
3.	Other collaborative engagements (SAHRC as participant in events hosted by other stakeholders)	128	7007
4.	Calendar Day events	20	2897
	<b>Totals</b>	<b>996</b>	<b>43320</b>

The key outcomes of the engagements included:

- a) Opportunities for collaboration on public outreach programmes; and the need for satellite offices to expand the reach of constitutional institutions in marginalised areas.
- b) Opportunities for collaboration with identified stakeholders, including:
  - a. The South African Police Services on the protection of foreign Nationals.
  - b. Various Foundations on support for SAHRC positions and approaches, as well as possible funding.
  - c. The Mental Health Review Board on the need to promote understanding and awareness on mental health issues.
  - d. The Northern Cape Inter-governmental Forum to strengthen relations and collaborate on various programmes.
- c) Strengthened relationships with various government structures at all spheres of government, especially so at the provincial and local levels.
- d) Agreements on the need for capacity building and human rights awareness workshops with municipal councillors and Speakers' offices, and in identified communities.
- e) Agreements on the need to promote visibility of the Commission in identified areas.
- f) Successful subpoena hearing resulting in the granting of permanent residence.
- g) Moot Court engagements and the need for intensified awareness workshops for educators and learners in rural areas.
- h) Signing of 4 Memoranda of Understanding during this financial year.

Provincial offices continuously engage with civil society stakeholders and communities, and undertake follow-up activities to assess progress with the commitments and proposed interventions, as well as the potential and actual impact of the engagements. They would also engage with government to ensure that any issues raised were appropriately addressed.

While this is commendable and should be encouraged, there are no clear internal processes or substantial resources allocated for such monitoring and evaluation activities. These are usually not factored into the annual plans of the respective provinces and thus not budgeted for. This can be considered an opportunity missed unless Commission planning incorporates impact evaluation studies and ongoing monitoring activities in this regard.

#### *Implementation of Memoranda of Understanding*

In total, the Commission has 23 existing Memoranda of Understanding to date. However, only 4 of them are currently being implemented. The institution needs to review the MoU approach, and consider seeking collaborative agreements based on agreed and specific actions to be undertaken.



## Communications and media

**Table 6: Communications and media activities**

No.	Activity	Annual Target	Q1 Year to Date Progress	Q2 YTD Progress	Q3 YTD Progress	Q4 YTD Progress
1.	Opinion pieces	20	0	1	3	10
2.	Media industry engagements	9	0	1	1	3
3.	Interviews and queries (includes community media)	310	137	293	382	518
4.	Media statements	260	45	110	141	175
5.	Press Briefings	4	0	1	1	2
6.	Facebook Posts	100	89	248	336	429
7.	Twitter Posts	100	120	312	451	587
	<b>Totals</b>	<b>803</b>	<b>391</b>	<b>966</b>	<b>1315</b>	<b>1724</b>

While the overall annual target (803) for media and communications activities was exceeded to more than double (1724), the specific targets for opinion pieces, media industry engagements at provincial level, media statements, and Press Briefings were not realised. This may be due to internal capacity inadequacies within the institution.

### ***Coverage and reach through the media***

During the period under review the Commission has substantially expanded its reach and visibility in the media with more than 10 000 media items published, broadcast, or communicated electronically on the work of the SAHRC and human rights in South Africa. Coverage of the SAHRC reached an audience of more than 9 billion people across print, broadcast and online media.

**Table 7: Media Coverage of SAHRC**

Media Type	Number of media items	Audience reached	(Average Value Equivalent) AVE
Print	1 917	1 475 932 625	R 48 224 364.76
Broadcast	2 506	4 391 011 420	R 97 080 922.30
Online	6 120	3 714 670 258	R 266 928 592.40
<b>Grand Total</b>	<b>10 543</b>	<b>9 581 614 303</b>	<b>R 412 233 879.46</b>

The Average Value Equivalent (AVE) of the total media coverage of the SAHRC amounted to approximately R 412 million. This amount reflects the total cost the SAHRC would have paid if it had purchased the media space.

### 3.4.3 Strategic Objective 3: Take steps to secure appropriate redress where human rights have been violated

This strategic objective is mainly concerned with the protection mandate of the Commission and involves responsiveness to human rights concerns in the country through handling complaints; conducting investigations; instituting litigation and hosting hearings to address systemic challenges.

**Table 8: Achievement on steps taken to secure appropriate redress where human rights have been violated**

Strategic Objective 3: Take steps to secure appropriate redress where human rights have been violated						
<b>Objective Statement:</b> Responsive to human rights concerns, analysing human rights complaints and trends, as well as monitoring implementation of court orders and report recommendations						
Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Reasons for deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20 achievements	Comment on variances/ corrective measures
Number of complaints and enquiries finalised	8491	7000	8 891	Target exceeded by 1891	Improved by 400.	Annual Target Exceeded due to greater efficiency of work methods
Number of strategic impact litigation matters instituted	4	2	3	Annual target exceeded by 1	Reduced from 4 to 3 due to nature and availability of matters necessitating litigation.	Annual Target Exceeded due to availability of matters necessitating litigation for greater impact.
Completion of annual complaints trends analysis report (2018-19)	0 report completed	Complete one report	1 report completed	Target Achieved	Target achieved in current year, as opposed to previous year's non-achievement.	None
Review of Complaints Handling Procedures (CHP) and protection mandate policies	New target	Revise CHP and protection mandate policies	Revised CHP completed	Target achieved	New target	None

**Table 9: Finalisation of cases**

Province	Enquiries	Finalised complaints	Complaints Received	Complaints and Enquiries Received	Complaints and Enquiries finalised	Percentage
EC	197	364	492	689	561	81%
FS	189	468	666	855	657	77%
GP	2000	380	544	2544	2380	94%
KZN	702	447	783	1485	1149	77%
LP	331	422	674	1005	753	75%
MP	603	358	519	1122	961	86%
NC	399	137	265	664	536	81%
NW	344	341	557	901	685	76%
WC	946	263	1592	2538	1209	47%
<b>TOTALS</b>	<b>5711</b>	<b>3180</b>	<b>6092</b>	<b>11803</b>	<b>8891</b>	<b>75%</b>

**Table 10: Year-on-Year finalisation of cases**

Financial year	Total caseload	Finalised cases	Percentage achievement
2015-16	9 238	8 200	89%
2016-17	9 730	8 498	87%
2017-18	9 450	7 843	83%
2018-19	10 448	8 491	81%
2019-20	11 803	8 891	75%

**Table 11: Top six human rights complaints lodged**

No.	Nature of Rights Violated	Q1 Year to Date Number of cases	Q2 Year to Date Number of cases	Q3 Year to Date Number of cases	Q4 Year to Date Number of cases
1.	Equality	501	619	744	827
2.	Health Care, Food, Water and Social Security	375	505	611	702
3.	Just Administrative Action	237	386	502	641
4.	Labour Relations	172	304	376	457
5.	Human Dignity	216	313	385	446
6.	Education	201	287	329	418
	<b>Totals</b>	<b>1702</b>	<b>2127</b>	<b>2947</b>	<b>3491</b>

### 3.4.4 Strategic Objective 4: Monitor, assess and report on the observance of human rights

The strategic objective relates to the Commission giving effect to the constitutional monitoring mandate of assessing the state of human rights in the country. The Commission fulfils the objective through pursuing various research outcomes and outputs as set out in its strategic plan and annual performance plan.

**Table 12: Achievement on planned targets for monitoring, assessing and reporting on the observance of human rights**

Strategic Objective 4: Monitor, assess and report on the observance of human rights						
Objective Statement:						
Performance indicator	Actual achievement 2018/19	Planned target 2019/20	Actual achievement 2019/20	Reasons for deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20 achievements	Comment on variances/ corrective measures
Completion of State of Human Rights in South Africa report	Three ESR research briefs completed; Equality report completed; Civil and Political Rights Report completed	Complete 1 Report	1 Report completed	Target achieved	None	None
Completion of provincial state of human rights reports (SOHR)	Three ESR Research Briefs completed (New target)	Complete 9 provincial SOHR	9 reports completed	Target achieved	New Target	None
Number of research seminars hosted	3	2 seminars	4 seminars	Annual target exceeded due to need based on arising issues	Increased by 2	Annual target exceeded due to need based on arising issues
Completion of PAIA Annual report by 30 Sept 2019	One report completed by Sept 2018	Complete one report by 30 Sept 2019	Completed 1 report by 30 Sept 2019	Target achieved	None	None
Updating of PAIA Section 10 Manual	New Target	Update Manual	Manual Updated	Target achieved	New target	None
Percentage submission on draft legislation	100%	100%	100%	Target achieved	None	None
Completion of monitoring report on the implementation of reports recommendations	1 Report completed	Complete annual monitoring report	1 Report completed	Target achieved	None	None

### **Research information seminars**

A round table seminar brought together by the South African Human Rights Commission (SAHRC) and the Thabo Mbeki Foundation, with the support of the Centre for Human Rights, University of Pretoria, discussed South Africa's attitude towards global and regional accountability mechanisms. Discussions focused on international criminal accountability, and on the ease of access to regional justice for human rights violations. Reasons for South Africa's position on these issues were provided and interrogated.

The seminar which took place on 11 September 2019 in Pretoria, South Africa, drew participants from the government, civil society and academic institutions.

The issues discussed included, firstly, South Africa's relationship with the International Criminal Court (ICC). South Africa has attempted to and again publicly announced its intention to withdraw from the ICC. The government has indicated its intention to resuscitate the International Crimes Bill, with a view to engage in nationwide public consultations on it. This process may culminate in South Africa reinstating its withdrawal from the ICC. Many concerns were raised about the possibility of South Africa's withdrawal.

Secondly, and related to the first issue, was the concern that South Africa has not ratified the Malabo Protocol, and whether the Malabo Court provides an alternative to the ICC.

Thirdly, concerns that South Africa has not made the declaration under Article 34(6) of the Protocol establishing the African Court, which allows individuals and organisations to access the African Court directly.

Lastly, the relationship between the African Union (AU) human rights organs, in particular between the African Court and African Commission on Human and Peoples' Rights (African Commission), was also considered. In this context, the relationship between sub-regional courts and the African Court was touched upon. As part of this discussion, the demise of the SADC Tribunal received some attention.

These four issues present a problem for the protection of human rights at the continental level given South Africa's position.

### **Monitoring implementation of recommendations**

The Commission identified and targeted to monitor the implementation of recommendations, by relevant stakeholders, emanating from some of its previous reports. The following reports were the subject of monitoring activity during the period under review.

**Table 13: Reports on which recommendations monitoring activity was conducted**

	Issue / Activity
1.	Monitoring the implementation of the recommendations of the Water and Sanitation Research Brief, March 2018
2.	Monitoring the implementation of the recommendations of the Report on the Status of Mental Health Care in South Africa, November 2017
3.	Monitor implementation of the recommendations of the Report on Racism and Social Media in South Africa, August 2017
4.	Monitor implementation of the recommendations of the Report on the Underlying Socio-Economic Challenges of Mining affected Communities in South Africa, November 2016
5.	Monitor implementation of the recommendations of the Report on the 'Human Rights Situation of the Khoi and San People in South Africa', April 2016
6.	Monitoring implementation of the recommendations of the Report on Systemic Complaints relating to the Treatment of Older Persons, May 2015
7.	Monitoring the implementation of the recommendations of the Report on the Right to Access to Sufficient Water and Decent Sanitation, 2014
8.	Monitoring implementation of the recommendations of the Report on Public Violence against Foreign Nationals, 2008

The Commission completed a Recommendations Monitoring Report summarising the responses with respect to reports mentioned in Table 13. The responses were varied in process, acceptance and substance. There was generally low responsiveness, with fewer stakeholders providing their responses than addressed by the recommendations. While many stakeholders generally positively received and accepted the recommendations, others, notably the Western Cape Department of Health, rejected the mental health care report recommendations.

Several of the responses from most of the stakeholders were partial and inconclusive, thereby limiting the Commission's assessment of the extent of implementation and state of human rights in this regard. Nevertheless, the Commission is continuously studying the responses and would engage with the relevant stakeholders as may be necessary. It was found that the instances where the Commission relied on physical engagements through provincial visits and meetings provided greater opportunity for probing and elaboration on the issues of concern raised. It may be advisable for the Commission to increasingly utilise mixed methodologies of monitoring the implementation of recommendations to mitigate against non-responsiveness.

### 3.4.5 Strategic Objective 5: Meet obligations under the Constitution, the SAHRC Act, and the Paris Principles

The strategic objective relates to the Commission giving effect to the legislative monitoring mandate of assessing the state of human rights in the country, and giving particular emphasis to international and regional obligations.

**Table 14: Achievement on planned targets for meeting obligations under the Constitution, the SAHRC Act, and the Paris Principles**

<b>Strategic Objective 5: Meet obligations under the Constitution, the SAHRC Act, and the Paris Principles</b>						
<b>Objective Statement:</b>						
<b>Performance indicator</b>	<b>Actual achievement 2018/19</b>	<b>Planned target 2019/20</b>	<b>Actual achievement 2019/20</b>	<b>Reasons for deviation from planned target for 2019/20</b>	<b>Variance from 2018/19 to 2019/20 achievements</b>	<b>Comment on variances/ corrective measures</b>
Percentage submissions of NHRI reports to supranational bodies	100%	100% submissions by deadline	100%	Target achieved	None	None
Hosting of learning exchanges	New target	Host 4 exchanges	4 exchanges hosted	Target achieved	New target	None
Participation in international and regional stakeholder engagements	New target	Participate in 8 international and regional stakeholder engagement	Participated in 10 engagements	Target exceeded	Increased from 8 to 10	Target exceeded due to number of invitations received
Establishment of monitoring system as envisaged in OPCAT	New target	Establish monitoring system	Monitoring system established	Target achieved	New target	None
Development of monitoring system as envisaged in CRPD	New target	Develop monitoring system	Monitoring system developed	Target achieved	New target	None

### ***National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment***

Following ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (OPCAT), the Commission was designated as both a coordinating and functionary structure for the National Preventive Mechanism (NPM) under the OPCAT with other related oversight bodies, such as the Judicial Inspectorate for Correctional Services; Independent Police Investigative Directorate; Military Ombudsman; and the Health Ombudsman.

