

ANNUAL REPORT



2013



South African Human Rights Commission Annual Report 2013

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ANNUAL REPORT

◇ SOUTH AFRICAN HUMAN RIGHTS COMMISSION ◇



VISION

Transforming society.
Securing rights.
Restoring dignity.

MISSION

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

VALUES

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

2013





LETTER TO THE SPEAKER OF THE National Assembly

**The Honourable Max Sisulu
Speaker of the National Assembly**



It gives me great pleasure to submit the 17th Annual Report of the South African Human Rights Commission for the period 1 April 2012 to 31 March 2013 for tabling.

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

A handwritten signature in black ink, appearing to read 'Kayum Ahmed', enclosed within a circular outline.

**Kayum Ahmed
Chief Executive Officer (Accounting Officer)**



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FOREWORD BY THE CHAIRPERSON

Advocate Mbedle Lawrence Mushwana
Chairperson



As the intermediary between the citizenry and the government, the South African Human Rights Commission (SAHRC) consistently continues to live up to its vision of transforming society, securing rights and restoring dignity. During the 2012/13 financial year, Commissioners ensured that the SAHRC served as a focal point for human rights in the fields of education, disability, basic services and equality.

The Commission held provincial hearings across the country on access to water and sanitation culminating in a national water and sanitation hearing during Human Rights Month in March 2013. We developed and launched a Charter on Basic Education Rights, which has been hailed by the United Nations (UNICEF) as the most comprehensive charter in the world.

We are also humbled by the recognition that our institution received in the Global Study in the realm of children's rights. We will be further encouraged to consider the recommendations, explore the experiences of other national human rights institutions and learn from the Global Report in order that our efforts may be enriched by the experiences of other national human rights institutions around the globe.

At the international level, the Commission continued its chairing of the Network of African National Human Rights Institutions (NANHRI) – a continental network of all African human rights commissions. More recently, the Commission was appointed as the chair of the International Coordinating Committee (ICC) of all national human rights institutions across the globe. This is the first time that such an honour has been bestowed on an African nation.

These great achievements are the result of the work of a small group of passionate Commissioners, supported by a capable Secretariat, who collectively strive to ensure the implementation of the Commission's mandate. I would like to specifically acknowledge the contribution of former Commissioner Sandi Baai who passed away unexpectedly during the course of the year. His contribution to the work of the Commission, in the areas of access to health care and food security, has left a lasting impact.



During the year under review, we also increased our participation in high level litigation by applying for an urgent court order to prevent the Gauteng Provincial Government from demolishing houses in Lenasia. Our efforts resulted in the Minister for Human Settlements intervening and convening a task team to find an amicable resolution to this matter.

The Commission also instituted litigation against the Minister of Home Affairs as a result of the treatment of foreign nationals at the Lindela Repatriation Centre. Based on investigations conducted in collaboration with our civil society partners, we discovered that foreign nationals were being held for longer than the legislation prescribed.

Our involvement in the Marikana Commission of Inquiry, with the assistance of the Centre for Applied Legal Studies (CALS), has also resulted in shaping the direction of this important Inquiry. We will continue to play an important and considered role in the Inquiry by ensuring that the human rights dimension of the tragedy is given sufficient attention.

As we reflect on our achievements during 2012/13, we remain acutely aware that more needs to be done. Consequently, as we start thinking through the development of our next strategic planning cycle from 2014-2017, we recognise that our first seven year term as Commissioners will come to an end during this period. It is therefore imperative that we use this time to consider how we would like to shape the Commission, taking into consideration our socio-political as well as our economic landscape.

Our participation in and leadership of global networks such as the Network of African National Human Rights Institutions (NANHRI) and the International Coordinating Committee (ICC) have taught us that while we are doing relatively well as a country in terms of our human rights legislative framework, we still have a long way to go with respect to the full implementation of this framework. The gap between the values enshrined in our Constitution on the one hand, and the lived reality of most South Africans on the other, remains a concern for the Commission. As one of the most unequal countries in the world, we recognise that human rights are increasingly considered through the lens of political economy.

At the same time, we have noted the continued politicisation of human rights, particularly in the context of socio-economic rights, and remain concerned about this trend. More specifically, rights relating to basic services such as access to water and sanitation have been used by certain political parties to criticise and attack each other, instead of ensuring that these services are properly provided for in their respective constituencies. A major concern appears to be the lack of meaningful consultation with communities contributing to systemic failures in the delivery of basic services across various municipalities.

In addition to the environmental difficulties we face as an institution, the Commission needs more resources to grow its services across the country and particularly in rural areas. Our inability to regularly visit rural areas in provinces such as the Eastern Cape, limits our ability to properly assess the current state of access to basic education in the province for instance. From the little we have seen thus far, the situation is bleak.

We have raised our limited financial resources with the Portfolio Committee on Justice and Constitutional Development, the Speaker of the National Assembly and the Minister of Finance, among others.



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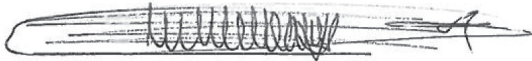
Despite Parliament's powers in terms of section 5(3) of the Money Bills Procedure and Related Matters Act, which states that Parliament may make recommendations on the forward use of resources, there appears to be no action taken by Parliament on National Treasury's failure to implement Parliament's recommendations in respect of the SAHRC's budget.

In paragraph 12.12 of the Budgetary Review and Recommendation Report of the Portfolio Committee on Justice and Constitutional Development, dated 30 October 2012, the Committee stated that it was "appalled to learn that Commissioners lack the budget to travel internally to undertake investigations, meet with stakeholders, etc."

In paragraphs 15.4 and 15.4.1 of the Report, the Portfolio Committee recommended that the SAHRC be provided with additional resources totalling R37,35 million. Instead of implementing the recommendations of the Report, National Treasury provided the SAHRC with a total of R6 million in additional funding.

As a result, the Commission has been forced to scale down its work, leaving Commissioners in a rather unenviable position.

Despite our limited resources, Commissioners have led a significant rethinking process at the institution, resulting in the realignment of our work and organisational structure. The positive results of this realignment process can be seen in the increased level of effectiveness and efficiency throughout the institution. While we acknowledge that more can be done, the Commission has consistently improved its performance and remains a focal point for human rights in the country.



Advocate Mbedle Lawrence Mushwana
Chairperson



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Advocate ML Mushwana
Chairperson



Commissioner P Govender
Deputy Chairperson



Commissioner L Mokate



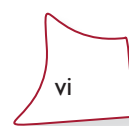
Commissioner B Malatji



Commissioner D Titus
(part-time)



Commissioner J Love
(part-time)



OVERVIEW BY THE CHIEF EXECUTIVE OFFICER

Kayum Ahmed
Chief Executive Officer



Despite 2012 being declared by Human Rights Watch as one of South Africa's most challenging years for protecting human rights largely due to the Marikana tragedy, 2013 has not got off to a particularly good start either. The death of Mozambican taxi driver Emido Macia in police custody stands out as one of the most shocking incidents of this year and attracted significant international attention.

There are other incidents that do not receive as much international attention but are equally concerning and reflect some of the human rights challenges the Commission is dealing with at the moment.

During January 2013, the Human Rights Commission received complaints from members of the public in response to the alleged race-based attack against a black golf instructor. What was also interesting about this matter was the angry e-mail I subsequently received from a white farmer written in capital letters who stated, "One black man gets attacked (yes it's disgusting) and you are all harping on about a racist attack. What about the thousands of murdered farmers... why are you people not investigating the terrible blatant anti-white farm murders that are going on in this country? It is a genocide that you are ignoring or do you all wear only one type of colour glasses?"

During an exchange of several e-mails with the angry farmer, I shared copies of the Human Rights Commission's reports on farming communities with him. His last e-mail to me, written in sentence case, stated, "Thank you kindly for sharing this information with me. I will be sure to pass it on, it makes for an interesting read... I still think that more needs to be done to try and prevent these types of attacks against South Africans of all races. Have a great weekend! Cheers..."

The sentiments expressed by the farmer have also been shared by several South Africans on the Commission's Twitter account. With just over 5 000 Twitter followers, we have attempted to deal with the diverse range of perceptions of our institution by using social media platforms as well as other more traditional mechanisms to engage with our stakeholders. The Commission participated in 363 media engagements during the 2012/13 financial year, an increase from the 54 engagements in 2011/12. These interactions with the media have helped to highlight the important work undertaken by the Commission.

The significant increase in public awareness of the Commission's work is only one of the positive results stemming from the implementation of our 2011-2014 Strategic Plan. In addition, we have made some remarkable strides towards re-thinking and re-building the Commission during the current strategic planning cycle, starting with the development of a new mission and vision for the institution, executing an ambitious restructuring agenda, and employing and training new and existing staff members as part of our back-to-basics programme. Approximately 20% of the Secretariat was replaced over the past two and a half years, presenting both challenges and opportunities for growth and renewal.

For the first time, the Commission has an online leave application system, an electronic procurement management system, and a functional electronic case management system. The successful change management processes involved in implementing these three systems in the space of two years is noteworthy. These systems are not perfect, but they are significant improvements on what we had before.

During 2012/13, we have also worked on improving the turn-around time for finalising human rights complaints. The racism case involving Mr Zama Khumalo, for instance, was finalised by our Gauteng office in the space of a few weeks. Mr Khumalo had posted comments on his Facebook page celebrating the deaths of 42 white children who died in a tragic accident when a school bus plunged into the Westdene Dam in March 1985. Mr Khumalo wanted to arrange what he referred to as a 'Big Black Braai' (barbeque) to celebrate the deaths of these 42 children. He stated, "On 27 March 2013, I will send out an invite to invite you to come to the Westdene Dam for a BIG Black Braai, (100% Blacks), fireworks, DJ – Black-People, celebrating their death... we will always celebrate the death of whiteness."

A few weeks after my e-mail exchange with the angry farmer referred to earlier, I sat across a circular conference table from Mr Khumalo, and noticed how angry he became when he spoke about white people. When I see a white man, I see someone who has robbed me of the privilege I was supposed to have," he said. Mr Khumalo was a participant in a mediation session arranged by the Human Rights Commission following his Facebook post. He explained that his decision to post the 'Big Black Braai' on his Facebook page, followed his reading of a book by Albert Luthuli called, *Let My People Go*, published in 1962. The book related a story of how white South Africans decided to celebrate their domination of black people by arranging a gathering in Pretoria.

Mr Khumalo explained further that after reading Luthuli's book, he needed to meet a friend at the Westdene Dam. When the friend failed to pitch up, he bought a cigarette and walked around the dam. He came across a memorial dedicated to the 42 children who died and thought about the book he had just read in which Luthuli described white people celebrating the oppression of black people. Without knowing that those who died in the tragic accident were children whose bus had plunged into the Westdene dam or that they had no link to the apartheid regime, Mr Khumalo assumed that the memorial had some sort of political significance.

Given that Chief Albert Luthuli was a Nobel Peace Prize winner and anti-apartheid activist in the African National Congress, and that the innocent children who died in the Westdene Dam tragedy had no link at all to the apartheid regime, I began to wonder how Mr Khumalo could have misread both Luthuli's work as well as the memorial dedicated to the children who died. So I visited the Westdene Dam shortly after the mediation session and noted that the memorial simply states, *Westdene Dam, March 27, 1985, In Memoriam* and then goes on to list the 42 names of those who died.



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It appears that Mr Khumalo's anger towards white people clouded his perception of everything he read. His anger became a lens through which he interpreted Luthuli's work as well as the memorial. He did not even manage to take down all 42 names, just the first 24 during his visit to the dam.

Just like Mr Khumalo, the white farmer who wrote to me had acted out of anger. But both of them were able to recognise that their anger was misplaced and misdirected. The quick and effective intervention of the Commission in both matters also assisted in diffusing the growing tension between various segments of the South African population.

The two cases highlighted above form part of a total of 8 924 cases dealt with during the 2012/13 financial year. They are matters that not only reflect the complexity of race relations in South Africa, but also provide some indication of the link between race, socio-economic conditions and our country's history.

Navigating these complex cases has not been easy. However, we remain committed as an institution to use the knowledge we have acquired in dealing with human rights violations, to assist in the transformation process that our country is currently struggling with. It is a step, albeit a small step, in moving us forward.



Kayum Ahmed
Chief Executive Officer



PART A



GENERAL
INFORMATION



PART A: GENERAL INFORMATION

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

Transforming society. Securing rights. Restoring dignity.

1.2 Mission

The 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:

- ◇ Integrity
- ◇ Honesty
- ◇ Respect
- ◇ Objectivity
- ◇ Batho Pele Principles
- ◇ Equality

2. LEGISLATIVE AND POLICY MANDATES

The Commission is an independent institution supporting constitutional democracy, 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, Act 108 of 1996, is as follows:

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



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- (b) The Commission has the necessary powers, as regulated by the 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; and
 - iv. to educate.
- (c) Each year, the Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.
- (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 Human Rights Commission Act, Promotion of Access to Information Act (PAIA) and the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA).

In this respect, the Commission has to:

- i. promote awareness of the statutes;
- ii. monitor compliance with the statutes;
- iii. report to Parliament in relation to these statutes; and
- iv. develop recommendations on persisting challenges related to these statutes and any necessary reform.

(a) Human Rights Commission Act (HRCA) (Act 54 of 1994)

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

(b) Promotion of Access to Information Act (PAIA) (Act 2 of 2000)

The Commission promotes compliance with the PAIA and produces an annual report in this regard, in line with Sections 83 and 84 of the Act. 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.

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

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 Act 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.

(d) 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:

- i. monitor any situation of violation of human rights;
- ii. be able to advise the government, Parliament and any other competent body on specific violations;
- iii. educate and inform on issues of human rights; and
- iv. be able to use their quasi-judicial powers where these exist.

The cited 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 Head Office in Johannesburg and supported by provincial offices across all nine provinces.



Figure 1: Head Office Structure

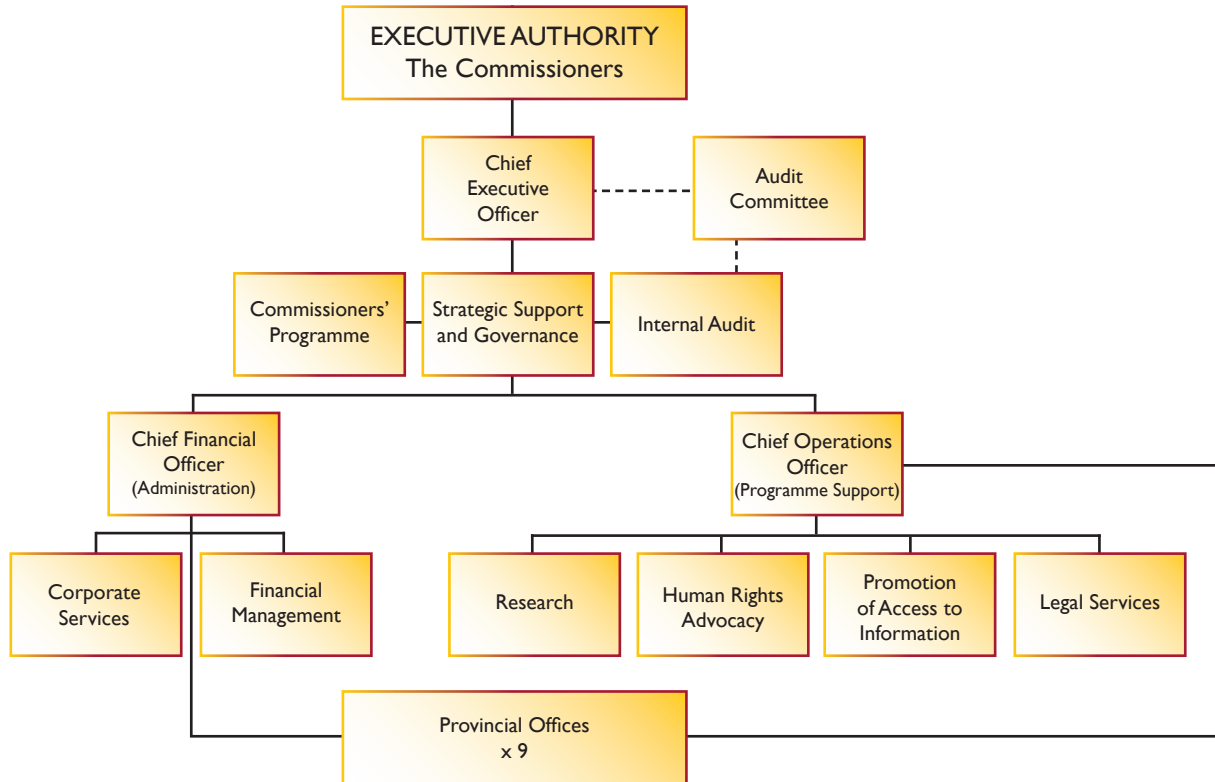
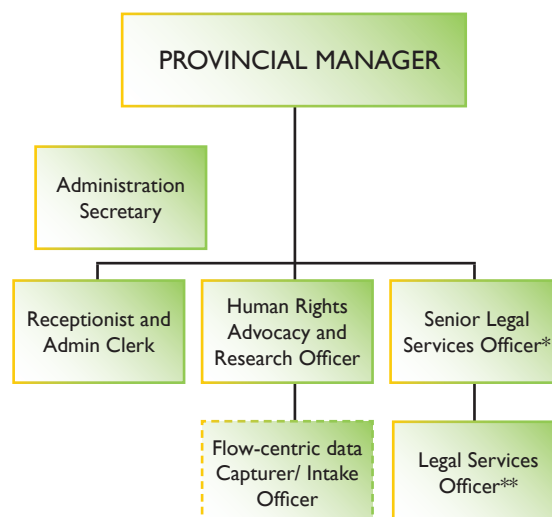


Figure 2: Provincial Level Generic Structure



* Number of Senior Legal Officers per provinces: EC (1), NW (1), NC (1), MPU (1), KZN (1), FS (1), Gauteng (2), WC (3), LP (0)

** Number of Legal Officers per province: EC (2), LP (2), FS (1), KZN (1), WC (1), NC (1), NW (1), Gauteng (3), MPU (0)

PART B



PERFORMANCE
INFORMATION

PART B: PERFORMANCE INFORMATION


STATEMENT OF RESPONSIBILITY FOR PERFORMANCE INFORMATION

Statement of Responsibility for Performance Information for the year ended 31 March 2013

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 31 March 2013.



Kayum Ahmed
Chief Executive Officer

I. PERFORMANCE OVERVIEW

I.1 Strategic focus areas and outcome oriented goals

Strategic focus areas

In pursuit of the Commission's mandate, Commissioners adopted strategic priority focus areas, informed by the human rights obligations of South Africa at the international, regional and domestic levels. The Commissioners also assigned specific provinces and United Nations Treaty Bodies among themselves. These strategic priority areas, Treaty Bodies and provinces are as follows:

Table I: Commissioners' strategic focus areas

Commissioner	Strategic focus area	Province	UN Treaty Bodies
Chairperson, Commissioner ML Mushwana	Migration, Housing, Equality, Food Security	Eastern Cape, Northern Cape and Mpumalanga	Convention on the Elimination of Racial Discrimination
Deputy Chairperson, Commissioner P Govender	Basic Services, Access to Information, Health Care	Western Cape	Convention on the Elimination of All Forms of Discrimination against Women
Commissioner B Malatji	Disability, Older Persons	North West and Limpopo	Convention on the Rights of Persons with Disabilities
Commissioner L Mokate	Basic Education, Children	Free State	Convention on the Rights of the Child
Commissioner J Love (part-time)	Environment, Natural Resources, Rural Development	Kwa-Zulu Natal	International Covenant on Economic, Social and Cultural Rights
Commissioner D Titus (part-time)	Human Rights and Law Enforcement, Prevention of Torture	Gauteng	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Covenant on Civil and Political Rights

The Commission's planning and internal evaluation exercises over the three year Medium Term Expenditure Framework for the period 2010/11 to 2012/13 resulted in the identification of a number of outcome oriented goals that were critical to the execution of its core mandate, with the aim to:

- Improve the quality of complaints handling;
- Improve the quality of monitoring, evaluation of and reporting on the realisation of human rights;
- Inculcate a culture of human rights through human rights advocacy;
- Strengthen organisational effectiveness and efficiency; and
- Improve communication and stakeholder engagement.

To achieve these goals, the Commission set out six strategic objectives against which programme performance is measured. A detailed narrative on the realisation of these strategic objectives will be provided under the section on "Programme Performance by Strategic Objective".

The Commission reconfigured its programme structure in order to allow for meaningful execution and realisation of its outcome-oriented goals and strategic objectives. The Commission has three main programmes, namely, "Promotion and Protection of Human Rights", "Research, Monitoring and Evaluation", and "Administration". These programmes have sub-programmes referred to as business units, which contribute towards the realisation of the outcome oriented goals and strategic objectives.

1.2 Overview of service delivery environment for 2012/13

During the 2012/13 financial year, the Commission has continued to live up to its vision of transforming society, securing rights, and restoring dignity. Through focused delivery on the annual plans, it has ensured the realisation of strategic objectives and the constitutional mandate of protecting, promoting and monitoring observance of human rights in the country. Some of the key highlights were in the fields of education, basic services and equality.

