



PART 1: GENERAL INFORMATION

Letter to the Speaker of Parliament

Annual Report 2006/07

Ms Baleka Mbete, MP

Speaker of the National Assembly

Pursuant to the provisions of section 181(5) of the Constitution (Act 108 of 1996) and section 40 (1) (e) of the Public Finance Management Act (Act 1 of 1999), I am pleased to submit the Eleventh Annual Report of the South African Human Rights Commission for the period 1 April 2006 – 31 March 2007.

Please find, annexed to the report, the Commission's Annual Report as per sections 83(1) (b) and 84 of the Promotion of Access to Information Act (PAIA), No 2 of 2000.

Tseliso Thipanyane

Chief Executive Officer



PART 1: GENERAL INFORMATION

Abbreviations

ANHRI:	African National Human Rights Institution	HIV/AIDS:	Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome
CASE:	Community Agency for Social Enquiry	IFP:	Inkatha Freedom Party
CEO:	Chief Executive Officer	KZN:	KwaZulu-Natal
CERD:	Committee on the Elimination of Racial Discrimination	MCU:	Media and Communications
CGE:	Commission on Gender Equality	MDR TB:	Multi-Drug Resistant Tuberculosis
COMOUT:	Community Outreach and Advocacy	MEC:	Member of the Executive Council
CRL COMMISSION:	Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities	M&E:	Monitoring and Evaluation
CSAP:	Civil Society Advocacy Programme	NACHRET:	National Centre for Human Rights Education and Training
CSOs:	Civil Society Organisations	NGO:	Non-Governmental Organisation
C9(s):	Chapter 9 Institution(s)	NW:	North West
DCEO:	Deputy Chief Executive Officer	OPP:	Office of the Public Protector
DEAFSA:	Deaf South Africa	PAJA:	Promotion of Just Administrative Act
DOJCD:	Department of Justice and Constitutional Development	PEPUDA:	Promotion of Equality and Prevention of Unfair Discrimination Act
EC:	Eastern Cape	PFMA:	Public Finance Management Act
ESR:	Economic and Social Rights	PWC:	PriceWaterhouse Coopers
EU:	European Union	SA:	South Africa
HET:	Higher Education and Training	SABS:	South African Bureau of Standards
HR:	Human Resources	SADC:	Southern African Development Community
GAAP:	Generally Accepted Accounting Practices	SAHRC:	South African Human Rights Commission
GCIS:	Government Communications and Information Services	SAPS:	South African Police Services
GKA:	Golden Key Awards	SCM:	Supply Chain Management
GRAP:	Generally Recognised Accounting Practices	UN:	United Nations
		XDR TB:	Extreme-Drug Resistant Tuberculosis



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PART 1: GENERAL INFORMATION

Foreword by the Chairperson

The report that follows hereunder captures an institution that is continuously growing and striving to be responsive to the needs of the people in South Africa.

This year saw the resignation of Commissioner Charlotte McClain-Nhlapo to take up a position with the World Bank. We would like to thank her for the work that she did with the Commission during her tenure. This has, however, created a vacancy in the Commission and we have engaged with the Executive and Parliament with a view to filling the position. We hope this is done soon in order to increase capacity in the Commission.

The Commission continued to do work with communities. Our education interventions attest to a Commission that seeks to make human rights central in the psyche of South Africans, rural and urban alike. The Commissioners visited farm schools in Ottosdal, farming communities in Rawsonville, villages in Sekhukhune such as Ga-Phasa and Ga-Mampuru, older persons' structures in Upington and Kimberley and asbestos-affected communities in Mafefe. These visits assisted the Commission in making strategic interventions with government to ensure that the plight of our people is taken care of.

The Commission recognises government as an important role player in the upliftment of the lives of people in South Africa. We regularly meet with, brief and liaise with government on a variety of matters. During provincial visits to Free State and Limpopo we met with the respective Premiers and Members of the Executive Council (MECs). We were requested by the

Premier of the Northern Cape to address the Provincial Cabinet Lekgotla. During the visits we received and dealt with complaints and were on hand to provide advice and assistance on a wide range of matters including racism and



transformation, advice on access to information, procurement, equality, hate speech, privacy and the rights of individuals living in agricultural communities.

The Commission launched its 6th Socio-Economic Rights Report during this financial year and has been developing a new blue-print on the monitoring of socio-economic rights. We have been consulting widely with different stakeholders to ensure that our monitoring of these rights is responsive to the needs of the people. The Commission will now produce a report every three years instead of every year. However, the Commission will continuously monitor these rights and produce mini-reports in the Human Rights Development Report. For this to be possible, the Commission will have to work closely with research bodies in order for them to complement our work as resources do not allow the Commission to engage in extensive research.

The Commission hosted delegations from other countries that have also established Commissions and assisted in establishing best practice in relation to the promotion, protection and monitoring of human rights. The Commission also hosted delegations from the South Sudanese Human Rights Commission, and the Kenyan Human Rights Commission, amongst many other institutions and foreign visitors.

We are pleased to advise that with regard to matters of governance, organisational cohesion and defining roles and responsibilities, we have made good progress. A comprehensive performance agreement with the Chief Executive Officer (CEO), fortnightly meetings between Commissioners and Senior Management, regular meetings of Commissioners as well as the ability and the capacity to interact on an informal and ongoing basis has meant that we are able to function as an effective and coherent entity while recognizing that indeed we have differing roles and responsibilities.

The Commission welcomes the appointment of the CEO, Adv Thipanyane who was appointed at the beginning of the financial year. I would also like to express my gratitude for the professional ethics, competence and levels of productivity that he and his staff are demonstrating.

Jody Kollapen
Chairperson



PART 1: GENERAL INFORMATION

Introduction by the CEO/Accounting Officer

As the Chief Executive Officer and the Accounting Officer of the South African Human Rights Commission I have the pleasure and the privilege of submitting the 2006/07 Annual Report to the National Assembly.

It is worthy to note that the Commission has consistently had unqualified audit reports from the Office of the Auditor-General. This reporting period was not different. This demonstrates the Commission's commitment to adhere to efficient systems for financial and other controls as prescribed by the Public Finance Management Act (PFMA). I am encouraged by the extent of the culture of strategic management and good corporate governance that exist within the Commission.

Following broad consultative processes undertaken with the stakeholder community, the Commission has adopted a five-year strategic plan (2005–09) and is committed to delivering effective, efficient and accessible services within its mandate.

While our primary focus is the realisation of our mandate at the national level, we have interpreted this to include how South Africa gives effect to its obligations in terms of international treaties. In this regard we have increased our capacity to do that and will include matters such as the ratification of international treaties and the implementation of these by government. The Commission attended a session of the Committee on the Elimination of Racial Discrimination (CERD) where the South African government was presenting the country's report. The Commission prepared and presented its perspectives on the progress made in the implementation of the convention in South Africa during this session.

This annual report reflects the work of the various programmes and work of the Commission as measured against the set objectives of its strategic plan. Despite a number of challenges our work has improved across the various programmes as evidenced by this report.

During the 2006/07 period the Deputy Chief Executive Officer (DCEO): Corporate Services ended his relationship with the Commission and his portfolio was incorporated into the DCEO: Operations. His resignation gave the Commission an opportunity to restructure in order to streamline its functions and operations.

Our efforts in improving the quality of services is highlighted by the increase in media coverage the Commission has enjoyed during the period under review. This demonstrates the confidence the public has in the quality of services, input and advice provided by the Commission on matters relating to human rights for both government and non-government actors.

In conclusion, I would like to thank Commissioners for providing the necessary political and strategic guidance and for a good working relationship between them and the secretariat. I would also like to thank my senior management team for making sure that our strategic goals are reached, and our staff members for their tireless efforts in ensuring that the mandate of the Commission is achieved. We will continue to work with all our partners in the human rights field to ensure that we deliver human rights services in line with our constitutional mandate.

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Tseliso Thipanyane
Chief Executive Officer





VISION

The South African Human Rights Commission – as a constitutional body that supports democracy - seeks to be an effective organization for the promotion and protection of human rights; to be the focal point for human rights practice in South Africa; and to be accessible to everyone.

MISSION

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

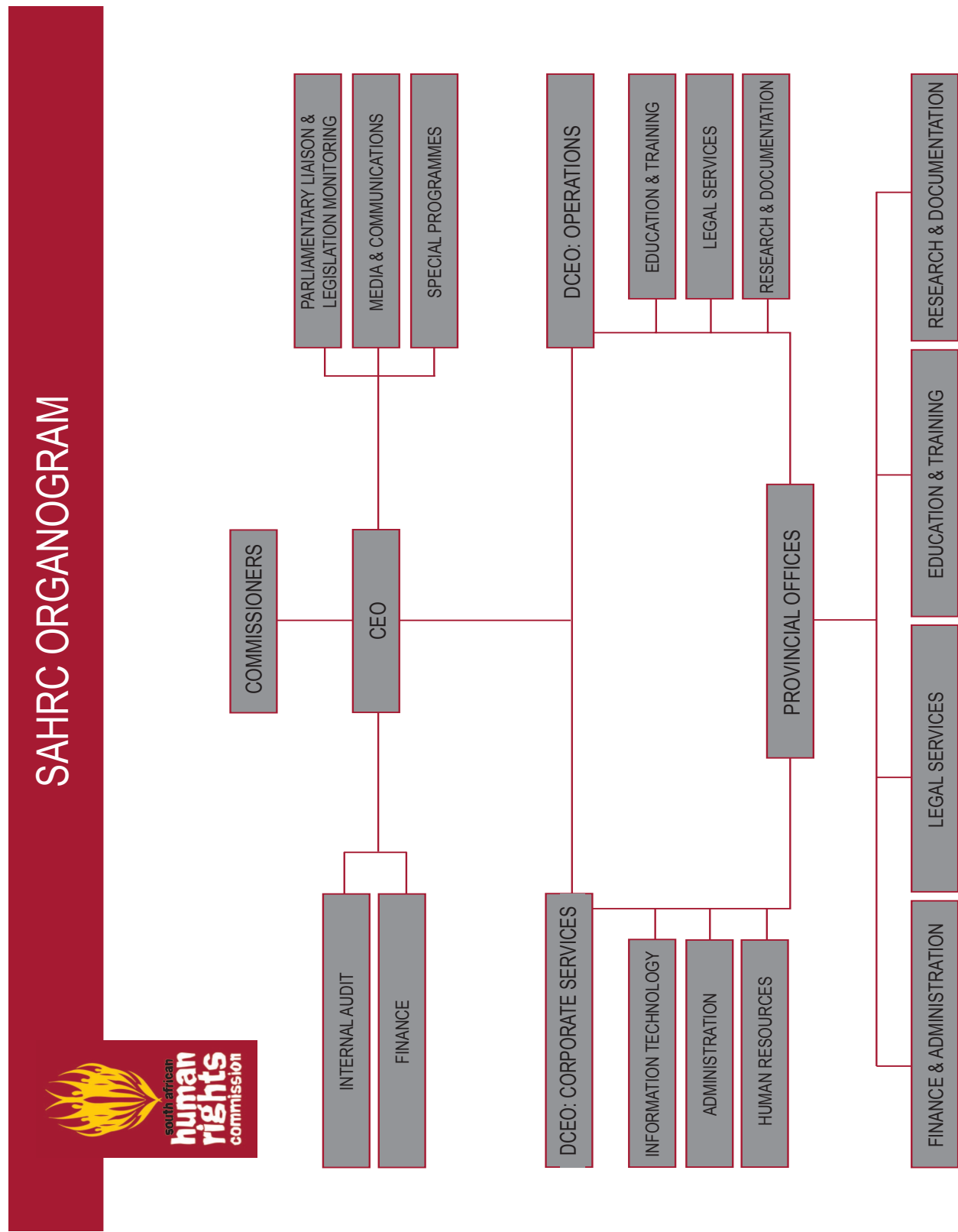
- Raising awareness of human rights issues;
- Monitoring and assessing the observance of human rights;
- Education and training on human rights; and
- Addressing human rights violations and seeking effective redress.