For the period under review, the Commission set out to establish a monitoring system as envisaged in the designated role. Since then it has made great strides engaging with varied stakeholders to ascertain an appropriate model and monitoring system towards fulfillment of this new mandate. The range of strategic stakeholders engaged include, the following:

- a) Monitoring visits and oversight inspections at various centers including police stations, correctional services and other related centers across the country.
- b) Appearance before the Committee against Torture.
- c) Engagement with National Preventive Mechanisms across Africa.
- d) Meeting with the Sub-Committee on the Prevention of Torture.
- e) Engagement with the Southern Africa Regional Office of the High Commissioner for Human Rights.
- f) Engagement with the Global Alliance of National Human Rights Institutions.
- g) Engagements on State review and replies.
- h) Engagements with various Offices of Special Rapporteurs.
- i) Engagements with civil society on the NPM.
- j) Engagement with the Civilian Secretariat for Police.
- k) Engagement with the Community Policing Forum.
- l) Engagement with the South African Ambassador to the United Nations in Geneva.
- m) Engagement with the European Union.
- n) Engagements with various national and provincial government departments.

### ***NPM Detention Architecture Scoping***

The NPM unit visited places of deprivation of liberty in all the 9 provinces to assess the treatment of persons deprived of their liberty, as well as to promote awareness of the NPM's mandate among stakeholders. The visited places of deprivation of liberty include police stations, child and youth care centres, mental health institutions and correctional centres. Following the visits, the SAHRC as the NPM believes that there is a need for all frontline departments responsible for places of detention to establish better coordination to ensure that access to such facilities is rapid, and information about the mandate of the NPM is disseminated more widely.



More specific observations made at the places are contained in the *Institutional NPM-OPCAT Report for the financial year 2019-20*, broadly including poor hygiene conditions; poor maintenance and inadequate infrastructure; overcrowding and related hazards; and food and security concerns.

Through the NPM's systemic analysis before, during and after monitoring visits (as well as follow-up visits), the NPM is able to identify trends, improvement or deterioration of the conditions of detention and provide recommendations to reinforce/implement protective measures as underscored by international and domestic human rights law. The NPM's preventive approach also focuses on cooperation and constructive dialogue with the authorities in order to contribute to positive changes.

### ***Implications of the Corona Virus Disease of 2019 on the NPM***

The NPM received advice from the United Nations Sub-Committee on the Prevention of Torture (SPT) on the implication of COVID-19 Lockdowns instituted by various states and how the NPM mandate should be achieved during period. In summary, the SPT has advised as follows:

- The SPT considers that NPMs should continue to undertake visits of a preventive nature, respecting necessary limitations on the manner in which their visits are undertaken. It is particularly important at this time that NPMs ensure that effective measures are taken to reduce the possibility of detainees suffering forms of inhuman and degrading treatment as a result of the very real pressures which detention systems and those responsible for them now face.
- Since quarantine facilities are *de facto* a form of detention, all those so held should be able to benefit from the fundamental safeguards against ill-treatment, including information of the reasons for their being quarantined, the right of access to independent medical advice, to legal assistance and to ensure that third parties are notified of their being in quarantine, in a manner consonant with their status and situation;
- That all appropriate measures are taken to avoid those who are in quarantine, or those who have been in quarantine, from suffering any form of marginalisation or discrimination, including once they have returned to their communities.

The declaration of a state of national disaster has resulted in several restrictions on the freedom of movement of persons including a suspension of visitation to places of deprivation of liberty such as correctional centres, and police cells. Consequently, this has had an impact on those deprived of their liberty with limited capacity to take the necessary precautionary measures. The Commission recognises the need to effectively manage the spread of COVID-19, which has necessitated the limitation of various constitutional rights of the public and particularly those in places of deprivation of liberty. It is important to reiterate that these restrictions should never result in torture, inhuman or degrading treatment or punishment of persons deprived of their liberty. Within correctional centres, police station detention cells and other detention facilities, many of which are severely overcrowded and

with poor sanitation. As such, the NPM is finalising its advisory guidelines to be issued to all places of deprivation of liberty in an effort to strengthen the protection of those in detention.

Emanating from the scoping exercise, the first set of recommendations will be issued by the NPM. This will also guide the thematic approach of the NPM. However, there is still a need for extensive public engagements and outreach to popularise the NPM's mandate vis-à-vis the SAHRC as provincial offices have highlighted the fact that some stakeholders appeared to be confused regarding the separation of the two mandates.

While the NPM has been launched, a strong system of cooperation and coordination amongst relevant stakeholders is essential for the effective functioning of the NPM. It is then useful to examine the legislative and policy framework governing the institutions which have been identified to undertake the NPM functions. Similarly, further discussions are necessary to identify possible roles and responsibilities, including areas for collaboration and challenges in operationalising the NPM mandate. The challenge for the SAHRC as an existing NHRI with an additional NPM mandate is that it would require additional human and financial resources.

### ***Independent Monitoring Mechanism under the Convention on the Rights of People with Disabilities***

Article 33 (2) of the Convention on the Right of Persons with Disabilities (CRPD) requires that

*“State parties shall in accordance with their legal and administrative systems maintain, strengthen, designate or establish within the state party, a framework, including one or more independent mechanisms, as appropriate to promote, protect and monitor the implementation of the present convention”.*

In September 2018, the United Nations (UN) Committee on Persons with Disabilities made specific recommendations in its concluding observations on South Africa's initial state report submitted in 2015. The committee recommended that the state should expedite the designation of an Independent Monitoring Mechanism (IMM), proposing the South African Human Rights Commission (SAHRC) as the most suitable institution. In response to this call, the European Union (EU) awarded a grant to the SAHRC for a project focusing on the establishment of an IMM under the CRPD in South Africa. The project to establish an IMM commenced in April 2019, made up of the following phases:

Phase 1: Pre-study tour meetings between 16 May 2019 and 6 August 2019;

Phase 2: Study tour of European Countries in 7-14 September 2019;

Phase 3: Post study tour meeting 6 November 2019; and

Phase 4: The workshop on Establishing the IMM on 30 January 2020.

Partners and key stakeholders on the project included, from South Africa, the SAHRC, the Department of Women, Youth, and Persons with Disabilities (DWYP), Department of Justice and Constitutional Development (DOJ), Disabled People South Africa (DPSA) and the South African Disability Alliance (SADA). Stakeholders from the EU included the EU Agency for Fundamental Rights, The European Disability Forum, National Disability Rights Coordinating Mechanisms, the Global Alliance of NHRIs, as well as representatives of EU country NHRIs from Ireland and Spain.

The key component of the project was the study tour for benchmarking purposes. The study tour focused on Independent Monitoring Mechanisms (IMM) under Article 33 (2) in three countries that were signatories to the CRPD, namely Ireland, Spain, and Belgium. It also included the European Union (EU) Monitoring Mechanism to assess regional structures. The key areas of study were the legal or other means of IMM establishment; organisational arrangements and funding; and methods used to fully integrate persons with disabilities into the monitoring processes.

### ***Lessons from the Study Tour***

All parties involved benefited greatly from the study tour with all expected outcomes being achieved. Although the SAHRC has in the past submitted parallel reports to the UN as the 'A' status National human rights institution in the country, it had not done so as a recognised IMM. In light of this, and the learnings from the study tour, there was a common understanding amongst all who attended that the SAHRC was best placed to carry out this function and hence subsequently duly formally designated as an IMM.

The delegates also agreed that the advisory committee model is the best way forward for the disability sector, as long as it is established in a transparent manner, and is adequately resourced for its effective operation.

Furthermore, the IMM requires dedicated capacity in terms of human resources to prioritise disability rights in terms of investigations, consultations, and research, training and / or public hearings. With regards to this, it is vital that the SAHRC begin to mould its workflows in order to compensate for this function.

Following the study tour, the SAHRC convened a workshop to consult with the disability sector on the findings and obtain input on the proposed monitoring model. The workshop was attended by 50 representative within the sector. Input received was consolidated into draft terms of reference for the proposed Disability Advisory Committee (DAC). The Commission seeks to establish the DAC for purposes of monitoring implementation of the CRPD.

### ***CRPD Monitoring activities***

While exploring modalities for establishment of the IMM, the Commission in parallel conducted monitoring activities at provincial level. During the financial year the office responsible for disability conducted 4 provincial visits in the Free State; North West; Mpumalanga; and Northern Cape to assess the implementation of the CRPD.

The main places of focus included special and mainstream schools; facilities for mental health care; and residential facilities for persons with disabilities and older persons.

Amongst the overall findings were the following:

- a) **Poor safety and security:** in the majority of schools it was found that the safety and security requirements were not met. This included the provision of smoke detectors and serviced fire extinguishing equipment.
- b) **Inadequate Transport:** the transportation of children from home areas to school remains a key challenge for schools in terms of poor maintenance of vehicles, lack of reasonably accommodative vehicles, and lengthy distances to be covered.
- c) **Financial management challenges:** in almost all the institutions visited, there were significant challenges relating to financial management.
- d) **Poor Infrastructure:** all of the institutions visited were not being maintained and accommodated for by Department of Public Works, resulting in unhygienic, dangerous, and dilapidating infrastructure.
- e) **Lack of support staff.** None of the institutions visited had the necessary support staff to assist with teaching and care of persons with disabilities. In most schools visited there were no support staff at all for very long periods of time.

Through the monitoring activities, it was determined that future initiatives at national level should focus on the department of public works in terms of inclusion, and on the department of basic education in terms of the provision of inclusive education.

### 3.4.6 Strategies to deal with areas of under-performance

The following planned performance targets were not achieved during the 2019- 20 financial year:

**Table 15: Areas of under-performance**

PPI	Performance Indicator	Annual Target	Annual Achievement	Reasons for Variances and Corrective Actions
1.3	Percentage implementation of annual integrated human resources (capital) management plan	100%	83%	Inadequate implementation of succession plan as a result of frozen posts. Employee Wellness aspects postponed due to lack of scheduling challenges. Insufficient levels of compliance with the application of the Performance Management System.
1.7	Percentage implementation of organisational renewal plan	100%	93%	Labour Engagement Framework and Revised Recognition Agreement could not be concluded due to emergence of a new union and therefore need for renegotiation processes. Employee Award Programme delayed by the need for a SAHRC based remuneration structure, the development of which is underway.
1.9	Percentage implementation of annual ICT Plan	100%	93%	CPT re-cabling withheld until further notice since the office may be relocating. Super-user training on SharePoint was outstanding. Aspects Disaster Recovery for the last quarter delayed.
1.11	Percentage resolution of audit findings	100%	59% Resolution 26% In Progress 15% Open	Some areas can only be tested during auditing after the end of the financial year.
2.2	Hosting of provincial annual human rights dialogues	Host 9	Hosted 4	Annual Target Not Achieved due to COVID-19 Challenges <sup>2</sup> . Commission will review plans to include less targeting for the last month of the year.

<sup>2</sup> In terms of the SAHRC Annual Performance Plan for 2019-20, the provincial dialogues were targeted for hosting by Quarter 4, and mostly as the main Commission events during the Human Rights month of March 2020. Many of these would have taken place closer to Human Rights Day of 21 March 2020. The Health Minister confirmed the spread of the virus to S.A. on 05 March 2020. The President declared a national state of disaster on 15 March 2020, and announced measures including restrictions on travel and public gatherings, social distancing, and cancellation of government's own Human Rights month commemoration event. While our provincial offices were at advanced preparatory stages for the hosting of the dialogues, which were based on large public stakeholder gatherings, the announced measures thwarted the plans to proceed with the actual hosting of the outstanding dialogues.

## PART D: HUMAN RESOURCES MANAGEMENT

### **HUMAN RESOURCES MANAGEMENT**

#### **Expenditure**

The following tables summarise final audited expenditure by programme (Table 16) and by salary bands (Table 17). In particular, these tables provide an indication of the amount spent on personnel costs in terms of each programme or salary band within the department.

**Table 16: Personnel costs by programme for 2019 to 2020**

<b>Programme</b>	<b>Total expenditure (R'000)</b>	<b>Personnel expenditure (R'000)</b>	<b>Training expenditure (R'000)</b>	<b>Professional and special services (R'000)</b>	<b>Personnel cost as a percentage of total expenditure</b>	<b>Average personnel cost per employee (R'000)</b>
Chief Executive Officer	12,082	10,923	39	1,120	90%	1,214
Commissioners	20,704	20,189	96	418	98%	961
Corporate and financial support services	54,179	23,573	334	30,261	44%	655
Programme support	90,593	80,374	401	9,819	89%	788
<b>Total</b>	<b>177,558</b>	<b>135,059</b>	<b>870</b>	<b>41,618</b>	<b>76%</b>	<b>804</b>

**Table 17: Personnel costs by salary bands for 2019 to 2020**

<b>Salary bands</b>	<b>Personnel expenditure (R'000)</b>	<b>% of total personnel cost</b>	<b>Average personnel cost per employee (R'000)</b>
Lower skilled (levels 1- - 2)	2,670	2%	243
Skilled (levels 3-5)	2,215	2%	369
Highly skilled production (levels 6-8)	32,231	24%	520
Highly skilled supervision (levels 9-12)	69,431	51%	1,021
Senior management (levels 13-16)	28,512	21%	1,357
<b>Total</b>	<b>135,059</b>	<b>100%</b>	<b>804</b>

The following tables provide a summary per programme (Table 18) and salary bands (Table 19), of expenditure incurred as a result of salaries, overtime, home owners' allowance, and medical assistance. In each case, the table provides an indication of the percentage of personnel budget used for these items.