The SAHRC Charter of Children's Basic Education Rights that was developed and launched during 2012 was hailed by the United Nations (UNICEF) as the most comprehensive charter in the world. It provides a comprehensive list of the government's obligation to ensure the realisation of the right to basic education, notes key shortcomings and inequities, revisits commitments made to address the gaps in achieving quality education, and identifies key role players.

The Commission conducted nation-wide public hearings on water and sanitation related to the issues of service delivery and stakeholder collaboration and advocacy. The hearings sought to assess:

- ◇ The impact that a lack of access to water and sanitation can have on one's life and dignity, as well as one's ability to access other human rights;
- ◇ The impact of poor access to water and sanitation on the right to health, education and the environment;
- ◇ The impact that a lack of access to basic services has on particular groups such as women, children and people with disabilities; and
- ◇ The state of national and provincial access to water and sanitation in the country.

The findings from the hearings, based on testimonies of residents and representatives from civil society organisations and government departments, indicate that despite government's belief that access to water and sanitation is substantial in South Africa, many residents, particularly in the poorer areas of South Africa, suffer from a complete lack of access or have access only to non-functional or broken infrastructure. The Commission also found that there is a disproportionate impact on certain vulnerable groups such as women, children and people with disabilities.

The participation of the Commission in high level litigation has increased during the year under review. An application for an urgent court order to prevent the Gauteng Provincial Government from demolishing houses in Lenasia is evidence of this. The Commission's efforts resulted in the Minister of Human Settlements intervening in the matter and convening a task team to find an amicable resolution. On advancing the right to equality, the Commission drafted and handed over the Equality Report to the Ministry for Women, Children and People with Disability. The report provides commentaries on the state of equality in the country, looking particularly at issues of racism, gender equality, disability and LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex) rights.

The Commission's work was positively assessed by the international community. This resulted in the Office of the High Commissioner for Human Rights (OHCHR) re-accrediting the Commission as an A-rated National Human Rights Institution (NHRI). This is the highest rating that can be achieved by any NHRI.

At the international level, the Commission continued its Chairpersonship of the Network of African National Human Rights Institutions (NANHRI) – a continental network of all African human rights commissions. More recently, the Commission was appointed as the Chairperson of the International Coordinating Committee (ICC) of all national human rights institutions across the globe. This is the first time that such an honour has been bestowed on an African nation.

The strategic focus on performance has led to the Commission implementing the strategic performance management framework for effective performance monitoring and evaluation at all levels within the restructured Commission, while maintaining an outcomes oriented outlook with respect to planning and reporting.

One of the strategic priorities for the period under review was to properly entrench the Commission's new performance management system, encourage and ensure greater team work and collaboration among programmes, and significantly increase skills levels through training and development.

The Commission continued to face the challenge of delivering on its objectives in the face of the ongoing budgetary constraints. The challenge of how best to strengthen relations between Parliament and Chapter 9 institutions, and what strategy is required to best secure appropriate funding for Chapter 9 institutions has not been resolved¹.

Budgetary constraints have hindered the Commission's ability to:

- (a) Appoint 100% of the Secretariat required for the new organisational structure;
- (b) Thoroughly investigate matters, particularly in rural areas and districts that are located far from the Commission's provincial offices;
- (c) Effectively reach a wider audience through outreach programmes;
- (d) Harness technology to increase capacity and organisational performance; and
- (e) Improve accessibility to cater for the needs of people with disabilities.

Consequently, it became apparent over the years that the institution's performance was far from ideal. For instance, during the 2009/10 financial year, the Commission was able to achieve only 52% of its objectives. The institution's performance recorded 67% achievement of targets in 2010/11, 89% achievement in 2011/12 and 84% achievement of targets in 2012/13. It is in this regard that the Commission's performance for the three year MTEF period 2010/11 - 2012/13, which was coupled with the restructuring and repositioning of the organisation, recorded an average of 80% achievement of targets.

In terms of governance arrangements, good governance systems have been put in place. A delegation of authority and charter of working relationships between Commissioners and the Secretariat was approved by Commissioners.

The Finance Unit implemented risk management processes at the Commission. A Risk Management Register was developed and strategic risks have been reviewed on a quarterly basis. New risk management software was also procured in order to effectively manage strategic risks. An independent fraud hotline was established to encourage individuals to report any fraudulent activities undertaken by officials in the Commission. No fraudulent activities were reported during the 2012/13 financial year.

In addition, Internal Audit carried out audit projects in the Provinces and audited statistical information provided by Provinces for monthly, quarterly and annual reporting.

A Performance Monitoring, Evaluation and Reporting Policy was approved, and the Annual Performance Plan, monthly planning and reporting tools were implemented. Consequently, a Performance Monitoring and Evaluation Framework and Plan was developed in 2012/13 for implementation in 2013/14.

¹ See The Report of the Ad hoc Committee on the Review of Chapter 9s and Associated Institutions (2007) which raised the question of funding as fundamental and key towards helping the institutions fulfil their basic mandate.

1.3 Overview of organisational environment for 2012/13

The Commission continued with the finalisation of the organisational restructuring process. Although the organisational structure consisted of 178 approved posts in the period under review, 13 of these posts were frozen due to a lack of adequate budget to fill the structure. As a result, the Commission filled 147 of the 165 posts (89%) that were funded.

As part of consolidating the organisational initiatives, such as restructuring, that were started in 2011/12, it is worth mentioning progress made hitherto. Year one of the 2011-2014 Strategic Plan focused primarily on providing the non-negotiable core deliverables while undergoing a major organisational restructuring process. While the new organisational structure framework was concluded in 2011/12, the completion of the organisational structure by the end of 2012/13 is at 83%.

Year two of the current Strategic Plan commenced with most of the management team and employees newly appointed to positions in the revised structure. As envisaged at the commencement of the strategic planning period, the focus for 2012/13 was to maintain delivery of the non-negotiable core deliverables, continue to prioritise the strategic areas identified at the beginning of the strategic planning period, and entrench the operational foundation to support the new organisational structure.

The third and final year of the 2011-2014 Strategic Plan period focuses on consolidating and sustaining the previous commitments based on the identified strategic areas, as well as entrenching capacity within the newly filled organisational structure to ensure improved delivery in future.

The Commission has an office in each of the country's nine provinces, with the Head Office situated in Johannesburg. While the Commission enjoys provincial spread, these offices are located in urban centres, thereby posing challenges of accessibility to rural communities. In subsequent strategic planning periods, the Commission will consider mechanisms to improve its accessibility in the remote areas.

The state of flux instigated by the restructuring process inevitably influenced the institutional culture in 2011. In the 2012/13 period, a major focus was on infusing a culture of service delivery and excellence through team work and mutual support. Attention was also given to a back-to-basics service delivery programme and a comprehensive capacity development drive. The back-to-basics programme has not been fully implemented, but key institutional development policies and systems have now been established. Consequently, the year 2013/14 should experience improved organisational effectiveness and efficiencies.

1.4 Key policy developments and legislative changes

Several legislative developments and changes with human rights implications were considered by the Commission in 2012/13. In this regard, the Commission prepared submissions for consideration by Parliament. Some of the key issues addressed within the proposed legislation are outlined in this section.

- (a) Recognising that there are two important laws that directly affect the right of access to information and the Promotion of Access to Information Act (PAIA), the SAHRC looks forward to the passage of the long overdue Protection of Personal Information Bill and the establishment of the Information Regulator to exercise enforcement powers over the PAIA. The Protection of Personal Information Bill amends the PAIA in a number of ways, the most significant being the establishment of the Information Regulator and the assignment of powers of the Commission in terms of the PAIA to the Regulator. The Commission, in its submissions to Parliament on this Bill, was supportive of the need for an independent intermediary on the PAIA enforcement. In

monitoring compliance with the PAIA, the Commission has repeatedly expressed concern about the lack of enforcement powers to ensure compliance with PAIA obligations by public bodies. As the Personal Information Bill enters the final stages of passage into law, a concern still remains regarding the role of the Commission in relation to the PAIA once the Information Regulator has been established. Although the Commission's powers are taken away in terms of the PAIA, the Commission nevertheless still has a constitutional mandate to protect the right of access to information. In light of the passage of the Protection of State Information Bill, a letter was written to the President highlighting some of our concerns with regard to the constitutionality of the Bill, based on earlier submissions made to Parliament in the 2012/13 financial year, as well as on the findings of a legal opinion commissioned by the SAHRC from senior counsel. Our biggest concern remains the broadly defined classification regime that the Bill introduces to prevent disclosure of records on grounds of national security. The Commission currently executes its constitutional mandate on the realisation of access to information through legal advice provided through the Commission's PAIA Unit and the respective provincial offices, conducting PAIA compliance audits of public bodies, developing promotional publications, law reform research, awareness raising and education across all levels of government, private sector, civil society and communities. In the light of the execution of these listed functions, clarity from Parliament on the Commission's relationship with the Information Regulator will be welcomed.

- (b) A submission, seeking to affirm the Commission's position that torture should be criminalised in South Africa, thereby bringing it in line with the Constitution and International Law, was made on the Draft Prevention and Combating of Torture of Persons Bill.
- (c) The submission on the Legal Practice Bill was prepared but not submitted due to an indefinite postponement by Parliament. It recognises the Bill's intention to provide access to justice to vulnerable persons. However, certain ambiguous provisions in the Bill may prevent the SAHRC from fully enjoying Law Clinic status or benefiting from pro bono legal services.
- (d) In conjunction with civil society, the Commission made a submission on the Assisted Decision Making Bill. The submission will serve to ensure that legal capacity issues related to persons with disabilities are incorporated into legislation.
- (e) The Commission prepared a submission on the Women Empowerment and Gender Equality Bill, as a key strategic opportunity to ensure the domestication of the Convention to Eliminate All Forms of Discrimination against Women (CEDAW). The submission, however, could not be forwarded in the 2012/13 financial year, as Parliament had not yet issued a call for submissions during that period.
- (f) A submission on the Traditional Courts Bill reinforced the serious concerns raised around this Bill by civil society and others. Of particular concern were issues relating to gender empowerment in rural areas and access to justice. The submission added to the body of criticism from civil society, resulting in the withdrawal of the Bill.
- (g) The submission on the Employment Services Bill dealt with issues relating to persons with disabilities.

2. PERFORMANCE INFORMATION BY STRATEGIC OBJECTIVES AND PROGRAMMES

2.1 Strategic objectives, programmes and budget expenditure by programme

2.1.1 Strategic objectives and programmes

The Commission instituted six strategic objectives towards the realisation of its strategic outcome oriented goals. A summary of the strategic objectives is presented as follows.

- (a) Strategic Objective 1: Promote compliance with international obligations;
- (b) Strategic Objective 2: Position the Commission as the focal point for human rights in South Africa;
- (c) Strategic Objective 3: Strengthen advocacy and human rights awareness raising;
- (d) Strategic Objective 4: Advance the realisation of human rights;
- (e) Strategic Objective 5: Advance the right to equality and access to information; and
- (f) Strategic Objective 6: Improve the effectiveness and efficiency of the Commission.

2.1.2 Summary of programmes

In support of the strategic objectives, the Commission is broadly structured into three programmes - Promotion and Protection of Human Rights, Research, Monitoring and Reporting, and Administration. These programmes have business units responsible for operations for the realisation of strategic objectives.

(a) Programme 1: Promotion and Protection of Human Rights

This programme consists of five business units - Commissioner's Programme, Legal Services, Human Rights Advocacy, Strategic Support and Governance, and Office of the Chief Executive Officer.

Commissioners' Programme (Office of the Commissioners)

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

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.

Human Rights Advocacy

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

Strategic Support and Governance

This is a newly established unit, being the product of the organisational restructuring exercise that commenced in 2011/12, with its organogram completely filled in October 2012. The unit encompasses the functions of strategic planning, performance monitoring, evaluation, reporting, and communications and media relations.

Office of the Chief Executive Officer

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

(b) Programme 2: Research, Monitoring and Reporting

This programme consists of two business units - Research and Promotion of Access to Information.

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.

Promotion of Access to Information

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

(c) Programme 3: Administration

This programme consists of three business units - Finance, Corporate Services, and Internal Audit.

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 Administration, Supply Chain Management and Human Resources Management. It establishes and manages integrated supply chain management, asset management and coordination of all administrative functions of the Commission within defined regulatory frameworks. 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.

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.

2.2 Alignment of programme structure with strategic objectives

The programmes of the Commission are aligned with the strategic objectives for meaningful realisation of the Commission's outcome oriented goals and priorities. It is in this respect that performance information for 2012/13 is presented by strategic objective. The following is a schematic presentation of alignment of programme structure of the Commission with strategic objectives.

Table 2: Alignment of strategic objectives with programmes

Strategic Objective	Promotion and Protection of Human Rights (Commissioners' Programme, Legal Services, Human Rights Advocacy, Strategic Support and Governance, and Office of the CEO)	Research, Monitoring and Reporting (Research, and Promotion of Access to Information)	Administration (Finance, Corporate Services, and Internal Audit)
International compliance	X	X	
Focal point for human rights	X	X	
Advocacy	X	X	
Realisation of human rights	X	X	
Equality and access to Information	X	X	
Effectiveness and efficiency	X	X	X

It is clear from Table 2 that most of the programmes and business units' operations contribute to all of the strategic objectives, hence the presentation of performance mainly by strategic objective.

2.3 Organisational performance by strategic objective

The intention of this section is to report on organisational performance against performance indicators and planned targets set for the 2012/13 financial year. It covers key highlights for each strategic objective and identifies areas of under-performance. An account of actual achievements against planned targets is presented in tabular format.

This section also states the adjustments made to the performance plan during the mid-year period. Finally, to give a sense of financial efficiencies in delivering on the Annual Performance Plan, the section provides a summary of budget expenditure by programme for the period under review.

In summary, the Commission achieved 84% of its annual performance targets for the financial year 2012/13. Analysis of performance over the three year MTEF period of 2010/11 to 2012/13 indicates an average achievement of 80%, having improved from 67% at the beginning of the period. Nevertheless, the performance has dipped from 89% in the previous financial year, mainly as a result of instability from restructuring and repositioning, as well as budgetary constraints.

The breakdown of target achievement by objective is presented in the table below.

Strategic Objective	Total Number of Targets	Targets Achieved	Targets Not Achieved	% Achievement
1: Promote compliance with international obligations	5	5	0	100
2: Position the Commission as the focal point for human rights	11	9	2	82
3: Strengthen advocacy and human rights	7	5	2	71
4: Advance the realisation of human rights	5	5	0	100
5: Advance the right to equality and access to information	14	14	0	100
6: Improve the effectiveness and efficiency of the Commission	16	11	5	69
Total	58	49	9	84

2.3.1 Strategic Objective I: Promote compliance with international obligations

(a) Key highlights

The Commission achieved all the targets (five of five) undertaken towards promoting compliance with international obligations. The Commissioners' Programme and Research Unit were the main contributors in this regard.

International recognition

The South African Human Rights Commission (SAHRC) was re-awarded an "A" status by the United Nations, in recognition of its adherence to the minimum standards set out by the Paris Principles that serve as the benchmark for the establishment and functioning of national institutions for the promotion and protection of human rights. The status is an indication of the country's commitment to ensuring an independent structure that can demand State accountability for the realisation of human rights.

The Chairperson of the SAHRC was appointed to the chair of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in Geneva. This is an historical occasion as it marks the first time that an African country heads this office.

The Commission's international recognition reflects the success and positive impact made towards realising the strategic objective of promoting compliance with international and regional obligations. The sharing of best practice with various regional delegations, including the National Human Rights Commissions of Malawi, Nigeria and Ethiopia, respectively, is further evidence of the SAHRC's stature and recognition.

Country reporting on international and regional obligations

One of the measures of the Commission's impact in promoting compliance with international obligations is the state of the country's reporting on international and regional treaties.

Regional treaties

The South African government has an obligation to report on four regional human rights related treaties. Based on the SAHRC's assessment of the government's international obligations, three of the reports on the treaties were work in progress and one remained outstanding as at 31 March 2013.



Status of government reporting on the regional treaties

Organisation/ monitoring body	Convention / Treaty	Report cycle	Date previous report was submitted	Due date of next report	Responsible Department	Ratification	Reports outstanding
African Union	African Charter on Human and People's Rights	2 years	2002 (Report in progress)	2013	DoJCD	SA acceded to Charter 9 July 1966	Drafting of 2013 Report in progress
African Union	Protocol on African Court on Human and People's Rights	N/A (Declaration to allow individual access to the Court)	Report in progress	Not report but declaration	DoJCD	SA signed on 9 June 1999 and ratified on 3 July 2002	DoJCD is working on a paper for discussion, where after the matter is to be presented to Clusters and Cabinet
African Union	Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa	Periodic reports	Report in progress		DWCPD	SA signed on 16 March 2004 and ratified on 17 December 2004	Working on combined report for 2002-2012 merged with report on ACHPR as decided by Social Sector Cluster
African Union	African Charter on the Rights of the Child	3 years	No record of any report	2015	DWCPD	SA signed on 10 October 1997 and ratified on 7 January 2000	Report on the African Charter on the Rights of the Child: 2003, 2006, 2009, 2012

International treaties/conventions

The government reported on five out of eight international treaties as work in progress at the end of the financial year. There was no indication of progress on the remaining three treaties.

Status of government reporting on international treaties

Organisation/ monitoring body	Convention / Treaty	Report cycle	Date previous report was submitted	Due date of next report	Responsible Department	Ratification	Reports outstanding
United Nations Human Rights Council, <u>Committee against Torture</u> (CAT)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	4 years	31 December 2009 Not submitted (but in progress)	31 December 2013	DoJCD	SA signed on 29 January 1993 and ratified on 10 December 1998	The combined periodic report on the CAT for 2002-2011 still needs inputs from some Departments, where after stakeholders will be consulted
United Nations Human Rights Council, <u>Human Rights Committee</u> (HRC)	International Covenant on Civil and Political Rights (ICCPR)	4 years	2008 Not submitted (but in progress)	2012	DoJCD	SA ratified on 10 December 1998	2008 and 2012 Report on ICCPR
United Nations Human Rights Council, <u>Committee on the Elimination of Racial Discrimination</u> (CERD)	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	2 years	2010 Not submitted (but in progress)	2012	DoJCD	SA signed on 3 October 1994 and ratified on 10 December 1998	The combined 2 nd to 6 th periodic report on the ICERD for 2002-2011 has been finalised in consultation with government department, Chapter 9 Institutions and NGOs, DoJCD led process; last meeting was on 7 Oct 2011
United Nations Human Rights Council, <u>Committee on the Rights of the Child</u> (CRC)	Convention on the Rights of the Child	5 years	2007 Second, third and fourth periodic report for 1998 to 2012 (in process)	2013	DWCPD	SA signed on 29 January and ratified on 16 June 1995	Second, third and fourth periodic report for 1998 to 2012 in process
United Nations Human Rights Council, <u>Committee on the Rights of Persons with Disabilities</u> (CRPD)	Convention on the Rights of Persons with Disabilities	4 years	3 May 2010 (in progress)	May 2014	DWCPD	SA signed 30 March 2007 and ratified 30 November 2007.	2010 Report
United Nations Human Rights Council, <u>Committee on the Elimination of Discrimination against Women</u> (CEDAW)	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	4 years	1 February 2011 (No report submitted)	1 February 2015	DWCPD	SA signed on 29 January 1993 and ratified on 15 December 1995	2011 Report

◇ SOUTH AFRICAN HUMAN RIGHTS COMMISSION ◇

Organisation/ monitoring body	Convention / Treaty	Report cycle	Date previous report was submitted	Due date of next report	Responsible Department	Ratification	Reports outstanding
United Nations Human Rights Council, <u>Committee on the Rights of the Child (CRC)</u>	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OPSC)	5 years	2010 (No report submitted)	2015	DWCPD	SA acceded to the protocol on 30 June 2003	2010 Report
United Nations Human Rights Council, <u>Committee on the Rights of the Child (CRC)</u>	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OPAC)	5 years	2011 (No report submitted)	2016	DWCPD	SA signed the Protocol on 8 February 2002 and ratified it on 24 December 2009	2011 Report

South African government's report on treaties not yet ratified

Convention / Treaty	Date previous report was submitted	Ratification
International Covenant on Economic, Social and Cultural Rights (ICESCR)	N/a – not ratified	SA signed on 4 October 1994. SA has not ratified this Covenant
Optional Protocol to ICESCR (OPCESCR)	N/a – not ratified	40 State parties have signed and 8 have ratified. 10 ratifications are needed for coming into force
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)	N/a – not ratified	SA has not signed or ratified
International Convention for the Protection of All Persons from Enforced Disappearance (ICPED)	N/a – not ratified	SA has not signed or ratified

International engagements

The international recognition earned by the SAHRC is a consequence of several activities that the Commissioners have embarked on. In the financial year under review, the Commissioners participated in 44 international and regional activities, including the ICC, Network of African National Human Rights Institutions (NANHRI), and the African Commission on Human and Peoples' Rights (ACHPR) conferences and meetings. Some of these international engagements include:

- i. The 5th Conference of the State Parties to the Convention of the Rights of People with Disabilities (CRPD) in New York. The outcome of the conference was a unanimous agreement that the Commission be designated as an Independent Monitoring Mechanism in terms of Article 33(2) of the CRPD. This commitment was further emphasised and agreed to by Parliament in November 2012.
- ii. The Strategy Workshop on Sexuality, Human Rights and HIV – African Men for Sexual Health and Rights, Dakar, Senegal. The resolutions from the workshop include the need to deal with HIV and AIDS, and Human Rights, as well as development of a monitoring plan on government's implementation of interventions in this regard.