LEGISLATIVE MANDATE AND POWERS

The Commission is mandated to:

- (a) promote respect for human rights and a culture of human rights;
- (b) promote the protection, development and attainment of human rights;
- (c) monitor and assess the observance of human rights in the Republic;
- (d) investigate and to report on the observance of human rights;
- (e) take steps to secure appropriate redress where human rights have been violated;
- (f) carry out research; and
- (g) educate.

Each year relevant organs of state must 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
CONSTITUTION



PART 2

**PROGRAMME
PERFORMANCE**



PART 2: PROGRAMME PERFORMANCE

Key Measurable Objectives, Programmes and Achievements

2.1 KEY MEASURABLE OBJECTIVES

To be an effective institution for the promotion and protection of human rights the Commission is committed to pursuing the following primary objectives:

- To promote human rights and contribute to developing a sustainable culture of human rights through education and training, community outreach and public awareness campaigns;
- To monitor human rights by providing comprehensive research and documentation mechanisms designed to advance and assess human rights, especially social and economic rights;
- To protect human rights by investigating individual and systemic complaints of human rights violations and provide appropriate redress;
- To entrench the Commission as the major resource and primary focal point for human rights promotion, protection and monitoring in the country;
- To be accessible and work in a collaborative manner with organs of state, civil society and other Chapter 9 (C9) organisations;
- To advance the public and Parliamentary accountability of the Commission's work and maximise the utilisation of public resources through sound strategic management and efficient financial and administrative systems and procedures; and
- To publicise and convey the role and work of the Commission to the general public via an integrated internal and external communications strategy.

2.2 INTRODUCTION OF PROGRAMMES

2.2.1 Programme 1: Commissioners

Commissioners engender relationships with national, regional and international role-players, and contribute to policy development and strategy for the Commission. They represent the Commission in its interface and interaction with government, civil society, the international human rights community and the multitude of communities and structures who seek the services of the Commission.

2.2.2 Programme 2: Chief Executive Officer's Office

The office of the Accounting Officer executes its functions through five sub-programmes. They are briefly described below:

2.2.2.1 Sub-programme: Strategic Management

The strategic management function embodies the central strategic framework of the Commission. Its main functions include overseeing the implementation of the Commission's strategic plan; establishing and maintaining a good governance framework in collaboration with Commissioners; ensuring statutory compliance with the Constitution and other relevant statutes; adhering to the provisions of the Public Finance Management Act and Treasury Regulations; providing strategic leadership; and also ensuring national-provincial co-ordination and integration.

2.2.2.2 Sub-programme: Financial Management and Systems

This sub-programme ensures compliance with the PFMA and National Treasury Regulations in terms of budgeting, budget planning and income, expenditure and procurement processes. It develops, maintains and manages financial control mechanisms and quality assurance systems to ensure effective, efficient, economical and transparent use of resources in terms of PFMA.

2.2.2.3 Sub-programme: Parliamentary Liaison and Legislation Monitoring

The work of this sub-programme is of a policy, legal, advocacy and research nature. It includes Parliamentary liaison, monitoring legislative developments, providing advice internally within the Commission, making legal inputs on proposed legislation, facilitating and encouraging civil society participation in legislative processes, and conducting research on the implementation of recently passed legislation that impacts on economic and social rights.

2.2.2.4 Sub-programme: Special Programmes

This is a new addition to the work of the Commission. This sub-programme seeks to provide for a more co-ordinated response to human rights challenges and advocacy needs in the HIV/AIDS, children, disability, non-nationals and older persons sectors.

2.2.2.5 Sub-programme: Media and Communications

The aim of the sub-programme is to raise awareness of human rights and the work of the Commission through campaigns, publications, media liaison and promotional material. It is also responsible for creating a communication-friendly environment within the Commission and with its stakeholders.



PART 2: PROGRAMME PERFORMANCE

Key Measurable Objectives, Programmes and Achievements

2.2.3 Programme 3: Corporate Services

Corporate Services provides administrative, logistical, technological and human resource support to the operations of the Commission. It consists of the following sub-programmes:

- Administration
- Human Resource Management
- Information Technology

2.2.4 Programme 4: Operations

This Programme focuses on the three focal areas of the Commission's mandate, namely promotion, protection and monitoring.

2.2.4.1 Sub-programme: Education and Training

The National Centre for Human Rights Education and Training is responsible for promoting human rights through education and training, public awareness, materials development and the institutionalization of human rights.

2.2.4.2 Sub-programme: Legal Services

Legal Services implements the Commission's protection mandate. It primarily deals with complaints of human rights violations in pursuance of redress by investigating individual and systemic complaints; initiating litigation and conducting hearings and public inquiries.

2.2.4.3 Sub-programme: Research and Documentation

One of the major roles of the Commission is to monitor and assess the observance of human rights in South Africa. This sub-programme is responsible for monitoring, assessing and promoting socio-economic rights, equality rights and the right of access to information.

2.2.5 Programme 5: Special and Donor-funded Projects

The European Union (EU), FHR and MOTT Foundation funded two of the Commission's projects as discussed below.

2.2.5.1 Sub-programme: CSAP/COMOUT/FHR/MOTT

The Civil Society Advocacy Programme (CSAP) in South Africa is a European Union-funded four-year initiative. Linked to this sub-programme is the Community Outreach and Advocacy Sub-programme (Comout) which was introduced in January 2007. It promotes human rights outreach and advocacy

activities in the three priority provinces namely, Eastern Cape, Limpopo and KwaZulu-Natal.

The Foundation for Human Rights (FHR) and the MOTT Foundation partially funded the Street Law Omnibus, Paralegal Equality and the Promotion of Equality projects. These are reported on in the Education and Training sub-programme.

2.2.5.2 Sub-programme: Information Management Systems

This sub-programme responds to the need of the Commission to manage information and knowledge by setting up information management systems in order to increase its operational efficiency and to comply with the National Archives and Records Services Act as well as the Promotion of Access to Information Act.

2.3 ACHIEVEMENTS

The following highlight the significant achievements of the three main focal areas of the Commission:

2.3.1 Education and training

The Commission has developed an innovative e-Learning programme to enhance its human rights promotional capacity. The e-Learning programme provides access to human rights education on the internet and through other multi-media tools to various audiences across the country. Specific course materials have been developed as part of this programmes, namely three modules on the Promotion of Access to Information Act (PAIA); two modules on the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) and a basic course on the Promotion of Administrative Justice Act (PAJA). In addition, an Induction Portal on Basic Human Rights Education has been developed and exists as an online portal for Commission staff and other external stakeholders interested to learn more about the work of the Commission.

2.3.2 Legal Services

The Commission has substituted the Charms electronic complaints management system with FlowCentric to improve its efficacy in dealing with complaints from the public. FlowCentric is a workflow system that was piloted in the year under review. Full implementation will take place in the next financial year.

Emanating from the complaints received, 18 cases have been litigated and reported on. The Commission also conducted one public hearing on school-based violence and co-conducted a public hearing on initiation schools with the Commission



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Overview of the Service Delivery Environment for 2006/07

for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission) and the National House of Traditional Leaders.

2.3.3 Research and Documentation

In an effort to contribute to the successful implementation of the Promotion of Access to Information Act (PAIA) within public bodies and to promote awareness of the Act, the Commission hosted the Information Officers Forum in 2006. The initiative enjoyed huge success and was welcomed as a platform for the sharing of information and ideas by all Information Officers who attended. To supplement the awareness-raising endeavours of the Commission, the Golden Key Awards (GKA) ceremony was held on 28 September 2006, the Right to Know Day. The Award acknowledges success in implementing PAIA.

2.4 OVERVIEW OF THE SERVICE DELIVERY ENVIRONMENT FOR 2006/07

The service delivery environment of the Commission is highly complex and challenging because it straddles the political, civil, economic, social and cultural dimensions of human rights in the country. The external developments that have impacted on the demand for the Commission's services and its ability to deliver on these services include:

- Poverty, unemployment and the undermining of human dignity
- Inadequate delivery of essential services including education, land, housing, social security, health care, clean environment, food and water
- Unequal treatment on the basis of various discriminatory grounds
- The undermining of a human rights culture by crime and violence, especially violence against women and children
- The impact of HIV and AIDS
- Policy developments within National and Provincial spheres of government
- National and Provincial law-making processes
- Implementation of the Equality and Access to Information legislation
- The increasing need to employ Information and Communication Technology Systems

In addition, the *promotion-of-human-rights-mandate* is often challenged by the perception that human rights contribute to societal problems such as crime, corruption, moral degeneration, etc. In addition, the vastness of the South African landscape makes it difficult to promote a culture of

human rights, responsibilities and duties in all parts of the country in a sustained manner. To deal with some of these challenges, the Commission is currently exploring innovative and unique methodological approaches to incorporate in its human rights promotional work.

The *protection-of-human-rights mandate* is confronted by the sheer number of human rights complaints that are brought to the attention of the Commission. The Commission is modernising its systems to absorb these complaints. The Commission is also employing judicial and quasi-judicial means to advance the Commission's protection mandate.

The *monitoring-and-assessment of the observance and fulfilment of human-rights mandate* is a huge undertaking that requires sophisticated tools and substantial funding. The Commission has commenced work on developing an annual Human Rights Development Report and a quarterly journal which will provide impetus to this mandate of the Commission. The vast mandate of the Commission presents an ongoing challenge to the legislative monitoring work.