**Table 18: Salaries, overtime, home owners' allowance, and medical assistance by programme for 2019 to 2020**

Programme	Salaries		Overtime		Home owners' allowance		Medical assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical assistance as a % of personnel cost
Chief Executive Officer	10,923	8%	-	-	66	1%	362	3%
Commissioners	20,189	15%	7	-	406	2%	305	2%
Corporate and financial support services	23,573	17%	33	-	631	3%	1,178	5%
Programme support	80,374	60%	147	-	1,375	2%	2,345	3%
<b>Total</b>	<b>135,059</b>	<b>100%</b>	<b>188</b>	<b>0%</b>	<b>2,478</b>	<b>2%</b>	<b>4,190</b>	<b>3%</b>

**Table 19: Salaries, overtime, home owners allowance, and medical assistance by salary bands for 2019 to 2020**

Salary bands	Salaries		Overtime		Home owners' allowance		Medical assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical assistance as a % of personnel cost
Lower skilled (levels 1-2)	2,670	2%	-	-	182	7%	147	5%
Skilled (levels 3-5)	2,215	2%	2	0.1%	99	4%	152	7%
Highly skilled production (levels 6-8)	32,231	24%	50	0.2%	998	3%	1,847	6%
Highly skilled supervision (levels 9-12)	69,431	51%	136	0.2%	832	1%	1,676	2%
Senior management (levels 13-16)	28,512	21%	-	-	367	1%	370	1%
<b>Total</b>	<b>135,059</b>	<b>100%</b>	<b>188</b>	<b>0.1%</b>	<b>2,478</b>	<b>2%</b>	<b>4,192</b>	<b>3%</b>

### ***Employment and vacancies***

The following tables summarise the number of posts on establishment of the Commission, the number of employees, the vacancy rate, and whether there are any staff additional to those on establishment. This information is presented in terms of three key variables: programme (Table 20), salary band (Table 21), and critical occupations (Table 22). Departments have identified critical occupations that need to be monitored. Table 22 provides establishment and vacancy information for the key critical occupations of the department.



**Table 20: Employment and vacancies by programme at March 31, 2020**

Programme	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Chief Executive Officer	12	9	25%	-
Commissioners	23	21	9%	-
Corporate and financial support services	40	36	10%	-
Programme support	123	102	17%	-
<b>Total</b>	<b>198</b>	<b>168</b>	<b>15%</b>	<b>-</b>

**Table 21: Employment and vacancies by salary bands at March 31, 2020**

Salary band	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Lower skilled (levels 1-2)	11	11	0%	-
Skilled (levels 3-5)	6	6	0%	-
Highly skilled production (levels 6-8)	74	62	16%	-
Highly skilled supervision (levels 9-12)	78	68	13%	-
Senior management (Levels 13-16)	29	21	28%	-
<b>Total</b>	<b>198</b>	<b>168</b>	<b>15%</b>	<b>-</b>

**Table 22: Employment and vacancies by critical occupation as at March 31, 2020**

Critical occupations	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Legal	55	51	7%	-
Advocacy and Communications	24	19	21%	-
Research	13	8	38%	-
<b>Total</b>	<b>92</b>	<b>78</b>	<b>15%</b>	<b>-</b>

### **Job evaluation**

The Public Service Regulations 1999, introduced job evaluation as a way of ensuring that work of equal value is remunerated equally. Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in an organisation. In terms of the regulations, all vacancies on salary levels nine and higher must be evaluated before they are filled.

The following table (Table 23) summarises the number of jobs evaluated during the year under review. The table also provides statistics on the posts that were upgraded or downgraded.

**Table 23: Job evaluation for April 1, 2019 to March 31, 2020 (including vacant positions)**

Salary band	Number of posts	Number of jobs evaluated	% of posts evaluated by salary bands	Posts upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (levels 1-2)	-	-	-	-	-	-	-
Skilled (levels 3-5)	-	-	-	-	-	-	-
Highly skilled production (levels 6-8)	62	1	2%	-	-	-	-
Highly skilled supervision (levels 9-12)	68	1	1%	-	-	-	-
Senior management service, band A	-	-	-	-	-	-	-
Senior management service, band B	3	1	33%	-	-	-	-
Senior management service, band C	-	-	-	-	-	-	-
Senior management service, band D	-	-	-	-	-	-	-
<b>Total</b>	<b>133</b>	<b>3</b>	<b>2%</b>	-	-	-	-

### Employment changes

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the department. The following tables provide a summary of turnover rates by salary band (Table 24) and by critical occupations (Table 25).

**Table 24: Annual turnover rates by salary band for April 1, 2019 to March 31, 2020**

Salary band	Number of employees per band at April 1, 2019	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (levels 1-2)	11	-	-	-
Skilled (levels 3-5)	6	-	-	-
Highly skilled production (levels 6-8)	63	-	1	2%
Highly skilled supervision (levels 9-12)	70	2	4	6%
Senior management service, band A (level 13)	20	-	2	10%
Senior management service, band B (level 14)	3	-	1	33%
Senior management service, band C (level 15)	1	-	-	-
<b>Total</b>	<b>170</b>	<b>2</b>	<b>8</b>	<b>5%</b>

**Table 25: Annual turnover rates by critical occupation for April 1, 2019 to March 31, 2020**

Occupation	Number of employees per occupation at April 1, 2018	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Legal services	55	0	2	4%
Advocacy and Communications	24	2	2	8%
Research	13	0	1	8%
<b>Total</b>	<b>85</b>	<b>2</b>	<b>5</b>	<b>5%</b>

**Table 26: Reasons why staff are leaving the department**

Termination type		
Death	2	
Resignation	5	
Retrenchment	-	
Expiry of contract	-	
Dismissal – operational changes	-	
Dismissal – misconduct	1	
Dismissal – inefficiency	-	
Discharged due to ill-health	-	
Retirement	-	
Transfers to other public service departments	-	
Other (voluntary separation package)	-	
<b>Total</b>	<b>8</b>	
<b>Total number of employees who left as a % of the total employment</b>	<b>5%</b>	

**Table 27: Promotions by critical occupation**

Occupation	Employees at April 1, 2019	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Legal services	55	-	-	52	95%
Advocacy and Communications	24	-	-	22	92%
Research	13	-	-	13	100%
<b>Total</b>	<b>92</b>	<b>-</b>	<b>-</b>	<b>87</b>	<b>95%</b>

**Table 28: Promotions by salary band**

Salary band	Employees at April 1, 2019	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progressions as a % of employees by salary band
Lower skilled (levels 1-2)	11	-	-	11	100%
Skilled (levels 3-5)	6	-	-	6	100%
Highly skilled production (levels 6-8)	62	-	-	59	95%
Highly skilled supervision (levels 9-12)	68	-	-	65	96%
Senior management (levels 13-16)	21	-	-	12	57%
<b>Total</b>	<b>168</b>	<b>-</b>	<b>-</b>	<b>142</b>	<b>85%</b>

## Employment equity

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

**Table 29: Total number of employees in each of the following occupational bands at March 31, 2020 (including part-time Commissioners)**

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	4	1	1	1	1	0	2	0	10
Senior management	9	0	0	0	2	0	0	0	11
Professionally qualified and experienced specialists and mid-management	24	3	0	2	26	5	2	4	66
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	9	0	1	0	29	2	1	2	44
Semi-skilled and discretionary decision-making	2	0	0	1	17	1	0	0	21
Unskilled and defined decision-making	3	0	0	0	12	1	0	0	16
<b>Total</b>	<b>51</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>87</b>	<b>9</b>	<b>5</b>	<b>6</b>	<b>168</b>

**Table 30: Recruitment (including employees with disabilities and research associates) for April 1, 2019 to March 31, 2020.**

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

**Table 31: Terminations (including employees with disabilities, interns, and contractors) for April 1, 2019 to March 31, 2020**

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	1	0	0	0	0	0	0	0	1
Senior management	0	1	0	0	0	1	0	0	2
Professionally qualified and experienced specialists and mid-management	2	0	0	0	1	1	0	0	4
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	0	0	0	0	0	0	0	0	0
Semi-skilled and discretionary decision-making	0	0	0	0	1	0	0	0	1
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>8</b>
Employees with disabilities	0	0	0	0	0	0	0	0	0

**Table 32: Disciplinary action for April 1, 2019 to March 31, 2020**

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
<b>Disciplinary action</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3</b>

**Table 33: Skills development for April 1, 2019 to March 31, 2020**

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials, and managers	12	1	1	1	2	1	2	0	20
Professionals	4	1	0	0	1	5	3	1	15
Technicians and associate professionals	10	1	1	1	15	2	1	1	33
Clerks	1	0	0	0	8	1	0	0	9
Elementary occupations	1	0	0	0	6	0	0	0	7
<b>Total</b>	<b>28</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>33</b>	<b>9</b>	<b>6</b>	<b>2</b>	<b>84</b>
Employees with disabilities	0	0	0	0	0	0	0	0	0



### Performance rewards

To encourage good performance, the department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability (Table 34), salary bands (Table 35) and critical occupations (Table 36).

**Table 34: Performance rewards by race, gender, and disability for April 1, 2019 to March 31, 2020**

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
<b>Total African</b>	<b>128</b>	<b>138</b>	<b>93%</b>	<b>1 476</b>	<b>12</b>
Male	48	51	94%	651	14
Female	80	87	92%	825	10
<b>Total Asian</b>	<b>6</b>	<b>7</b>	<b>86%</b>	<b>77</b>	<b>13</b>
Male	1	2	50%	8	8
Female	5	5	100%	69	14
<b>Total Coloured</b>	<b>15</b>	<b>13</b>	<b>115%</b>	<b>229</b>	<b>15</b>
Male	3	4	75%	37	12
Female	12	9	133%	192	16
<b>Total White</b>	<b>10</b>	<b>10</b>	<b>100%</b>	<b>150</b>	<b>15</b>
Male	3	4	75%	30	10
Female	7	6	117%	120	17
<b>Employees with a disability</b>	<b>2</b>	<b>2</b>	<b>0%</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>159</b>	<b>168</b>	<b>95%</b>	<b>1 932</b>	<b>62</b>

**Table 35: Performance rewards by salary bands for personnel below senior management service for April 1, 2019 to March 31, 2020**

Salary bands	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Lower skilled ( levels 1-2)	8	11	73%	21	2.625	0
Skilled ( levels 3-5)	6	6	100%	45	8	0.0%
Highly- skilled production ( levels 6-8)	60	62	97%	597	10	0.4%
Highly skilled supervision ( levels 9-12)	69	68	101%	1 066	15	0.8%
<b>Total</b>	<b>143</b>	<b>147</b>	<b>97%</b>	<b>1 729</b>	<b>12</b>	<b>1.3%</b>

**Table 36: Performance-related rewards (cash bonus) by salary band for senior management service**

Salary band	Beneficiary profile			Total cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within band			
Band A	13	21	62%	595	46	0%
Band B	2	3	67%	71	36	0%
Band C	0	1	0%	0	0	0%
Band D	0	1	0%	0	0	0%
<b>Total</b>	<b>15</b>	<b>26</b>	<b>58%</b>	<b>666</b>	<b>44</b>	<b>1%</b>

### **Foreign workers**

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

**Table 37: Foreign workers for April 1, 2019 to March 31, 2020 by salary band**

Salary band	April 1, 2019		March 31, 2020		Change	
	Number	% of total	Number	% of total	Number	% change
Lower skilled (levels 1-2)	-	-	-	-	-	-
Skilled (levels 3-5)	-	-	-	-	-	-
Highly- skilled production (levels 6-8)	-	-	-	-	-	-
Highly- skilled supervision (levels 9-12)	5	83%	5	83%	-	-
Senior management (levels 13-16)	1	17%	1	17%	-	-
<b>Total</b>	<b>6</b>	<b>100%</b>	<b>7</b>	<b>100%</b>	<b>-</b>	<b>-</b>

**Table 38: Foreign workers for April 1, 2019 to March 31, 2020 by major occupation**

Major occupation	April 1, 2019		March 2 31, 2020		Change	
	Number	% of total	Number	% of total	Number	% change
Legal	1	17%	1	17%	0	0%
Education	0	0%	0	0%	0	0%
Research	5	83%	5	83%	0	0%
<b>Total</b>	<b>6</b>	<b>100%</b>	<b>6</b>	<b>100%</b>	<b>-</b>	<b>0%</b>

**Leave utilisation for January 1, 2019 to March 31, 2020**

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

**Table 39: Sick leave for January 1, 2019 to March 31, 2020**

Salary band	Total days	% days with medical certification	Number of employees using sick leave	% of total employees using sick leave	Average days per employee
Lower skilled (levels 1-2)	47	-	11	100%	4.3
Skilled (levels 3-5)	47	-	6	100%	7.8
Highly- skilled production (levels 6-8)	334	-	63	100%	5.3
Highly- skilled supervision (levels 9-12)	334	-	70	100%	4.8
Senior management (levels 13-16)	100	-	24	100%	4.2
<b>Total</b>	<b>862</b>	<b>-</b>	<b>174</b>	<b>100%</b>	<b>5.0</b>

Table 40 summarises the use of annual leave. The wage agreement (concluded with trade unions in the PSCBC in 2000), requires management to take annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

**Table 40: Annual leave for January 1, 2019 to March 31, 2020**

Salary bands	Total days taken	Average per employee
Lower skilled (levels 1-2)	147	13
Skilled (levels 3-5)	80	13
Highly- skilled production (levels 6-8)	906	14
Highly- skilled supervision (levels 9-12)	1 026	15
Senior management (levels 13-16)	258	11
<b>Total</b>	<b>2 417</b>	<b>14</b>

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

**Table 41: Leave pay-outs for April 1, 2019 to March 31, 2020**

Reason	Total amount (R'000)	Number of employees	Average payment per employee (R'000)
Leave pay-out for 2019 to 2020 for the non-use of leave in previous cycle	-	-	-
Capped leave pay-outs on termination of service for 2019 to 2020	-	-	-
Current leave pay-out on termination of service for 2019 to 2020	448	8	56
<b>Total</b>	<b>448</b>	<b>8</b>	<b>56</b>

**HIV/AIDS and Health Promotion Programmes**

**Table 42: Steps taken to reduce the risk of occupational exposure**

Units/categories of employees identified to be at high risk of contracting HIV/AIDS and related diseases (if any)	Key steps taken to reduce the risk
None. ICAS has a full-fledged HIV/AIDS unit that the Commission's staff members may access 24 hours a day, 7 days a week. Contact details are readily available to staff	An HIV/AIDS and health awareness workshop was held on December 2019

**Table 43: Details of health promotion and HIV/AIDS programmes (tick the applicable boxes and provide the required information)**

Question	Yes	No	Details, if yes
1. Has the department designated a member of the SMS to implement the provisions contained in Part VI, section? E of Chapter 1 of the Public Service Regulations, 2001? If so, provide the name and position.		X	Not applicable to the SAHRC
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and well-being of employees? If so, indicate the number of employees involved in this task and the annual budget available for this purpose.	X		Five members (R90 000)

3. Has the department introduced an employee assistance or health promotion programme for employees? If so, indicate the key elements and/or services of this programme.	X		ICAS counselling, wellness, health advice, and financial advice
4. Has the department established (a) committee(s) as contemplated in Part VI, Section E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) they represent.		X	Not applicable to the SAHRC
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies and/or practices so reviewed.	X		The Employee Handbook.
6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	X		Wellness day, health education and voluntary screening
7. Does the department encourage its employees to undergo voluntary counselling and testing? If so, list the results achieved.	X		Employees were given time to undertake VCT and interact with the health officials during an annual Wellness day.
8. Has the department developed measures and/or indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures and/or indicators.		X	Health promotion is done through ICAS services. Quarterly reports are provided and analysed.