◇ SOUTH AFRICAN HUMAN RIGHTS COMMISSION ◇

- iii. The 51st Session of the African Commission for Human and People's Rights (ACHPR), Banjul, Gambia. At the end of the session, five thematic resolutions were adopted, dealing with governance, environment, HIV and AIDS, freedom of expression and economic, social and cultural rights.
- iv. Expert Consultation on National Experience of the Implementation of the Right to Food in Eastern and Southern Africa, Nairobi, Kenya. The resolutions adopted during this consultation include country strategies on the right to food that links rural development and land restitution; a multi-sectoral approach to combat hunger and malnutrition; civil society participation and empowerment, especially women, the unemployed, the poor; farm workers and people with disabilities; information dissemination on food systems; and a national conference on the Right to Food in 2014.
- v. The Commissioners also participated in the ICC National Human Rights Institutions' (NHRI) Conference on Women and Girls that took place in Amman. This conference resulted in the development of a Memorandum of Understanding between the SAHRC and the Commission on Gender Equality, which is in the process of finalisation for implementation by the Commissions. The Commission shared best practice on gender through a paper presented at the UN Human Rights Council Panel of Experts on Women's Economic, Social, and Cultural Rights, as well as a plenary paper on "National Human Rights Institutions and Gender Responsive Budgeting".
- vi. The 10th Anniversary Commemorative Seminar of the Robben Island Guidelines (RIG), Johannesburg. The Conference resolution included the adoption of the Johannesburg Declaration and Plan of Action on the Prevention and Criminalisation of Torture in Africa. The Action Plan sets out six action steps for the Commission. The seminar also assessed the extent of consideration of Robben Island Guidelines by various African countries.
- vii. The Commission also hosted the Irish Human Rights Commission to discuss best practice models on addressing human rights violations within the mining sector. The Commission also took part in the International Conference on "Acid Rock Drainage" held in Ottawa. These interactions have a bearing on local activity in which the Commission is involved in this critical issue of acid mine drainage. This is further explored under the strategic objectives of positioning the Commission as a focal point for human rights, and strengthening advocacy and human rights awareness raising.
- viii. Through several international engagements, the Commission's work on children was incorporated into the UNICEF Report on Championing Children's Rights.
- ix. In the area of policing, an internal seminar on law enforcement and human rights imperative was convened to discuss pertinent issues in the wake of a perceived increase of police brutality and the need for a human rights approach to policing.

These were only some of the international engagements in which the Commissioners participated. As indicated earlier, the SAHRC was involved in more than 40 such engagements. To ensure that resolutions from these interactions were not lost, the Commission drafted an Action Plan on International and Regional Obligations, which is currently under consideration for phased implementation pending feasibility assessments.

Draft Annual International Report

The Commission also prepared the draft Annual International Report as planned by the end of the financial year, for finalisation during 2013/14. This serves to provide an annual overview of developments with respect to the work of international treaty bodies, and reflects on recommendations made in this regard.

(b) Actual achievements against planned targets

Table 3: Achievement against planned targets for compliance with international obligations

Strategic Objective 1: Promote compliance with international obligations						
Objective Statement: Promote compliance with international human rights obligations within South Africa and the Commission						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/2012 to 2012/13 achievements	Comment on variances/ corrective measures
Human rights policy positions articulated at international and regional fora indicated in resolutions and/or reports	Expenditure, logistics and the required research and reports were delivered to target for the 11 international and 9 regional activities	Reports on 9 activities undertaken by commissioners (5 international, 4 regional)	Reports on 18 international and regional activities undertaken	Target exceeded by 9 activities	A decrease in the number of international and regional activities by 2, due to reduction in target	Reduced targets were the result of budgetary constraints. The exceeded target for 2012/13 was made possible by external funders or funded through savings
Report on annual NANHRI activities undertaken	Expenditure, logistics and the required research and reports were delivered to target for NANHRI and ICC international activity participation. NANHRI Chair duties 2010-12 conducted and the Biennial Expenditure for NANHRI Conference hosted to budget	Reports on 19 activities undertaken: (NANHRI and ICC)	Reports on 26 NANHRI and ICC activities undertaken	Target exceeded by 7 activities	Improved quantification of target	Additional activities funded by Department of International Relations and Cooperation and UN Office of the High Commissioner for Human Rights
Draft Annual International Report completed by 31 March 2013	One Report completed	Draft Annual International Report completed by 31 March 2013	Draft Annual International Report was completed by 31 March 2013	None	None	None

Strategic Objective 1: Promote compliance with international obligations						
Objective Statement: Promote compliance with international human rights obligations within South Africa and the Commission						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/2012 to 2012/13 achievements	Comment on variances/corrective measures
International Compliance Project delivered	27 meetings, presentations, trainings, roundtables, panel discussions, statements, country report training activities in the areas of African Commission on Human and People's Rights, the African Charter on Human and People's Rights, National Human Rights Institutions, LGBT rights, torture (OPCAT), Migrant Worker Convention (ICRMW) and Older Persons	8 international compliance activities, research and reporting support provided to specification and within budget	Provided research and reporting support to 9 international compliance activities	Target exceeded by 1 additional international compliance activity	A decrease in the number of international compliance activities by 18 due to revised targets	Budgetary constraints are the motivating factor for decreases in planned activities
Provide 5 international reports and submissions by agreed deadline and to specification	3 International reports were submitted by agreed deadline	5 international reports and submissions provided by agreed deadline and to specification	7 international reports and submissions were provided by deadline	Target exceeded by 2 additional international reports and submissions	Achievement improved by 4 compared to previous financial year	More reports and submissions were provided in support of the Commission's mandate

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

Positioning the Commission as a focal point for human rights entailed engaging stakeholders and experts, hosting of public hearings to promote State accountability, media engagements to improve profile of the Commission and raise public awareness, and complaints handling to protect human rights. The main contributing units to this strategic objective are the Commissioners' Programme, Human Rights Advocacy, Legal Services, and Strategic Support and Governance.

(a) Key highlights

The Commission achieved nine of eleven targets for this strategic objective, thus recording 82% achievement in the period under review.

Engagement of stakeholders and experts

Engagements held with stakeholders exceeded expectation during the period under review, with more than 80 held against a targeted 72. These were mainly in the form of seminars, workshops, dialogues and roundtable discussions hosted by the Commission across the entire range of strategic focus areas. The stakeholders engaged include professional experts, research, constitutional and academic institutions, Non-Governmental and Community Based Organisations, government departments and Parliamentary Portfolio Committees.

The Commission enhanced its understanding and strengthened its position by involving experts through the Human Rights Act Section 5 Committees, which assisted in shaping some of the institutions' policy positions. Ten committee discussions were held during 2012/13, covering the areas of basic services – water and sanitation, Convention to Eliminate All Forms of Discrimination Against Women, rights of older persons, advancing human rights in the context of rural development and natural resource management, housing, basic education, right to food, migration and rights of refugees and asylum seekers, and rights of people with disabilities.

Public hearings to promote accountability: water and sanitation

The Commission dedicated the year 2012/13 to basic services, in particular the rights to water and sanitation. To this end, provincial hearings on water and sanitation were conducted across the country. This follows complaints and investigations into Makhaza in the Western Cape and Moqhaka Local Municipality in the Free State, where the Commission had found a violation of constitutional rights as a result of unenclosed toilet structures.

The main findings and recommendations from the provincial hearings centred on:

- i. Water viewed as a commodity rather than a human right, resulting in a lack of access due to limited financial means;
- ii. Poor access to water and sanitation due to a lack of or inadequate infrastructure;
- iii. Quality considerations as a result of poorly maintained or a lack of infrastructure; and
- iv. Impact on other related rights such as the right to health, education, especially for girl children, and a clean environment.

The recommendations encompassed institutionalisation of a human rights based approach to the delivery of basic services.

The Provincial Hearings culminated in the National Water and Sanitation Hearing, titled “Life and Dignity in Poor Communities: Holding Government Accountable for Realising Rights”, conducted during Human Rights Month. The purpose of the national hearing was to create an opportunity for the SAHRC to engage with the relevant government departments responsible for service delivery, and get them to respond to some of the problems raised during the provincial hearings.

The public hearings attracted stakeholders such as the Departments of Performance Monitoring and Evaluation, Water Affairs, Minerals and Energy, Cooperative Governance and Traditional Affairs, as well as Human Settlements, the SA Local Government Association (SALGA), local mayors, municipal managers and councillors, relevant local water boards, Chapter 9 constitutional institutions (Public Protector and Commission on Gender Equality), national and local NGOs such as Lawyers for Human Rights, Mvula Trust, Socio-Economic Rights Institute, Earth Life, and Water Aid, business community, academia, church leaders, community development workers and local communities.

Media engagements

The Commission communicated its position through various methods including opinion pieces, media statements, interaction with editors, and social media networking. Through these methods, a wide range of human rights issues and strategic focus areas were covered. Activities included:

- i. Interaction with the South African National Editors' Forum to enhance media relations;
- ii. Conducted and released altogether more than 300 media interviews, statements, and opinion pieces;
- iii. Media coverage of high profile matters such as the Commission's involvement in Marikana and the Lenasia Housing matter; and
- iv. Introduction of social media to enhance coverage of the work of the Commission and provide a platform for public engagement through Twitter and Facebook. Over 4 000 followers were obtained within a period of three months.

These activities have assisted in improving the visibility and profile of the Commission. In certain instances individual perceptions have changed for the better through social media networking.

Complaints handling to protect human rights

The key highlights towards the achievement of Strategic Objective 2 include the upgrade of the Flowcentric Complaints System to improve complaints handling and management, and investigating high profile cases regarding various counts of violation of human rights.

Key to positioning the Commission as a central point has been the Commission's ability, through its Legal Services unit, to investigate the violation of human rights. The Commission finalised 79% (7 047 of 8 919) of complaints and enquires received in the period under review.

A comparative analysis of caseload indicates a decrease in the number of cases the Commission investigated in 2012/13 as outlined in the table below. There has been a decrease of 27% in the number of cases investigated by the Commission in 2012/13 (8 919) compared to 2011/12 (11 363). Although 79% (7 047 of 8 919) of cases have been finalised in 2012/13, the number of cases carried over to 2013/14 has increased to 21% as a result of challenges such as restructuring and freezing of posts for filling of organisational structure.

Year-on-year comparison of caseload

Financial year	Caseload (enquiries and complaints)		Finalised (% of total)		Carried over/active to next financial year	
2009/10	10 785	Y-on-Y change	8 325	77%	2 460	23%
2010/11	10 370 (7 910 new in 2010/11)	-4%	7 499	72%	2 871	28%
2011/12	11 363 (8 492 new in 2011/12)	9%	9 851	87%	1 512	13%
2012/13	8 919 (7 672 new in 2012/13)	-27%	7 047	79%	1 872	21%

Below is a table outlining investigations or cases concluded by provinces as at 31 March 2013.

Cases (complaints and enquiries) finalised by province

Province	Active at end March 2013	Finalised at end March	Total complaints from the 1st April 2012	Enquiries Finalised	Total complaints and enquiries	Total complaints and enquiries finalised	Total % finalised
EC	105	343	448	197	645	540	84
FS	110	340	450	185	635	525	83
GP	372	1069	1441	713	2 154	1 782	83
KZN	149	258	407	826	1 233	1 084	88
LP	181	74	255	113	368	187	51
MP	195	177	372	105	477	282	59
NC	85	146	231	642	873	788	90
NW	231	189	420	189	609	378	62
WC	444	479	923	1002	1 925	1 481	77
TOTALS	1 872	3 075	4 947	3 972	8 919	7 047	79

This table indicates that Northern Cape finalised 90% (788 of 873) of the cases investigated followed by KwaZulu-Natal at 88% (1084), Eastern Cape at 84% (540 of 645) as well as Free State at 83% (525 of 635) and Gauteng at 83% (1 782 of 2 154). The province with the highest intake of cases (total complaints and enquiries) is Gauteng, followed by Western Cape, KwaZulu-Natal and Northern Cape. The top five complaints that were received and finalised by the Commission were mainly in the areas of Just Administrative Action (14%), Equality (12%), Labour Relations (13%), Arrested, Detained and Accused Person (13%) and Human Dignity (8%). The next table indicates the rights violated within each area of complaints.

Complaints handled by category: 2012/13

Nature of Complaint	Percentage	Right Violated
Just Administrative Action	14	Unfair administrative procedure No outcome/decision of an administrative action No reason provided for an administrative action
Labour Relations	13	Racial discrimination in the workplace Hate speech in the workplace
Arrested, Detained and Accused Person	13	Conditions of detention in detention centres Imprisonment without trial Right to appeal
Equality	12	Hate speech Racial discrimination Disability Sexual orientation Religion
Human Dignity	8	Linked to other rights including treatment of older persons and persons with disabilities.

A comparative analysis of the nature of complaints handled over the years demonstrates that most complaints have been in the area of Just Administrative Action, followed by Equality and Labour Relations. However, complaints in the area of Arrested, Detained and Accused Persons were prominent in 2011/12 while Equality was the number one complaint in 2010/11.

Comparative statistics on complaints handled: 2010/11 - 2012/13

Nature of Complaint	2012/13	2011/12	2010/11
Just Administrative Action	14%	15% (ranked 2 nd)	20% (ranked 3 rd)
Labour Relations	13%	13% (ranked joint 3 rd)	10% (ranked 5 th)
Arrested, Detained and Accused Person	13%	18% (ranked 1 st)	15% (ranked 4 th)
Equality	12%	13% (ranked joint 3 rd)	30% (ranked 1 st)
Human Dignity	8%	7% (ranked 5 th)	25% (ranked 2 nd)

The role of the South African Human Rights Commission at the Marikana Commission of Inquiry

The South African Human Rights Commission is a participant before the Marikana Commission of Inquiry. The Commission of Inquiry was set up by Proclamation by the President of the Republic of South Africa, 50 of 2012 on 26 August 2012, in terms of section 84(2)(f) of the Constitution of the Republic of South Africa, 1996.

The Commission of Inquiry was established to investigate matters of public, national and international concern arising out of the tragic incidents at the Lonmin Mine in Marikana, North West Province from Saturday 11 August to Thursday 16 August 2012, which led to the deaths of approximately 44 people, more than 70 persons being injured, approximately 250 people being arrested, and damage and destruction to property.

The SAHRC plays two roles in the Marikana Commission, both derived from its constitutional mandate and responsibilities. Firstly, the SAHRC is present in the role of a watching brief. That role has two aspects:

- i. The SAHRC monitors proceedings to ensure that a fair, just and transparent process is observed for all parties, in the public interest; and
- ii. The SAHRC monitors the evidence as it emerges to facilitate the SAHRC's own work in relation to the causes and consequences of the events at Marikana, relevant to the human rights complaint it has received in this regard.

Secondly, the SAHRC represents the public interest in the promotion and observance of human rights. In that role, the SAHRC has made submissions and has brought evidence on specific matters, which it appears no other party has addressed.

Phase One participation of the SAHRC

The Commission of Inquiry is currently investigating the first of two phases. Phase One is confined to, among others, an investigation of the lawfulness of the conduct of the South African Police Service (SAPS) and its members in fatally shooting 34 people on 16 August 2012 and in injuring protestors who were not fatally wounded. In the course of Phase One, the SAHRC has brought the following evidence before the Commission of Inquiry:

- (a) Expert evidence from Gary White MBE, Director of Operations at the global consultancy, Ineqe. In this position, Mr White advised on public order policing. Prior to joining Ineqe in early 2012, he was Chief Superintendent and Temporary Assistant Chief Constable of the Police Service of Northern Ireland (PSNI) and has 30 years policing experience, having joined the Royal Ulster Constabulary in 1982. On 1 January 2013, Gary White was awarded an MBE for services to policing and to the community in North and West Belfast. In his evidence, Mr White assessed the

- policy framework applicable to the SAPS operation at Marikana, the operational plan drawn up in advance of the operation on 16 August 2012, and the execution of that plan. Drawing on his considerable experience of planning and in operational control of violent public disorder events in Northern Ireland, Mr White made significant criticisms of the policing operation at Marikana.
- (b) Expert evidence from Professor Christof Heyns, United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions. In his evidence, Professor Heyns considered the international context of policing public protest and set out the international standards that ought to have applied during the policing operation at Marikana; and
 - (c) Evidence from Commissioner Titus, a Commissioner of the SAHRC overseeing the area of human rights and law enforcement. In his evidence, Commissioner Titus drew on the substantial body of work of the SAHRC in this area to assist the Commission with the broader context of public order policing in South Africa.

In addition to this evidence brought before the Commission of Inquiry, the SAHRC engaged in the cross-examination of police witnesses.

The unique role of the SAHRC before the Marikana Commission

The SAHRC plays an important role before this Commission of Inquiry. Acting in the public interest, the SAHRC has already brought important evidence in Phase One, with the objective of ultimately impacting on the final recommendations made by the Marikana Commission.

Other parties before the Commission have acknowledged the importance of this evidence. The Commission is still investigating these matters and no conclusions can be reached at this stage. Suffice to say that the evidence presented by the SAHRC role is important and brings highly respected international experts into the process. The substance of the evidence goes to the heart of the investigation of the Marikana Commission and would not otherwise have been put to the Commission without the SAHRC's participation.

As a watching brief, the SAHRC has had a positive impact on the proceedings, having made a number of procedural submissions and applications in order to ensure an efficient and fair process.

The SAHRC's participation before the Marikana Commission in Phase One is intended to assist the Commission in fulfilling its terms of reference, to have an impact that will ensure that necessary recommendations are made to prevent tragedies like that at Marikana from happening again, and to monitor the proceedings and assist in ensuring that human rights are protected and justice is served in the public interest.

(b) Strategy to overcome areas of under-performance

The two targets that were not fully achieved towards the strategic objective relate to the hosting of Section 5 Committee meetings as well as finalisation of complaints.

Corrective measures regarding achievement of these targets include holding provincial offices more accountable through generating various investigative reports and continuous performance assessment. Furthermore, provincial visits by the Chief Operations Officer and Head of Legal Services will be undertaken to assess provincial challenges and develop performance improvement plans.

The planning for Section 5 Committee meetings will commence earlier to secure availability of relevant stakeholders.

(c) Actual achievements against planned targets

Table 4: Achievements against planned targets for positioning the Commission as the focal point for human rights

Strategic Objective 2: Position the Commission as the focal point for human rights in South Africa						
Objective Statement: Expand the visibility of the Commission through improved communication that includes media stakeholder engagement, and increased responsiveness to individuals						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13 achievements	Comment on variances/corrective measures
I National Editors' Forum	I National Editor's Forum was convened according to schedule I Community Radio Forum was convened accordingly	I National Editors' Forum held by 31 December	The National Editors' Forum was held on 5 March 2013	Target achieved: the date was moved to March due to non-availability of South African National Editors' Forum members in December 2012	None	None
Revised and improved stakeholder collaboration systems, including Memoranda of Understanding by 31 March	Stakeholder collaboration interventions were held across provinces	Register of Memoranda of Understanding by 31 March	The Register of Memoranda of Understanding was developed by 31 March 2013	Target achieved and there were no deviations	None	None
Litigation strategy approved	Not applicable (indicator was introduced in 2012/13)	Approval of Litigation strategy by 31 March	Litigation Strategy was approved by 31 March	No deviation as target was achieved	Introduction of a new indicator	The indicator was introduced for better coordination of litigation matters
Engaging role players and facilitation interventions geared towards the realisation of human rights in South Africa	468 stakeholder engagement and collaborations held	72 stakeholder engagements ² including provincial office visits and engagements ³	Hosted 83 stakeholder engagements including provincial office visits and engagements	Target exceeded by 11 stakeholder engagements	The target was reduced to 72	Adoption of an outcomes based approach necessitated a shift away from number of activities to quality of the engagements. Furthermore, budgetary constraints also meant less engagements could be undertaken

² Target measure includes stakeholder engagements - logistics finalised to standard, required research and reports submitted to standard by deadlines and expenditure to budget.

³ MLM – Mpumalanga and Northern Cape; PG – Western Cape; BM – Limpopo and North West; LM – Free State; JL – KwaZulu-Natal; DT – Gauteng.