2.4.1 Overall performance

Accessibility of the Commission

The national office of the Commission is based in Johannesburg. This office also serves as a provincial office for the Gauteng Province. The Commission has offices in eight provinces and the Western Cape office houses the Parliamentary Unit. The North West will be the last province in which the Commission establishes a provincial office. Finding office space for the North West Province through the Department of Public Works was impossible over a period of two years and the Commission had to resort to local estate agents in the Mafikeng, Mmabatho and Rustenburg areas to identify appropriate office space. It is hoped that in the next financial year the office in Rustenburg will be fully functional. Provincial offices are viewed as extensions of the Head Office and carry out the work of the Commission's programmes in provinces.

Fighting poverty

In order to ensure that the Commission addresses and contributes to the current debates on human rights issues, the Commission hosted the first Annual Human Rights Lecture on 'Fighting Poverty: A matter of Obligation, Not Charity' in co-operation with other Chapter 9 Institutions and the United Nations Office of the High Commissioner for Human Rights. All the Commission's Programmes are designed to respond to the challenges of poverty in the country.



PART 2: PROGRAMME PERFORMANCE

Overview of the Service Delivery Environment for 2006/07

Workshops/seminars/dialogues

The Commission co-hosted three international seminars on the Optional Protocol on the Convention Against Torture, Cruel and Inhumane Treatment (OPCAT); The Human Rights Situation in the Occupied Territories of the Western Sahara; and the Human Rights Situation in the Darfur Region of Sudan.

Furthermore, four international educational workshops in Malawi, Swaziland, Botswana and in South Africa – with participants from Zambia and Zimbabwe on Human Rights, Democracy and Trade Union Rights – were facilitated. The Commission also collaborated with the University of Pretoria in hosting the Global Colloquium on Social Cohesion, Diversity and Desegregation as part of efforts to institutionalise human rights education in Higher Education and Training (HET) institutions.

In July 2006 the Commission hosted a school fees dialogue. The former United Nations (UN) Special Rapporteur on the right to Education and leading global expert in this area, Katarina Tomsevska, was one of the major discussants at the event. The Commission was saddened by her death in October 2006.

Crime and Human Rights

The high levels of crime in South Africa have become an extremely disconcerting issue for the Commission. It thus became necessary for the Commission to explore the impact of crime on the enjoyment of human rights in the country, in particular economic and social rights.

The Commission embarked on initiatives to examine the actual impact of crime on both rural and urban communities by hosting Community Dialogues in each of the provinces. The feedback from these Dialogues informed a national Conference on Crime and its Impact on Human Rights held from 22–23 March 2007 in Johannesburg. The Dialogues and the Conference confirmed that crime impacts on all people and communities in the country.

The consensus from these Dialogues and the Conference was that the following rights were amongst those highly affected by violent crimes: the right to life (murder), the right to human dignity (rape and various forms of abuse), freedom of movement (fear of crime restricts this freedom), freedom and security of the person (physical assault, domestic violence, rape, murder) and the right to own property (burglary, theft and vandalism). Non-violent and economic crimes, such as cable theft, theft of

water supply infrastructure, corruption and other similar forms of crime also unfairly deprive people of their ability to access their socio-economic rights.

Public Hearings

The Commission's complaints-handling regulations make provision for public hearings to address and investigate systemic human rights violations. Public hearings have proven to be an effective way of investigating systemic human rights violations. All relevant role-players, both state and non-state actors get invited to make submissions in public hearings conducted by the Commission.

During the period under review, two public hearings were held on School-Based Violence and Initiation Schools. The latter was a joint venture with the Commission for the Promotion and Protection of the Rights of Cultural, Religious, Linguistic Communities (CRL Commission) and the National House of Traditional Leaders. The findings and recommendations of these hearings will be published in the next financial year.

The report on the Right to Basic Education hearings, which was conducted in the previous financial year, was launched during the year under review. This has seen the Commission engage with the National Department of Education on its recommendations and the Commission will continue to monitor the implementation of these recommendations.

Complaints Handling

The number of complaints carried over and received has dropped slightly from 11 710 during the 2005/06 reporting period to 11 508. However, complaints dealing with arrested, detained and accused persons have risen from 583 to 817.

Legislation Monitoring

The Commission made 15 submissions on proposed legislation and attended 75 Parliamentary Committee meetings. The Commission was substantially involved in the Civil Union Bill legislative process (recognition of same-sex marriages). This Bill sought to give effect to the Constitutional Court judgment of Minister of Home Affairs & Others v MA Fourie CCT 60/04. This judgment and the ensuing legislative process have challenged the country's understandings of tolerance and acceptance of diversity. The debate and media interest generated was more about tolerance and acceptance of gay persons within our society than the narrow issue of marriage. Following the Public Hearings in which the Commission participated, a new version of



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Overview of the Organisational Environment

the Bill was placed before the Home Affairs Portfolio Committee. This Bill addressed many of the Commission's concerns and was passed into law.

Access to Information

Not much progress has been made in instilling a culture of openness within the public sector since the enactment of PAIA. The main gauge of compliance relied on by the Commission is the rate of submissions of Section 32 reports (Section 32 of PAIA requires all public bodies to submit to the Commission their reports on how they have implemented the Act in terms of the numbers of requests for access to information they have processed). See the full report on page 101.

Economic and Social Rights

The Constitution obliges the state to respect, protect, promote and fulfil the rights in the Bill of Rights. With respect to economic and social rights, section 184 (3) of the Constitution empowers the Commission to require relevant organs of the state to provide it 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. This should be read with section 184 (1) which requires the Commission to monitor and assess the observance of human rights in the Republic.

Government departments have not been responding timeously to the protocols sent out by the Commission and this has impeded the Commission's ability to properly monitor and assess the progressive realisation of economic and social rights. The Commission has initiated a review of the Economic and Social Rights (ESR) monitoring regime in the year under review, which included a Stakeholder workshop on Monitoring and Assessment. As a result of the review the Commission decided to implement a three-year reporting cycle on ESR monitoring instead of the one-year cycle followed in previous years.

Vulnerable Groups

The Commission has made progress in working with poor and vulnerable communities. The appointment of co-ordinators in the areas of children and disability, older persons, non-nationals and HIV/AIDS has ensured that the Commission places more focus on these areas and engages with issues related thereto.

2.5 OVERVIEW OF THE ORGANISATIONAL ENVIRONMENT

2.5.1 Mid-year Restructuring

The Commission developed two proposals on restructuring during the year under review, which were processed and adopted for implementation in the next financial year. These are the creation of the Parliamentary Liaison and Legislation and Treaty Body Monitoring Programme and the Information and Communications Programme.

2.5.2 Recruitment and Skills Development

The Commission has, like many organisations, experienced serious recruitment challenges and difficulties in attracting competent, quality employees in various positions and on various levels. The human rights field is literally generating its own specialised job requirements and this need is not met by the conventional higher education curricula in the country. In this respect the Commission has engaged the South African Qualifications Authority and contributed to standards for registration on the National Qualifications Framework. We also have a skills development and internship regime in place to deal with this particular challenge.

2.5.3 Information and Communication Technology

The proliferation of technological systems and the need to employ these for higher operational efficiency has resulted in the Commission conducting an IT audit in the financial year under review. The recommendations of this audit will be implemented in the 2007/08 financial year.

2.5.4 Human Resources Audit

Given the centrality of human resources management within the Commission, an audit was conducted in the year under review and the recommendations of the audit will be implemented in the 2007/08 financial year.

2.6 POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

During the 2006/07 period, vulnerable groups were the beneficiaries of significant pieces of legislation that were passed by Parliament. The Civil Union Act, which recognises the rights of same sex couples to marry, possibly sparked the most controversy and debate of any piece of law in our young democracy. Older persons finally received framework legislation promising to promote and protect their rights. Women, children and persons with mental disabilities, who are victims of sexual



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Policy Development and Legislative Changes

violence, are also set to receive more adequate protection through redrafted sexual offences legislation.

The Civil Union Act 17 of 2006

The unusual genesis of the Civil Union Act can be traced to a decision of the Constitutional Court (*Minister of Home Affairs & Others v MA Fourie* CCT 60/04). The Fourie judgment, handed down in December 2005, held that the Marriage Act, as well as the common law definition of marriage, as being only between a man and a woman, constituted a violation of the equal protection and benefit of the law and amounted to unfair discrimination by failing to 'provide to same-sex couples the status and benefits, coupled with responsibilities which [afforded] to heterosexual couples.' In its decision, the court gave Parliament the responsibility to remedy the constitutional deficiencies by 1 December 2006, or the words 'or spouse' would automatically be read into section 30(1) of the Marriage Act following the words 'or husband'.

In September 2006, the Ministry of Home Affairs presented the Civil Union Bill to Parliament, and it was referred to the National Assembly's Portfolio Committee on Home Affairs. The public hearings that ensued demonstrated a great deal of public concern about the issue. Few submissions expressed support for the Bill in the form in which it was presented. Some submissions felt that the Bill did not go far enough in following the court's decision whilst others voiced their opposition of same-sex marriages. The Commission's submission raised a number of concerns with the Bill and was of the view that the Bill was creating a 'separate but equal' system of civil union for gay persons.

The final version of the Bill took into account many of the Commission's criticisms and provides that both same-sex and mixed-sex couples are eligible to be joined in a civil union or 'marriage' under the Act, whichever terminology the couple may choose and can thus be registered as married in the official government rolls.

The Older Persons Act 13 of 2006

Since 1999, older persons in South Africa have been awaiting new comprehensive framework legislation that will promote and protect their rights. The Older Persons Act was passed by the National Assembly in March 2006 and became law on 3 November 2006. It reflects the current international developmental and human rights-based approach to ageing in which older persons remain independent participants in their communities for as long as possible. Chapter 3 of the Act, entitled Community-based Care and Support Services, distinguishes

between community services, which promote the independence and empowerment of older persons, and home-based services, which provides care to the frail and housebound. The Act seeks to regulate these services and ensure that caregivers receive prescribed training and are registered. The chapter also sets out a number of programmes, which the Minister may implement. Specifically due to concerns raised by civil society at the public hearings in Parliament in August 2005, programmes have been designed to provide information, education and counselling services, including HIV and AIDS, care for orphans, Alzheimer's, dementia and basic emergency care.

The Older Persons Act provides protection for older persons by creating a specific elder abuse crime; compulsory notification of elder abuse; procedures to provide for older persons who are in need of care and protection; the removal of an alleged offender from the home of the older person by the police; and, a register of abusers.

Criminal Law (Sexual Offences) and Related Matters Amendment Bill

Since the late 1990s the review of South Africa's sexual offences laws has been awaited. By the end of 2006 it was still yet to be finalised. The Bill was delayed late in 2006 due to a technicality that was raised after the Justice and Constitutional Development Portfolio Committee had passed the Bill but before it was voted on in the National Assembly. It is anticipated that these technicalities will be sorted out in 2007 and that the Bill will be finalised shortly thereafter.