Table 44 summarises the outcome of disciplinary hearings conducted within the department for the year under review.

**Table 44: Misconduct and disciplinary hearings finalised for April 1, 2019 to March 31, 2020**

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	-	-
Verbal warning	-	-
Written warning	-	-
Final written warning	1	33%
Suspended without pay	-	-
Fine	-	-
Demotion	-	-
Dismissal	1	33%
Not guilty	1	33%
Case withdrawn	-	-
<b>Total</b>	<b>3</b>	<b>100%</b>

**Table 45: Types of misconduct addressed at disciplinary hearings**

Type of misconduct	Number	% of total
Insolence and disobedience	1	50%
Poor performance termination	-	-
Gross dishonesty	1	50%
<b>Total</b>	<b>2</b>	<b>100%</b>

**Table 46: Grievances lodged for April 1, 2019 to March 31, 2020**

	Number	% of total
Number of grievances resolved	4	80%
Number of grievances not resolved	1	20%
<b>Total number of grievances lodged</b>	<b>5</b>	<b>100%</b>

## Skills development

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

**Table 47: Training needs identified for April 1, 2019 to March 31, 2020**

Occupational categories	Gender	Number of employees at April 1, 2019	Training needs identified at start of reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials, and managers (levels 13-16)	Female	5	-	3	-	3
	Male	16	-	3	-	3
Professionals (levels 11-12)	Female	10	-	10	-	10
	Male	5	-	5	-	5
Technicians and associate professionals (levels 8-10)	Female	20	-	20		20
	Male	13	-	13	1	14
Clerks (levels 4-7)	Female	10	-	10	1	11
	Male	1	-	1	-	1
Service and sales workers	Female	-	-	-	-	
	Male	-	-	-	-	
Skilled agriculture and fishery workers	Female	-	-	-	-	
	Male	-	-	-	-	
Craft and related trades workers	Female	-	-	-	-	
	Male	-	-	-	-	
Plant and machine operators and assemblers	Female	-	-	-	-	
	Male	-	-	-	-	
Elementary occupations (levels 1-3)	Female	6	-	6	-	6
	Male	1	-	1	-	1
<i>Sub Total</i>	<b>Female</b>	<b>51</b>	-	<b>49</b>		<b>39</b>
	<b>Male</b>	<b>36</b>	-	<b>23</b>		<b>24</b>
<b>Total</b>		<b>87</b>	-	<b>72</b>		<b>63</b>



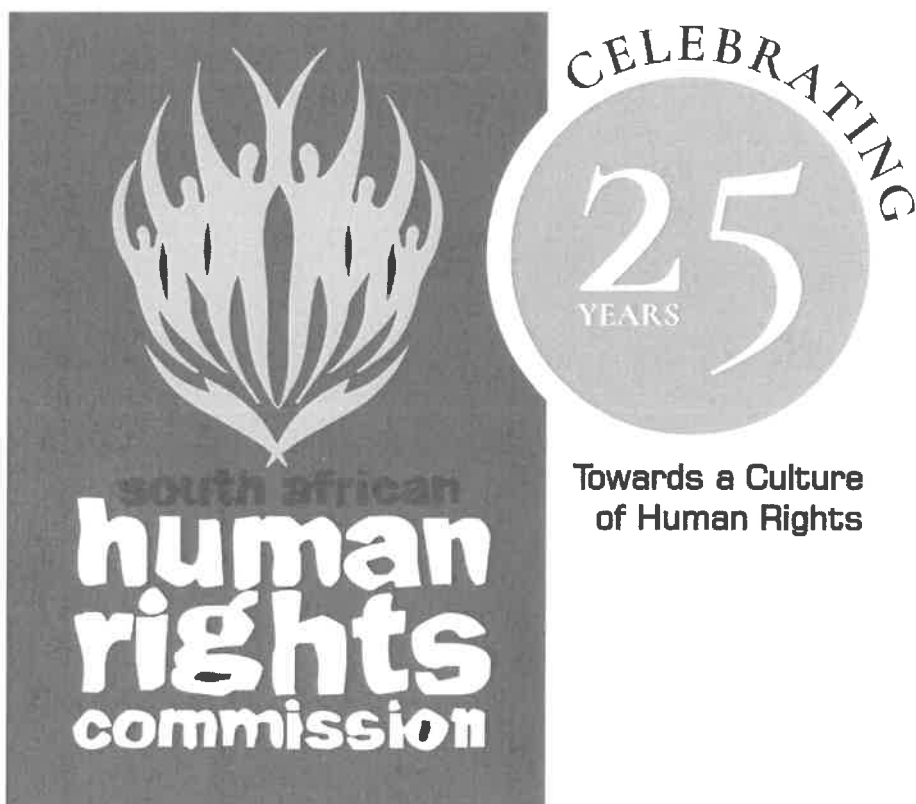
**Table 48: Training provided for April 1, 2019 to March 31, 2020**

Occupational categories	Gender	Number of employees at April 1, 2019	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials, and managers	Female	1	-	1	-	1
	Male	2	-	2	-	2
Professionals	Female	10	-	10	-	10
	Male	5	-	5	-	5
Technicians and associate professionals	Female	15	-	15	-	15
	Male	13	-	13	-	13
Clerks	Female	4	-	4	-	4
	Male	1	-	1	-	1
Service and sales workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Skilled agriculture and fishery workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Craft and related trades workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Plant and machine operators and assemblers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Elementary occupations	Female	6	-	6	-	6
	Male	-	-	-	-	-
<i>Sub Total</i>	<i>Female</i>	<b>36</b>	-	<b>36</b>	-	<b>36</b>
	<i>Male</i>	<b>21</b>	-	<b>21</b>	-	<b>21</b>
<b>Total</b>		<b>57</b>	-	<b>57</b>	-	<b>57</b>

**Utilisation of consultants**

**Table 49: Report on consultant appointments using appropriated funds**

<b>Project title</b>	<b>Total number of consultants that worked on the project</b>	<b>Duration: work days</b>	<b>Contract value in Rand</b>
Senior Managers' Workplans Development	2	60	R381 225
Remuneration Structures Review Project	3	90	R235 865



**ANNUAL FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 MARCH 2020**

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## General Information

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<b>Country of incorporation and domicile</b>	South Africa
<b>Members</b>	Adv BC Majola ( Chairperson) Ms DP S Jana ( Deputy Chairperson) Adv. AH Gaum Adv MS Ameerma Ms MA Makwetla Adv. JB Malatji Mr AC Nissen Mr J Sibanyoni
<b>Registered office</b>	33 Hoofd Street Braampark Forum III Braamfontein 2017
<b>Business address</b>	33 Hoofd Street Braampark Forum III Braamfontein 2017
<b>Postal address</b>	Private Bag x2700 Houghton 2041
<b>Auditors</b>	Auditor General South Africa Registered Auditors

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Index

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The reports and statements set out below comprise the annual financial statements presented to the executive authority.:

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### Abbreviations

COID	Compensation for Occupational Injuries and Diseases
CRR	Capital Replacement Reserve
DBSA	Development Bank of South Africa
SA GAAP	South African Statements of Generally Accepted Accounting Practice
GRAP	Generally Recognised Accounting Practice
GAMAP	Generally Accepted Municipal Accounting Practice
HDF	Housing Development Fund
IAS	International Accounting Standards
IMFO	Institute of Municipal Finance Officers
IPSAS	International Public Sector Accounting Standards
ME's	Municipal Entities
MEC	Member of the Executive Council
MFMA	Municipal Finance Management Act
MIG	Municipal Infrastructure Grant (Previously CMIP)

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Audit Committee Report

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The Audit Committee is pleased to present its report for the financial year ended 31 March 2020.

### Audit committee members and attendance

The Audit Committee consists of the members listed hereunder and should meet four times per annum as per its approved terms of reference and makes provision for two (2) extra special audit committee meetings as might be required. During the current year four (4) quarterly meetings were held.

Name of member	Number of meetings attended
Ms M Sikhosana (Chairperson)	4
Mr G Matthee	4
Mrs V Menye	2

### Audit committee responsibility

The Audit Committee reports that it has complied with its responsibilities arising from Section 77 of the Public Finance Management Act and Treasury Regulation 3.1.13. The Audit Committee also reports that it has adopted appropriate formal terms of reference as its Audit Committee Charter, has regulated its affairs in compliance with this charter and has discharged all its responsibilities as contained therein, except that it has not reviewed changes in accounting policies and practices.

### Corporate Governance

The Committee is of the opinion that the SAHRC continues to strive towards complying with sound principles of corporate governance through the implementation of its governance framework. The Committee is not aware of any issues of non-compliance with corporate governance.

### Compliance

During the current financial year, the Committee monitored and was comfortable with the compliance of various pieces of legislation impacting the SAHRC. The Committee is not aware of any areas of non-compliance. Although no areas of non-compliance were identified, there is however a need to improve the system of monitoring of compliance with legislation within the Commission.

### Effectiveness of Internal Controls

The systems of controls are designed to provide reasonable assurance that policies, processes, tasks, behaviours and other aspects of the Commission, taken together, facilitate its effective and efficient operation, help to ensure the quality of internal and external reporting, and help to ensure compliance with applicable laws and regulations. In line with the PFMA and King Report on Corporate Governance requirements, Internal Audit provides the Committee with assurance that the internal controls are appropriate and effective. This is achieved by means of reviews and testing of the design, implementation and effectiveness of internal controls as well as the identification of corrective actions and suggested enhancement to the internal controls and processes.

From the various reports of the Internal Auditors, the Audit Report on financial statements, and the management letter of the Auditor General South Africa ("AGSA"), it was noted that no significant or material non-compliance with prescribed policies and procedures have been reported. Accordingly, we can report that the systems of internal control for the period under review were efficient and effective.

### Risk Management

In fulfilling its oversight responsibilities, in relation to risk management, the Committee reviewed the risk management framework, and monitored the implementation of risk mitigation strategies.

In our opinion the SAHRC's approach to the risk management processes is partially adequate and effective. There is a need to improve the system of risk management within the Commission

### Performance Management

The Committee is of the opinion that the performance management system was fully functional during the period under review and this has resulted in the SAHRC being in a position to accurately measure and reflect the performance against predetermined objectives as required by the legislation.

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Audit Committee Report

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### In-Year Management and Quarterly Reports

The Audit Committee has noted and is satisfied with the content and quality of the Quarterly Reports prepared and issued by the Accounting Officer during the year under review.

### Evaluation of Financial Statements

The audit committee has:

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

### Auditor's Report

The Audit Committee concurs and accepts the conclusions of the external auditor 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.

*EM Sikhosana*

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**Ms Masesi Sikhosana**  
Chairperson of the Audit Committee  
South African Human Rights Commission

Date: 30 September 2020.

# Report of the auditor-general to Parliament on South African Human Rights Commission

## Report on the audit of the financial statements

### Opinion

1. I have audited the financial statements of the South African Human Rights Commission set out on pages ... to ..., which comprise the statement of financial position as at 31 March 2020, statement of financial performance, statement of changes in net assets, cash flow statement and statement of comparison of budget and actual amounts for the year then ended, as well as the notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, financial position of the South African Human Rights Commission as at 31 March 2020, and its financial performance and cash flows for the year then ended in accordance with the Standards of Generally Recognised Accounting Practice (Standards of GRAP) and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).

### Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's responsibilities for the audit of the financial statements section of this auditor's report.
4. I am independent of the constitutional institution in accordance with sections 290 and 291 of the *Code of ethics for professional accountants* and parts 1 and 3 of the *International Code of Ethics for Professional Accountants (including International Independence Standards)* of the International Ethics Standards Board for Accountants (IESBA codes) as well as the ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA codes.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### Responsibilities of accounting officer for the financial statements

6. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the Standards of GRAP and the requirements of the PFMA, and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
7. In preparing the financial statements, the accounting officer is responsible for assessing the constitutional institution's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the constitutional institution or to cease operations, or has no realistic alternative but to do so.



## Auditor-general's responsibilities for the audit of the financial statements

8. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
9. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

## Report on the audit of the annual performance report

### Introduction and scope

10. In accordance with the Public Audit Act of South Africa 2004 (Act No. 25 of 2004) (PAA) and the general notice issued in terms thereof, I have a responsibility to report on the usefulness and reliability of the reported performance information against predetermined objectives for selected strategic objective presented in the annual performance report. I performed procedures to identify material findings but not to gather evidence to express assurance.
11. My procedures address the usefulness and reliability of the reported performance information, which must be based on the approved performance planning documents of the constitutional institution. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures do not examine whether the actions taken by the constitutional institution enabled service delivery. My procedures also do not extend to any disclosures or assertions relating to planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.
12. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected strategic objective presented in the annual performance report of the constitutional institution for the year ended 31 March 2020:

<b>Strategic objective</b>	<b>Pages in the annual performance report</b>
Strategic objective 2 – enhance advocacy, visibility and awareness programmes	x – x

13. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.

14. The material findings in respect of the usefulness and reliability of the selected strategic objective are as follows:

#### **Various indicators**

15. I was unable to obtain sufficient appropriate audit evidence for the reported achievements of three of the ten indicators relating to this objective. This was due to the lack of accurate and complete records. I was unable to confirm the reported achievements by alternative means. Consequently, I was unable to determine whether any adjustments were required to the reported achievements in the annual performance report for the indicators listed below:

Indicator number	Indicator description	Reported achievement
2,4	Number of public outreach engagements conducted	224
2,5	Number of key stakeholder engagements conducted	752 engagements

#### **Other matters**

16. I draw attention to the matters below.

##### **Achievement of planned targets**

17. Refer to the annual performance report on pages ... to ... for information on the achievement of planned targets for the year and explanations provided for the under- and overachievement of a significant number of targets. This information should be considered in the context of the material findings on the reliability of the reported performance information in paragraph 15 of this report.