◇ SOUTH AFRICAN HUMAN RIGHTS COMMISSION ◇

Strategic Objective 2: Position the Commission as the focal point for human rights in South Africa						
Objective Statement: Expand the visibility of the Commission through improved communication that includes media stakeholder engagement, and increased responsiveness to individuals						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13 achievements	Comment on variances/corrective measures
Engaging role players and facilitation interventions geared towards the realisation of human rights in South Africa	468 stakeholder engagement and collaborations held	9 provincial hearings	All 9 provincial hearings were hosted by deadline	None	None	None
Parliamentary and civil society liaison - Meetings with key stakeholders attended	7 Parliamentary liaison meetings attended including 1 FISC meeting	⁴ 10 Parliamentary liaison meetings	Participated in 11 Parliamentary liaison meetings	Target exceeded by participation in 1 extra meeting	The annual target was adjusted to 10 meetings	Target increased to meet Parliamentary requirements and improve interaction with Parliamentary Portfolio Committee
Section 5 Committees established and convened	11 Section 5 Committees established and convened	⁵ 14 Section 5 Committee meetings	10 Section 5 Committee meetings were convened	Target under-achieved by 4 meetings due to delays in securing attendance of key stakeholders	The annual target was adjusted to include 3 additional meetings for more informative and advisory sessions on Commissioners' Strategic Focus Areas	Dates with key stakeholders to be secured at planning stages
Maintain the quality and integrity of the complaints process	79% finalisation of caseload	85% of total complaints and enquiries finalised as per standard procedures and within timeframes	79% of total complaints and enquiries were finalised	Target not achieved. A Flowcentric System Upgrade resulted in delays in complaints finalisation both at head and provincial offices	Annual achievement remained the same between the two financial years	The completion of the upgrade will enable effective, efficient and improved handling of complaints. Provincial assessment visits to develop improvement plans
40 media statements/alerts disseminated	44 statements were produced	80 media statements/alerts disseminated	363 media statements/alerts were disseminated	Target exceeded by 283 media statements/alerts	The target was adjusted upwards for increased media coverage of the work of the Commission	Increased media coverage for more visibility of the Commission

⁴ Target measure includes Logistics finalised to standard, required research and reports submitted to standard by deadlines and expenditure to budget.

⁵ Target measure includes Logistics finalised to standard, required research and reports submitted to standard by deadlines and expenditure to budget.

Strategic Objective 2: Position the Commission as the focal point for human rights in South Africa						
Objective Statement: Expand the visibility of the Commission through improved communication that includes media stakeholder engagement, and increased responsiveness to individuals						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13 achievements	Comment on variances/ corrective measures
4 opinion pieces written, disseminated and submitted for publication	2 opinion pieces were written and published	8 opinion pieces written, disseminated and submitted for publication	19 opinion pieces were written, disseminated and submitted for publication	Target exceeded by 11 opinion pieces	The target was adjusted for increased media coverage of the work of the Commission	The human rights position of the Commission was articulated in the public sphere
Annual Media Plan implemented	Four post-plenary reporting meeting statements produced; 12 monthly media reports produced	Annual Media Plan for media coverage of the 2012/13 scheduled events, interventions and activities implemented to scope, to budget and by deadlines	The Annual Media Plan for media coverage was implemented as scheduled	None	None	None

2.3.3 Strategic Objective 3: Strengthen advocacy and human rights awareness raising

Contribution to this strategic objective includes hosting Conferences to engage on topical human rights issues, as well as materials development to promote awareness. The main contributing units are the Commissioners' Programme and the Human Rights Advocacy.

(a) Key highlights

The Commission achieved five of the seven targets of this strategic objective.

Freedom of expression and hate speech dialogue

In October 2012 the Commission hosted a Roundtable on Freedom of Expression and Hate Speech, themed "Transition blind spots: navigating the boundaries between freedom of expression and hate speech in shaping a common and shared identity, heritage and moral consensus in South Africa". The roundtable sought to highlight the findings that emanated from the provincial hearings that were held in the previous year. Following complaints received by the Commission on hate speech and freedom of expression, the need for robust debate and meaningful engagement was inevitable, particularly for a nation in transition.

Development of promotional material

Charter of Children's Basic Education Rights:

The Charter of Children's Basic Education Rights was launched in early 2013, with the aim of providing a common legally grounded planning, monitoring and advocacy framework for use by the Commission in fulfilling its monitoring, research, investigative and educational roles in relation to the rights of children to basic education. The Charter has been the primary frame of reference for some of the Commission's activities, including:

- i. Submission on the Draft Regulations on Minimum Norms and Standards for School Infrastructure;
- ii. Hearing on the delivery of primary learning materials to schools;
- iii. Hearing on water and sanitation, with focus on schools; and
- iv. Comments on the Draft UN Convention on the Rights of the Child (UNCRC) Country Report.

Furthermore, as the Charter was handed over to the Minister of Basic Education for consideration, it resulted in the Department of Basic Education providing Selowe Primary School in Limpopo with six teachers, five temporary classes, two mobile toilets and a feeding scheme for the learners. This is but one gesture towards promotion of the children's right to basic education, as envisaged by the Charter.

Acid mine drainage

Although the planned booklet on acid mine drainage was produced shortly after the end of the financial year, in April 2013, engagements resulting in its content were one of the key highlights emanating from the Section 5 Committees. The Committee on Advancing Human Rights in the context of Rural Development and Natural Resource Management enhanced the Commission's influence on government to recognise the challenges posed by acid mine drainage. The booklet titled, "Acid Mine Drainage and Human Rights" was subsequently produced and is currently being distributed to stakeholders.

Other activities in the area of mining

In the area of mining, the Commission hosted provincial hearings on illegal mining in the Northern Cape, as well as a roundtable discussion on illegal mining.

(b) Strategy to overcome areas of under-performance

Two of seven targets on this objective were not met. These relate to the printing of the acid mine drainage booklet, as well as the hosting of the Conference on the Right to Food. Delayed production of the booklet was due to procurement challenges. The Commission will review with a purpose to strengthen management controls in this regard.

The Conference on Right to Food was subject to availability of donor funding, which could not be secured. The plan has subsequently been moved to 2013/14 for implementation.

(c) Actual achievements against planned targets

Table 5: Achievements against planned targets for strengthening advocacy and raising human rights awareness

Strategic Objective 3: Strengthen advocacy and human rights awareness raising						
Objective Statement: To enhance understanding and build capacity for human rights						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13 achievement	Comment on variances/corrective measures
Development of public understanding of human rights obligations (conduct 3 conferences/workshops)	2 workshops conducted, namely, Freedom of Expression and LGBTI 260 advocacy and awareness raising interventions within budget	Freedom of Expression Conference delivered by 31 December	The Conference was held on 30 October 2012	The target was achieved	None	None
		Right to Food Workshop delivered by 31 March	Target not achieved and postponed to 2013/14	Conference not hosted due to budgetary constraints. Hosting of the conference was dependent on donor funds. The SAHRC funding proposal was subsequently rejected by a potential donor (Flemish International). The target has been postponed to 2013/14	1 less workshop conducted due to budgetary constraints. Advocacy and awareness raising interventions were not targeted in 2012/13	The Right to Food conference has been budgeted for in 2013/14. Advocacy interventions incorporated with stakeholder engagements; and focus shifting to quality of interactions. Budgetary constraints also affected targets negatively
		Basic Education and Children's Rights Conference delivered by 31 March	Conference held, resulting in launch of Basic Education Charter	Target achieved without deviations	None	None

Strategic Objective 3: Strengthen advocacy and human rights awareness raising						
Objective Statement: To enhance understanding and build capacity for human rights						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13 achievement	Comment on variances/corrective measures
Workshops and seminars, distribution of materials (3 approved pamphlets/booklet available by deadline)	4 seminars conducted Training manual/material	Water and sanitation pamphlet delivered by 30 September	The pamphlets were delivered on 30 September 2013	Target achieved with no deviations	No deviations	None
		Traditional Courts Bill pamphlet delivered by 31 December	The pamphlets were produced on 31 December	Target achieved with no deviations	No deviations	None
		Acid mine drainage booklet in English delivered by 31 March	Target not achieved	Delays in finalising the production of the booklet by service provider	No deviations	Booklet subsequently produced in April 2013
	16 provincial dialogues conducted on topical human rights issues; 3 human rights calendar day events	9 seminars/human rights events conducted (1 per province including national water and sanitation hearing event)	9 human rights events were conducted by deadline including the national water and sanitation hearings that were held at Pan-African Parliament	None	A decrease in the number of provincial events from 19 to 9	Budgetary constraints and alignment of provincial events with the national human rights theme of the Commission

2.3.4 Strategic Objective 4: Advance the realisation of human rights

The objective of advancing the realisation of human rights is carried through the Commission's constitutional mandate of monitoring the observance of human rights. In this regard, the Research Unit plays a role in conducting research to assess and report on the state of human rights observance. Furthermore, in conjunction with the Commissioners' programme, the Unit leads submissions on draft legislation with implications for human rights. The Strategic Support and Governance function is tasked with monitoring organisational effectiveness in delivering on the mandate.

(a) Key highlights

All the targets (five of five) that were planned in the period under review with respect to the drafting of the research reports and targeted monitoring and evaluation plan were realised.

Economic and Social Rights Report

The Commission is mandated by the Constitution to monitor the implementation of economic and social rights by relevant organs of state and produce a report thereof. The Commission carries out this mandate by developing protocols (questionnaires) requesting information on the measures that departments have taken towards the realisation of the socio-economic rights.

During the year under review, the protocols covered three areas of economic and social rights. These were:

- i. “The Right to Adequate Housing”, whereby the report provides an account of the provisions of the National Housing Code (NHC);
- ii. “The Right to Environment”, which is concerned with an environment that is not harmful to health or wellbeing; and
- iii. “The Right to Social Security”, advocating for a human rights based approach to social security, defending the right of access to basic necessities as having the same level of legitimacy as other human rights.

Through this report, the Commission made findings and recommendations for consideration and implementation by relevant government departments. An overarching argument presented in the report is that real transformation cannot occur without true progressive realisation of economic and social rights.

Strategic Focus Area Report on Water and Sanitation

Subsequent to the provincial and national public hearings on water and sanitation, the Commission drafted a Strategic Focus Area Report on Water and Sanitation, giving an account of the main issues of discussion. Some of the findings contained in the report include:

- i. A lack of access to water and sanitation, indicating that statistics from government departments are inaccurate;
- ii. A lack of proper infrastructure maintenance of water and sanitation facilities, including water treatment plants, sanitation facilities and piping systems;
- iii. Complaints from communities and community based organisations are often not responded to. There is a lack of access to information and public participation during the implementation of projects;
- iv. Government departments do not understand the meaning or progressive realisation and rights based decision making. As a result, many projects are not acceptable, appropriate, accessible or affordable;
- v. There is much passing the buck between different government departments and spheres of government, which means that government is not being held accountable for service delivery and violations of rights; and
- vi. A need for education and awareness in communities to ensure that they are able to enforce the realisation of their rights.

Legislative submissions

The institution made submissions to Parliament on various draft legislation, such as the Legal Practice Bill, Remuneration Bill, Draft Combating and Prevention of Torture Bill, Traditional Courts Bill, and Employment Services Bill. The Commission also made a submission to Parliament on Domestication of Convention on the Rights of Persons with Disabilities (CRPD), in which the Commission advocated for sensitivity to human rights.

Regarding the Commission’s input to the Draft Prevention and Combating of Torture of Persons Bill, the Commission sought to affirm its position that torture should be criminalised in South Africa, thereby bringing it in line with the Constitution and international law. Some of the Commission’s inputs were incorporated in the Bill.

On the Legal Practice Bill, the Commission recognised the Bill's intention to provide access to justice to vulnerable persons. The Commission's submission to Parliament indicated that certain ambiguous provisions in the Bill may prevent the Commission from fully enjoying its Law Clinic status or benefiting from *pro bono* legal services.

Monitoring and evaluation

Various internal control and performance monitoring measures were instituted in 2012/13 to ensure institutional accountability for the impact of activities. By the end of the financial year, the Commission drafted an institution-wide Monitoring and Evaluation Framework and Plan to enhance performance assessment, with a view to improve realisation of strategic objectives. The key elements of the Framework include monitoring and evaluation levels of impact, outcome, output, activity and input; planning levels and tools; performance indicators; evaluation methods; data sources; and monitoring and evaluation outputs, frequencies and roles and responsibilities. The Framework will guide the Commission in assessing its effectiveness towards the realisation of its promotion, protection and monitoring mandate. In addition, the Research Unit worked on a Draft Economic and Social Rights Matrix to serve as a monitoring tool for advancing the realisation of human rights.

(b) Actual achievements against planned targets

Table 6: Achievements against planned targets for advancing the realisation of human rights

Strategic Objective 4: Advance the realisation of human rights						
Objective Statement: Monitor, evaluate and report on the realisation of human rights and in particular, the progressive realisation of economic and social rights as required by s184(3) of the Constitution						
Performance Indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13 achievements	Comment on variances/corrective measures
Monitoring and Evaluation Plan developed by 31 March	Not applicable	Monitoring and Evaluation Plan developed by 31 March	The Monitoring and Evaluation plan was developed by 31 March 2013	The target was achieved without any deviations	None as this was a new target for 2012/13	None
Annual Draft Section 184 (3) Report completed by 31 March	Draft s184(3) Report on the rights to housing, environment and social security	Annual Draft s184(3) Report completed by 31 March	Draft Annual s184(3) Report was completed by 31 March	The target was achieved as planned	Achievement of report	None
1 Strategic Focus Area Report completed by 31 March	The report was completed by 31 March	1 Strategic Focus Area Report completed by 31 March	The Strategic Focus Area Report was completed by 31 March	The target was achieved as planned	None	None
Draft Matrix for 2 ESR areas completed by 31 March	Not applicable (indicator introduced in 2012/13)	Draft Matrix for 2 ESR areas completed by 31 March	Draft Matrix was completed by 31 March	The target was achieved as planned	New indicator	None

Strategic Objective 4: Advance the realisation of human rights						
Objective Statement: Monitor, evaluate and report on the realisation of human rights and in particular, the progressive realisation of economic and social rights as required by s184(3) of the Constitution						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13 achievements	Comment on variances/corrective measures
6 submissions on draft legislation	12 submissions were made	6 submissions on draft legislation	6 submissions were made to Parliament and its Portfolio Committees	The target was achieved as planned	The setting of target is according to the legislative schedule of Parliament on legislation that has a bearing on the Commission	None

2.3.5 Strategic Objective 5: Advance the right to equality and the right to access to information

The Commission achieved all the targets (14 of 14) it set in the period under review, thus recording 100% achievement of the targets for Strategic Objective 5. The Research Unit and Promotion of Access to Information Act Unit were the main contributors to this strategic objective.

(a) Key Highlights

Equality report

The Commission is obliged to report on the country's progress made towards the attainment of equality in respect of the national legislative framework. With regard to advancing the right to equality, the Commission drafted and handed over the Equality Report to the Ministry for Women, Children and People with Disability. The Equality report provided a commentary on the state of equality in the country looking particularly at four issues - racism, gender, disability and sexual orientation. Authors who are specialists in the specific areas of interest were invited to contribute chapters, with guidelines provided by the Commission. The key issues covered in the report include:

- A need for conversations dealing with injustices of the past at different levels of society; the need for promotion of Equality Court processes and outcomes as these courts are essential institutions in addressing equality related issues;
- Implementation of the National Action Plan, dealing with issues of racism, has become an extremely critical matter that needs to be given priority by government;
- The report recommends the need to improve and strengthen the capacity of the National Gender Machinery to monitor and oversee public and private sector efforts towards gender transformation in the workplace;
- On disability the report recommends the elimination of barriers that have an adverse effect on designated groups; and
- The report recommends a need to address the stigma and discrimination towards the LGBTI community in influential institutions such as schools, faith based organisations, cultural bodies and the media.

Promotion of Access to Information

In the 2012/13 financial year, the PAIA unit continued to offer training to various institutions. A total of 22 training sessions were held which included training for private sector compliance officers, 1 specialised training for a community in Soweto as well as 9 specialised trainings in each of the 9 provinces on using PAIA as a way of providing feedback to the communities where the Commission's water and sanitation hearings were held on efforts to assist the communities with the realisation of their water and sanitation rights.

The strategic training and awareness sessions held with the various communities in the provinces ensured that the PAIA training sessions were not conducted merely for compliance purposes, but also to integrate the sessions with the broader objectives of the Commission to realise other socio-economic rights.

The Commission also hosted the annual national information officers' forum (NIOF) in September 2012 and a provincial information officers' forum (PIOF) in Mpumalanga in March 2013. Both forums dealt with the theme, access to information and the realisation of socio-economic rights. With notable speakers like the Deputy Auditor-General at the NIOF and the MEC for Finance at the PIOF, we had a good engagement with deputy information officers in attendance to shape the understanding of the relevance of PAIA in achieving broader human rights objectives and fostering transparency in government.

Aside from the audits conducted in the 2012/13 financial year, the unit also embarked on various research exercises to monitor implementation of PAIA in public institutions. The annual golden key awards (GKA) research was conducted across the 3 levels of government, a follow-up research exercise was done for institutions that had previously been assessed on the GKA model and a ghost request exercise was done for a select number of institutions for information that was expected to be automatically available. The results of these research exercises raised several causes for concern given the high percentage of mute responses to the requests.

The Commission also embarked on a records management research to assess the state of compliance with information management in the national public institutions. The results of all these research processes will be detailed in a separate report to Parliament on PAIA.

(b) Actual achievements against planned targets

Table 7: Achievements against Planned Targets for advancing the rights to equality and access to information

Strategic Objective 5: Advance the right to equality and the right to access to information						
Objective Statement: Fulfil the Commission's legislative obligations in relation to the right to equality and the right to access to information						
Performance Indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13	Comment on variances/ corrective measures
Attend 2 scheduled Equality Review Committee Meetings	Not applicable (new indicator introduced in 2012/13)	2 scheduled Equality Review Committee (ERC) meetings attended	3 ERC meetings attended	Target exceeded	None- new indicator for 2012/13	None
Annual Equality Report	Annual Equality Report was completed and published	1 Equality Report completed by 31 March to scope and within budget	The Equality Report was completed by 31 March	Target achieved without deviations	None	None
Submission of Section 32 report of SAHRC	PAIA Annual Report was submitted to Parliament	Submission of s32 report of SAHRC before 14 April	S32 report was completed	Target achieved without deviations	Target was included in the PAIA Annual Report processes	None
Section 32 notices issued and reports collated and analysed		S32 notices issued and reports collated and analysed by 30 June	S32 notices were issued	Target achieved without deviations		None
Section 14 and Section 51 compliance monitoring reports issued		S14 and s51 compliance monitoring reports issued by 31 August	Section 14 and 51 reports were issued	Target achieved without deviations		None
1 PAIA annual report to Parliament		1 PAIA annual report to Department of Justice and Parliament before 31 September	PAIA Annual Report was submitted to Parliament and DoJCD	Target achieved without deviations		None
1 National Information Officers Forum and Golden Key Award Ceremony	National Information Officers Forum was held by deadline	NOIF and Golden Key Award Ceremony before 30 October	The NOIF and Golden Key Award Ceremony was held by deadline	Target achieved without deviations	None	None
1 Provincial Officers Forum and Report	Provincial Officers Forum and Report held by deadline	1 Provincial Officers Forum by 31 March	The Provincial Officers Forum was held by deadline	Target achieved without deviations	None	None
1 PAIA Audit report	Not applicable (new indicator/ target introduced in 2012/13)	1 PAIA Audit report before 31 March	PAIA Audit Report was completed by 31 March	Target achieved without deviations	Audit outcomes were consolidated into a report	None
Report on Review of SAHRC institutional compliance	Not applicable (new indicator/ target introduced in 2012/13)	Report on Review of SAHRC institutional compliance by 31 March	Report on SAHRC Institutional Compliance by 31 March	Target achieved without deviations	None (new indicator for 2012/13)	None

Strategic Objective 5: Advance the right to equality and the right to access to information						
Objective Statement: Fulfil the Commission's legislative obligations in relation to the right to equality and the right to access to information						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13	Comment on variances/corrective measures
1 Recommendation to DoJCD	Not applicable (new indicator/target introduced in 2012/13)	1 Recommendation to DoJCD by 31 March	1 Recommendations Report was submitted to DoJCD	Target achieved without deviations	None (new indicator/target for 2012/13)	None
Attend 2 scheduled Equality Review Committee Meetings	Not applicable (new indicator/target introduced in 2012/13)	2 scheduled Equality Review Committee meetings attended	3 Equality Review Committee meetings were attended	Target exceeded	None (new indicator/target for 2012/13)	None
Monitoring and Research (PAIA): 12 compliance audits conducted and recommendations issued and audit report prepared	10 audits were undertaken	12 audits conducted and recommendations issues and audit report prepared	12 compliance audits conducted	Target achieved without deviations	Target increased by 2 audits	Target increased by 2 audits
Promotion (PAIA): conduct 30 promotional interventions	33 PAIA interventions (33 workshops, five media interventions)	19 PAIA interventions	20 PAIA interventions conducted	Target exceeded by 1 intervention	Number of PAIA interventions decreased by 14	Target reduced due to budgetary constraints
Input into PAIA related policy, reforms and developments	Made submissions to Parliament and DoJCD	Input into PAIA related policy, reforms & developments	3 submissions on PAIA related policy	Target achieved	None	None

2.3.6 Strategic Objective 6: Optimise the effectiveness and efficiency of the Commission

The Commission achieved 11 of 16 targets that were planned in the period under review thus recording 67% achievement of the targets for Strategic Objective 6.