The Bill introduces substantial changes to sexual offences law in South Africa. It provides: a new definition of rape, which includes the recognition of male rape; a variety of statutory sexual offences, including a number of specific sexual offences that can be perpetrated against children and persons with mental disabilities; and establishes a register of offenders and provides for a national policy framework. Some of the more controversial clauses debated within civil society include the provisions on compulsory HIV testing for alleged perpetrators and the criminalization of persons who procure the services of sex workers. Whilst on the whole, civil society supports the Bill; there is the view that more could have been done to adequately protect victims by providing them with more support services.

The Commission's submission on the Bill concentrated on provisions that sought to provide protection to persons with mental disabilities through the creation of specific offences in the Bill. Through a number of participative and consultative workshops within the mental disability sector, the Commission placed a number of the sector's concerns in a submission



PART 2: PROGRAMME PERFORMANCE

Programme: Commissioners

that was handed to the Portfolio Committee. Flowing from this submission there are a number of positive changes to the Bill that will ensure more effective protection of persons with mental disabilities from sexual offences. These improvements include:

- A more disability-sensitive definition,
- An improved sexual grooming clause that reflects the realities of grooming that occurs,
- An extended national register of sex offenders that includes perpetrators of sexual offences against person with mental disabilities, and
- Mandatory reporting of sexual offences committed against persons with mental disabilities.

Other legislation that was dealt with by Parliament that is significant from a human rights perspective include:

- The Prohibition of Mercenary Activities and Prohibition and Regulation of Certain Activities in an Area of Armed Conflict Act [B42-2005]
- Tobacco Products Control Amendment Bill [B24-2006]
- Electricity Regulation Amendment Bill [B20- 2006]
- Firearms Control Amendment Bill [B12-2006]
- Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Bill [B11-2006]
- Further Education and Training Colleges Bill [B23-2006]

Review of Chapter 9 Institutions by the Asmal Committee

During the financial year under review Parliament took a decision to review institutions supporting constitutional democracy through a committee chaired by Kader Asmal. The committee's objectives were, amongst others, to assess whether the current and intended constitutional and legal mandates of these institutions are suitable for the South African environment; whether the consumption of resources by them is justified in relation to their outputs and contribution to democracy, and whether a rationalisation of function, role or organisation is desirable or will diminish the focus on important areas. The Commission appeared before this committee in March and the report of the committee is forthcoming. The recommendations of this report might have policy and other implications for the work of the Commission in future.

2.7 PROGRAMMES

2.7.1 Programme: COMMISSIONERS

Purpose:

Commissioners provide guidance in developing the vision of the institution, setting its priorities and ensuring that the policies, programmes and resources allocated are consistent with its vision. This is done through exercising good corporate governance and providing leadership and guidance on the professional work of the Commission.

Measurable objectives:

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

Service Delivery Objectives and Indicators

Commissioners undertake provincial visits, preside over public hearings, inquiries and mediations and represent the Commission both nationally and internationally within the human rights community.

Commissioners aim to develop the Commission as a resource and focal point for human rights through raising the profile of the Commission and making strategic interventions on human rights issues. This includes national, regional and international liaison; presentations, networking and advocacy; policy development; and legislation monitoring and compliance.

Raising the profile of the Commission

Commissioners have appeared before and briefed Parliament and its various committees on their work, made inputs into legislation, such as the Civil Union Bill, as well as participating in Parliament's Equality Review process. Commissioners met with and briefed political figureheads such as Ministers, Deputy Ministers, Premiers and Mayors on their work in order to seek closer collaboration.



PART 2: PROGRAMME PERFORMANCE

Programme: Commissioners

Commissioners provide leadership in interacting with civil society structures and have worked closely with UN agencies in and outside the country by acting as a resource to countries that seek the Commissioners' collective experience and assisted in training programmes for Commissioners and staff of other national institutions.

In addition Commissioners have been represented at the African Peer Review Mechanism Consultation and attended meetings with organised Agriculture as well as other Chapter 9 Institutions. Commissioners also participated and presented at various seminars and conferences in and outside the country.

Making Strategic Interventions and Leadership on Human Rights Issues

Commissioners provided guidance in two significant inquiries, that is the inquiries on Initiation Schools and on School-Based Violence. This includes providing guidance and leadership in the conception of the inquiry, presiding over the public hearings and contributing to the preparation and finalisation of the Inquiry Reports. Commissioners have written media articles, appeared on numerous radio, television and print media interventions to ensure that the Commission enjoys a positive media profile.

Commissioners also assisted in the complaints-handling process including appeals, presided over mediations and subpoena hearings and worked closely in mentoring the legal staff of the Commission.

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

Responding to Human Rights Issues within Communities

Commissioners have undertaken visits on a regular basis and intervened in human rights situations across the country. These included regular visits to three Senior Citizens Clubs: KwaThema Care for the Aged, Malan Nel Centre and Springs Senior Citizens Club. In Sekhukhune Commissioners met with traditional leaders and community members on human rights matters relating to conditions in hospitals and clinics and quality of police services and provision of water. They also visited Mafefe, where issues of asbestosis were addressed, and Rawsonville to meet with various role-players. Such visits allowed the Commission to monitor the observance of human

rights, mediate in conflicts and generally ensured the visibility of the Commission in situations where it was needed.

In addition Commissioners also responded to requests for advice, expertise and input from government departments, academic institutions, regulatory bodies and other institutions.

Representing the Commission and its interest in human rights initiatives

Commissioners represented the Commission at a meeting with the Law Commission regarding Privacy Legislation and conducted a presentation at a Senior Citizens Parliament in the Mpumalanga Provincial Legislature as well as to the SA Confederation for Senior Citizens Organisations. Commissioners drafted an opinion as a result of a request by Minister Ronnie Kasrils and presented a paper on Adult Basic Education at the Commonwealth Education Forum as well as on 10 years of the Truth and Reconciliation Commission at an event hosted by the Foundation of Human Rights.

In addition, a Commissioner attended the Kennedy School of Law, Harvard University to do a presentation on National Human Rights Institutions and the Criminal Justice System as well as a presentation on Human Rights in post Apartheid South Africa. In addition, a Commissioner was a guest speaker at the launch of Khulisa in Phoenix.

Developing Human Rights-related and organisational policies

Commissioners have considered and approved a number of organisational policy related proposals submitted by the CEO.

Commissioners provide guidance in developing the vision of the institution, setting its priorities and ensuring that the policies, programmes and resources allocated are consistent with its vision. This is done through exercising good corporate governance and providing leadership and guidance on the professional work of the Commission.



PART 2: PROGRAMME PERFORMANCE

Programmes

Service delivery achievements

Sub-programmes	Outputs	Output performance measures / service delivery Indicators	Actual Performance against target	
			Target	Actual
Commissioners	Good corporate governance	As per good governance charter and checklist/ or SAHRC Act and strategic plan	Full compliance	Achieved
	Raising profile of Commission	Number, quality and extent of strategic interventions	Monthly	Achieved
	Chair and oversee public hearings, appeals and focus areas	Quality of oversight and leadership/ alignment with strategic objectives / Appeals turnaround time	Meeting minimum requirements as per stated objectives	Achieved
	Interventions (including media) on human rights focus areas	Number of interventions on child rights, disability, older persons, disability, non-nationals and HIV/AIDS	Weekly	Achieved
	Community interventions and monitoring service delivery	Number of community visits/reports/notes submitted to the relevant duty bearers	Fortnightly	Achieved
	Representing the Commission	Speeches, articles and papers	Fortnightly	Achieved
	Human Rights policy development	Number of adopted policies on agreed areas	1 month after decision/ agreement	Not achieved: No human rights policies adopted

2.7.2 Programme: CHIEF EXECUTIVE OFFICER

Purpose:

The sub-programmes in the Office of the CEO ensure statutory compliance of the work of the Commission in terms of the Constitution, PFMA and other applicable legislation; oversee the implementation of the strategic plan; implement the media and communications strategy; co-ordinate all special projects; and manage Parliamentary liaison and legislation monitoring.



PART 2: PROGRAMME PERFORMANCE

Programme: Strategic Management

2.7.2.1 Strategic Management

Measurable Objectives:

The objectives of this programme are to:

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

Service delivery indicators

Sub-programme	Outputs	Output performance measures / service delivery Indicators	Actual performance against target	
			Target	Actual
Strategic Management	Legislative and statutory compliance	Number/ Level of compliance according to checklist	Monthly reviews 100% compliance	Achieved
	Implementation of Strategic Plan	Number and scope of meetings	<ul style="list-style-type: none"> • Monthly reports • Quarterly reports • Ongoing reviews 	Achieved
	Liaison with stakeholders	Number/ Frequency of collaborative agreements/ projects	Monthly	Achieved
	National and provincial co-ordination	Number of interventions	Monthly	Achieved
	Favourable positioning of Commission	Response to request / number of speeches, talks	Respond to 80 % of agreed upon requests	Achieved: <ul style="list-style-type: none"> • 25 speeches • 53 strategic interventions • 67 media interventions <p>Some of these speeches were delivered at conferences and other forums in Switzerland, United Kingdom, USA, Bolivia and South Korea</p>



PART 2: PROGRAMME PERFORMANCE

Programme: Financial Management

2.7.2.2 Financial Management

Measurable Objectives:

The main objective of the sub-programme is the improvement of financial management and the rendering of support services to the organisation as a whole through:

- Budgeting process and budget implementation and control
- Timely, accurate and reliable financial reports
- Effective financial and internal controls
- Risk management
- Anti-corruption and fraud prevention measures

Service delivery objectives and indicators

Meeting statutory requirements

- Monthly expenditure reports submitted to National Treasury.
- Supply Chain Management (SCM) legislative requirements were met and the SCM policy revised during the year under review.

Audit Services

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

Building and Facilities

- The Asset Management Policy was adopted and implemented, and tagging, asset count and updating asset register were completed during the period under review.

Framework for Legislative and Statutory Compliance

- A high level of compliance with the relevant Public Finance Management Act and Treasury regulations was observed.

Strategic Reviews and Adherence to Strategic Objectives

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

Risk Assessment and Management

- A risk management system is in place. PriceWaterhouse-Coopers and Xabiso Consortium conducted a risk assessment workshop in August 2006.