##### **Adjustment of material misstatements**

18. I identified material misstatements in the annual performance report submitted for auditing. These material misstatements were in the reported performance information of strategic objective 2: enhance advocacy, visibility and awareness programmes. As management subsequently corrected only some of the misstatements, I raised material findings on the reliability of the reported performance information. Those that were not corrected are reported above.

## **Report on the audit of compliance with legislation**

#### **Introduction and scope**

19. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the constitutional institution's compliance with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.

20. The material findings on compliance with specific matters in key legislation are as follows:

### Expenditure management

14. Effective and appropriate steps were not taken to prevent irregular expenditure amounting to R2 639 000, as disclosed in note 31 to the annual financial statements, as required by section 38(1)(c)(ii) of the PFMA and treasury regulation 9.1.1. The majority of the irregular expenditure was caused by non-compliance with supply chain management legislation.

### Procurement and contract management

15. Some of the goods and services with a transaction value below R500 000 were procured without obtaining the required price quotations, as required by treasury regulation 16A6.1. Similar non-compliance was also reported in the prior year.
16. Some of the quotations were accepted from prospective suppliers who did not submit a declaration on whether they are employed by the state or connected to any person employed by the state, which is prescribed in order to comply with treasury regulation 16A8.3.

### Consequence management

17. I was unable to obtain sufficient appropriate audit evidence that disciplinary steps were taken against officials who had incurred irregular expenditure as required by section 38(1)(h)(iii) of the PFMA. This was due to proper and complete records that were not maintained as evidence to support the investigations into irregular expenditure.

### Other information

21. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report. The other information does not include the financial statements, the auditor's report and the selected strategic objective presented in the annual performance report that have been specifically reported in this auditor's report.
22. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion thereon.
23. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected strategic objective presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.
24. I did not receive the other information prior to the date of this auditor's report. When I do receive and read this information, if I conclude that there is a material misstatement therein, I am required to communicate the matter to those charged with governance and request that the other information be corrected. If the other information is not corrected, I may have to retract this auditor's report and re-issue an amended report as appropriate. However, if it is corrected this will not be necessary.

### Internal control deficiencies

25. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it. The matters reported below are limited to the

significant internal control deficiencies that resulted in the findings on the annual performance report and the findings on compliance with legislation included in this report.

26. Management did not adequately monitor the implementation of action plans to address internal control deficiencies.
27. Management did not implement proper record keeping in a timely manner to ensure that complete, relevant and accurate information is accessible and available to support performance reporting.
28. Management did not adequately review and monitor compliance with applicable legislation.

*Auditor General*

Pretoria

30 September 2020



A U D I T O R - G E N E R A L  
S O U T H A F R I C A

*Auditing to build public confidence*

## **Annexure – Auditor-general’s responsibility for the audit**

1. As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for selected strategic objective and on the constitutional institution’s compliance with respect to the selected subject matters.

### **Financial statements**

2. In addition to my responsibility for the audit of the financial statements as described in this auditor’s report, I also:
  - identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control
  - obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the constitutional institution’s internal control
  - evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the accounting officer.
  - conclude on the appropriateness of the use of the accounting officer of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the South African Human Rights Commission to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor’s report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify my opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor’s report. However, future events or conditions may cause a constitutional institution to cease operating as a going concern.
  - evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

### **Communication with those charged with governance**

3. I communicate with the accounting officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.
4. I also confirm to the accounting officer that I have complied with relevant ethical requirements regarding independence, and communicate all relationships and other matters that may reasonably be thought to have a bearing on my independence and, where applicable, actions taken to eliminate threats or safeguards applied.

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Chief Executive Officer Report

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The members submit their report for the year ended 31 March 2020.

### 1. Incorporation

The entity was incorporated on 01 April 1996 and obtained its certificate to commence business on the same day.

### 2. Going concern

We draw attention to the fact that at 31 March 2020, the entity had an accumulated surplus of R 45 424 thousand and that the entity's total assets exceed its liabilities by R 45 424 thousand.

The financial statements have been prepared on the basis of accounting policies applicable to a going concern. This basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business for the next 12 months.

### 3. Commissioners

Below are the commissioners during the year under review:

Name	Nationality
Adv BC Majola ( Chairperson)	South Africa
Ms DP S Jana ( Deputy Chairperson)	South Africa
Adv. AH Gaum	South Africa
Adv MS Ameerma	South Africa
Ms MA Makwetla	South Africa
Adv. JB Malatji	South Africa
Mr AC Nissen	South Africa
Mr J Sibanyoni	South Africa

### 4. Corporate governance

#### General

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

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

#### Functioning of the Audit Committee

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

#### Internal Audit

In line with the PFMA requirements, the internal audit activity provides the Audit Committee and management assurance that the internal controls are appropriate and effective. This is achieved by means of objective appraisal and evaluation of the risk management process, internal control and governance processes. The audit plan is responsive to the Commission's risk profile. For the year under review Internal Audit executed 100% of the approved plan.

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

**South African Human Rights Commission**  
Annual Financial Statements for the year ended 31 March 2020

**Chief Executive Officer Report**

---

**Internal Control**

The Commission has the ultimate responsibility for establishing a framework for internal controls, including an appropriate procurement and provisioning system. The controls throughout the Commission focus on those critical risk areas identified by operational risk management, confirmed by management and assessed by the auditors. The controls are designed to provide cost-effective assurance that assets are safeguarded and that the available working capital is managed efficiently and economically.

Organisational policies, procedures and the delegation of authority provide direction, accountability and division of responsibilities, and contain self-monitoring mechanism. The designed internal controls are closely monitored by both management and Internal Audit, and action is taken to correct any deficiencies identified

**5. Auditors**

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

**6. Risk Management**

The legislating of the implementation of risk management in the public sector institutions is part of a macro strategy of the South Africa government towards ensuring the achievement of public sector institutional goals and objectives. For the Commission, this mandate can be found in Section 77 of the Public Finance Management Act (Act 1 of 1999 as amended by Act 29 of 1999; Treasury Regulation 3.1.10 and Treasury Regulations 3.1.13) Risk management therefore forms an integral part of the Commission's plan to deliver effectively and efficiently on its mandate.

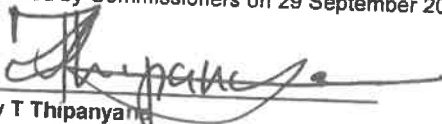
The Commission continues to recognise the importance of risk management in ensuring its objectives and therefore endeavours to comply with the requisite legislation as it pertains risk management.

The risk management process is facilitated by the Chief Financial Officer who is also responsible for chairing the Risk Management Committee.

**7. Approval of finances**

The financial statements fairly represent the state of affairs of the Commission as at 31 March 2020. The statements are the responsibility of the Commission while the auditors are responsible for reporting on the fair presentation of these financial statements. The annual financial statements reflect appropriate accounting policies and adhere to applicable accounting standards.

The annual financial statements set out on page 13 to 43, which have been prepared on the going concern basis, were approved by Commissioners on 29 September 2020 and were signed on its behalf by:



**Adv T Thipanya**  
Chief Financial Officer  
South African Human Rights Commission

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Statement of Financial Position as at 31 March 2020

	Note(s)	2020 R '000	2019 R '000
<b>Assets</b>			
<b>Current Assets</b>			
Inventories	6	170	111
Operating lease asset	4	1 246	-
Receivables from exchange transactions	7	89	149
Prepayments	5	729	890
Cash and cash equivalents	8	45 131	28 658
		<b>47 365</b>	<b>29 808</b>
<b>Non-Current Assets</b>			
Property, plant and equipment	2	15 688	13 886
Intangible assets	3	1 866	1 345
		<b>17 554</b>	<b>15 231</b>
<b>Total Assets</b>		<b>64 919</b>	<b>45 039</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Finance lease obligation	9	420	1 434
Operating lease liability	4	3 333	861
Payables from exchange transactions	13	4 272	2 819
Unspent conditional grants and receipts	10	1 082	300
Provisions	11	2 070	3 200
Employee benefits	12	1 296	1 293
Provision for leave accrued	11	6 346	5 136
		<b>18 819</b>	<b>15 043</b>
<b>Non-Current Liabilities</b>			
Finance lease obligation	9	331	223
Operating lease liability	4	345	2 699
		<b>676</b>	<b>2 922</b>
<b>Total Liabilities</b>		<b>19 495</b>	<b>17 965</b>
<b>Net Assets</b>		<b>45 424</b>	<b>27 074</b>
Accumulated surplus		45 424	27 074



# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Statement of Financial Performance

	Note(s)	2020 R '000	2019 R '000
<b>Revenue</b>			
<b>Revenue from exchange transactions</b>			
Administrative fees		4 990	1 015
Interest received - investment		2 317	1 496
<b>Total revenue from exchange transactions</b>	14	<b>7 307</b>	<b>2 511</b>
<b>Revenue from non-exchange transactions</b>			
<b>Transfer revenue</b>			
Government grants & subsidies		190 005	178 830
Donation Income		727	77
<b>Total revenue from non-exchange transactions</b>		<b>190 732</b>	<b>178 907</b>
<b>Total revenue</b>	14	<b>198 039</b>	<b>181 418</b>
<b>Expenditure</b>			
Employee related costs	16	(125 763)	(119 919)
Depreciation and amortisation		(1 850)	(2 025)
Finance costs	17	(124)	(298)
Lease rentals on operating lease		(18 449)	(17 897)
Debt Impairment	18	-	(45)
General Expenses	19	(33 061)	(25 236)
<b>Total expenditure</b>		<b>(179 247)</b>	<b>(165 420)</b>
<b>Surplus for the year from continuing operations</b>		<b>18 792</b>	<b>15 998</b>
Loss on disposed of asset and liability		(442)	(230)
<b>Surplus for the year</b>		<b>18 350</b>	<b>15 768</b>

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Statement of Changes in Net Assets

	Accumulated surplus R '000	Total net assets R '000
<b>Balance at 01 April 2018</b>	<b>11 305</b>	<b>11 305</b>
Changes in net assets		
Surplus for the year	15 769	15 769
Total changes	15 769	15 769
<b>Balance at 01 April 2019</b>	<b>27 074</b>	<b>27 074</b>
Changes in net assets		
Surplus for the year	18 350	18 350
Total changes	18 350	18 350
<b>Balance at 31 March 2020</b>	<b>45 424</b>	<b>45 424</b>

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Cash Flow Statement

	Note(s)	2020 R '000	2019 R '000
<b>Cash flows from operating activities</b>			
<b>Receipts</b>			
Non exchange revenue- Government grant		190 005	178 830
Administrative fees		4 990	1 015
Interest income		2 317	1 496
Donation income		-	246
		197 312	181 587
<b>Payments</b>			
Employee costs		(125 575)	(121 414)
Suppliers		(49 466)	(40 185)
Finance cost		(124)	(298)
		(175 165)	(161 897)
<b>Net cash flows from operating activities</b>	21	<b>22 147</b>	<b>19 690</b>
<b>Cash flows from investing activities</b>			
Purchase of property, plant and equipment	2	(3 511)	(1 194)
Purchase of other intangible assets	3	(636)	-
<b>Net cash flows from investing activities</b>		<b>(4 147)</b>	<b>(1 194)</b>
<b>Cash flows from financing activities</b>			
Finance lease payments		(1 527)	(2 064)
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>16 473</b>	<b>16 432</b>
Cash and cash equivalents at the beginning of the year		28 658	12 226
<b>Cash and cash equivalents at the end of the year</b>	8	<b>45 131</b>	<b>28 658</b>

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Statement of Comparison of Budget and Actual Amounts

### Budget on Cash Basis

	Approved budget	Adjustments	Final Budget	Actual amounts on comparable basis	Difference between final budget and actual	Reference
	R '000	R '000	R '000	R '000	R '000	
<b>Statement of Financial Performance</b>						
<b>Revenue</b>						
<b>Revenue from exchange transactions</b>						
Administrative fees	3 695	-	3 695	4 990	1 295	
Interest received - investment	500	-	500	2 317	1 817	
<b>Total revenue from exchange transactions</b>	<b>4 195</b>	<b>-</b>	<b>4 195</b>	<b>7 307</b>	<b>3 112</b>	
<b>Revenue from non-exchange transactions</b>						
<b>Transfer revenue</b>						
Government grants & subsidies	190 005	-	190 005	190 005	-	
Levies	-	-	-	727	727	
<b>Total revenue from non-exchange transactions</b>	<b>190 005</b>	<b>-</b>	<b>190 005</b>	<b>190 732</b>	<b>727</b>	
<b>Total revenue</b>	<b>194 200</b>	<b>-</b>	<b>194 200</b>	<b>198 039</b>	<b>3 839</b>	
<b>Expenditure</b>						
Personnel	(129 841)	-	(129 841)	(125 575)	4 266	32
Finance costs	(303)	-	(303)	(124)	179	
Lease rentals on operating lease	(25 780)	-	(25 780)	(23 821)	1 959	32
General Expenses	(25 176)	-	(25 176)	(25 645)	(469)	32
Finance lease payments	(2 672)	-	(2 672)	(1 527)	1 145	32
<b>Total expenditure</b>	<b>(183 772)</b>	<b>-</b>	<b>(183 772)</b>	<b>(176 692)</b>	<b>7 080</b>	
<b>Surplus before taxation</b>	<b>10 428</b>	<b>-</b>	<b>10 428</b>	<b>21 347</b>	<b>10 919</b>	
<b>Surplus for the year from continuing operations</b>	<b>10 428</b>	<b>-</b>	<b>10 428</b>	<b>21 347</b>	<b>10 192</b>	
Payment of property, plant and equipment and intangible assets	(3 809)	-	(3 809)	(4 147)	(338)	
<b>Actual Amount on Comparable Basis as Presented in the Budget and Actual Comparative Statement</b>	<b>6 619</b>	<b>-</b>	<b>6 619</b>	<b>17 200</b>	<b>9 854</b>	

### Reconciliation

The accounting policies on pages 18 to 27 and the notes on pages 28 to 43 form an integral part of the annual financial statements.