(a) Key highlights

Key highlights towards optimising effectiveness and efficiency of the Commission include compliance with all financial and non-financial performance reporting requirements, improvements in internal controls as well as good governance practices.

Some of the corporate services achievements include implementation of VIP Payroll, an information systems for handling the administrative function requirements of human resources, submission of Employment Equity Report to Department of Labour, and continuous recruitment into the new organisational structure. In support of the Legal Services function, the Commission activated remote access via Team viewer for Flowcentric support to provinces.

The Commission has developed various systems and policies such as Performance Management System, Policy, Manual and Procedures, as well as Performance Monitoring, Evaluation and Reporting Policy in order to optimise the performance of the Commission.

In ensuring compliance with legislative and regulatory requirements, the Commission developed and submitted its Strategic Plan and Annual Performance Plan to National Treasury and Parliament by the due date. This enabled the Commission to implement its plans.

A functional Internal Audit Unit implemented its annual audit plan to ensure that the Commission not only complies with legislation but also improves its performance through effective internal controls. Details regarding the achievements by the Internal Audit Unit are contained in Part C of the report.

The Commission also implemented its risk treatment plan that highlighted the key strategic risks that could impact on the performance of the Commission, and mitigating actions thereof.

In terms of internal arrangements, the Commission instituted a back-to-basics project plan that ensured that all business units have systems and procedures in place for effective and efficient execution of their mandates.

Improvements to corporate governance of the Commission included putting in place various governance structures (management committees) that are supported by various subcommittees.

The effectiveness of the institution in executing its mandate is supported by the organisational structure that consists of 178 approved posts, of which 147 posts have been filled, while 13 were frozen in the period under review.

(b) Strategy to overcome areas of under-performance

In view of the five targets that were not achieved under Strategic Objective 6, a planned schedule of midterm performance reviews was developed for better coordination and implementation of the performance management policy. An institution-wide capacity development plan was also developed for capacitating and developing staff.

The organisational restructuring process was affected by budgetary constraints. Intervention plans will be developed to address the potential gaps resulting from incomplete restructuring.

The Executive Management Committee will also play a closer performance monitoring role by instituting and attending to early warning indicators on a monthly and quarterly basis.



(c) Actual achievements against planned Targets

Table 8: Achievements against Planned Targets to optimise the effectiveness and efficiency of the Commission

Strategic Objective 6: Optimise the effectiveness and efficiency of the Commission						
Objective Statement: Ensure that the objectives set out in the Strategic Plan are optimally met						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13 achievement	Comment on variances/corrective measure
Annual and mid-term reviews completed; Completed Annual Report; Developed Strategic Plan submitted to Commissioners and National Treasury; ENE submitted to National Treasury by deadline, 100% accurate, current and complete	ENE and annual ENE submitted to National Treasury by deadline	Estimated National Expenditure submitted to National Treasury by 31 December	Estimated National Expenditure submitted to National Treasury by 31 December	No deviation as target achieved	No variance	None
	Annual and mid-term review completed	Mid-term review completed by 30 November	Mid-term reviews were partially completed	Target partially achieved. Reviews not completed as a result of organisational restructuring and new employees joining the Commission in the course of 2012/13 financial year	Reviews not completed as a result of organisational restructuring and new employees joining the Commission in the course of 2012/13 financial year	To include the target in the operational plan and performance contracts of all managers and staff members
	Annual Report (2010/11) completed	Annual Report 2011/12 submitted to Parliament by 31 August	The annual report was submitted to Parliament by deadline	Target achieved	None	None
	New indicator/target for 2012/13 (Monthly and Quarterly Cash Flow Projection Reports)	Quarterly Performance Reports submitted to National Treasury by due dates	Quarterly Performance Reports were submitted to National Treasury by due dates	Target achieved	None	None
	Strategic Business Plan developed and submitted to Commissioners and National Treasury	Strategic Plan and Annual Performance Plan 2013/14 approved by Commissioners and submitted to Treasury by end of February	Strategic Plan and Annual Performance Plans were submitted to National Treasury by deadline	Target achieved	None	None
Clean audit report submitted to Parliament	Clean audit report submitted to Parliament	Unqualified AG audit with no matters of emphasis submitted to Parliament by 31 August	Target not achieved because of qualified opinion	Target not achieved because of qualified opinion on accounts payable, property, plant and equipment and inadequate documentation	Qualification on accounts payable, property, plant and equipment and inadequate documentation	Action plan to be developed and implemented to ensure all significant matters are addressed prior to the next financial year and no repetition

Strategic Objective 6: Optimise the effectiveness and efficiency of the Commission						
Objective Statement: Ensure that the objectives set out in the Strategic Plan are optimally met						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13 achievement	Comment on variances/corrective measure
Fully implement the PMER policy and strategy in all programmes	Not applicable (new indicator for 2012/13 financial year)	PMER Policy and strategy fully implemented in all programmes	Policy implemented in all programmes	No deviation	Not applicable – new indicator	None
All objectives set out in the Strategic Plan, budget, and compliance requirements are met	89% programme objectives target confirmed	100% of programme objectives achieved by 31 March	84% of programme targets met	Target missed by 16% due to instability posed by the organisational restructuring processes	Achievement dropped by 5% from previous year	Under-achievement due to instability posed by the organisational restructuring processes
Risk management strategy implemented	Risk management strategy was developed	Annual risk register approved and reviewed quarterly	Annual risk register was approved and reviewed quarterly according to schedule	Target achieved without deviations	None	None
Back-to-basics best practice and service delivery project plan implemented in all programmes by 31 March.	100% execution of back-to-basics HR Service Delivery Plan	Back-to-basics best practice and service delivery project plan implemented in all programmes by 31 March	Back-to-basics practice and service delivery project plan not fully implemented	Target not achieved, mainly due to instability posed by organisational restructuring	Lower achievement mainly due to instability posed by organisational restructuring	The target is no longer applicable in 2013/14 financial year. Business units have instituted systems in place for carrying out their activities
Achieve full compliance with internal and financial controls	Compliance requirements were met (GRAP 13), Compliance to IT Policy, IIA certification,	All corporate services policies approved and reviewed	All corporate services and policies were reviewed and tabled with Commissioners	Target achieved	None	Indicator was revised to include all compliance requirements
Full implementation of Internal Audit Plan each year	100% execution of Internal Audit Plan	Full implementation of 12/13 Internal Audit Plan by 31 March	Internal Audit Plan was fully implemented (12 audit projects carried out)	Target achieved	None	None
Human Resources-organisational development and performance management	80% execution of organisational structure by 31 March	Organisational restructure implemented by 31 March	83% implementation of organisational structure	Target not achieved due to budget constraints and resultant freezing of posts	3% increase from the previous financial year	Ongoing restructuring and filling of posts

Strategic Objective 6: Optimise the effectiveness and efficiency of the Commission						
Objective Statement: Ensure that the objectives set out in the Strategic Plan are optimally met						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Reasons for deviation from planned target for 2012/13	Variance from 2011/12 to 2012/13 achievement	Comment on variances/ corrective measure
	Performance Management policy was approved Performance Management system was implemented	Capacity Development Plan implemented by 31 March	Plan partially implemented	Target not achieved. Plan partially implemented as a result of organisational restructuring	In 2011/12 the focus was on alignment of policy and system while 2012/13 focused on capacity development as provided for in the policy and system	Ensuring that staff submit their personal development plans by due date and consolidate an institution-wide capacity development plan for implementation
Implement records management strategy	Not applicable (new indicator/ target for 2012/13 financial year)	Implement records management strategy and system in all programmes	Records management strategy and system was implemented according to schedule	Target achieved without deviations	New indicator/ target	Implementation of the records management strategy and system is ongoing with 70% implementation in 2013/14

2.4 Mid-year adjustments to 2012/13 Annual Performance Plan

The adjustments mainly relate to targets that may have already been exceeded, postponement of target dates due to external factors, rephrasing of performance indicators for greater clarity, and inclusion of new indicators where necessary.

Table 9: Adjusted 2012/13 performance indicators and targets

Medium Term Targets	Original Annual Target	Actual Achievement as at 30 September 2012	Adjusted Target
Strategic Objective 1: Promote compliance with International obligations			
International and regional activities	7	9	9
NANHRI, ICC and ACHPR activities	10	17	19
Publish the Annual International Report by 31 March (Revised to Draft Annual International Report complete by 31 March)	Publish the Annual International Report by 31 March	Target due in Quarter 4	Draft Annual International Report complete by 31 March
Strategic Objective 2: Position the Commission as the focal point for human rights in South Africa			
Stakeholder Engagements	54	31	72
Stakeholder collaboration systems, including MOUs	Revised and improved stakeholder collaboration systems, including MOUs by 31 March	Target due by 31 March	Register of Memoranda of Understanding by 31 March
Litigation strategy approved	New indicator	None	Approval of Litigation Strategy by 31 March
Media statements/alerts disseminated (Revised to media engagements, including statements, alerts, interviews etc)	40	75	80

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Medium Term Targets	Original Annual Target	Actual Achievement as at 30 September 2012	Adjusted Target
Opinion pieces written, disseminated and submitted for publication	4	6	8
Strategic Objective 3: Strengthen advocacy and human rights awareness raising			
Freedom of Expression Conference	Delivered by 30 September	None	Delivered by 31 December
Right to Food Conference (Revised to Right to Food workshop)	Right to Food Conference delivered by 31 December	None	Right to Food workshop delivered by 31 March
Water and sanitation pamphlet	Delivered by 30 June	Delivered by 30 September	Delivered by 30 September
Traditional Courts Bill pamphlet	Delivered by 30 September	None	Delivered by 31 December
Rural development/acid mine drainage pamphlets (Revised to Acid Mine Drainage booklet)	Rural development/acid mine Drainage pamphlets delivered by 31 March	Target due in Quarter 4	Acid mine drainage booklet delivered by 31 March
Seminars/ human rights events conducted	10	Target due in Quarter 4	9 (1 per province including national event)
Strategic Objective 4: Advance the realisation of human rights			
Consolidated Annual Monitoring and Evaluation Report (Revised to Approval of Monitoring and Evaluation Plan)	Consolidated Annual Monitoring and Evaluation Report Published by 31 March	Target due in Quarter 4	Monitoring & Evaluation Plan approved by 31 March
1 s184(3) Report by 31 March (Revised to Draft s184(3) Report completed by 31 March)	1 s184(3) Report by 31 March	Target due in Quarter 4	Draft s184(3) Report completed by 31 March)
ESR Matrix by 31 March (Revised to Draft Matrix for 2 ESR areas by 31 March)	ESR Matrix by 31 March	Target due in Quarter 4	Draft Matrix for 2 ESR areas by 31 March
Strategic Objective 5: Advance the right to equality and the right to access to information			
1 Equality Report completed and published by 31 March (Revised to Draft Equality Report completed by 31 March)	1 Equality Report completed and published by 31 March	Target due in Quarter 4	Draft Equality Report completed by 31 March
Strategic Objective 6: Optimise the effectiveness and efficiency of the Commission			
Estimated National Expenditure (ENE) submitted to National Treasury by 30 September	ENE submitted to National Treasury by 30 September	None (pending National Treasury Guidelines)	ENE submitted to National Treasury by 31 December
Quarterly Performance Reports submitted to National Treasury by due dates	New Indicator	Quarters 1 and 2 Reports submitted by due dates	Quarterly Performance Reports submitted to National Treasury by due dates
Implement records management and strategy and system for all programmes by 31 March (Revised to Review records management policy and plan, and implement 35% of the plan by 31 March)	Implement records management and strategy and system for all programmes by 31 March	Ongoing	Review records management policy and plan, and implement 35% of the plan by 31 March

2.3.1 A summary of budget expenditure by programme

Budget Overview : 2012/13				
Programmes	Adjusted appropriation R'000	Budget expenditure R'000	Variance R'000	% Budget expenditure
Promotion and Protection of Human Rights	52 057	48 497	3 560	93
Research, Monitoring and Reporting	11 195	10 926	269	98
Administration	38 278	39 281	(1 002)	103
Total	101 530	98 704	2 826	97

PART C



CORPORATE
GOVERNANCE

PART C: CORPORATE GOVERNANCE

I. EXECUTIVE AUTHORITY: THE COMMISSIONERS

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

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

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

At the beginning of the 2012/13 financial year the Commission was headed by seven Commissioners. By the end of the year, the Commission was saddened by the death of one of the Commissioners (Commissioner Baai), leaving his six colleagues to continue their leadership responsibilities. Table I lists the Commissioners during the period under review.

Table I: Commissioner’s details and appointment status

	Name	Appointment status
1	Adv M L Mushwana	Full-time (Chairperson)
2	P Govender	Full-time (Deputy Chairperson)
3	L Mokate	Full-time
4	B Malatji	Full-time
5	D Titus	Part-time
6	J Love	Part-time
7	S Baai	Full-time but deceased in August 2012

2. RISK MANAGEMENT

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

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

The Chief Financial Officer is responsible for the risk management processes in the Commission. The Finance Unit facilitated the development of a Risk Management Register and Plan, which identifies strategic risks and mitigating actions. The register is reviewed for progress on a quarterly basis.

3. INTERNAL AUDIT AND AUDIT COMMITTEES

Internal control

The Commission has ultimate responsibility for establishing a framework for internal controls, including an appropriate procurement and provisioning system. The controls throughout the Commission focus on those critical risk areas identified by operational risk management, confirmed by management and assessed by the auditors. The controls are designed to provide cost-effective assurance that assets are safeguarded and that the available working capital is managed efficiently and economically. Organisational policies, procedures and the delegation of authority provide direction, accountability and division of responsibilities and contain self-monitoring mechanisms. The designed internal controls are closely monitored by both management and Internal Audit and action is taken to correct any deficiencies identified.

Audit Committee

The audit committees enhance the independence of the Internal Audit Activity and provide oversight over risk management, governance and control processes. The Audit Committee assists the CEO in the effective execution of his responsibilities with the ultimate aim of the achievement of the Commission's objectives. The SAHRC Audit Committee continues to function and has met five times during the period under review. The Audit Committee is responsible for improving management by overseeing the audit functions, internal controls and the financial reporting process.

The Audit Committee assists the South African Human Rights Commission to:

- ◇ Create and maintain an effective internal control environment, financial controls, accounting systems and reporting;
- ◇ Fulfil an oversight responsibility for the audit process;
- ◇ Identify material risks and management thereof;
- ◇ Monitor compliance with laws, regulations and the code of ethics;
- ◇ Ensure that the Commission is able to prevent, detect and respond to fraud and allegations of fraud; and
- ◇ Discharge its responsibility relating to:
 - safeguarding of assets;
 - the operation of adequate procedures and controls;
 - reviewing of the financial information; and
 - the preparation of the financial statements.

Internal Audit work performed

During the year under review Internal Audit developed a three year strategic rolling plan and annual audit plan based on the strategic risks of the Commission. The risk based plan focused primarily on reviewing the adequacy and effectiveness of the Commission's internal controls, risk management and governance processes.

In line with the PFMA requirements, the internal audit activity provided the Audit Committee and management with assurance that the internal controls were appropriate and effective. This was achieved by means of objective appraisal and evaluation of the risk management processes, internal control and governance processes, as well as identifying corrective action and suggested enhancements to the controls and processes.

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

Internal Audit was able to achieve 100% of the approved Internal Audit Annual Plan. Among the reviews conducted during the 2012/13 financial year were:

- ◇ Cash Management;
- ◇ Asset Management;
- ◇ Supply Chain Management;
- ◇ Fraud and Risk Management;
- ◇ Human Resources;
- ◇ Performance Management;
- ◇ Governance (IT and Corporate); and
- ◇ Operations (Complaints Handling and Human Rights Advocacy).

Audit Committee members

Name	Qualifications	Internal or external	Date appointed	Date resigned	Number of meetings attended
Dawood Coovadia	CA(SA), BAC (SA), MIMC CMC, CPA(SA), RAA, GIA(SA) FICB(SA), FA(SA), FIAC, FCIBM, FCIS, FSIAM, FMAAT(UK), CAT(UK)	External	Since 2006	-	5
Waldo Hattingh	MBA, DBA, BCom and National Diploma in Management Services	External	1 December 2010	-	4
Patrick Roy Mnisi	LLB Degree, Masters in Corporate Law and Certificate in Compliance Management	External	1 December 2010	-	4
Phuthanang Segoati	CA(SA), BA	External	1 October 2011	-	4
Tendani Ndou	BCom Hons, CIA & CCSA	External	Since 2006	Contract ended 31 August 2012	2

4. COMPLIANCE WITH LAWS AND REGULATIONS

The function of legislative and regulatory compliance has been delegated to the Heads of Units to ensure compliance with the relevant legislation and statutes pertaining to their programmes.

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

PART D



HUMAN RESOURCES
MANAGEMENT

PART D: HUMAN RESOURCES MANAGEMENT

I. Expenditure

Departments budget in terms of clearly defined programmes. The following tables summarise final audited expenditure by programme (Table I.1) and by salary bands (Table I.2). In particular, it provides an indication of the amount spent on personnel costs in terms of each of the programmes or salary bands within the department.

TABLE I.1 – Personnel costs by programme, 2012/13

Programme/ unit	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel cost as a percent of total expenditure	Average personnel cost per employee (R'000)
CEO	9 400	4 974	16	-	53%	452
Commissioners	10 711	6 509	-	-	61%	310
Corporate and Financial Support Services	43 407	11 334	-	-	29%	354
Programme Support	35 622	28 845	54	-	81%	380
Total	99 140	51 662	70	-	54%	374

TABLE I.2 – Personnel costs by salary bands, 2012/13

Salary bands	Personnel Expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (Levels 1-2)	-	-	-
Skilled (Levels 3-5)	563	1%	113
Highly skilled production (Levels 6-8)	10 596	21%	166
Highly skilled supervision (Levels 9-12)	26 058	50%	521
Senior management (Levels 13-16)	14 445	28%	662
Total	51 662	100%	366

The following tables provide a summary per programme (Table I.3) and salary bands (Table I.4), 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 the personnel budget that was used for these items.

TABLE 1.3 – Salaries, overtime, home owners allowance and medical assistance by programme, 2012/13

Programme/unit	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
CEO	4 974	10%	-	-	216	4%	196	4%
Commissioners	6 509	13%	-	-	77	1%	246	4%
Corporate and Financial Support Services	11 334	22%	6	-	391	3%	646	6%
Programme Support	28 845	55%	5	-	700	2%	1 178	4%
Total	51 662	100%	11	0%	1 384	11%	2 266	18%

TABLE 1.4 – Salaries, overtime, home owners allowance and medical assistance by salary bands, 2012/13

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)	-	-	-	-	-	-	-	-
Skilled (Levels 3-5)	563	1%	-	-	47	8%	105	19%
Highly skilled production (Levels 6-8)	10 596	21%	7	-	503	5%	766	7%
Highly skilled supervision (Levels 9-12)	26 058	50%	3	-	439	2%	1 003	4%
Senior management (Levels 13-16)	14 445	28%	-	-	394	3%	391	3%
Total	51 662	100%	11	0%	1 384	3%	2 267	4%

2. Employment and vacancies

The following table summarise the number of posts on the establishment, the number of employees or posts filled.

Table 2.1 – Employment and vacancies by programme

Programme	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
CEO	15	14	7%	1
Commissioners	24	21	12%	-
Corporate and Financial Support Services	35	32	9%	2
Programme Support	104	80	23%	5
Total	178	147	17%	8

Table 2.2 – Employment and vacancies by salary bands, 31 March 2013

Salary band	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Lower skilled (Levels 1-2)	-	-	-	-
Skilled (Levels 3-5)	5	5	-	-
Highly skilled production (Levels 6-8)	71	71	-	1
Highly skilled supervision (Levels 9-12)	76	50	34%	7
Senior management (Levels 13-16)	26	21	19%	-
Total	178	147	17%	8

TABLE 2.3 – Employment and vacancies by critical occupation, 31 March 2013

Critical occupations	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Legal	51	38	25,29%	-
Training	11	8	27,27%	2
Research	18	13	27,78%	2
Total	80	59	26,25%	4

The information in each case reflects the situation as at 31 March 2013. For an indication of changes in staffing patterns over the year under review, please refer to section 5 of this report.

3. Job evaluation

The Public Service Regulations, 1999 introduced job evaluation as a way of ensuring that work of equal value is remunerated equally. Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in his or her organisation. In terms of the Regulations all vacancies on salary levels 9 and higher must be evaluated before they are filled. This was complemented by a decision by the Minister for the Public Service and Administration that all SMS jobs must be evaluated before 31 December 2002.