PART 2: PROGRAMME PERFORMANCE

Programme: Financial Management

Service delivery achievements

Sub-programme	Outputs	Output performance measure/ service delivery indicator	Actual performance against target 2006/07 Target Milestone	
			Target	Actual
Financial Management	Framework for legislative statutory compliance	Meeting statutory requirements. % compliance with PFMA checklist	100% compliance	Achieved
	Strategic review	Compliance with strategic plan	80-100%	Achieved
	Risk assessment and Management	Effective risk assessment and management	Bi-annually	Achieved: PWC and Xabiso Consortium conducted a Risk Management workshop on 25 August 2006
	Internal Audit Function	Functional internal Audit	Regular audit	Achieved: The Internal Auditors commenced with the audit on 16 October 2006. Audit finalised in January 2007
	External Audit function	Unqualified Audit report	As per the date of audit as determined by the Auditor General	Achieved: Audit commenced in April 2007
	Financial Management and Administration	Compliance with statutory requirements	Monthly/Quarterly	Achieved: Monthly reports submitted to National Treasury by the 15th of every month. Annual Financial Statements for 2006/07 submitted to Auditor General and National Treasury before 31 May 2007
	Functioning Audit Committee	Number of meetings. Number of advisories	Four (4) per year. As required by legislation	Achieved: 1 meeting held with the outgoing Audit Committee members and 3 with the newly appointed Audit Committee during the 2006/07 financial year

2.7.2.3 Parliamentary Liaison and Legislation Monitoring

Purpose:

The purpose of this sub-programme is to advance human rights compliance within policy and legislative processes through advocacy, research and legislation monitoring.

Measurable Objectives:

- To facilitate interaction between the Commission and Parliament.
- To protect human rights by providing input on proposed legislation that conflicts with human rights norms and standards.
- To realise human rights by monitoring the implementation of recently drafted legislation that seeks to protect and promote human rights.



PART 2: PROGRAMME PERFORMANCE

Programme: Parliamentary Liason & Legislation Monitoring

- To inform the Commission internally about proposed legislation and activities in Parliament which affect human rights
- To support democracy through facilitating civil society engagement with legislation making through conducting training, and hosting workshops and seminars.
- To facilitate a civil society forum to obtain input on Parliamentary and government liaison issues.

Service delivery objectives and indicators

The Sub-programme has actively been involved in monitoring and preparing for the Commission's participation in the proceedings of the Ad Hoc Committee on the Review of State Institutions Supporting Democracy and Related Institutions. The Commission appeared before the Committee on 9 March 2007.

The Sub-programme made fifteen (15) submissions during the period under review. These included submissions on the Sexual Offences Bill; the Civil Union Bill; Film & Publications Amendment Bill; Social Housing Bill; and, the Prevention of and Treatment for Substance Abuse Bill. With the Sexual Offences Bill the Commission focused on clauses that dealt with sexual offences committed against persons with mental disabilities. Consultations and meetings took place with persons from the mental disability sector and on the basis

of this a number of submissions were made to the Justice and Constitutional Development Portfolio Committee, many of which were accepted. The Sub-programme also made a number of briefings to Parliamentary committees on, inter alia, violence and vulnerable groups, equality courts, farm dweller evictions, and the right to basic education.

In July 2006, the Commission hosted a school fees dialogue that included government and civil society representatives. The late and former Special Rapporteur on the Right to Basic Education for the UN, Katarina Tomasevski was one of the speakers. The right to a free and basic education in South Africa is still not available to all children.

The Sub-programme attended 75 Parliamentary committee meetings in order to establish a presence for the Commission in Parliament. During the year, 28 members of staff of the Commission attended Parliament in order to participate in Committee meetings.

The think tank on legislation monitoring convened 2 meetings. One of these meetings took the form of a Roundtable on Participation in Parliament. The Roundtable addressed the challenges that civil society faces in interacting with the legislature.





PART 2: PROGRAMME PERFORMANCE

Programmes

Service delivery achievements

Sub-programme	Output	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Parliamentary Liaison and Legislation Monitoring	Legislative monitoring and interventions in the legislative process, Parliamentary liaison and awareness raising around legislative matters	Submissions on proposed legislation	8	Achieved: 15 Submissions made
		Internal Parliamentary Updates Reports	Quarterly	Achieved
		Internal Memos on legislative developments	10	Partially achieved: 7 Memos submitted
		Attend Parliamentary Committee meetings	20	Achieved: 75 Meetings attended
		Attend civil society functions	30	Achieved: Attended 54 functions
		Commission persons to attend and present at Parliamentary meetings	20	Achieved: 28 Meetings attended
		Workshops / Seminars	4	Achieved: 15 Workshops and seminars held
		Co-ordinate think tank on legislation monitoring	2	Achieved: 2 Meetings held

2.7.2.4 Special Programmes

Purpose:

To co-ordinate and strengthen the Commission's work in the identified areas and vulnerable sectors of HIV/AIDS, Non-Nationals, Older Persons, Disability and Children's Rights.

Measurable Objectives:

- To streamline the work of the Commission in relation to vulnerable sectors.
- To provide a co-ordination function for the activities of the Commissioners in relations to identified vulnerable sectors.
- To provide support within the Commission to respond to human rights violations within this sector.
- To assist with advocacy, public awareness and legal services.
- To manage the development and publication of the annual human rights development report and quarterly journal.
- To implement projects in line with agreements with donor agencies.



PART 2: PROGRAMME PERFORMANCE

Programme: Special Programmes

Service delivery objectives and indicators

Internal co-ordination

The sub-programme acted as a resource for the Commissioners, provincial offices and Legal Services Programmes by providing expert advice and guidance on matters regarding all areas covered under this sub-programme. The portfolio also assisted the provinces with strategic interventions when human rights violations were noted.

In terms of non-nationals in the Western Cape and Port Elizabeth, consultative forums for engagement between various stakeholders were organised with the aim of diffusing the tensions and promoting tolerance were organised. The Older Persons Portfolio executed workshops for older persons in rural areas. The two municipalities that were targeted were Mhlanga and Nkomazi where about 80 older people were reached. The HIV/AIDS portfolio conducted two workshops on HIV and Human Rights and has made 13 presentations to various organisations and government departments on the same subject.

Monitoring

The Non-Nationals portfolio conducted regular monitoring visits to places of detention such as Lindela Repatriation Centre, OR Tambo International Airport as a main port of entry and select police stations in the inner city of Johannesburg in order to monitor conditions of detention, attend to specific cases and also establish working relationships with the centres so that they can call upon the Commission for advice if needed. The main issue of concern was the practice of prolonged detentions in contravention of the Immigration Act 13 of 2002. Policy implementation in relation to non-nationals is continually monitored, in particular amendments to safeguard against negative impact on non-nationals. Through the Parliamentary Unit the portfolio made inputs into the Draft Social Housing Bill so that it can also be inclusive of certain categories of non-nationals, the Eviction of Farm Workers as non-nationals are also affected, and input was made into the process by the Department of Home Affairs on amending the Refugees Act with the aim of safeguarding the rights of refugees.

Two monitoring visits were done at Nelspruit Prison in Mpumalanga and Mankweng Hospital in Limpopo to enquire about HIV/AIDS prevalence and the treatment of infected patients.

In March 2007, the Children's Rights portfolio represented the Commission in a Developmental Quality Assurance (DQA) investigation conducted at a psychiatric hospital in Gauteng. The purpose of the DQA was to investigate reported cases of child rights violations in the children's wards. The investigation was completed within schedule and a report is in the process of finalisation.

The portfolio was also involved in the monitoring of policy and legislative environment. Input was made into numerous Parliamentary submissions such as the Equality Review Report, the Social Housing Bill, South African National Aids Council's Strategic Plan for 2007–2011, the Draft Bill on the Prevention and Treatment of Substance Abuse and the eviction of farm workers.

Two submissions on the Draft Policy on the Elderly Offenders and the Social Housing Bill were made. Other inputs were made to the Department of Social Development for the training manual of the Older Person's Bill.

Research

The sub-programme produced landscape reports on the topical issues in relation to vulnerable sectors and conducted desktop research of relevance to the sector such as research on dementia, aging, Alzheimer's Disease, disease control, isolation of MDR and XDR-TB patients and mandatory HIV testing.

Strategic partnerships and networks

The sub-programme has conducted various consultative engagements and set up successful networks and partnership in the HIV/AIDS, non-nationals, older persons, children and disability sectors.



PART 2: PROGRAMME PERFORMANCE

Programme: Special Programmes

Service delivery achievements

Sub-programme	Outputs	Output performance measure/ service delivery indicator	Actual performance against target	
			Target	Actual
Non-Nationals	Internal Co-ordination	Number and frequency of technical support rendered	Monthly	Achieved: 20 Internal strategic interventions
	Public Awareness and Advocacy	Enhanced knowledge and visibility of the Commission	Monthly proactive interventions	Achieved: 17 Media interventions and 1 written opinion
	Monitoring	Number of monitoring visits Frequency of policy input	Monthly	Achieved: 12 Monitoring visits to Lindela, airport and police stations Input made into 3 pieces of pending legislation
	Research	Annual human rights development report	Annually	Partially achieved: Research paper submitted
	Stakeholder networking	Frequency and number of interactions	Monthly networking interventions	Achieved: 35 Consultative engagements and representation of portfolio with a range of stakeholders
HIV / AIDS	Internal Co-ordination	Number of technical support rendered	As per operational units	Achieved: 40 Interventions
	Public Awareness and Advocacy	Enhanced knowledge and visibility of the Commission	Monthly proactive interventions	Achieved: 2 Workshops and 13 presentations made to various organisations
	Legal Services	Successful resolution of complaints	As per request	Achieved: Successful resolution of complaints
	Research	Contribute to Annual Human Rights Development Report: Comprehensive section on HIV/ AIDS published in reports	March 2007	Partially achieved: Research paper submitted
	Monitoring	Levels of compliance with Constitutional and international standards	Monthly	Achieved: 2 Visits undertaken in Limpopo and Mpumalanga to establish whether prisoners and patients have access to Voluntary Counselling, and HIV-testing, access to information about HIV/ AIDS and access to condoms, medical and other services
	Stakeholder networking	Fully functional network of partners	Monthly networking interventions	Achieved: 41 Meetings held with different NGOs and civil society organisations to strengthen partnership



PART 2: PROGRAMME PERFORMANCE

Programme: Special Programmes

Service delivery achievements

Sub-programme	Outputs	Output performance measure/ service delivery indicator	Actual performance against target	
			Target	Actual
Older Persons	Internal co-ordination	Giving advice and opinion on intervention	As per operational units	Achieved: 7 Presentations and 8 media engagements
	Public awareness and advocacy	Enhanced knowledge and visibility of the Commission	Monthly proactive interventions	Achieved: 7 Presentations on delivered
	Legal services	Successful resolution of complaints	As per request	Partially achieved
	Monitoring	Levels of compliance with Constitutional and international standards	Monthly	Achieved: A monitoring tool has been developed and a number of Old Age homes visited
	Research	Contribute to the Annual Human Rights Journal - Comprehensive section on older persons	March 2007	Partially achieved: Research paper submitted
	Stakeholder networking	Fully functional network of partners	Monthly networking interventions	Achieved: 20 Interventions on older persons
Children's Rights	Internal Co-ordination	Number/frequency of streamlining interventions	Monthly	Achieved: 20 Internal strategic interventions
	Public Awareness and Advocacy	Technical support and assistance rendered with advocacy and public awareness	Ongoing/as per request	Achieved: 3 Workshops on child rights 12 Media interventions on child and disability rights
	Legal Services	Successful resolution of complaints	As per request	Achieved: 6 Legal interventions on child rights
	Monitoring	Levels of compliance with constitutional and international standards ensured	100% to request	Achieved: 8 Monitoring interventions on policy and legislation
	Stakeholder Networks	Frequency and number of interactions	Monthly networking interventions	Achieved: 30 Interventions in forums, workshops, conferences and seminars



2.7.2.5 Media and Communications

Purpose:

The Media and Communications sub-programme contributes to raising the public profile of the Commission, develops and implements the Commission's internal and external communications strategies; and disseminates information within the Commission and to external stakeholders, role-players and the public.