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Accounting Policies

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### 1. Presentation of financial statements

The financial statements have been prepared in accordance with the Standards of Generally Recognised Accounting Practice (GRAP), issued by the Accounting Standards Board in accordance with Section 91(1) of the Public Finance Management Act (Act 1 of 1999).

These financial statements have been prepared on an accrual basis of accounting and are in accordance with historical cost convention as the basis of measurement, unless specified otherwise.

A summary of the significant accounting policies, which have been consistently applied in the preparation of these , are disclosed below.

#### 1.1 Presentation currency

These financial statements are presented in South African Rand, which is the functional currency of the entity. The figures have been rounded off to the nearest R'000.

#### 1.2 Going concern assumption

These financial statements have been prepared based on the expectation that the entity will continue to operate as a going concern for at least the next 12 months.

#### 1.3 Significant judgements and sources of estimation uncertainty

In preparing the quarterly financial statements management is required to make estimates and assumptions that affect the amounts represented in the and related disclosures. Use of available information and the application of judgement is inherent in the formation of estimates. Actual results in the future could differ from these estimates which may be material to the quarterly financial statements. Judgements include decisions on property plant and equipment.

#### 1.4 Property, plant and equipment

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

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

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

Property, plant and equipment is initially measured at cost.

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

Where an asset is acquired through a non-exchange transaction, its cost is its fair value as at date of acquisition.

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

When significant components of an item of property, plant and equipment have different useful lives, they are accounted for as separate items (major components) of property, plant and equipment.

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

Recognition of costs in the carrying amount of an item of property, plant and equipment ceases when the item is in the location and condition necessary for it to be capable of operating in the manner intended by management.

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

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

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# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Accounting Policies

### 1.4 Property, plant and equipment (continued)

The useful lives of items of property, plant and equipment have been assessed as follows:

Item	Depreciation method	Average useful life
Computer Equipment	Straight line	
• Laptops and desktops		10-13
• Servers and Switches		17-22
Office Equipment	Straight line	
• Printers and fridges etc		17-22
• Audiovisual and equipments and conferencing		17-20
Finance Lease	Straight line	3-5
Library Materials	Straight line	20-25
Furniture and fittings	Straight line	
• Furniture and fittings		20-27
• Gazebo, Flags, Banners and Accessories		17-20
Motor vehicles	Straight line	12-17
Leasehold improvements	Straight line	5-10

The depreciable amount of an asset is allocated on a systematic basis over its useful life.

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

The entity assesses at each reporting date whether there is any indication that the entity expectations about motor vehicle residual value and the useful life of all assets have changed since the preceding reporting date. If any such indication exists, the entity revises the expected useful life and/or residual value accordingly. The change is accounted for as a change in an accounting estimate.

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

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

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

### 1.5 Intangible assets

An asset is identified as an intangible asset when it:

- is separable, i.e. is capable of being separated or divided from an entity and sold, transferred, licensed, rented or exchanged, either individually or together with a related contract, identifiable assets or liability, regardless of whether the entity intends to do so; or
- arises from binding arrangements (including rights from contracts), regardless of whether those rights are transferable or separable from the entity or from other rights and obligations.

A binding arrangement describes an arrangement that confers similar rights and obligations on the parties to it as if it were in the form of a contract.

An intangible asset is recognised when:

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

The entity assesses the probability of expected future economic benefits or service potential using reasonable and supportable assumptions that represent management's best estimate of the set of economic conditions that will exist over the useful life of the asset.

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Accounting Policies

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### 1.5 Intangible assets (continued)

Where an intangible asset is acquired through a non-exchange transaction, its initial cost at the date of acquisition is measured at its fair value as at that date. If the acquired item's fair value was not determinable, it's deemed cost is carrying amount of the asset(s) given up.

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

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

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

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

The amortisation period of the intangible assets are reviewed at each reporting date.

Amortisation is provided to write down the intangible assets, on a straight line basis, to their residual values as follows:

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Item	Depreciation method	Average useful life
Computer Software	Straight line	13-17

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Intangible assets are derecognised:

- on disposal; or
- when no future economic benefits or service potential are expected from its use or disposal.

The gain or loss arising from the derecognition of intangible assets is included in surplus or deficit when the asset is derecognised (unless the Standard of GRAP on leases requires otherwise on a sale and leaseback).

### 1.6 Financial instruments

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or a residual interest of another entity.

The amortised cost of a financial asset or financial liability is the amount at which the financial asset or financial liability is measured at initial recognition minus principal repayments, plus or minus the cumulative amortisation using the effective interest method of any difference between that initial amount and the maturity amount, and minus any reduction (directly or through the use of an allowance account) for impairment or uncollectibility.

Derecognition is the removal of a previously recognised financial asset or financial liability from an entity's statement of financial position.

The effective interest method is a method of calculating the amortised cost of a financial asset or a financial liability (or group of financial assets or financial liabilities) and of allocating the interest income or interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments or receipts through the expected life of the financial instrument or, when appropriate, a shorter period to the net carrying amount of the financial asset or financial liability. When calculating the effective interest rate, an entity shall estimate cash flows considering all contractual terms of the financial instrument (for example, prepayment, call and similar options) but shall not consider future credit losses. The calculation includes all fees and points paid or received between parties to the contract that are an integral part of the effective interest rate (see the Standard of GRAP on Revenue from Exchange Transactions), transaction costs, and all other premiums or discounts. There is a presumption that the cash flows and the expected life of a group of similar financial instruments can be estimated reliably. However, in those rare cases when it is not possible to reliably estimate the cash flows or the expected life of a financial instrument (or group of financial instruments), the entity shall use the contractual cash flows over the full contractual term of the financial instrument (or group of financial instruments).

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

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Accounting Policies

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### 1.6 Financial instruments (continued)

A financial asset is:

- cash;
- a residual interest of another entity; or
- a contractual right to:
  - receive cash or another financial asset from another entity; or
  - exchange financial assets or financial liabilities with another entity under conditions that are potentially favourable to the entity.

A financial liability is any liability that is a contractual obligation to:

- deliver cash or another financial asset to another entity; or
- exchange financial assets or financial liabilities under conditions that are potentially unfavourable to the entity.

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates.

#### Initial recognition

The entity recognises a financial asset or a financial liability in its statement of financial position when the entity becomes a party to the contractual provisions of the instrument.

The entity recognises financial assets using trade date accounting.

#### Initial measurement of financial assets and financial liabilities

The entity measures a financial asset and financial liability initially at its fair value plus transaction costs that are directly attributable to the acquisition or issue of the financial asset or financial liability.

The entity measures a financial asset and financial liability initially at its fair value [if subsequently measured at fair value].

The entity first assesses whether the substance of a concessionary loan is in fact a loan. On initial recognition, the entity analyses a concessionary loan into its component parts and accounts for each component separately. The entity accounts for that part of a concessionary loan that is:

- a social benefit in accordance with the Framework for the Preparation and Presentation of Financial Statements, where it is the issuer of the loan; or
- non-exchange revenue, in accordance with the Standard of GRAP on Revenue from Non-exchange Transactions (Taxes and Transfers), where it is the recipient of the loan.



# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Accounting Policies

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### 1.6 Financial instruments (continued)

#### Subsequent measurement of financial assets and financial liabilities

The entity measures all financial assets and financial liabilities after initial recognition using the following categories:

- Financial instruments at fair value.
- Financial instruments at amortised cost.
- Financial instruments at cost.

All financial assets measured at amortised cost, or cost, are subject to an impairment review.

#### Fair value measurement considerations

The best evidence of fair value is quoted prices in an active market. If the market for a financial instrument is not active, the entity establishes fair value by using a valuation technique. The objective of using a valuation technique is to establish what the transaction price would have been on the measurement date in an arm's length exchange motivated by normal operating considerations. Valuation techniques include using recent arm's length market transactions between knowledgeable, willing parties, if available, reference to the current fair value of another instrument that is substantially the same, discounted cash flow analysis and option pricing models. If there is a valuation technique commonly used by market participants to price the instrument and that technique has been demonstrated to provide reliable estimates of prices obtained in actual market transactions, the entity uses that technique.

The chosen valuation technique makes maximum use of market inputs and relies as little as possible on entity-specific inputs. It incorporates all factors that market participants would consider in setting a price and is consistent with accepted economic methodologies for pricing financial instruments.

Periodically, an entity calibrates the valuation technique and tests it for validity using prices from any observable current market transactions in the same instrument (i.e. without modification or repackaging) or based on any available observable market data.

Short term receivables and payables are not discounted where the initial credit period is granted or received is consistent with terms used in the public sector, either through established practices or legislation.

#### Gains and losses

A gain or loss arising from a change in the fair value of a financial asset or financial liability measured at fair value is recognised in surplus or deficit.

For financial assets and financial liabilities measured at amortised cost or cost, a gain or loss is recognised in surplus or deficit when the financial asset or financial liability is derecognised or impaired, or through the amortisation process.

### 1.7 Leases

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

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

#### Finance leases - lessee

Finance leases are recognised as assets and liabilities in the statement of financial position at amounts equal to the fair value of the leased property or, if lower, the present value of the minimum lease payments. The corresponding liability to the lessor is included in the statement of financial position as a finance lease obligation.

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

Minimum lease payments are apportioned between the finance charge and reduction of the outstanding liability. The finance charge is allocated to each period during the lease term so as to produce a constant periodic rate of on the remaining balance of the liability.

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Accounting Policies

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### 1.7 Leases (continued)

#### Operating leases - lessee

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

### 1.8 Inventories

Inventories are initially measured at cost except where inventories are acquired through a non-exchange transaction, then their costs are their fair value as at the date of acquisition.

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

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

The cost of inventories comprises of all costs of purchase, costs of conversion and other costs incurred in bringing the inventories to their present location and condition.

The carrying amounts of those inventories are recognised as an expense in the period in which the related revenue is recognised. If there is no related revenue, the expenses are recognised when the goods are distributed, or related services are rendered. The amount of any write-down of inventories to current replacement cost and all losses of inventories are recognised as an expense in the period the write-down or loss occurs. The amount of any reversal of any write-down of inventories, arising from an increase in current replacement cost, are recognised as a reduction in the amount of inventories recognised as an expense in the period in which the reversal occurs.

### 1.9 Employee benefits

Employee benefits are all forms of consideration given by an entity in exchange for service rendered by employees.

#### Short-term employee benefits

Short-term employee benefits are employee benefits (other than termination benefits) that are due to be settled within twelve months after the end of the period in which the employees render the related service.

Short-term employee benefits include items such as:

- wages, salaries and social security contributions;
- short-term compensated absences (such as paid annual leave and paid sick leave) where the compensation for the absences is due to be settled within twelve months after the end of the reporting period in which the employees render the related employee service;
- bonus, incentive and performance related payments payable within twelve months after the end of the reporting period in which the employees render the related service; and
- non-monetary benefits (for example, medical care, and free or subsidised goods or services such as housing, cars and cellphones) for current employees.

The Commission recognises the expected cost of bonus and leave pay, when the entity has a present legal or constructive obligation to make such payments as a result of past events and a reliable estimate of the obligation can be made.

#### Post-employment benefits: Defined contribution plans

Defined contribution plans are post-employment benefit plans under which an entity pays fixed contributions into a separate entity (a fund) and will have no legal or constructive obligation to pay further contributions if the fund does not hold sufficient assets to pay all employee benefits relating to employee service in the current and prior periods.

When an employee has rendered service to the entity during a reporting period, the entity recognise the contribution payable to a defined contribution plan in exchange for that service:

- as a liability (accrued expense), after deducting any contribution already paid. If the contribution already paid exceeds the contribution due for service before the reporting date, an entity recognise that excess as an asset (prepaid expense) to the extent that the prepayment will lead to, for example, a reduction in future payments or a cash refund; and
- as an expense, unless another Standard requires or permits the inclusion of the contribution in the cost of an asset.

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Accounting Policies

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### 1.10 Provisions and contingencies

Provisions are recognised when:

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

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

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

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

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

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

A constructive obligation to restructure arises only when an entity:

- has a detailed formal plan for the restructuring, identifying at least:
  - the activity/operating unit or part of an activity/operating unit concerned;
  - the principal locations affected;
  - the location, function, and approximate number of employees who will be compensated for services being terminated;
  - the expenditures that will be undertaken; and
  - when the plan will be implemented; and
- has raised a valid expectation in those affected that it will carry out the restructuring by starting to implement that plan or announcing its main features to those affected by it.

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

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

After their initial recognition contingent liabilities recognised in entity combinations that are recognised separately are subsequently measured at the higher of:

- the amount that would be recognised as a provision; and
- the amount initially recognised less cumulative amortisation.

Contingent assets and contingent liabilities are not recognised. Contingencies are disclosed in note 24.

### 1.11 Commitments

Items are classified as commitments when an entity has committed itself to future transactions that will normally result in the outflow of cash.

Disclosures are required in respect of unrecognised contractual commitments.

Commitments for which disclosure is necessary to achieve a fair presentation should be disclosed in a note to the financial statements, if both the following criteria are met:

- Contracts should be non-cancellable or only cancellable at significant cost (for example, contracts for computer or building maintenance services); and
- Contracts should relate to something other than the routine, steady, state business of the entity – therefore salary commitments relating to employment contracts or social security benefit commitments are excluded.

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Accounting Policies

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### 1.12 Revenue from exchange transactions

Revenue is the gross inflow of economic benefits or service potential during the reporting period when those inflows result in an increase in net assets, other than increases relating to contributions from owners.

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

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

Donor funds received are managed by the Commission in order to enable facilitation of projects. The funds are recognised as a liability or income based on the nature of the donation agreement.

#### Measurement

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

#### Interest and administrative fees

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

Administrative fee is recognised as a revenue over the period during which the service is performed.

### 1.13 Revenue from non-exchange transactions

Revenue from non-exchange transaction constitutes transfer payments from the Department of Justice and Constitutional Development

#### Recognition

An inflow of government grant payments from a non-exchange transaction recognised as an asset is recognised as revenue

### 1.14 Unauthorised expenditure

Unauthorised expenditure means:

- overspending of a vote or a main division within a vote; and
- expenditure not in accordance with the purpose of a vote or, in the case of a main division, not in accordance with the purpose of the main division.