The following table (Table 3.1) summarises the number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

Table 3.1 – Job Evaluation, 1 April 2012 to 31 March 2013 (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)	5	5	100%	1	20%	-	-
Highly skilled production (Levels 6-8)	71	71	100%	23	32,39%	6	8,45%
Highly skilled supervision (Levels 9-12)	76	76	100%	30	41,67%	1	1,32%
Senior Management Service Band A	21	16	76,19%	9	42,86	-	-
Senior Management Service Band B	3	2	66,66%	-	-	-	-
Senior Management Service Band C	2	-	-	-	-	-	-
Senior Management Service Band D	-	-	-	-	-	-	-
Total	178	170	95,40%	63	36,21%	7	4,02%

TABLE 3.2 – Profile of employees whose salary positions were upgraded due to their posts being upgraded, 1 April 2012 to 31 March 2013 (excluding vacant positions)

Beneficiaries	African	Asian	Coloured	White	Total
Female	26	2	2	2	32
Male	12	-	-	-	12
Total	38	2	2	2	44
Employees with a disability	-	-	-	-	-

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

TABLE 3.3 – Employees whose salary level exceed the grade determined by job evaluation, 1 April 2012 to 31 March 2013 (in terms of PSR I.V.C.3)

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Admin Assistant	2	6	7	Position downgraded
Assistant Accountant	1	7	8	Position downgraded
Accounts Clerk	1	6	7	Position downgraded
HR Practitioner	1	8	10	Position downgraded
HR Assistant – Admin	1	6	8	Position downgraded
Total number of employees whose salaries exceeded the level determined by job evaluation in 2012/13				6
Percentage of total number of positions				3,45%

Table 3.4 summarises the beneficiaries of the above in terms of race, gender, and disability.

TABLE 3.4 – Profile of employees whose salary level exceed the grade determined by job evaluation, 1 April 2012 to 31 March 2013 (in terms of PSR I.V.C.3)

Beneficiaries	African	Asian	Coloured	White	Total
Female	5	-	-	-	5
Male	1	-	-	-	1
Total	6	-	-	-	6
Employees with a disability	-	-	-	-	-

4. Employment changes

This section provides information on changes in employment over the financial year.

Turnover rates provide an indication of trends in the employment profile of the department. The following tables provide a summary of turnover rates by salary band (Table 4.1) and by critical occupations (Table 4.2). (These “critical occupations” should be the same as those listed in Table 2.3.)

TABLE 4.1 – Annual turnover rates by salary band for the period 1 April 2012 to 31 March 2013

Salary Band	Number of employees per band as on 1 April 2012	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (Levels 1-2)	-	-	-	-
Skilled (Levels 3-5)	4	1	-	-
Highly skilled production (Levels 6-8)	40	18	3	7,5%
Highly skilled supervision (Levels 9-12)	51	22	11	21,57%
Senior Management Service Band A (Level 13)	8	7	1	12,5%
Senior Management Service Band B (Level 14)	2	-	1	50%
Senior Management Service Band C (Level 15)	2	-	-	-
Total	107	48	16	14,95%

TABLE 4.2 – Annual turnover rates by critical occupation for the period 1 April 2012 to 31 March 2013

Occupation	Number of employees per occupation as on 1 April 2012	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Legal Services	24	19	9	37,5%
Training	12	-	2	16,67%
Research	15	2	1	6,66%
Total	51	21	12	23,53%

Table 4.3 – Reasons why staff are leaving the institution

Termination Type	Number	% of total
Death	1	0,9524%
Resignation	12	11,43%
Retrenchment	3	2,86%
Expiry of contract	-	-
Dismissal – operational changes	-	-
Dismissal – misconduct	-	-
Dismissal – inefficiency	-	-
Discharged due to ill-health	-	-
Retirement	-	-
Transfers to other Public Service Departments	-	-
Other (Voluntary Separation Package)	-	-
Total	16	15,24%
Total number of employees who left as a % of the total employment		15,24

Table 4.4 – Promotions by critical occupation

Occupation	Employees as at 1 April 2012	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	24	10	41,67%	15	62,5%
Education	12	8	66,66%	12	100%
Research	15	1	6,67%	7	46,66%
Total	51	19	37,25%	34	66,67%

Table 4.5 – Promotions by salary band

Salary Band	Employees 1 April 2012	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)	-	-	-	-	-
Skilled (Levels 3-5)	4	1	25%	4	100%
Highly skilled production (Levels 6-8)	40	20	50%	40	100%
Highly skilled supervision (Levels 9-12)	51	17	33,33%	47	92,16%
Senior management (Levels 13-16)	12	5	41,67%	5	41,67%
Total	107	43	40,19%	96	89,72%

5. Employment equity

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

Table 5.1 – Total number of employees in each of the following occupational categories as at 31 March 2012, including part-time Commissioners

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	5	1	1	1	2	-	1	1	14
Professionals	8	1	1	-	4	2	4	1	21
Technicians and associate professionals	19	1	1	1	27	5	1	1	56
Clerks	-	-	-	-	13	1	-	-	14
Service and sales workers	-	-	-	-	-	-	-	-	-
Skilled agriculture and fishery workers	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	-	-	-	-	-	-	-	-	-
Elementary occupations	3	-	-	-	1	-	-	-	4
Total	35	3	3	1	46	8	6	3	107
Employees with disabilities	2	-	-	-	-	-	-	-	2

Table 5.2 – Total number of employees in each of the following occupational bands as at 31 March 2012, including part-time Commissioners

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	3	1	1	-	1	-	1	1	8
Senior Management	2	-	-	-	-	1	-	1	4
Professionally qualified and experienced specialists and mid-management	21	2	2	1	15	5	5	2	53
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	6	-	-	-	29	3	-	-	38
Semi-skilled and discretionary decision making	-	-	-	-	-	-	-	-	-
Unskilled and defined decision making	3	-	-	-	1	-	-	-	4
Total	35	3	3	1	46	9	6	4	107

Table 5.3 – Recruitment (including employees with disabilities and Research Associates) for the period 1 April 2012 to 31 March 2013

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	2	1	1	-	1	2	-	1	8
Professionally qualified and experienced specialists and mid-management	9	1	-	-	6	1	1	3	21
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	4	1	-	-	18	3	-	1	27
Semi-skilled and discretionary decision making	-	-	-	-	-	-	-	-	-
Unskilled and defined decision making	-	-	-	-	-	-	-	-	1
Total	15	3	1	-	26	6	1	5	57
Employees with disabilities	-	-	-	-	-	-	-	-	-

Table 5.4 – Promotions (including employees with disabilities) for the period 1 April 2012 to 31 March 2013

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	2	-	-	1	-	-	2	-	5
Professionally qualified and experienced specialists and mid-management	7	1	-	-	5	2	2	-	17
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	4	-	-	-	13	3	-	-	20
Semi-skilled and discretionary decision making	-	-	-	-	-	-	-	-	-
Unskilled and defined decision making	1	-	-	-	-	-	-	-	1
Total	14	1	-	-	9	3	1	-	43
Employees with disabilities	-	-	-	-	-	-	-	-	-

Table 5.5 – Terminations (including employees with disabilities, interns and contractors) for the period 1 April 2012 to 31 March 2013

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	1	-	-	-	-	-	-	-	1
Senior Management	1	-	-	-	-	-	-	-	1
Professionally qualified and experienced specialists and mid-management	5	-	-	-	2	4	-	-	11
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	-	-	-	-	3	-	-	-	3
Semi-skilled and discretionary decision making	-	-	-	-	-	-	-	-	-
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
Total	7	-	-	-	5	4	-	-	16
Employees with disabilities	-	-	-	-	-	-	-	-	-

Table 5.6 – Disciplinary action for the period 1 April 2012 to 31 March 2013

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	3	-	-	-	2	-	-	-	5

Table 5.7 – Skills development for the period 1 April 2012 to 31 March 2013

Occupational Categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	6	1	2	-	2	2	1	2	16
Professionals	8	1	1	-	2	2	3	-	18
Technicians and associate professionals	13	-	-	-	38	2	2	3	58
Clerks	2	-	-	-	18	2	-	1	23
Elementary occupations	3	-	-	-	2	-	-	-	5
Total	32	4	1	-	62	6	6	6	120
Employees with disabilities	2	-	-	-	-	-	-	-	2

6. Performance rewards

To encourage good performance, the Commission has granted the following performance rewards during the year under review, with respect to performance for the previous financial year. The information is presented in terms of race, gender, and disability (Table 6.1), salary bands (Table 6.2) and critical occupations (Table 6.3).

Table 6.1 – Performance Rewards by race, gender, and disability

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee (R'000)
Total African	46	82	56%	1 167 760	25 386
Male	15	30	50%	380 791	
Female	31	44	70%	786 968	
Total Asian	5	10	50%	178 502	35 700
Male	2	4	50%	71 400	
Female	3	6	50%	107 101	
Total Coloured	3	8	38%	41 250	20 625
Male	0	1	0%	0	
Female	2	4	50%	41 250	
Total White	3	4	75%	88 600	29 533
Male	0	0	0%		
Female	3	4	75%	88 600	
Employees with a disability	1	1	-	-	-
Total	57	104	55%	1 476 112	111 244

Table 6.2 – Performance Rewards by salary bands for personnel below Senior Management Service

Salary Bands	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total Cost (R'000)	Average cost per employee (R'000)	Total cost as a % of the total personnel expenditure
Lower skilled (Levels 1-2)	0	1	0%	0	0	0
Skilled (Levels 3-5)	7	14	50%	82 959	11 851	14,74%
Highly skilled production (Levels 6-8)	25	37	68%	464 656	18 586	4,39%
Highly skilled supervision (Levels 9-12)	25	52	48%	907 857	36 314	3,48%
Total	57	104	55%	1 476 112	111 244	2,84%

Table 6.3– Performance related rewards (cash bonus), by salary band, for senior management service

Salary Bands	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total Cost (R'000)	Average cost per employee (R'000)	Total cost as a % of the total personnel expenditure
Band A	4	8	50	175	43	1.21%
Band B	-	-	-	-	-	-
Band C	-	-	-	-	-	-
Band D	-	-	-	-	-	-
Total	4	8	50	175	43	1.21%

7. 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 7.1 – Foreign Workers, 1 April 2012 to 31 March 2013, by salary band

Salary Band	1 April 2012		31 March 2013		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)	-	-	2	1%	1	1%
Senior management (Levels 13-16)	-	-	-	-	-	-
Total	-	-	2	1%	1	1%

Table 7.2 – Foreign Worker, 1 April 2012 to 31 March 2013, by major occupation

Major Occupation	1 April 2012		31 March 2013		Change	
	Number	% of total	Number	% of total	Number	% change
PAIA	-	-	1	1%	-	-
Research	-	-	1	1%	1	1%
Total	-	-	2	2%	1	1%

8. Leave utilisation for the period 1 April 2012 to 31 March 2013

The Public Service Commission identified the need for careful monitoring of sick leave within the public service. The following tables provide an indication of the use of sick leave (Table 8.1) and disability leave (Table 8.2). In both cases, the estimated cost of the leave is also provided.

Table 8.1 – Sick leave, 1 April 2012 to 31 March 2013

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)	-	-	-	-	-
Skilled (Levels 3-5)	35	-	4	100%	8.75
Highly skilled production (Levels 6-8)	202	-	39	100%	5.18
Highly skilled supervision (Levels 9-12)	145	-	29	60%	5
Senior management (Levels 13-16)	32	-	14	100%	18.36
Total	414	-	86	82%	4.81

Table 8.2 – Disability leave (temporary and permanent), 1 April 2012 to 31 March 2013

Salary bands	Total days	% days with medical certification	Number of Employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	-	-	-	-	-	-
Skilled (Levels 3-5)	-	-	-	-	-	-
Highly skilled production (Levels 6-8)	-	-	-	-	-	-
Highly skilled supervision (Levels 9-12)	250	100%	1	0,0095%	250	547
Senior management (Levels 13-16)	-	-	-	-	-	-
Total	250	100%	1	0,0095%	250	547

Table 8.3 summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

TABLE 8.3 – Annual leave, 1 April 2012 to 31 March 2013

Salary bands	Total days taken	Average per employee
Lower skilled (Levels 1-2)	-	-
Skilled Levels 3-5)	78	19.5
Highly skilled production (Levels 6-8)	873	22.46
Highly skilled supervision (Levels 9-12)	802	16.70
Senior management (Levels 13-16)	257	18.35
Total	2010	19,25

Table 8.4 – Capped leave, 1 April 2012 to 31 March 2013

Salary bands	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2012
Lower skilled (Levels 1-2)	-	-	-
Skilled Levels 3-5)	-	-	-
Highly skilled production (Levels 6-8)	-	-	-
Highly skilled supervision (Levels 9-12)	22	22	22
Senior management (Levels 13-16)	-	-	-
Total	22	22	22

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

Table 8.5 – Leave payouts for the period 1 April 2012 to 31 March 2013

REASON	Total Amount (R'000)	Number of Employees	Average payment per employee (R'000)
Leave payout for 2012/13 due to non-utilisation of leave for the previous cycle	-	-	-
Capped leave payouts on termination of service for 2012/13	53	2	26
Current leave payout on termination of service for 2012/13	239	14	17
Total	292	16	21,50

9. HIV and AIDS and health promotion programmes

TABLE 9.1 – Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV and related diseases (if any)	Key steps taken to reduce the risk
ICAS has a fully fledged HIV unit that Commission's staff members can access 24 hours a day, 7 days a week	Referral to ICAS

TABLE 9.2 – Details of Health Promotion and HIV and 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 E of Chapter I of the Public Service Regulations, 2001? If so, provide her/his name and position.		X	
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	X		Five members - R90 000
3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/ services of this Programme.	X		ICAS Counselling; Wellness and Health advice; Financial Advice
4. Has the department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter I of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.		X	

Question	Yes	No	Details, if yes
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	X		Health and Safety policy, Recruitment and selection and EE Plan
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 that you have achieved.	X		Only 7.5% of employees attended voluntary counselling and testing
8. Has the department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.		X	

10. Labour relations

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

Table 10.1 – Collective agreements, 1 April 2012 to 31 March 2013

Subject Matter	Date
N/a	

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

Table 10.2 – Misconduct and disciplinary hearings finalised, 1 April 2012 to 31 March 2013

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	-	-
Verbal warning	1	2%
Written warning	2	4%
Final written warning	2	4%
Suspended without pay	-	-
Fine	-	-
Demotion	-	-
Dismissal	-	-
Not guilty	-	-
Case withdrawn	-	-
Total	5	10%

Table 10.3 – Types of misconduct addressed at disciplinary hearings

Type of misconduct	Number	% of total
Insolence and Disobedience	4	8%
Negligence	1	2%
Total	5	10%

Table 10.4 – Grievances lodged for the period 1 April 2012 to 31 March 2013

Grievances lodged	Number	% of Total
Number of grievances resolved	4	1%
Number of grievances not resolved	0	0
Total number of grievances lodged	4	1%

Table 10.5 – Disputes lodged with Councils for the period 1 April 2012 to 31 March 2013

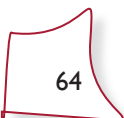
Disputes lodged	Number	% of Total
Number of disputes upheld	None	0
Number of disputes dismissed	None	0
Total number of disputes lodged	None	0

Table 10.6 – Strike actions for the period 1 April 2012 to 31 March 2013

Total number of person working days lost	None
Total cost (R'000) of working days lost	None
Amount (R'000) recovered as a result of no work no pay	

Table 10.7 – Precautionary suspensions for the period 1 April 2012 to 31 March 2013

Number of people suspended	None
Number of people whose suspension exceeded 30 days	None
Average number of days suspended	
Cost (R'000) of suspensions	



11. Skills development

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

Table 11.1 – Training needs identified 1 April 2012 to 31 March 2013

Occupational Categories	Gender	Number of employees as at 1 April 2012	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	4	-	2	-	2
	Male	6	-	2	-	2
Professionals	Female	9	-	3	-	3
	Male	12	-	3	-	3
Technicians and associate professionals	Female	32	-	5	-	5
	Male	24	-	5	-	5
Clerks	Female	13	-	5	-	5
	Male	1	-	4	-	4
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	1	-	2	-	2
	Male	3	-	1	-	1
Sub Total	Female	59	-	17	-	17
	Male	46	-	14	-	14
Total		105	-	32	-	32

Table 11.2 – Training provided 1 April 2012 to 31 March 2013

Occupational Categories	Gender	Number of employees as at 1 April 2012	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	4	-	7	-	7
	Male	6	-	9	-	9
Professionals	Female	9	-	7	-	7
	Male	12	-	10	-	10
Technicians and associate professionals	Female	32	-	32	-	32
	Male	24	-	13	-	13
Clerks	Female	13	-	13	-	13
	Male	1	-	1	-	1

Occupational Categories	Gender	Number of employees as at 1 April 2012	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes and other short courses	Other forms of training	Total
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	1	-	1	-	1
	Male	3	-	3	-	3
Sub Total	Female	59	-	60	-	60
	Male	46	-	36	-	36
Total		105	-	96	-	96

12. Injury on duty

The following tables provide basic information on injury on duty.

Table 12.1 – Injury on duty, 1 April 2012 to 31 March 2013

Nature of injury on duty	Number	% of total
Required basic medical attention only	3	2,86%
Temporary total disablement	2	1,90%
Permanent disablement	-	-
Fatal	-	-
Total	5	4,76%

13. Utilisation of consultants

Table 13.1 – Report on consultant appointments using appropriated funds

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand (R'000)
Job Evaluation	1		1 710
Performance Management System Review			
Total number of projects	Total individual consultants	Total duration: Work days	Contract value in Rand (R'000)
1	1		1 710

Table I3.2 – Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs) None

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
None	None	None	None

Table I3.3 – Report on consultant appointments using Donor funds None

Project Title	Total number of consultants that worked on the project	Duration: Work days	Donor and contract value in Rand
N/a	N/a	N/a	N/a
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
N/a	N/a	N/a	N/a

Table I3.4 – Analysis of consultant appointments using donor funds, in terms of Historically Disadvantaged Individuals (HDIs) None

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that work on the project
N/a	N/a	N/a	N/a

PART E



ANNUAL FINANCIAL
STATEMENTS

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FOR THE YEAR ENDED 31 MARCH 2013

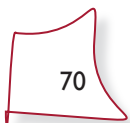
GENERAL INFORMATION

COUNTRY OF INCORPORATION AND DOMICILE	South Africa
NATURE OF BUSINESS AND PRINCIPAL ACTIVITIES	Constitutional Institution
COMMISSIONERS	Adv M L Mushwana P Govender L Mokate B Malatji D Titus J Love S Baai (Deceased 15 August 2012)
REGISTERED OFFICE	33 Hoofd Street Forum III Braampark Office Braamfontein Johannesburg 2001
BUSINESS ADDRESS	33 Hoofd Street Forum III Braampark Office Braamfontein Johannesburg 2001
POSTAL ADDRESS	PO Box 2700 Houghton Johannesburg 2041
BANKERS	First National Bank
AUDITORS	Auditor-General Chartered Accountants (SA) Auditor-General of South Africa

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The reports and statements set out below comprise the Annual Financial Statements presented to Parliament:

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Audit Committee Report

The Audit Committee is pleased to present its report for the financial year ended 31 March 2013.

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, which make provision for two extra special audit committee meetings if required. During the current year five meetings were held.

Name of member	Number of meetings attended
Mr D Coovadia (Chairperson)	5
Ms TV Ndou (Resigned 31 August 2012)	2
Mr RP Mnisi	4
Mr W Hattingh	4
Ms PC Segoati	4

Audit Committee responsibility

The Audit Committee has complied with its responsibilities arising from section 77 of the Public Finance Management Act (PFMA) and Treasury Regulation 3.1.13.

The Audit Committee 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 procedures.

The effectiveness of internal control

The Audit Committee's review of the findings of the Internal Audit, which was based on the risk assessment conducted in the Commission, revealed certain weaknesses, which were then raised with the Commission.

The following internal audit work was completed during the year under review:

- ◇ Performance Management Review
- ◇ IT Governance Review
- ◇ Complaints Management Review
- ◇ Human Rights Advocacy (HuRA) Review
- ◇ Monitoring and Evaluation (M&E) Review
- ◇ Corporate Governance Review
- ◇ Risk Management and Fraud Review
- ◇ Purchases and Payables Review
- ◇ Cash Management Review
- ◇ Asset Management Review
- ◇ Human Resources Review
- ◇ Follow-up and Adhoc Management Requests

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The following were areas of concern:

- ◇ Non-compliance with complaints handling procedures relating to prescribed timelines and communication regarding complaints
- ◇ Incorrect or incomplete complaints reports
- ◇ Inadequate Monitoring and Evaluation (M&E) procedures
- ◇ Inadequate IT security
- ◇ Inadequate IT governance
- ◇ Inadequate application controls (VIP Payroll and Pastel)
- ◇ Inadequate fraud and risk management procedures
- ◇ Inadequate record management relating to the maintenance and the safeguarding of records
- ◇ Incorrect or incomplete asset register
- ◇ Audit findings raised not timeously resolved

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

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

Evaluation of Annual Financial Statements

The Audit Committee has:

- ◇ 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 entity's compliance with legal and regulatory provisions; and
- ◇ Reviewed significant adjustments resulting from the audit.

The Audit Committee therefore concurs with and accepts the Auditor-General of South Africa's report on the Annual Financial Statements and is of the opinion that the audited Annual Financial Statements should be accepted and read together with the report of the Auditor-General of South Africa.