Measurable Objectives:

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

Service delivery objectives and indicators

In order to promote respect for and develop a culture of human rights, the Commission uses various methods, one of them being media and communications. The Media and Communications (MCU) sub-programme is responsible for developing professional and productive relations between the media and the Commission. The sub-programme is also responsible for creating a communication-friendly environment within the Commission and with stakeholders.

Media Liaison

An effective working relationship with the media requires constant relationship-building. Notwithstanding that there was no dedicated media person during the year under review, the Commission's media profile has risen sharply. The sub-programme strives to ensure ongoing media coverage of the Commission as well as organising event-specific coverage.

A number of engagements, both proactive and reactive, were made, mainly through mainstream print and electronic media on human rights related issues. On average the Commission's presence in the media was three times a week. Similarly, the Commission was used as a resource in media debates around human rights issues.

Special programmes (Co-ordinators) were introduced between September and October and this increased the media profiling of issues affecting vulnerable groups like the elderly, children,

non-nationals and those affected and infected by HIV/AIDS. Numerous interviews and comments were conducted on topical issues regarding these vulnerable groups. These were of relevance locally and were conducted mostly on community media, thus forming part of the public awareness and education component of the work of the Commission. Through partnerships with SABC, Motswedding FM dedicated the whole month of March to educating and raising awareness about human rights. Radio 2000 also did a number of interviews on human rights during human rights month.

Media Monitoring

This sub-programme conducts daily internal media monitoring whilst the external media monitoring is conducted by the Government Communications and Information Services (GCIS). This service provides human rights related news/press cuttings or recordings to the different programmes within the Commission.

Subscribing to daily and weekend papers has not only aided in the monitoring service but has also helped the Commission to keep track of how human rights issues are covered in both electronic and print media.

Two training sessions took place during the year under review. GCIS offered staff members in the Media and Communications training on electronic media monitoring and the SABC trained managers on how to handle interviews effectively.

Website and Intranet

During the period under review the website was revamped to increase its efficacy as a valuable interactive source of information. The website publishes extensive list of documents, reports and general information on the working of the Commission. Its modular design allows for easy access and navigation. The website also offers links to other human rights bodies, a number of civil society organisations and relevant local and international links.

The Commission has established an Intranet to enhance internal communication. Since being revamped at the beginning of the year under review and staff trained on how to use it effectively, they are able to place notices, search information and engage in other forms of internal communications.

Publications

Beyond its efforts to ensure publicity for the work of the Commission, MCU also develops publications and campaign-specific promotional material in the form of leaflets, brochures,



PART 2: PROGRAMME PERFORMANCE

Programme: Media and Communications

T-shirts, caps, lanyards, etc with human rights messages. Attempts have been made to have all the Commission's reports/documents published in all official languages. To this end, a partnership has been forged with the Department of Arts and Culture to translate all SAHRC documents/reports into other official languages.

Production of leaflets on HIV/AIDS, non-nationals, children's rights and on disability commenced during the year under review.

A total of 339 850 publications such as documents on different topics have been printed. During Human Rights Months, the Media and Communications sub-programme experienced an overwhelming demand for material from different stakeholders.

Corporate/Public Relations initiatives

The first phase of developing the corporate/promotional video commenced during the year under review. The video has been commissioned to document the history of the Commission, serve as a promotional tool and also explain the mandate of the

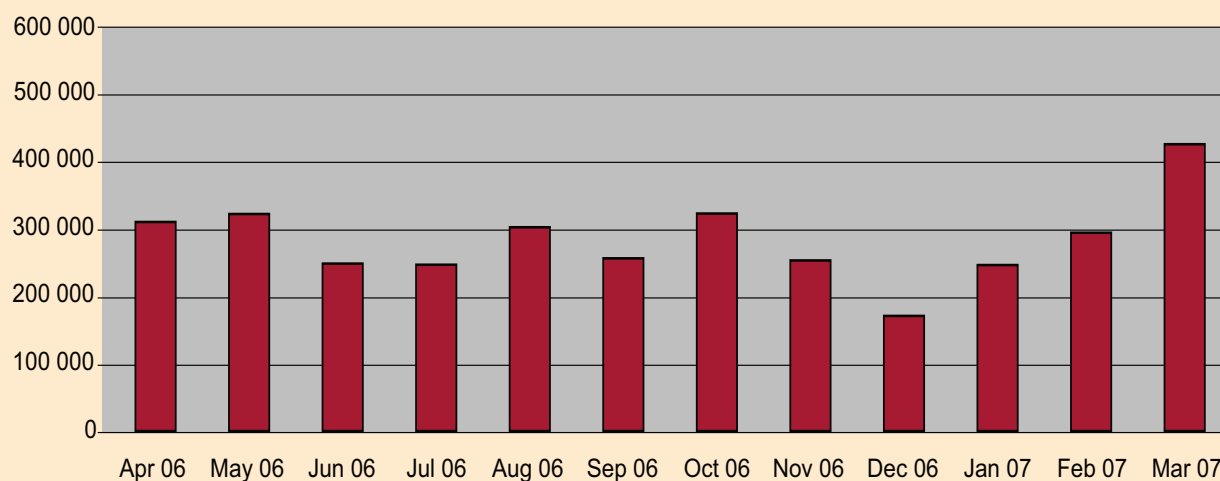
Commission. The second phase will see the video translated into the 10 official languages. The first copy will be produced in English, with sign language translation.

The video, as well as a corporate branding/publication manual will be published during the 2007/08 financial year.

A mid-year streamlining of operations necessitated the formation of a Visitors Committee to oversee and co-ordinate hosting visitors to the Commission. Thus far the Commission has hosted delegations from embassies and other human rights institutions around the globe including the following international delegations:

- Representative from Bristol regarding the work of the African National Human Rights Institution (ANHRI) (African Secretariat): 07 April 2006
- Constitutional Review Committee from Benin as part of its human rights study tour in South Africa: 23 May 2006
- Aminata Haidar of Western Sahara and the Department of Foreign Affairs: 23 June 2006
- Human Rights Commission of Sierra Leone Commissioners and CEO: 07 August 2006

Web hits for the period 2006/07





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Programme: Media and Communications

- Mr Barry Lowenkron, US Assistant Secretary of State (Human Rights): 22 August 2006
- Kenya National Commission on Human Rights regarding the transfer hosting of the African Secretariat website and possible collaboration: 14 November 2006
- Mr Benjamin Liu, Deputy Director of the Taipei Office regarding the state of human rights in Taiwan: 26 August 2006
- US Delegation from Shared Interest Investment Fund regarding the workings of the Commission: 27 November 2006
- Visit by a staff member from the Kenya National Commission on Human Rights: 11–23 December 2006
- Visit by a Commissioner and staff from the United Republic of Tanzania Commission for Human Rights and Good Governance: 12–16 December 2006
- German Parliamentary delegation: 13 March 2007
- Southern Sudan Human Rights Commission: Commissioners and CEO: 18–23 March 2007





PART 2: PROGRAMME PERFORMANCE

Programme: Media and Communications

Service delivery achievements

Sub-pro-gramme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Media and Communi-cations	Reports, publications, promotional materials	Website revamp/ maintenance	Quarterly updates	Achieved: Website updated weekly and when requested
		Improved internal communications through intranet	Monthly updates	Achieved: Staff trained on how to effectively use intranet.
		Development and Production of Annual Report and other reports	As per regulations/ work plans	Achieved: 2005/06 Annual Report published and submitted to Parliament as required 10 Year review book; 6 th ESR report and Right to Basic Education reports published and distributed to all stakeholders
		Development, production and distribution of promotional material	On request	Achieved: Campaign specific material e.g. T-shirts, caps, lanyards, keyrings distributed. More than 300 000 material printed and distributed
	Media liaison, monitoring and coverage	Media coverage/media monitoring	Monthly analysis of media trends of the Commission and human rights issues	Achieved: • Internal and external media monitoring • Newspaper subscriptions
		Improved coverage of the Commission in national and provincial media	Monthly/weekly features momentarily responses to media queries	Achieved: 155 Media interviews and 29 media statements released Media profile has risen and more positive than negative coverage received
	Developing corporate image	Image and reputation management Number of advertorials/ corporate gifts	Special events 100% of agreed upon advertorials	Achieved: Commission has collectively hosted more than 20 international and local delegations including students from Universities

2.7.3 Corporate Services

Purpose:

The sub-programmes within Corporate Services provide administrative, human resources and information technology support to the overall implementation of the Commission's programmes. The programmes consist of the following:

- Administration;
- Information Technology; and
- Human Resource Management.



2.7.3.1 Administration and IT

Measurable Objectives:

- To develop and maintain efficient administrative systems
- To provide administrative and logistical support to the operations of the Commission nationally and provincially
- To develop and maintain an information technology system

Service delivery objectives and indicators

During the year under review a Bid Adjudication Committee was appointed and various evaluation committees appointed to deal with tenders.

- The tender to purchase 4x4 vehicles was awarded to McCarthy Nissan Randburg.
- The tender to design and implement an e-Learning Blueprint was awarded to the Learning Resources Group.
- The tender to evaluate the Commission's information technology systems was awarded to PricewaterhouseCoopers.

With the assistance of the Department of Public Works the Free State office was relocated to new premises. This was to provide for a more conducive environment for dealing with members of the public.

The Head Office telephone system was replaced in order to provide better service to the public through the establishment of a mini call centre for handling complaints.

Information and Communication Technology Systems
3G cards were purchased and installed for Commissioners and senior management for e-mail and Internet access outside the office.

The financial system Pastel Partner was upgraded to Pastel Evolution with fixed asset and payroll modules integrated. Problems were encountered with the Payroll Evolution module due to lack of user training, which meant reverting back to Pastel Payroll Partner.