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

### 1.15 Fruitless and wasteful expenditure

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

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

### 1.16 Irregular expenditure

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

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

National Treasury practice note no. 4 of 2008/2009 which was issued in terms of sections 76(1) to 76(4) of the PFMA requires the following (effective from 1 April 2008):

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Accounting Policies

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### 1.16 Irregular expenditure (continued)

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

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

Where irregular expenditure was incurred in the previous financial year and is only condoned in the following financial year, the register and the disclosure note to the financial statements must be updated with the amount condoned.

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

### 1.17 Budget information

The Commission is typically subject to budgetary limits in the form of appropriations or budget authorisations (or equivalent), which is given effect through authorising legislation, appropriation or similar.

General purpose financial reporting by entity shall provide information on whether resources were obtained and used in accordance with the legally adopted budget.

The approved budget is prepared on a cash basis and presented by economic classification linked to performance outcome objectives.

The approved budget covers the fiscal period from 2019/04/01 to 2020/03/31.

The financial statements and the budget are not on the same basis of accounting therefore a comparison with the budgeted amounts for the reporting period have been included in the Statement of comparison of budget and actual amounts.

### 1.18 Related parties

The entity operates in an economic sector currently dominated by entities directly or indirectly owned by South African Government. As consequences of the constitutional independence of the three spheres of Government in South Africa, only entities within the national spheres of government are considered to be related parties.

Management are those persons responsible for planning, directing and controlling the activities of the entity, including those charged with the governance of the entity in accordance with legislation, in instances where they are required to perform such functions.

Close members of the family of a person are considered to be those family members who may be expected to influence, or be influenced by, that management in their dealings with the entity.

Only transactions with related parties not at arm's length or not in the ordinary course of business are disclosed.

### 1.19 Events after reporting date

Events after reporting date are those events, both favourable and unfavourable, that occur between the reporting date and the date when the financial statements are authorised for issue. Two types of events can be identified:

- those that provide evidence of conditions that existed at the reporting date (adjusting events after the reporting date); and
- those that are indicative of conditions that arose after the reporting date (non-adjusting events after the reporting date).

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Accounting Policies

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### 1.19 Events after reporting date (continued)

The entity will adjust the amount recognised in the financial statements to reflect adjusting events after the reporting date once the event occurred.

The entity will disclose the nature of the event and an estimate of its financial effect or a statement that such estimate cannot be made in respect of all material non-adjusting events, where non-disclosure could influence the economic decisions of users taken on the basis of the financial statements.

### 1.20 Effects of new standards

The following GRAP standards and interpretations have been approved but not yet effective.

The Commission evaluated the standard listed below and noted that they do not have any impact on the annual financial statements for the period under review.

- GRAP 20 Related Party Transactions
- GRAP 32 Service Concession Arrangements: Grantor
- GRAP 108 Statutory receivables
- GRAP 109 Accounting by principals and Agents
- IGRAP 17 Service concession arrangements where a grantor controls a significant residual interest in an asset.
- IGRAP19 Liability of levies
- GRAP 34 to 38 Interests in Other Entities

## South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

### Notes to the Annual Financial Statements

	2020	2019
	R '000	R '000

#### 2. Property, plant and equipment

	2020		2019	
	Cost / Valuation	Accumulated depreciation and accumulated impairment	Cost / Valuation	Accumulated depreciation and accumulated impairment
Finance Lease	4 254	(2 419)	1 835	(3 282)
Furniture and fittings	4 585	(2 364)	2 221	(2 251)
Motor vehicles	6 128	(2 036)	4 092	(2 012)
Office equipment	2 348	(655)	1 693	(572)
IT equipment	6 419	(1 837)	4 582	(1 574)
Leasehold improvements	784	(350)	434	(291)
Other property, plant and equipment	1 513	(682)	831	(630)
<b>Total</b>	<b>26 031</b>	<b>(10 343)</b>	<b>15 688</b>	<b>(10 612)</b>

#### Reconciliation of property, plant and equipment - 2020

	Opening balance	Additions	Disposals	Depreciation	Total
Finance lease	2 485	621	(415)	(856)	1 835
Furniture and fittings	2 126	227	(10)	(122)	2 221
Motor vehicles	3 051	1 444	(127)	(276)	4 092
Office equipment	1 395	403	(10)	(95)	1 693
Computer equipment	3 633	1 257	(30)	(278)	4 582
Leasehold improvements	338	154	-	(58)	434
Library Materials	858	25	-	(52)	831
<b>Total</b>	<b>13 886</b>	<b>4 131</b>	<b>(592)</b>	<b>(1 737)</b>	<b>15 688</b>

## South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

### Notes to the Annual Financial Statements

Figures in Rand thousand

#### 2. Property, plant and equipment (continued)

##### Reconciliation of property, plant and equipment - 2019

	Opening balance	Additions	Disposals	Depreciation	Total
Finance lease	3 661	-	(71)	(1 105)	2 485
Furniture and fittings	2 022	245	(23)	(118)	2 126
Motor vehicles	3 242	396	(324)	(263)	3 051
Office equipment	1 479	46	(41)	(89)	1 395
Computer equipment	3 449	428	(13)	(231)	3 633
Leasehold improvements	326	79	-	(67)	338
Library Materials	907	3	-	(52)	858
	<b>15 086</b>	<b>1 197</b>	<b>(472)</b>	<b>(1 925)</b>	<b>13 886</b>



# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

	2020 R '000	2019 R '000
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### 3. Intangible assets

	2020			2019		
	Cost / Valuation	Accumulated amortisation and accumulated impairment	Carrying value	Cost / Valuation	Accumulated amortisation and accumulated impairment	Carrying value
Computer software	2 662	(796)	1 866	2 027	(682)	1 345

#### Reconciliation of intangible assets - 2020

	Opening balance	Additions	Amortisation	Total
Computer software	1 345	636	(115)	1 866

#### Reconciliation of intangible assets - 2019

	Opening balance	Amortisation	Total
Computer software	1 446	(101)	1 345

### 4. Operating lease

Current assets	1 246	-
Non-current liabilities	(345)	(2 699)
Current liabilities	(3 333)	(861)
	<b>(2 432)</b>	<b>(3 560)</b>

Operating lease represents the rental expensed by the Commission for the office building for Head Office and Provincial offices.

	18 590	16 679
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#### Terms and conditions

- (i) All the leases are operating for an agreed period. i.e 12, 36, 60 months, within an option of renew.
- (ii) All operating leases excluding Telkom ( VPN) are subjected to an escalation ranging between 7% and 10%

At the reporting date the Commission had outstanding commitments under the operating leases which fall due as follows.

Due within one year	19 305	18 590
Due within two year to five years	2 613	21 917
	<b>21 918</b>	<b>40 507</b>

### 5. Prepayments

Pro-forma invoices	349	512
Subscriptions and annual licenses	380	378
	<b>729</b>	<b>890</b>

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

	2020 R '000	2019 R '000
<b>6. Inventories</b>		
Consumable stores	170	111
<b>7. Receivables from exchange transactions</b>		
Trade debtors	89	149
<b>Trade and other receivables impaired</b>		
As of 31 March 2020, trade and other receivables of R 89 489 (2019: R 149 021) were impaired and provided for.		
The ageing of these loans is as follows:		
3 to 6 months	89	149
<b>8. Cash and cash equivalents</b>		
Cash and cash equivalents consist of:		
Cash on hand	55	48
Bank balances	867	799
Short-term deposits	44 209	27 811
	<b>45 131</b>	<b>28 658</b>

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

	2020 R '000	2019 R '000
<b>9. Finance lease obligation</b>		
<b>Minimum lease payments due</b>		
- within one year	467	1 532
- in second to fifth year inclusive	358	227
	825	1 759
less: future finance charges	(74)	(101)
<b>Present value of minimum lease payments</b>	<b>751</b>	<b>1 658</b>
<b>Present value of minimum lease payments due</b>		
- within one year	420	1 434
- in second to fifth year inclusive	331	223
	<b>751</b>	<b>1 657</b>
Non-current liabilities	331	223
Current liabilities	420	1 434
	<b>751</b>	<b>1 657</b>

It is entity policy to lease certain motor vehicles and equipment under finance leases.

The average lease term is 3 years and the average effective borrowing rate was 10% (2019: 10%).

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

The entity's obligations under finance leases are secured by the lessor's charge over the leased assets.

### Terms and conditions

- (i) all the leases are for agreed period i.e. 12, 24, or 36 months with an option to renew
- (ii) the unit is installed (and the installation fees paid) and then the contract will continue on a monthly basis until SAHRC decides to terminate the contract with one months written notice.
- (iii) The contract will be renewed for a period of one year if the SAHRC does not give written notice of cancellation of the contract.

### 10. Unspent conditional grants and receipts

The South African Human Rights Commission has applied for, and was awarded a conditional grant through the National Human Rights Institution projects by Danish Institute for Human Rights (DIHR). Denmark's Institute of Human Rights has assessed that the proposed is in line with its mandate and with its international strategy. The DIHR and SAHRC has ensured that they share the same goal to the mandated objectives.

The South African Human Rights Commission has received conditional grants from the Open Society Initiative for West Africa (OSIWA) for the seminar on the African which will be hosted in June. The conditional grant will be spent on travel, accommodation, venue hire and all the expenses relating to the African seminar.

The South African Human Rights Commission has received conditional grants from the board of trustees of ZENEX Foundation towards the right to read and write campaign. The Zenex Foundation is an independent grant-maker investing in mathematics and language education in South Africa since 1995.

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

	2020 R '000	2019 R '000
<b>10. Unspent conditional grants and receipts (continued)</b>		
<b>Unspent conditional grants and receipts comprises of:</b>		
<b>Unspent conditional grants and receipts</b>		
Danish Institute for Human Rights	-	54
Open Society Initiative for West Africa	982	246
ZENEX Foundation	100	-
	<b>1 082</b>	<b>300</b>
<b>Movement during the year</b>		
Balance at the beginning of the year	300	132
Additions during the year	1 508	245
Income recognition during the year	(726)	(77)
	<b>1 082</b>	<b>300</b>

## 11. Provisions

### Reconciliation of provisions - 2020

	Opening Balance	Additions	Leave payout	Reversed during the year	Total
Provision for leave pay	5 136	4 703	(662)	(2 831)	6 346
Provision for performance bonus	3 200	2 070	(3 200)	-	2 070
	<b>8 336</b>	<b>6 773</b>	<b>(3 862)</b>	<b>(2 831)</b>	<b>8 416</b>

### Reconciliation of provisions - 2019

	Opening Balance	Additions	Utilised during the year	Total
Provision for leave pay	4 874	5 284	(5 022)	5 136
Provision for performance bonus	2 682	3 200	(2 682)	3 200
	<b>7 556</b>	<b>8 484</b>	<b>(7 704)</b>	<b>8 336</b>

## 12. Employee Benefits

13th Cheque accrual	1 296	1 293
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Employee benefit relates to employee's 13th cheque accrued and incurred in the current year R 1,295,650.14 ( 2019 R 1,292,864.04)

## 13. Payables from exchange transactions

Trade payables	2 137	1 759
Payments received in advanced	350	-
Accrued expense	1 785	1 060
	<b>4 272</b>	<b>2 819</b>

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

	2020 R '000	2019 R '000
<b>14. Revenue</b>		
Administrative Income	4 990	1 015
Interest received - investment	2 317	1 496
Government grants & subsidies	190 005	178 830
Donation Income	727	77
	<b>198 039</b>	<b>181 418</b>
<b>The amount included in revenue arising from exchanges of goods or services are as follows:</b>		
Administrative Income	4 990	1 015
Interest received - investment	2 317	1 496
	<b>7 307</b>	<b>2 511</b>
<b>The amount included in revenue arising from non-exchange transactions is as follows:</b>		
<b>Taxation revenue</b>		
<b>Transfer revenue</b>		
Government grants & subsidies	190 005	178 830
Donation Income	727	77
	<b>190 732</b>	<b>178 907</b>
<b>15. Donation Income</b>		
Danish Institute for Human Rights	55	-
Open Society Initiatives For West Africa	672	-
	<b>727</b>	<b>-</b>
<b>16. Employee related costs</b>		
Basic Salary	88 773	80 885
Performance Bonus	792	4 295
Medical aid - company contributions	4 191	3 929
Unemployment Insurance Fund (UIF)	333	322
Pension Fund Contributions	9 627	9 352
Non pensionable contributions	10 735	11 030
Other Short term benefit	2 796	1 664
13th Cheques	5 394	5 457
Car allowance	644	534
Housing benefits and allowances	2 478	2 451
	<b>125 763</b>	<b>119 919</b>
<b>17. Finance costs</b>		
Finance leases	124	298
Total interest expense, calculated using the effective interest rate, on financial instruments not at fair value through surplus or deficit amounted to R 123 655 (2019: R 297 692).		
<b>18. Debt impairment</b>		
Bad debts written off	-	45

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

	2020 R '000	2019 R '000
<b>19. General expenses</b>		
Advertising	1	49
Auditors remuneration	2 630	2 313
Bank charges	92	82
Cleaning	163	205
Computer expenses	47	410
Consulting and professional fees	471	380
Lease and hire	1 221	1 033
Insurance	480	375
Conferences and seminars	56	56
Municipality service	4 519	5 104
Motor vehicle expenses	214	137
Motor vehicle expense (Fuel)	528	538
Placement fees	388	239
Postage and courier	65	78
Printing and stationery	507	488
Repairs and maintenance	337	399
Security (Guarding of municipal property)	1 340	1 101
Software expenses	235	-
Staff welfare	376	233
Subscriptions and membership fees	788	444
Telephone and fax	2 352	3 309
Transport and freight	59	281
Training	880	667
Workmen's compensation	103	112
Operating expense	15 209	7 203
	<b>33 061</b>	<b>25 236</b>
<b>20. Auditors' remuneration</b>		
Fees	2 630	2 313
<b>21. Cash generated from operations</b>		
Surplus	18 350	15 768
<b>Adjustments for:</b>		
Depreciation and amortisation	1 850	2 025
Loss on disposal of assets	442	230
Debt impairment	-	45
Movements in operating lease assets and accruals	(975)	323
<b>Changes in working capital:</b>		
Inventories	(59)	101
Receivables from exchange transactions	60	(103)
Prepayments	161	(226)
Payables from exchange transactions	1 453	526
Unspent conditional grants and receipts	782	168
Employee benefits	3	53
Provision for leave accrued	1 210	262
Provision for performance bonus	(1 130)	518
	<b>22 147</b>	<b>19 690</b>

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

	2020 R '000	2019 R '000
<b>22. Financial instruments disclosure</b>		
<b>Categories of financial instruments</b>		
<b>2020</b>		
<b>Financial assets</b>		
	<b>At fair value</b>	<b>Total</b>
Receivables from exchange transactions	89	89
Cash and cash equivalent	45 131	45 131
	<b>45 220</b>	<b>45 220</b>
<b>Financial liabilities</b>		
	<b>At fair value</b>	<b>Total</b>
Payables from exchange transactions	4 272	4 272
Employee benefits	7 642	7 642
Finance lease liability obligation	420	420
	<b>12 334</b>	<b>12 334</b>
<b>2019</b>		
<b>Financial assets</b>		
	<b>At fair value</b>	<b>Total</b>
Receivables from exchange transactions	149	149
Cash and cash equivalent	28 658	28 658
	<b>28 807</b>	<b>28 807</b>
<b>Financial liabilities</b>		
	<b>At fair value</b>	<b>Total</b>
Payables from exchange transactions	2 819	2 819
Employee benefits	6 429	6 429
Finance lease liability obligation	1 434	1 434
	<b>10 682</b>	<b>10 682</b>
<b>23. Commitments</b>		
<b>Authorised operational expenditure</b>		
<b>Purchase order issued:</b>		
• Acquisitions of PPE	1 540	1 062
• Authorised operating expenditure	5 660	3 592
	<b>7 200</b>	<b>4 654</b>

This committed expenditure relates to open purchase orders issued to suppliers for goods and services not yet received as at 31 March 2020 and will be financed by available funds.