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Auditor's Report

The Audit Committee has reviewed the Commission's implementation plan for audit issues raised in the prior year and is satisfied that the matters have been adequately resolved except for the following:

- ◇ Assets not adequately managed;
- ◇ Performance/capacity of IT systems not monitored and reported on; and
- ◇ User access management controls not adequately designed on Pastel.



Dawood Coovadia CA (SA)
Chairperson of the Audit Committee
South African Human Rights Commission

31 July 2013

◇ SOUTH AFRICAN HUMAN RIGHTS COMMISSION ◇
ANNUAL FINANCIAL STATEMENTS
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REPORT OF THE AUDITOR-GENERAL TO THE PARLIAMENT OF SOUTH AFRICA

Report on the Annual Financial Statements

Introduction

1. I have audited the financial statements of the South African Human Rights Commission set out on pages 82 to 116, which comprise the statement of financial position as at 31 March 2013, the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and the notes, comprising a summary of significant accounting policies and other explanatory information.

Accounting officer's responsibility for the financial statements

2. The Accounting Officer is responsible for the preparation and fair presentation of these financial statements in accordance with South African Standards of Generally Recognised Accounting Practice (SA Standards of GRAP) and the requirements of the Public Finance Management Act of South Africa, 1999 (Act 1 of 1999) (PFMA), and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor-General's responsibility

3. My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with the Public Audit Act of South Africa, 2004 (Act 25 of 2004) (PAA), the *General Notice* issued in terms thereof and International Standards on Auditing. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.
4. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my qualified audit opinion.

Basis for qualified opinion

Aggregation of immaterial uncorrected misstatements

6. The financial statements are materially misstated due to immaterial uncorrected misstatements in payables from exchange transactions reflected as R2 977 000 which is understated by R444 226.

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7. In addition, I was unable to obtain sufficient appropriate audit evidence and I was unable to confirm the following elements by alternative means.
- ◇ Payables from exchange transactions of R528 823 as included in the disclosed balance of R2 977 000.
 - ◇ Property, plant and equipment of R863 042 as included in the disclosed balance of R7 515 000.

As a result, I was unable to determine whether any further adjustments to these elements were necessary.

Qualified opinion

8. In my opinion, except for the possible effects of the matters described in the Basis for qualified opinion paragraph, the financial statements present fairly, in all material respects, the financial position of the South African Human Rights Commission as at 31 March 2013 and its financial performance and cash flows for the year ended, in accordance with SA Standards of GRAP and the requirements of the PFMA.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

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

Predetermined objectives

10. I performed procedures to obtain evidence about the usefulness and reliability of the information in the annual performance report as set out on pages 21 to 44 of the Annual Report.
11. The reported performance against predetermined objectives was evaluated against the overall criteria of usefulness and reliability. The usefulness of information in the annual performance report relates to whether it is presented in accordance with the National Treasury's annual reporting principles and whether the reported performance is consistent with the planned objectives. The usefulness of information further relates to whether indicators and targets are measurable (i.e. well defined, verifiable, specific, measurable and time bound) and relevant as required by the *National Treasury Framework for managing programme performance information*.

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

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

Compliance with laws and regulations

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

Annual Financial Statements

14. The financial statements submitted for auditing were not fully prepared in all material respects in accordance with the prescribed financial reporting framework and/or supported by full and proper records as required by section 40(1)(a) and (b) of the PFMA. Material misstatements of current liabilities and expenditure identified by the auditors in the submitted financial statements were subsequently corrected and/or the supporting records were provided subsequently, but the uncorrected material misstatements and/or supporting records that could not be provided resulted in the financial statements receiving a qualified audit opinion.

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Expenditure management

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

Asset management

16. Proper control systems to safeguard and maintain assets were not implemented, as required by section 38(1)(d) of the PFMA and TR 10.1.1(a).

Procurement and contract management

17. Goods and services with a transaction value below R500 000 were procured without obtaining the required price quotations, as required by TR 16A6.1.

Internal control

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

Leadership

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

Financial and performance management

20. The entity did not have a proper filing system that provides for the maintenance of information that supports reliable financial reporting.
21. Management did not implement effective controls throughout the financial year over the management of assets and recording of supplier invoices.
22. Management did not prepare accurate and complete financial reports that were supported and evidenced by reliable information.

Auditor - General

Pretoria
31 July 2013



AUDITOR-GENERAL
SOUTH AFRICA



Auditing to build public confidence



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CHIEF EXECUTIVE OFFICER'S REPORT

Chief Executive Officer submits his report for the year ended 31 March 2013.

1. INCORPORATION

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

2. REVIEW OF ACTIVITIES

Main business and operations

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

Spending trends from 2007/08-2012/13 as per standard items

Standard items	Audited Expenditure Outcomes					
	R'000	R'000	R'000	R'000	R'000	R'000
	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
Personnel cost	31 659	38 966	46 851	50 308	56 156	63 642
Administrative expenses	2 936	7 464	9 235	5 937	4 573	6 253
Inventories	246	309	693	557	540	498
Equipment	5 940	1 525	632	604	1 002	1 419
Land and buildings	6 109	7 432	7 820	10 513	12 185	12 334
Professional services	10 036	7 287	7 524	7 039	18 423	16 684
TOTAL	56 926	62 983	72 755	74 958	92 879	100 830
Baseline allocation	56 281	60 603	72 755	73 474	89 066	100 736
Additional funding	-	585	1 257	894	707	794
Donor funding	309	495	996	608	272	-

The expenditure trend in the table above reflects the results for the past five years, and the results of the financial year 2012/13.

On average the MTEF baseline allocation comprised an increase of 12% for the past five years and the period under review. The actual expenditure for 2012/13 was R100 million, which included depreciation on assets amounting to R2, 89 million.

Budget v Expenditure Graphic Analysis



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

Services rendered by the Commission

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

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

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

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

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

Section 184(3) states as follows:

"Each year, the SA Human Rights Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment."

The SAHRC has specific obligations in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA) and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA).

The overarching responsibilities in terms of these statutes are for the SAHRC to promote awareness of the statutes, to report to Parliament on matters relating to these statutes, and to develop recommendations on persisting challenges relating to these statutes and any necessary reform.

Utilisation of donor funding

For the period under review, the Commission received no donor funding. However, the utilised donor funding met the conditions of the donor funding agreements received in 2010/11 for the following projects:

- (a) Open Society Initiative for Southern Africa (OSISA)

The Commission met the condition of the donor funding of an amount of R389 075 (\$50 000) for the NANHRI conference held in Cape Town in the previous financial year. The full amount was utilised for the conference.

Trading entities/Public entities

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

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Other organisations to which transfer payments have been made

None.

Public-Private Partnerships

The Commission has not entered into any such agreements.

Discontinued activities and new activities

None.

Events after the reporting date

The Commission retrenched seven of its employees who were not directly placed during the restructuring.

The retrenchments contingent liability is a result of the restructuring that the Commission embarked on, which resulted in the retrenchment of seven staff members who could not be absorbed in the new structure. Nehawu then lodged an unfair dismissal case with the Commission for Conciliation, Mediation and Arbitration (CCMA). The matter went for conciliation on 13 May 2013, but could not be resolved. Nehawu indicated that they will take this case to the Labour Court.

3. GOING CONCERN

We draw attention to the fact that at 31 March 2013, the entity had accumulated surplus of R6 898 000 and that the entity's total assets exceed its liabilities by R6 898 000.

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

4. EXECUTIVE AUTHORITY

The members of the entity during the year and to the date of this report are:

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

Part-time Commissioners

** Deceased (15 August 2012)

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5. CORPORATE GOVERNANCE

General

The Accounting Authority is committed to business integrity, transparency and professionalism in all its activities. As part of this commitment, the Accounting Authority 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 III on Corporate Governance for South Africa. The Accounting Authority has adopted all King III principles and has developed a corporate governance framework to implement those principles.

Functioning of the Audit Committee

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

Internal audit

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

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

Internal controls

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

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



6. AUDITORS



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



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7. RISK MANAGEMENT

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

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


At the start of the 2012/13 financial year, the risk management process was facilitated by the Chief Financial Officer who is also responsible for chairing the Risk Management Committee.

8. APPROVAL OF FINANCES

The Annual Financial Statements fairly represent the state of affairs of the Commission as at 31 March 2013. These statements are the responsibility of the Commission, while the auditors are responsible for reporting on the fair presentation of these Annual Financial Statements. The Annual Financial Statements reflect appropriate accounting policies and adhere to applicable accounting standards.

The Annual Financial Statements for the year ended 31 March 2013 were submitted to the Audit Committee for review and submission to Commissioners (Executive Authority) for final approval. The Executive Authority had approved these Annual Financial Statements on 31 July 2013, in terms of Section 40(1)(c) of the Public Finance Management Act, (Act 1 of 1999) as amended.

The Annual Financial Statements as set out on pages 82 to 116 have been approved by the Accounting Officer and signed on behalf of the SAHRC by:



K Ahmed
Accounting Officer
Johannesburg

31 July 2013

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STATEMENT OF FINANCIAL POSITION

	Note(s)	2013 R'000	2012 R'000
ASSETS			
Current Assets			
Inventories	2	207	140
Receivables from exchange transactions	3	350	269
Cash and cash equivalents	4	7 264	3 827
		7 821	4 236
Non-Current Assets			
Property, plant and equipment	5	7 515	8 627
Intangible assets	6	84	77
		7 599	8 704
Total Assets		15 420	12 940
LIABILITIES			
Current Liabilities			
Payables from exchange transactions	7	2 977	4 819
Employee benefits due	8	2 746	1 741
Finance lease obligation	9	735	289
Operating lease liability	10	1 444	1 497
Deferred revenue	11	-	389
		7 902	8 735
Non-Current Liabilities			
Finance lease obligation	9	620	450
Total Liabilities		8 522	9 185
Net Assets		6 898	3 755
NET ASSETS			
Accumulated surplus		6 898	3 755

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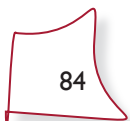
STATEMENT OF FINANCIAL PERFORMANCE

	Note(s)	2013 R'000	2012 R'000
REVENUE			
Revenue from exchange transactions			
Administrative fees	13	63	143
Interest received	13	417	347
Other income (Australian Aid)	14	-	-
Other income	13	-	174
Total revenue from exchange transactions		480	664
Revenue from non-exchange transactions			
Non-exchange revenue			
Government grants	14	101 530	89 773
Other revenue			
Other income	14	389	917
Total revenue from non-exchange transactions		101 919	90 690
Total revenue		102 399	91 354
EXPENDITURE			
Personnel	15	63 642	56 156
Depreciation and amortisation		2 892	2 843
Finance costs	16	124	198
Debt impairment		54	-
Repairs and maintenance		138	216
Operating expenditure	18	7 093	11 564
Loss on disposal of assets		211	96
General expenses	17	26 676	21 805
Total expenditure		100 830	92 878
Surplus (deficit) for the year		1 569	(1 524)

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STATEMENT OF CHANGES IN NET ASSETS

	Note	Accumulated surplus R'000	Total net assets R'000
Balance at 1 April 2011		5 489	5 489
Changes in net assets			
Deficit for the year		(1 525)	(1 525)
Balance at 1 April 2012		3 964	3 964
Changes in net assets			
Prior period error	29	1 365	1 365
Surplus for the year		1 569	1 569
Balance at 31 March 2013		6 898	6 898



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CASH FLOW STATEMENT

	Note(s)	2013 R'000	2012 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts			
Grants from the Department		101 530	89 773
Interest income		402	346
Other income		63	272
Payments			
Employee costs		(63 420)	(56 156)
Other suppliers		(34 203)	(36 083)
Finance costs		(124)	(198)
Net cash flows from operating activities	19	4 248	(2 046)
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of property, plant and equipment	5	(384)	(1 631)
Loss on sale of property, plant and equipment	5	-	283
Purchase of other intangible assets	6	(9)	(61)
Net cash flows from investing activities		(393)	(1 409)
CASH FLOWS FROM FINANCING ACTIVITIES			
Finance lease		(419)	111
Net (decrease)/increase in cash and cash equivalents		3 436	(3 344)
Cash and cash equivalents at the beginning of the year		3 827	7 171
Cash and cash equivalents at the end of the year	4	7 263	3 827

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ACCOUNTING POLICIES

I. Presentation of Annual Financial Statements

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

These Annual Financial Statements have been prepared on an accrual basis of accounting and are in accordance with historical cost convention unless specified otherwise. They are presented in South African Rand.

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

I.1 SIGNIFICANT ESTIMATES AND JUDGEMENTS MADE BY MANAGEMENT

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

Useful life of property, plant and equipment

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

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

Interest used in the calculation of fair value of the financial instruments

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

I.2 PROPERTY, PLANT AND EQUIPMENT

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

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

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

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

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

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

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

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

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

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

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

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

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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.

1.3 INTANGIBLE ASSETS

An asset is identified as an intangible asset when it:

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

An intangible asset is recognised when:

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

Intangible assets are initially recognised at cost.

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

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

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

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

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

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

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

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Item	Useful life
Computer software, other	3-9 years

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

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

I.4 FINANCIAL INSTRUMENTS

Classification

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

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

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

Initial recognition and measurement

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

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

Financial instruments are measured initially at fair value.

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

Subsequent measurement

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

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

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

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Impairment of financial assets

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

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

Impairment losses are recognised in surplus or deficit.

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

Receivables from exchange transactions

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

The carrying amount of the asset is reduced through the use of an allowance account, and the amount of the deficit is recognised in surplus or deficit within operating expenses. When a trade receivable is uncollectible, it is written off against the allowance account for trade receivables. Subsequent recoveries of amounts previously written off are credited against operating expenses in surplus or deficit.

Trade and other receivables are classified as loans and receivables.

Payables from exchange transactions

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

Cash and cash equivalents

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

1.5 LEASES

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

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

Finance leases - lessee

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

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

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

Operating leases - lessee

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

1.6 INVENTORIES

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

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

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

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

1.7 EMPLOYEE BENEFITS

Short-term employee benefits

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

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The expected cost of compensated absences is recognised as an expense as the employees render services that increase their entitlement or, in the case of non-accumulating absences, when the absence occurs.

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

Defined contribution plans

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

1.8 PROVISIONS AND CONTINGENCIES

Provisions are recognised when:

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

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

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

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

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

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

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

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

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

- ◇ it is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or
- ◇ the amount of the obligation cannot be measured with sufficient reliability.

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

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1.9 REVENUE FROM EXCHANGE TRANSACTIONS

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

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

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

Measurement

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

Interest and administration fees

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

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

1.10 REVENUE FROM NON-EXCHANGE TRANSACTIONS

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

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

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

Government grants

Government grants are recognised as revenue when:

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

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

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Other grants and donations

Other grants and donations are recognised as revenue when:

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

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

1.11 FRUITLESS AND WASTEFUL EXPENDITURE

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

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

1.12 IRREGULAR EXPENDITURE

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

- (a) this Act; or
- (b) the State Tender Board Act, 1968 (Act 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):

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 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.

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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.

I.13 RELATED PARTIES

The entity operates in an economic sector currently dominated by entities directly or indirectly owned by the South African government. As a consequence of the constitutional independence of the three spheres of government in South Africa, only entities within the national sphere 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.

I.14 EFFECT OF NEW GRAP STANDARDS

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

GRAP 20: Related party disclosure
GRAP 18: Segment Reporting
GRAP 25: Employee benefits
GARP 107: Mergers

The adoption of these GRAP standards when they become effective is not expected to have a significant impact on the financial statements as the principles are similar to those already applied under the equivalent statements of SA GAAP.

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	2013 R'000	2012 R'000
2. INVENTORIES		
Consumable stores	207	140
3. RECEIVABLES FROM EXCHANGE TRANSACTIONS		
Receivable from non-exchange	319	371
Other debtors	-	(1)
Prepayments	106	85
Provision for bad debts	(75)	(186)
	350	269
Fair value of trade and other receivables		
Trade and other receivables	349	269

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

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

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

Trade and other receivables past due but not impaired

Trade and other receivables which are less than 30 days past due are not considered to be impaired. The ageing of amounts past due but not impaired is as follows:

	2013 R'000	2012 R'000
Current	-	184
1 month past due	-	1
2 months past due	1	1
3 months past due	-	1
Over 3 months past due	317	184
	318	371

All amounts that are outstanding for three months and older at year-end are considered doubtful debts. However, receivables not impaired at year-end are considered to be that of debtors with high credit quality and management has no reason to doubt recoverability.

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Trade and other receivables impaired

As of 31 March 2013, trade and other receivables of R75 217 (2012: R186 008) were provided for.

The ageing of these balances is as follows:

	2013	2012
	R'000	R'000
Past due for longer than one month but for less than one year	75	186

Reconciliation of provision for impairment of receivables from exchange transactions

	2013	2012
	R'000	R'000
Opening balance	186	155
Impairment added during the year	(111)	31
	75	186

The maximum credit risk was calculated by deducting the allowance from the gross carrying amount. For the period under review, the amount exposed to maximum credit risk is for trade and other receivables of R124 286 (2011 - R145 292).

4. CASH AND CASH EQUIVALENTS

Cash and cash equivalents consist of:

	2013	2012
	R'000	R'000
Cash on hand	63	41
Bank balances	2 077	2 108
Credit card account	(8)	87
Other cash and cash equivalents	5 132	1 591
	7 264	3 827

5. PROPERTY, PLANT AND EQUIPMENT

	2013			2012		
	Cost	Accumulated depreciation	Carrying value	Cost	Accumulated depreciation	Carrying value
	R'000	R'000	R'000	R'000	R'000	R'000
Furniture and fixtures	3 731	(2 726)	1 005	3 713	(2 587)	1 126
Motor vehicles	4 092	(2 025)	2 067	4 067	(1 545)	2 522
Office equipment	3 399	(2 752)	647	3 396	(2 504)	892
IT equipment	4 406	(3 409)	997	4 786	(3 182)	1 604
Leasehold improvements	327	(285)	42	277	(277)	-
Finance lease	3 025	(1 843)	1 182	1 909	(1 132)	777
Library materials	3 378	(1 803)	1 575	3 068	(1 362)	1 706
Total	22 358	(14 843)	7 515	21 216	(12 589)	8 627

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Reconciliation of property, plant and equipment - 2013

	Opening balance	Additions	Disposals	Other changes, movements	Depreciation	Total
Furniture and fixtures	1 126	103	(64)	57	(217)	1 005
Motor vehicles	2 522	-	-	(5)	(450)	2 067
Office equipment	892	97	(79)	51	(314)	647
IT equipment	1 604	-	-	13	(620)	997
Leasehold improvements	-	50	-	-	(8)	42
Finance lease	777	1 035	(68)	261	(823)	1 182
Library materials	1 706	134	-	120	(385)	1 575
Total	8 627	1 419	(211)	497	(2 817)	7 515

Reconciliation of property, plant and equipment - 2012

	Opening balance	Additions	Disposals	Depreciation	Total
Furniture and fixtures	1 239	125	(10)	(228)	1 126
Motor vehicles	3 103	-	(203)	(378)	2 522
Office equipment	1 083	122	(7)	(306)	892
IT equipment	1 814	646	(74)	(782)	1 604
Leasehold improvements	60	-	-	(60)	-
Finance lease	904	581	(85)	(623)	777
Library materials	1 847	157	-	(298)	1 706
Total	10 050	1 631	(379)	(2 675)	8 627

Assets with zero book value still in use

Purchase value of the assets with a zero book value in the fixed asset register, that are still in use, is R319 514 (2012: Nil)

Assets subject to operating lease (Net carrying amount)

	2013 R'000	2012 R'000
Leasehold improvements	42	-

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6. INTANGIBLE ASSETS

	2013			2012		
	Cost	Accumulated amortisation	Carrying value	Cost	Accumulated amortisation	Carrying value
	R'000	R'000	R'000	R'000	R'000	R'000
Computer software	905	(821)	84	896	(819)	77

Reconciliation of intangible assets - 2013

	Opening balance	Additions	Other changes, movements	Amortisation	Total
Computer software	77	9	73	(75)	84

Reconciliation of intangible assets - 2012

Computer software	184	9	52	(168)	77
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7. PAYABLES FROM EXCHANGE TRANSACTIONS

	2013 R'000	2012 R'000
Trade payables	2 279	2 822
Accrued expense I	698	1 977
Other accrued expenses	-	23
Other creditors #I	-	175
	2 977	4 997

Fair value of trade and other payables

Trade payables	2 977	4 997
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Trade payables are assumed to approximate fair value as market related interest rates were used in calculating the financial liability.

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

Assumptions used

Interest rate	8.50	9.00
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The interest rate as at 31 March was used to discount the purchases.

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8. EMPLOYEE BENEFITS DUE

	2013	2012
	R'000	R'000
13th cheque	2 746	1 741

9. FINANCE LEASE OBLIGATION

Minimum lease payments due

- within one year	784	497
- in second to fifth year inclusive	695	306
	1 479	803
less: future finance charges	(124)	(64)

Present value of minimum lease payments

1 355	739
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Present value of minimum lease payments due

- within one year	735	289
- in second to fifth year inclusive	620	450
	1 355	739

Non-current liabilities	620	450
Current liabilities	735	289
	1 355	739

The South African Human Rights Commission has, during the period under review, made a total contribution of R268 773 (2011 - R195 890) to finance leases as defined in GRAP 13 and National Treasury RT3 as per Practice Note 5 of 2006/07 on finance lease transactions. These payments are irregular but condoned.