The following posed as challenges:

- Asset management: Verification of assets, bar-coding, their movement and disposal of redundant/obsolete assets in terms of Policy – is work in progress that requires review to ensure compliance
- Reduction of insurance premium to R250 000 per annum to be in line with Treasury Regulation: All redundant furniture has now been removed from the insurance portfolio.

- Fleet management to monitor effective usage to combat misuse – this will be achieved by utilization of the car track system in the new financial year.

2.7.3.2 Human Resources Management

Measurable Objectives:

- To develop a comprehensive human resource service within the Commission
- To ensure that the Commission manages an efficient compensation system
- To implement staff development initiatives
- To promote sound employee relations and ensure compliance with relevant labour legislation
- To provide efficient Human Resources administration and management

Service delivery objectives and indicators

The Human Resources Strategic Plan was developed with a view to aligning Human Resources (HR) strategic objectives with operational and organisational planning processes. The HR strategic plan was based on two strategic pillars, namely research and employee centred programmes. To give meaning to HR strategy, an employee relations manager was appointed. This position was accompanied by the development of an employee-engagement strategy.

Policies and Procedures

The Commission has drafted and tabled a number of human resources policies and procedures. It has also undertaken a training and familiarisation exercise on all policies and procedures for all staff members of the Commission.

Organisational Development

Given the phenomenal growth in terms of operations and staff complement of the Commission, more than 40 positions were evaluated. An Organisational Health Survey was also conducted to identify general working conditions, with a view to developing strategic interventions that will provide conducive working environment of all staff members, characterised by teamwork and mutual respect. Reports of these reviews will be published in the next financial year.

Training and Succession Planning

In order to enhance in-house capacity building the Commission developed a three-year Personal Development Plan, which identified training needs of each employee. A three-year training directory was also developed.



PART 2: PROGRAMME PERFORMANCE

Programme: Corporate Services

Assessment and Quality Assurance

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

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Administration	Supply Chain Management	Compliance with legislation and regulations	Full compliance (monthly reviews)	Achieved: 5 Policies revised and 6 new ones developed. All policies are available on the Intranet
	Building and facilities management	Maintenance and development of facilities	Weekly audits and processes	Achieved: Continued with efforts to acquire offices for the North West. Renewal of lease for Northern Cape office in discussion; Free State office moved to new premises. Library space extended and equipped accordingly
	Asset Management	Up-to-date fixed asset register	Quarterly reviews	Achieved: <ul style="list-style-type: none"> Carried out physical verification of assets nationally Asset register migrated to Pastel Evolution Obsolete assets that needed disposal were sold off. Reduction of insurance premiums as per regulations was not achieved: National Treasury did not approve
	Maintenance of inventories	Well equipped and functional offices	Monthly audits and processes	Achieved: <ul style="list-style-type: none"> Procurement of office equipment and furniture done Assessed and responded to office needs Purchased translation, audio and recording equipment, including data projectors, cameras, library material and IT software
	Management of capital expenditure	Well equipped and functional facilities	Monthly audits and processes	Achieved



PART 2: PROGRAMME PERFORMANCE

Programme: Corporate Services

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Human Resources	Human Resources	Skills development and organisational development strategy Implement adopted skills development plan and organisational development strategy	1 April 2006/Quarterly review	Partially achieved: Training directory in place on 15 Sept 2006
	Remuneration	Accurate and fair remuneration practices	1 July 2006/Quarterly reviews	Achieved: The Commission is aligned to the Public Service
	Sound labour relations	Legislative compliance	1 April 2006	Achieved: 4 Existing policies revised and 10 new policies developed
	Employment equity	Legislative compliance	Sept 2006	Achieved: Employment Equity Report submitted





PART 2: PROGRAMME PERFORMANCE

Programme: Operations

2.7.4 Operations

Purpose:

This programme implements the Commission's promotion, protection and monitoring mandates. It consists of the following sub-programmes:

- Education and Training
- Legal Services
- Research and Documentation

2.7.4.1 Education and Training

Measurable Objectives:

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

Service delivery objectives and indicators

Advocacy, Public Education and Community Outreach

The Commission continued to focus its interventions on rural and peri-urban communities, as well as in areas where poverty indicators suggest communities are impoverished. In particular, the Commission visited remote communities where it has not had interventions before, such as in GaKgomo-Kgomo, in the North West Province, Ngwavuma in KwaZulu-Natal, Sutherland and Port Nolloth in the Northern Cape, etc.

The Street Law and the Paralegal Equality (projects partially funded by FHR) Omnibus is a series of educational interventions that encompasses workshops, presentations, walk-about, site visits, campaigns and advocacy initiatives. It continues to be deployed successfully in rural communities across the country.

It targets all sectors of society in a community such as ordinary members of the community, local government structures, school communities, traditional leaders, health workers, social services, etc. The Commission visited 198 rural communities and also concluded the Promotion of Equality Project funded by the MOTT Foundation.

In the period under review, a total of 633 Advocacy, Public Education and Community Outreach interventions were conducted across South Africa. A new strategy to commemorate Human Rights Day on 21 March was successfully implemented. Unlike in previous years, the Commission dedicated the whole month of March to Human Rights Month. Instead of targeting only one focal Province for campaigns, each Provincial Office conducted Community Dialogues under the theme 'Crime and Human Rights: Ten Years of the Bill of Rights'. In total 17 Community Dialogues, three site visits, five information sessions and 12 walk-about were undertaken during Human Rights Month. The number of activities dedicated for Human Rights Month campaigns is unprecedented in the history of the Commission.

Education and Training

During the period under review a total of 380 Education and Training interventions were conducted. These include, among others, training workshops, presentations at seminars and workshops hosted by external partners, internal seminars, conferences and roundtable discussions.

Notable achievements for the period under review include, among others, the delivery of 18 seminars – three of which were international seminars in partnership with international and local organisations, an Annual Human Rights Lecture in partnership with other Chapter 9 Institutions and a two-day Conference on crime and its impact on human rights. Other international education interventions include workshops in the SADC countries of Malawi, Swaziland and Botswana as well as technical educational assistance to the Nepal Human Rights Commission in Kathmandu, Nepal, in co-operation with international partners.

In total, the National Centre for Human Rights Education and Training (Nachret) conducted an overall of 1 013 (633 advocacy and public outreach interventions plus 380 education and training interventions) human rights education and awareness interventions throughout the country.



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

e-Learning

One of the most outstanding achievements during this reporting period is the development of an e-Learning blueprint for the Commission. The e-Learning portal seeks to provide educational interventions from traditional training methods (classroom and instructions) to approaches where learning is built on experiential learning methods and mainly self-directed and support by coaching. The blueprint exists as part of a Centre of Excellence for Human Rights Education, which exists as an Online Portal.

Other significant achievements during the period under review are the development of innovative e-Learning training materials, such as training courses on the Promotion of Access to Information Act (PAIA) and an online Induction Portal on Basic Human Rights. Other learning solutions under construction are training materials on the Commission's other compliance legislations, namely Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) as well as the Promotion of Administrative Justice Act (PAJA) and a course on Basic Human Rights.

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Advocacy, Public Awareness and Community Outreach	Omnibus/ Awareness/ Advocacy/ Rural outreach	Number Extent of Outreach	108 interventions focusing on rural communities/ national and provincial offices	Achieved: 198 interventions for rural communities by national and provincial offices
	3-day outreach/ advocacy interventions on human rights <ul style="list-style-type: none"> Awareness Research Legal Services 	Number Extent of follow-up Completion rate	Quarterly Proper documentation of complaints for research and legal purposes. 80% completion of planned interventions	Achieved: <ul style="list-style-type: none"> 35 Outreach/ Advocacy interventions were conducted 13 Complaints were recorded and referred to the Legal Services
	Popular publications Events Campaigns Human Rights Week	Number Extent of outreach	2 popular publications 1 event/ campaigns	Achieved: <ul style="list-style-type: none"> 1 Equality Leaflet was published 1 Equality Poster was developed 29 Exhibitions were held 17 Campaigns were conducted Human Rights Week celebrations Provincial Campaigns comprised of: <ul style="list-style-type: none"> 3 Site visits 5 Information sessions 12 Walk-about 17 Community dialogues
	Community Radio Station Interventions/ Other media	Number of interventions	5 per month (national and provincial offices)	Achieved: 65 Community Radio Station Interventions 8 Television Interventions 16 newspaper interventions



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Advocacy, Public Awareness and Community Outreach	Civil Society networks and collaborative interventions	Frequency of networking interventions	Monthly	Achieved: 227 Networking interventions
	Comprehensive and integrated management and quality assurance system	Adopted systems document/ norms and standards	September 2006	Partially achieved: First draft of the 'Norms and Standards' Handbook developed





PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Education and Training	Seminars and roundtable discussions	Number Extent of Outreach	3 seminars and roundtables Reach 80% of target Satisfy 70% of criteria as per evaluation instrument	<p>Achieved: Hosted 18 seminars/ roundtable discussions/ conference</p> <ul style="list-style-type: none"> • Roundtable Discussion on The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment • Seminar on Youth and Human Rights • Launch of the Right to Basic Education Report • Dialogue on School Fees • Launch of the 10th year Review Book • Seminar on the Fourie Constitutional Court Judgement on Same Sex Marriages • Roundtable Discussion on the Constitutional Amendment Bill • Seminar on Challenges to the Constitutional Order • Conference on Crime and its Impact on Human Rights <p>Co-hosted the following:</p> <ul style="list-style-type: none"> • Seminar on the Human Rights Situation in the Occupied Territories of the Western Sahara • Seminar on the Human Rights Situation in the Darfur Region of Sudan • Annual Human Rights Lecture



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Education and Training	Seminars and roundtable discussions	Number Extent of Outreach	3 seminars and roundtables Reach 80% of target Satisfy 70% of criteria as per evaluation instrument	Provincial Offices hosted five seminars on: <ul style="list-style-type: none"> Combating Xenophobia: Focus on the Plight of Refugees and Asylum Seekers (Western Cape) The SAHRC, Bill of Rights and Equality (Northern Cape) Women's Rights are Human Rights: Young Women in the Age of Hope (Northern Cape) Economic and Social Rights Seminar (KwaZulu-Natal) Seminar on Violence in Schools (KwaZulu-Natal) PAIA (KwaZulu-Natal) 76 presentations given at external seminars, conferences and workshops
	Training sessions and workshops	Number Extent of outreach	3 per month (national and provincial offices) Reach 80% of target Satisfy 70% of criteria as per evaluation instrument	Achieved: 281 Training sessions and workshops
	In-house capacity building and quality assurance	Number of meetings/ assessment sessions/ mentoring initiatives/ counselling/ capacity building initiatives/	As per staff development plan	Achieved: <ul style="list-style-type: none"> 12 Performance discussions and appraisals 46 Staff meetings/strategic planning meetings 13 Capacity Building workshops
	Response to request for training	Number/ Timely and relevant responses	Daily/Weekly/ Monthly/ 100% response to agreed upon requests	Achieved: Responded to all requests for training and education interventions within seven days of receipt
	Education and Training Projects	Number	Successful completion of agreed upon projects	Achieved: Successfully completed three education and training projects