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

	2020 R '000	2019 R '000
<b>24. Contingencies</b>		
<b>Categories of contingent liability</b>		
Guarantee issued by First National Bank per requirement of Head Office lease agreement	682	682
Estimated cash surplus per National Treasury Instruction No 6 of 2020/19	10 090	9 111
	<b>10 772</b>	<b>9 793</b>

## 25. Related parties

Department of Public Works  
Information Regulator  
Department of Justice and Constitutional Development

### Related party transactions

#### Transactions with related parties

Department of Public Works	274	459
Information Regulator	4 666	906
Department of Justice and Constitutional Development	190 005	178 830

Related party transactions to the value of R 273,552.33 (2019: R 458,847.43) was incurred in the current financial year. Related party transactions emanates from municipal services for Kwazulu Natal and Northern Cape Provincial offices.

The following amount was the annual allocation received from National Treasury via the Department of Justice and Constitutional Development R 190,005,000 (2019: R 178,830,000) as disclosed in note 14.

The Information Regulator and the Commission have entered into a sub lease agreement for rental of office space and the amount aggregated to R 4,268,677.69 relates to the transaction for rental income. In addition, due to the challenges of inhouse payroll, the cleaners employed by Information Regulator were added to SAHRC payroll and receive the reimbursement of such salaries paid by the Commission. The amount to the value of R 396,925.50 was paid through VIP and reimbursed by the Information Regulator.

#### Amounts included in Trade receivable (Trade Payable) regarding related parties

Information Regulator	410	-
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For remuneration of Key Management positions refer to note 26 below.



# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

Figures in Rand thousand

### 26. Members' emoluments

#### Executive

2020

	Salary	Bonuses and performance payments	Expenses allowance	Provident contributions	Termination leave payout and backpay	Acting allowance	3G and cellphone allowance	Total
Chief Executive Officer: Adv. T.S. Thipanyane	1 172	99	537	147	24	-	43	2 022
Chief Financial Officer: P Makaneta	5	18	-	-	119	-	-	142
Acting Chief Financial Officer: Lorinda Lynn (April - March 2020)	659	13	200	82	23	91	14	1 082
Head of Corporate Services: A Price	739	15	400	92	53	-	24	1 323
Head SS&G: S Giyose	738	77	340	92	53	-	24	1 324
Chief Audit Executive: G Paulse	364	15	197	46	76	-	12	710
PM: KZN: Adv. L.C. Lotz	631	66	289	79	38	-	24	1 127
PM MPL: E Mokonyama	738	89	338	92	71	-	24	1 352
Chief Operation Officer (COO): Ms.C Kisoona	801	83	367	100	55	-	29	1 435
PM LP: V Mavhidula	738	77	338	92	53	-	24	1 322
PM NC: C Williams	700	73	321	87	42	-	24	1 247
PM GP: Mr.B.Jones	669	70	307	84	41	-	24	1 195
Head: Human rights Advocacy & Communications : Ms.G Smith	160	26	73	20	66	-	-	345
PM FS: Mr. T.M.Kheswa	631	66	302	79	38	-	-	1 116
Operations Manager: Dr.MS Nsibirwa	669	13	362	84	41	-	24	1 193
Provincial Manager E.C: Mr.A.Sipondo	650	66	298	81	40	-	24	1 159
Provincial Manager N.W.: N.W: Mr.O.J.Mngomezulu	640	13	307	80	7	20	14	1 081
Acting Head of Advoccom: Mrs J Tlou	741	76	225	93	32	40	14	1 221
Acting Provincial Manager W.C: Ms B A Sterris	710	74	246	89	23	111	-	1 253
Acting Head Of Communication: Mr GFB Brooks	640	13	194	80	21	40	-	988
Acting Chief Executive Auditor: Mr. ZM Moyo	630	12	205	79	8	57	-	991
	<b>13 425</b>	<b>1 054</b>	<b>5 846</b>	<b>1 678</b>	<b>924</b>	<b>359</b>	<b>342</b>	<b>23 628</b>

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

Figures in Rand thousand

### 26. Members' emoluments (continued)

2019

	Salary	Bonuses and performance payments	Expenses allowance	Provint contributions	Termination leave payout and backpay	Acting Allowance	3G and cellphone allowance	Total
Chief Executive Officer: Adv. TS. Thipanyane	1 104	94	506	138	41	-	43	1 926
Acting Chief Financial Officer: Lorinda Lynn (Dec-March 2019)	208	7	63	26	-	29	5	338
Chief Financial Officer: P Makaneta	808	108	371	101	54	-	29	1 471
Head of Corporate Services: A Price	694	33	376	87	63	-	24	1 277
Head SS&G: S Giyose	682	91	313	85	47	-	24	1 242
Chief Audit Executive: G Paulse	682	57	369	85	65	-	24	1 282
Head Legal Service (LSP): P Gregoriou	55	18	25	7	93	-	3	201
PM KZN: T Munno	533	115	245	67	141	-	20	1 121
PM MPL: E Mokonyama	682	116	313	85	65	-	24	1 285
Chief Operational Officer: C Kisoona	740	98	339	92	49	-	28	1 346
PM WC: Adv. L.C Lotz	589	50	269	74	24	-	16	1 022
PM LP: V Mavhidula	676	115	310	84	56	-	24	1 265
PM NC: C Williams	643	86	294	80	45	-	24	1 172
PM GP: Mr B. Jones	614	171	282	77	71	-	24	1 239
Head Human rights Advocacy and Communications: Ms.G Smith	607	80	278	76	24	-	-	1 065
PM FS: Mr.T.M Kheswa	589	79	270	74	24	-	-	1 036
Operations Manager: Dr M.S Nsibinwa	614	28	333	77	43	-	24	1 119
Provincial Manager EC: Mr A Sipondo	596	79	273	75	41	-	24	1 088
Provincial Manager N.W Mr Osmond Mngomezulu	375	74	166	50	118	-	-	783
	<b>11 491</b>	<b>1 499</b>	<b>5 395</b>	<b>1 440</b>	<b>1 064</b>	<b>29</b>	<b>360</b>	<b>21 278</b>

Non-executive

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

Figures in Rand thousand

### 26. Members' emoluments (continued)

2020

	Salary	Bonus and performance bonuses	Provident contributions	Other benefits	Total
Adv BC Majola	839	-	-	594	1 433
Ms DP S Jana	712	59	-	444	1 215
Adv. AH Gaum	653	-	-	459	1 112
Adv MS Ameerim	653	54	82	328	1 117
Ms MA Makwetla	653	54	-	405	1 112
Adv. JB Malatji	653	54	-	405	1 112
Mr AC Nissen	792	-	-	14	806
Mr J Sibanyoni	792	-	-	14	806
	<b>5 747</b>	<b>221</b>	<b>82</b>	<b>2 663</b>	<b>8 713</b>

2019

	Salary	Bonuses and performance bonuses	Provident contributions	Other benefits	Total
Adv .B.C.Majola	806	-	-	696	1 502
Adv D.P. Jana	684	56	-	533	1 273
Adv AH Gaum	627	-	-	538	1 165
Adv MS Ameerim	627	52	78	448	1 205
Ms M.A. Makwetla	627	52	-	486	1 165
BJ Malatji	627	52	-	486	1 165
Mr AC Nissen	414	-	-	372	786
Mr J Sibanyoni	481	-	-	86	567
	<b>4 893</b>	<b>212</b>	<b>78</b>	<b>3 645</b>	<b>8 828</b>

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

2020	2019
R '000	R '000

### 27. Risk management

#### Financial risk management

#### Liquidity risk

The entity's risk to liquidity is a result of the funds available to cover future commitments. The entity manages liquidity risk through an ongoing review of future commitments and credit facilities.

#### Credit risk

Credit risk consists mainly of cash deposits, cash equivalents, derivative financial instruments and trade debtors. The entity only deposits cash with major banks with high quality credit standing and limits exposure to any one counter-party.

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

Financial instrument	2020	2019
Receivable from exchange transactions	89	149
Prapayments	729	890
Cash and cash equivalent	45 131	28 658

### 28. Going concern

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

The Commission's ability to continue as a going concern depends on the continued support of government through means of annual appropriation.

### 29. Events after the reporting date

There were no events that occurred after the reporting date for the year under review.

### 30. Fruitless and wasteful expenditure

Opening balance	-	-
Additions	-	-
Less amount resolved	-	-
	-	-

Fruitless and wasteful expenditure to the value of R 0.00 (2019: R 0.00) was incurred in the current year.

# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

	2020 R '000	2019 R '000
<b>31. Irregular expenditure</b>		
Opening balance	3 671	1 783
Add: Irregular Expenditure - current year	2 639	1 764
Less: Amounts condoned	-	(715)
Irregular expenditure relating to prior year	-	839
Less: Amounts not recoverable (not condoned)	-	-
	<b>6 310</b>	<b>3 671</b>

Irregular expenditure to the value of R 2,639,366.30 (2019: R 3,671,000) was incurred in the current year. Irregular expenditure emanates from non-compliance with National Treasury Note 8 of 2007 and Treasury Regulation 16A 9.1 (d) and 16A 6.3 (b.)

Irregular expenditure incurred is mainly due to the non-adherence to policies and procedures and investigations by the Commission is yet to be conducted to determine the internal control weaknesses, which will then be strengthened with appropriate corrective action. Consequence management is yet to be implemented where applicable to ensure action is taken against officials who caused the irregular expenditure concerned.

Based on the audit sample base, the errors that the auditors identified amount to R 2,168,335.91 and management is now required to ensure that the entire population is free of any material misstatement, therefore, management to review the entire balance, that aggregates to R 29,678,612.95 of the transactions for the year that are above R 10,000 to address the non compliance on the SBD4 and possible irregular expenditure.

The Commission has written to National Treasury requesting condonation of the irregular expenditure reflected above on the opening balance and is still awaiting a response therefore none of the expenditure had been condoned as at year end. No disciplinary proceedings had been taken, since the irregular expenditure did not warrant such action.

### Analysis of expenditure awaiting condonation per age classification

Current year	2 639	1 888
Prior years	3 671	1 783
	<b>6 310</b>	<b>3 671</b>

### Details of irregular expenditure not condoned

	Disciplinary steps taken/criminal proceedings	
Incident 1	Not condoned by the Accounting Officer after the expenditure was incurred.	-

### Details of irregular expenditure condoned

	Condoned by (condoning authority)	
Incident 1	Condoned by the Accounting Officer after the expenditure was incurred	-

### Details of irregular expenditure recoverable (not condoned)

Incident 1	-
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### Details of irregular expenditure not recoverable (not condoned)

Incident 1	-
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# South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2020

## Notes to the Annual Financial Statements

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	2020	2019
	R '000	R '000

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### 32. Budget differences

#### Budget Reconciliation per GRAP 24

A reconciliation between the actual amounts on a comparable basis as presented in the statement of comparison of budget and actual amounts and the actual amounts in the cash flow statement for the period ended 31 March 2019 is presented below. The financial statements and budget documents are prepared for the same period. There is a basis difference: the budget is prepared on a cash basis and the financial statements on the accrual basis.

	Operating	Financing	Investing	Total
Actual amount on comparable basis as presented in the budget and actual comparative statement	9 854	-	-	9 854
Basis differences	12 293	(1 527)	(4 147)	6 619
Timing differences	-	-	-	-
Entity differences	-	-	-	-
<b>Actual amount in the cash flow statement</b>	<b>22 147</b>	<b>(1 527)</b>	<b>(4 147)</b>	<b>16 473</b>

#### Differences between budget and actual amounts basis of preparation and presentation

The budget and the accounting bases differ. The annual financial statements for the whole-of-government are prepared on the accrual basis using a classification based on the nature of expenses in the statement of financial performance. The annual financial statements are for the fiscal period from 2019/04/01 to 2020/03/31. The annual financial statements differ from the budget, which is approved on the cash basis.

##### (i) Administrative fees

In line with the sub-lease of the 3rd floor at Head Office, the re-imbursed costs for municipal charges were allocated here.

##### (ii) Interest received- Investment

The surplus for the 2018/19 financial year was held over to be utilised in the 2020/21 financial year, as approved by National Treasury. This resulted in higher interest earned due to the higher bank balance.

##### (iii) Personnel

The savings relate to positions that were budgeted to be filled, but were still vacant at year end.

##### (iv) Lease rental on operating lease

Two provincial offices (being Kwazulu Natal and Western Cape) had rent budgeted for them, however as they are rented under Department of Public Works, only the municipal charges are due for payment by the Commission.

##### (v) Finance lease payments

Leases that expired during the year were not replaced, instead, the old equipment was purchased from the lessee and continued to be utilised.