The average lease term was 36 months and the average effective borrowing rate was 9% (2012: 10%).

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

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

Terms and conditions

- (i) All the leases are for an agreed period, i.e. 12, 36, 60 months, with an option to renew;
- (ii) The unit is installed (and installation fee paid) and then the contract will continue on a monthly basis until the SAHRC decides to terminate the contract with one month's written notice;
- (iii) The contract will be renewed for a period of one year if the SAHRC does not give written notice of cancellation of the contract.

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10. OPERATING LEASE COMMITMENTS

	2013	2012
	R'000	R'000
Deferred operating lease expenditure recognised on a straight line basis	(1 444)	(1 497)

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

	2013	2012
	R'000	R'000
Operating lease	8 491	7 944

Terms and conditions

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

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

	2013	2012
	R'000	R'000
Due within one year	9 258	9 061
Due within two to five years	29 954	30 643
Total	39 212	39 704

11. DEFERRED REVENUE

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

Unspent conditional grants and receipts comprises:

	2013	2012
	R'000	R'000
Deferred revenue		
Australian Aid grant	-	2
Unspent grant 3	-	(2)
OSISA	-	389
	-	389

See note 23 for reconciliation of grants from donor agencies.

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12. FINANCIAL LIABILITIES BY CATEGORY

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

	2013	
	R'000	
	Financial liabilities at amortised cost	Total
Trade and other payables from exchange transactions	2 977	2 977
Employee benefits due	2 746	2 746
Finance lease obligations	1 355	1 355
	7 078	7 078

	2012	
	R'000	
	Financial liabilities at amortised cost	Total
Trade and other payables from exchange transactions	7 819	7 819
Employee benefits due	1 741	1 741
Finance lease obligation	739	739
Unspent conditional grants and receipts	389	389
	7 688	7 688

13. EXCHANGE REVENUE

	2013	2012
	R'000	R'000
Administrative fees	63	143
Interest received	417	347
	480	490

14. NON-EXCHANGE REVENUE

	2013	2012
	R'000	R'000
Other income	389	917
Government grants	101 530	89 773
	101 919	90 690

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15. PERSONNEL EXPENDITURE

	2013	2012
	R'000	R'000
Basic salaries	45 453	38 844
Performance appraisal	1 625	1 725
Pension/Provident Fund allowance	4 400	3 628
Travel allowances and subsistence	945	901
Medical Aid - company contributions	2 258	1 972
Housing benefits and allowances	1 406	1 354
Non Pensionable allowance	4 049	2 967
Other short term benefits	2 302	600
Voluntary severance packages	1 204	4 165
	63 642	56 156

16. FINANCE COSTS

	2013	2012
	R'000	R'000
Finance leases	124	73
Other interest paid	-	125
	124	198

17. GENERAL EXPENSES

	2013	2012
	R'000	R'000
Advertising	613	8
Auditors' remuneration	1 563	1 305
Bank charges	95	-
Provision for doubtful debts	(111)	22
Cleaning services	891	743
Computer expenses	-	4
Conferences and seminars	1 330	189
Consulting and professional fees	448	1 665
Lease and hire expenses	815	165
IT expenses	-	129
Insurance	245	257
Internal Audit fees	534	409
Lease rentals on operating lease	12 334	7 944
Motor vehicle expenses	264	333
Other administrative expenditure	227	159
Postage and courier	69	87
Printing and stationery	498	419
Placement fees	483	457
Rental Municipal services	1 070	2 455

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17. GENERAL EXPENSES (CONTINUED)

	2013	2012
	R'000	R'000
Telkom Rental VPN	1 428	2 150
Security (Guarding of municipal property)	360	555
Staff training and development	621	254
Staff relocation	1 013	111
Subscriptions and membership fees	324	552
Telephone and fax	1 562	1 394
Travel - local	-	39
	26 676	21 805

18. OPERATING EXPENDITURE

	2013	2012
	R'000	R'000
Expenses donor-funded projects	-	1 092
Translation and project costs	6 253	10 002
Strategic planning costs	454	1
Internal and external liaison	128	170
Plenary, bosberaad and meetings	258	299
	7 093	11 564

19. CASH GENERATED FROM (USED IN) OPERATIONS

	2013	2012
	R'000	R'000
Surplus (deficit)	1 569	(1 525)
Adjustments for:		
Depreciation and amortisation	2 892	2 843
Loss on sale of property, plant and equipment	211	96
Deferred revenue adjustments	(389)	-
Finance costs - Finance leases	124	124
Debt impairment	54	-
Movements in operating lease assets and accruals	446	1 449
Provision for doubtful debts	(111)	-
Interest charged on outstanding debts		
Inventories	(67)	(34)
Receivables from exchange transactions	(81)	456
Payables from exchange transactions	(1 809)	(4 864)
Deferred Revenue	389	(351)
Employee benefits due	1 005	(240)
Interest on outstanding debtors	15	-
	4 248	(2 046)

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20. SUBSEQUENT EVENTS

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

21. RISK MANAGEMENT

Financial risk management

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

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

Liquidity risk

The Commission is exposed to liquidity risk as it is dependant on the grant received from the Department of National Treasury. The receipt of grant amounts is necessary for the Commission to be able to make payments as and when required in terms of its financial liabilities.

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

The table below analyses the entity's financial liabilities (excluding operating lease obligation) into relevant maturity groupings based on the remaining period at the statement of financial position to the contractual maturity date. The amounts disclosed in the table are the contractual undiscounted cash flows. Balances due within 12 months equal their carrying balances as the impact of discounting is not significant.

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At 31 March 2013	Carrying amount R'000	Total contractual cash flows R'000	Not later than one year R'000	Between 2 and 5 years R'000	Over 5 years R'000
Trade and other payables	2 977	2 977	2 977	-	-
Finance lease obligations	1 355	784	735	620	-
Employee benefit due	2 746	2 746	2 746	-	-
	7 078	6 507	6 458	620	-

At 31 March 2012	Carrying amount R'000	Total contractual cash flows R'000	Not later than one year R'000	Between 2 and 5 years R'000	Over 5 years R'000
Deferred revenue	389	389	389	-	-
Trade and other payables	4 819	4 819	4 819	-	-
Finance lease obligations	739	803	497	306	-
Employee benefit due	1 741	1 741	1 741	-	-
	7 688	7 752	7 446	306	-

Interest rate risk

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

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

The Commission is mainly exposed to interest rate fluctuations. The Commission's financial assets and liabilities are managed in such a way that the fluctuations in variable rates do not have a material impact on the surplus/(deficit) as the Commission settles its outstanding obligations within 30 days and interest on outstanding debts is charged monthly using the applicable interest rates. Refer to the sensitivity analysis below to illustrate the possible effect of changes in the variable interest rate on the financial assets and liabilities.

The Commission's interest rate risk arises from long-term finance lease obligations and employee debt.

Liabilities issued at variable rates expose the entity to cash flow interest rate risk

Credit risk

Credit risk consists mainly of cash deposits, cash equivalents and trade debtors. The Commission only deposits cash with a major bank with a high quality credit standing and limits exposure to any one counter-party.

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

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

Payment terms

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

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

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

Financial instrument

	2013	2012
	R'000	R'000
Trade and other receivables from exchange transactions	350	269
Cash and cash equivalents	7 264	3 827
	7 644	4 096

22. MEMBERS' EMOLUMENTS

Executive 2013

	Emoluments R'000	Other benefits* R'000	Pension paid or receivable R'000	Compensation for loss of office R'000	Expense allowances R'000	Performance bonus R'000	Total R'000
Accounting Officer: Mr AK Ahmed	660	34	81	-	352	-	1 127
Deputy CEO: Adv N Mukweho	91	53	12	609	-	-	765
Chief Financial Officer: Mr P Makaneta	527	29	66	-	241	88	951
Chief Operation Officer: Ms L Khumalo	411	17	51	-	215	-	694
Head of research and documentation:							
Mr K Singh	200	10	27	-	109	-	346
Head of administration: A Price	489	24	60	-	256	-	829
Head of legal: Mr P Gregorious	439	22	52	-	152	36	701
Provincial Manager MPL: E Mokonyane	441	24	54	-	189	36	744
Head SS&G: Mr S Goyise	324	18	40	-	148	18	548
Provincial Manager GP: Ms C Kisson	429	18	53	-	164	36	700
Head of Parliamentary and Monitoring: J Cohen	398	20	49	33	179	84	763
Head of internal audit: Mr G Paultse	288	16	36	-	156	-	496
Head of Commissioners: Ms N Webster	396	-	49	181	-	24	650
Provincial Manager KZN: Ms T Munnoo	447	22	55	-	167	36	727
Provincial Manager WC: Ms M Dugmore	396	18	49	-	181	24	668
Provincial Manager PLK: Mr V Mavhidula	324	4	40	-	148	18	534
Provincial Manager NC: Ms C Williams	324	14	40	-	148	18	544
Head SS&G (Acting) Ms S King	732	-	-	10	-	-	742
	7 316	343	814	833	2 805	418	12 529

* Other benefits includes cellphone and 3G allowances

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22. MEMBERS' EMOLUMENTS (CONTINUED)

**Executive
2012**

	Emoluments R'000	Other benefits* R'000	Pension paid or receivable R'000	Compensation for loss of office R'000	Expense allowances R'000	Performance bonus R'000	Total R'000
Accounting Officer:							
Mr AK Ahmed (from August 2010)	624	-	316	77	34	-	1 051
Deputy CEO: Adv N Mukweho	545	47	276	64	29	-	961
Chief Financial Officer:							
M Nhlungwana (Acting)	151	-	76	18	8	-	253
Head of human resources: S Zulu	338	58	306	40	-	-	742
Head of research and documentation:							
Y Ramkisoan (Acting)	459	44	242	56	24	-	825
Head of research and documentation:							
C Jacobs (Acting)	253	-	114	31	14	280	692
Head of administration: A Price	413	34	135	49	10	-	641
Head of legal: D Franzman	262	-	116	32	14	429	853
Head of HuRA: V Maloka	433	74	121	51	6	-	685
Head of information and communication:							
R Khuvhutlu (Acting)	439	77	196	54	24	-	790
Head of Parliamentary and Monitoring:							
J Cohen	63	4	-	6	2	-	75
	4 785	484	2 339	571	202	709	9 090

* Other benefits includes cellphone and 3G allowances

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22. MEMBERS' EMOLUMENTS (CONTINUED)

**Audit Committee Members Remuneration
2013**

	Committees fees	Travel Expenses	Total
Chairperson: Mr D Coovadia	32 500	3 217	35 717
Mr W Hattingh	16 000	1 621	17 621
Mr P Mnisi	16 000	757	16 757
Ms P Seogati	16 000	1 833	17 833
	80 500	7 428	87 928

**Audit Committee Members Remuneration
2012**

	Committees fees	Travel Expenses	Total
Chairperson: Mr D Coovadia	12 000	789	12 789
Mr W Hattingh	8 000	529	8 529
	20 000	1 318	21 318



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22. MEMBERS' EMOLUMENTS (CONTINUED)

**Non-executive
2013**

	Basic salary R'000	13th cheque R'000	Expense allowances R'000	Termination pay out R'000	Pension paid R'000	Other benefits R'000	Total R'000
Chairperson: Adv L Mushwana	634	-	330	-	76	34	1 074
Deputy Chairperson: Ms P Govender	538	44	237	-	65	20	904
Commissioner: Ms L Mokate	493	40	217	-	59	29	838
Commissioner: Mr BJ Malatji	493	40	217	-	59	29	838
Commissioner: Dr S Baai	233	-	68	36	19	-	356
Commissioner: Ms J Love	175	-	-	-	-	10	185
Commissioner: Mr D Titus	32	-	-	-	-	8	40
	2 598	124	1 069	36	278	130	4 235

**Non-executive
2012**

	Basic salary R'000	13th Cheque R'000	Expenses allowance R'000	Pension paid R'000	Other benefits R'000	Total R'000
Chairperson: Adv L Mushwana	605	-	313	72	33	1 023
Deputy Chairperson: Ms P Govender	514	42	224	61	21	862
Commissioner Ms L Mokate	470	39	206	56	29	800
Commissioner BJ Malatji	470	39	206	56	29	800
Commissioner: Dr S Baai	470	39	206	56	29	800
Commissioner Ms J Love	121	-	-	-	13	134
Commissioner D Titus	224	-	-	-	13	237
	2 874	159	1 155	301	167	4 656



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23. PROJECTS

Name of project balance 2013	Opening balance R'000	Grant received R'000	Amount utilised during the year R'000	Amount returned/ transferred to other liabilities R'000	Closing balance R'000
UNHCR (United Nations High Commissioner for Refugees)	-	-	9	-	-
Atlantic Philanthropies	-	-	-	12	-
Australian Aid Grant	-	-	-	2	-
OSISA (Open Society Initiative for Southern Africa)	389	-	(389)	-	-
FOSI (Foundation of Open Society Institute)	-	-	-	-	-
Commonwealth	-	-	-	-	-
Total projects	389	-	(380)	14	-

Name of project balance 2012	Opening balance R'000	Grant received R'000	Amount utilised R'000	Amount transfer to other liabilities R'000	Closing balance R'000
UNHCR (UN)	551	-	(542)	(9)	-
Atlantic Philanthropies	12	-	-	(12)	-
Australian Aid Grant	177	-	(175)	(2)	-
OSISA	389	-	-	-	389
Total projects	1 129	-	(717)	(23)	389

24. IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE

	2013 R'000	2012 R'000
Opening balance	1 190	290
Add irregular, wasteful expenditure current year	1 050	-
Lease amount condoned / reversed	(1 050)	(224)
Irregular payment to suppliers	-	1 124
Closing balance	1 190	1 190

Irregular expenditure amounting to R1 050 000 was incurred in the current financial year (R1 124 000 was incurred during the 2011/12). Irregular expenditure emanates from non compliance with National Treasury Practice Note 8 of 2007, Treasury Regulation 16A 9.1 (d) and 16A 6.3 (b) in respect of one quotation sourced from suppliers; R435 201 (2011/12 R89 676), R111 517 (2011/12 R nil) are requests for quotations sent out to prospective suppliers for the procurement of goods and services after services are rendered and R500 000 (2011/12 R nil) relate to the service provider use without obtaining three quotations.

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Prior year financial matters have since been reported to the National Treasury. The Commission has since written to National Treasury requesting condonation of those financial matters and is still awaiting a response. None of the expenditure has therefore been condoned by National Treasury. No disciplinary proceedings have been taken.

25. DEVIATION FROM SUPPLY CHAIN MANAGEMENT REGULATIONS

Paragraph 12(1)(d)(i) of Government Gazette 27636 issued on 30 May 2005 states that a supply chain management policy must provide for the procurement of goods and services by way of a competitive bidding process.

Paragraph 36 of the same Gazette states that the Accounting Officer may dispense with the official procurement process in certain circumstances, provided that he records the reasons for any deviations and reports them to the next meeting of the Accounting Authority and includes a note to the Annual Financial Statements.

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

The total deviations from the above mentioned Government Gazette directive amounted to R1 190 000.

26. CONTINGENCIES

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

Categories of contingent liability	Description: Nature of liability	Probable Loss (R'000)
Guarantee issued to the bank	Guarantee issued for the Head Office building	682
Retrenchments	CCMA litigation of employees not placed during the restructuring and retrenched	8 323
Total		9 005

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

The retrenchments contingent liability is a result of the restructuring that the Commission embarked on, which resulted in the retrenchment of seven staff members who could not be absorbed in the new structure. Nehawu then lodged an unfair dismissal case with the Commission for Conciliation, Mediation and Arbitration (CCMA). The matter went for conciliation on 13 May 2013, but could not be resolved. Nehawu indicated that they will take this case to the Labour Court.

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27. RECONCILIATION BETWEEN BUDGET AND STATEMENT OF FINANCIAL PERFORMANCE

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

	2013	2012
	R'000	R'000
Net surplus/(deficit) per the statement of financial performance	1 569	(1 524)
Adjusted for:		
Donor funds liability	-	(412)
Non cash items:		
Depreciation and amortisation	2 892	2 903
Finance cost	124	198
Loss on disposal of property, plant and equipment	211	96
Provision of doubtful debts	(75)	186
Interest on discounting of trade receivables	-	-
Interest on discounting of trade payables	-	-
Discounting of trade payables	(53)	-
Net surplus (deficit) per approved budget	4 668	1 447

Budget statement

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

The material difference in this budget against the actual is due to the restructuring of the Commission in line with the revised vision and mission which necessitated the re-alignment of the financial resources of the organisation.

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



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Annexure A to the Annual Financial Statements

Commitments schedule as at 31 March 2013

Commitments schedule for the orders issued to the suppliers as at 31 March	R'000
Department of Public Works	280
BCD Travel	21
Esaynet Business Connection	43
Sizwe Africa IT Group	94
Emakhokhosini Publishing	15
Karen Catering	10
Phuthumani Consulting	137
Batsha IT Solutions	31
Media Circulation	5
Sound Idea	2
Adv Jele Advocates & G Malinda (Marikana)	1 707
Flowcentric	244
Elite Cleaning	14
Gento Caterers	2
Producta Motors	9
Seipati Radimo	1
Ruth Edmonds Attorneys	3
Congress Rental	9
	2 627

28. AUDITORS' REMUNERATION

	2013 R'000	2012 R'000
Fees	1 563	1 305

29. PRIOR PERIOD ERRORS

The following prior period errors were identified during the audit and necessary adjustments have been made in the current financial period.

- ◇ IDASA overstatement of the amount owing (EU CSAP project)
- ◇ SARS prior year tax assessment amount owing
- ◇ Telkom overstatement of amount owing
- ◇ Accruals carried forward to the current year whereas they have been paid

Re-assessment of the useful lives of the other fixed assets categories was performed at year-end for the assets with a zero book value and are still in use.

Expenses were captured in the current financial period, but relate to the prior year period.

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The correction of the errors results in adjustments as follows:

	2013 R'000	2012 R'000
Statement of financial position		
Accounts Payable (IDASA)	1 200	-
Accruals Telkom	121	-
PPE revaluation adjustment	125	-
Over statement of Accruals	193	-
Under payment PAYE	(295)	-
Accrual reversal	21	-
	1 365	-
Statement of Financial Performance		
Expenses	143	-
SARS employees cost	(295)	-
Repairs and maintenance	(40)	-
Salaries and wages	233	-
	41	-



Annexure: Acronyms

ACFO	Acting Chief Financial Officer	ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ACHPR	African Commission on Human and Peoples' Rights	IPID	Independent Police Investigative Directorate
ACRWC	African Charter on the Rights and Welfare of the Child	IDASA	Institute for Democracy in Africa
AFS	Annual Financial Statement	LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
ANHRI	African National Human Rights Institution	LCM	Legal Committee Proceedings
APT	Association for the Prevention of Torture	M&E	Monitoring and Evaluation
CAE	Chief Audit Executive	MISS	Minimum Information Security Standards
CRC	Convention on the Rights of the Child	MTEF	Medium Term Expenditure Framework
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	NAP	National Action Plan
CEO	Chief Executive Officer	NGO	Non Governmental Organisation
CERD	Convention on the Elimination of All Forms of Racial Discrimination	NHRI	National Human Rights Institutions
COO	Chief Operations Officer	NANHRI	Network of African National Human Rights Institutions
CRPD	Convention on Rights of Persons with Disabilities	OHCHR	Office of the High Commissioner for Human Rights
CSAP	Civil Society Advocacy Programme	OPCAT	Optional Protocol to the Convention Against Torture
DoJCD	Department of Justice and Constitutional Development	OPCESCR	Optional Protocol to ICESCR
DWCPD	Department of Women, Children & People with Disabilities	OISD	Office on Institutions Supporting Democracy
ENE	Estimates of National Expenditure	PAIA	Promotion of Access to Information Act
EE	Employment Equity	PANSALB	Pan South African Language Board
GRAP	Generally Recognised Accounting Practices	PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination
HR	Human Rights/Human Resources	PIAP	Parliament and International Affairs
HuRAP	Human Rights Advocacy Programme	PFMA	Public Finance Management Act
IA	Internal Audit	SALRC	South African Legal Resources Centre
IAS	International Accounting Standards	SASCO	South African Students Congress
ICAS	Independent Counselling and Advisory Services	SCM	Supply Chain Management
ICC	International Coordinating Committee	SHE	Safety, Health and Environment
ICCPR	International Covenant on Civil and Political Rights	SMS	Senior Management Services
ICESCR	International Covenant on Economic, Social and Cultural Rights	UCT	University of Cape Town
ICEPED	International Convention for the Protection of all Persons from Enforced Disappearance	UNHCHR	United Nations High Commissioner for Human Rights
		UNDP	United Nations Development Programme
		UNFPA	United Nations Population Fund
		YTD	Year to date

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