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Education and Training	Institutionalisation of Human Rights Education	Number of Curriculum interventions/ forum meetings/ engagements with NQF processes/ registration of courses	As required in terms of national and provincial policy developments	Achieved: <ul style="list-style-type: none"> • 5 Curriculum interventions • Process of NQF alignment and SAQA registration on hold pending completion of e-Learning blueprint
	Comprehensive and integrated management and quality assurance system	Adopted systems document/ norms and standards	August 2006	Partially achieved: First draft of 'Norms and Standards' Handbook developed





PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
e-Learning	Learning programmes and course	Research/ Survey/ Market analysis Framework and strategy	Completed framework and strategy	<p>Achieved: The e-Learning blueprint has been developed. In addition, the following learning solutions or training packages have been completed:</p> <ul style="list-style-type: none"> • PAIA Knowing and PAIA Living • Induction Portal on Basic Human Rights • PAJA Basics <p>The following training programmes are still under construction:</p> <ul style="list-style-type: none"> • PEPUDA Knowing • PAIA sharing • Course on Basic Human Rights
	Piloting of e-learning	Implementation of pilot project	Piloting in Feb 2007	<p>Achieved: User-Acceptance Testing workshops on various learning solutions held</p> <p>Piloting of various programmes has taken place in different fora</p> <p>Launch of the project is planned for second half of 2007</p> <p>Induction of staff is scheduled for August 2007</p> <p>Presentation of project to staff already in progress</p>
	Standardised electronic education tools	Number and quality of	Completed implementation plan	<p>Achieved: The following Learning solutions have been developed and/ or in the stages of finalisation:</p> <ul style="list-style-type: none"> • PAIA – Knowing and Living: completed • Induction Portal on Basic Human Rights – completed • PAJA- Basics: completed • PEPUDA-Knowing: in development • PAIA-Sharing – under construction • Course on Basic Human Rights – under construction



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
e-Learning	E-learning partnerships	<ul style="list-style-type: none"> Number of appropriate partnerships Equitable funding agreements 	Agreed upon Memorandums of Understanding	Partially achieved: Work in progress
	Comprehensive and integrated management and quality assurance system	Adopted systems document/ norms and standards	September 2006	Partially achieved: First draft of 'Norms and Standards' Handbook developed

2.7.4.2 Legal Services

Measurable objectives

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

Service delivery objectives and indicators

Complaints handling

A detailed procedure for lodging complaints of human rights violations with the legal services programme, can be found in the Commission's website. It details the three stages of complaints-handling, namely screening/assessment, investigation, and enforcement stages. For non-litigious matters the turn-around time set is three months.

Exceptions to the turn-around period are made in instances where respondents fail to respond to the Commission's allegation letters. Thus a subpoena is issued to non co-operating parties. Detailed particulars of how investigations are conducted and the types of complaints that the Commission may investigate are contained in the Complaints Handling Procedures which were amended during the year under review, and in the complaints-handling manual, both which can be accessed from the Commission's website, www.sahrc.org.za

Statistics of complaints received during this reporting period indicate that most alleged violations related to the rights of arrested/detained and sentenced persons, labour and equality.

A new electronic complaints-handling system called FlowCentric has been installed. FlowCentric has been designed to suit the complaints-handling procedures and to ease monitoring of complaints from inception to finalisation.

Quarterly complaints audits are conducted across all provincial offices to continually assess progress of the implementation of the strategic plan and challenges faced by all those involved in complaints-handling. It is through this process that the national office gives support to the provincial offices. Similarly all programme heads jointly conduct performance discussions with each provincial office manager.

In order to ensure uniformity in dealing with complaints referred to the different offices, the Commission, through the assistance of a CSAP consultant, is in the process of developing a handbook of norms and standards. The first draft has been finalised.

The Commission has established a dedicated call centre for people who need to lodge complaints or who seek telephonic advice. This initiative has increased the number of telephonic complaints and has made it easy for members of the public to access the Commission.



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Public inquiries/hearings

Public inquiries are normally used as an investigation tool of systemic or widespread human rights violation. Particular focus is paid towards violations affecting the poor or vulnerable groups of our society. Two inquiries/hearings were conducted namely, the 'School-based Violence' and the 'Initiation Schools'. The latter was a joint collaboration with the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission). The inquiry, relating to the right of 'Access to Health Care Services', is underway and a number of submissions have been received from members of the public.

Noteworthy cases

Below are highlights of some of the (unreported) cases that the Commission has dealt with. Some of these have received high media profile whilst others will, or have, influenced policy:

Case / Matter	Right(s) violated	Status as at the end of March 2007
Roberts and Others vs Minister of Social Development and Others	Health care, food, water and social security	In this matter, the Commission has been granted leave to intervene as amicus curiae and the matter has been set down for hearing on 11 and 12 September 2007 at the Pretoria High Court. The Commission is arguing that the provision regarding age eligibility for social pension grants is discriminatory between men and women in that it provides for females to access social pension grants at the age of 60 and males only at the age of 65. Further, that the relevant provision does not consider the effect and impact on homosexual couples whose marriages were declared to be lawful by the Constitutional Court.
Mdluli vs Department of Social Development	Health care, food, water and social security	The Commission is challenging the constitutionality of the age discrimination in the provisions of the Special Pension Act No 69 of 1996. In terms of this Act, only persons who at the time of the promulgation of the Act had attained the age of 35 years of age on the commencement date, are eligible for a special pension. The complainant in this case unfortunately passed away suddenly before he was able to sign his affidavit and the application is therefore being brought in the name of the Commission in the Pretoria High Court. No court date has been set yet.
Harker vs Klipspruit High School/ Department of Education	Child rights	This matter concerned allegations of sexual abuse of a learner by her educator. The Commission successfully approached the Johannesburg High Court to compel the Department of Education to suspend the educator and to investigate the allegations. As a result, the Department subsequently dismissed the educator.



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Case / Matter	Right(s) violated	Status as at the end of March 2007
Hunt Road Secondary School & Others	Education / School fees case	The Commission acted as amicus curiae in this matter, which related to the non-implementation of the school fees policy by the relevant school's Governing Body and the Department of Education. The Durban High Court found in the Commission's favour and ordered that the respondents inform parents about the exemption of school fees policy and also to withdraw all pending cases against parents for non-payment of school fees.
Kabelo Thibedi vs Department of Home Affairs	Arrested, detained and accused persons	This matter concerned the alleged unfair sentence imposed on the complainant, who for more than two years had been waiting to be issued with his Identity Document by the Department of Home Affairs. The complainant, out of desperation, had held a Home Affairs official hostage, demanding immediate issuing of his Identity Document. The court found the complainant guilty and imposed a suspended sentence of 18 months. The complainant was referred to the Legal Aid Board for legal representation.
Ronnie Kasrils matter	Freedom of expression	The complainant requested the Commission to advise as to whether his published speech pertaining to the unrest in the Middle East (Israel vs Palestine) amounted to any form of hate speech as alleged by the SA Jewish community. The Commission made a finding to the effect that the speech did not constitute hate speech.
Alleged hate speech: Minister of Agriculture	Freedom of expression	A number of complaints were received from various farmers' organisations accusing the Minister of Agriculture and Land Affairs of hate speech after she allegedly made public generalisations inter alia about farmers abusing their farm-workers. Subsequent to the allegations, the Minister requested the Commission to hold another inquiry looking into conditions on farms. The Commission has for some time been considering a following-up on the findings of the previous 2003 Farming Inquiry, and will therefore consider a follow up Inquiry, focusing on issues of safety, labour relations and evictions on farms. The investigation of the complaint is pending.
Deaf South Africa (DEAFSA)	Equality	During March 2007 the Commission received a complaint from DEAFSA relating to the alleged exclusion of disabled people when filling vacant posts in the Department of Minerals and Energy. Following the Commission's intervention, the Department has undertaken to meet with and discuss the matter with DEAFSA.



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Case / Matter	Right(s) violated	Status as at the end of March 2007
Mwanzita & Others v South African Nursing Council	Freedom of movement and residence	This matter concerns allegations that the SA Nursing Council's registration policy discriminates against nurses who are from outside of South Africa. The complainants have requested the Commission, the NGO 'Lawyers for Human Rights' and the United Nations High Commission for Refugees to draft new guidelines for registering refugee nurses.
Afriforum vs Minister of Safety and Security	Equality	The Commission is engaging the SAPS to respond to allegations by Afriforum that a 'new form of racism' is taking place within the police services. It is alleged that black officials are given unnecessary preferential treatment while their white counterparts are not even considered for promotions, etc. The SAPS is still to provide the Commission with a written response to the above allegations.
Sawyer: Hate speech	Freedom of expression	Pursuant to the above complaint, the Commission made a finding in January 2007 that a song by the former Deputy President, Mr Jacob Zuma, 'Umshini wam' does not amount to hate speech.
IFP vs Minister of Justice and Constitutional Development	Arrested, detained and accused persons	In January 2007 the Commission made a finding that the failure by the Minister of Justice and Constitutional Development to process applications for presidential pardon by IFP political prisoners violated the prisoners' human rights. The Minister was given 90 days from the 4 th of January 2007 to process the applications. At the expiry of the 90 day period, the Minister had failed to report to the Commission on progress made as requested, and instead challenged the Commission's powers to order the said finding against the Minister. The Commission is still engaging and liaising with the Minister's office in this regard.
Swartbooi vs Port Nolloth	Equality	The Department of Social Development referred the matter of a school girl, who was expelled from school because she fell pregnant, to the Commission for investigation. The Commission successfully engaged the Department of Education and the learner's expulsion was subsequently uplifted.
Reggie Gaanakgomo vs SAPS	Equality	The complainant, a student Constable in the employ of the SAPS was suspended because she fell pregnant before she could complete her probation period. Preliminary investigations by the Commission pointed to prima facie discrimination on the basis of pregnancy (section 9 (3) of the Bill of Rights) by SAPS. The Commission is still waiting for the SAPS's Internal Employment Regulations to consider tabling the matter before the Commission's internal Legal Committee for a decision.



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Case / Matter	Right(s) violated	Status as at the end of March 2007
Maria Magdalena vs J M van der Westhuizen	Housing	A farm owner in the Northern Cape sold his farm and promised the occupier that once she had identified a house outside the farm, the farm owner would buy it for her as alternative accommodation. When the occupier informed owner about the value of the house, he reneged on his promise stating that the house was too expensive. The Commission advised the occupier to stay on the farm until suitable alternative accommodation could be secured. The Commission continues to engage the farm owner and monitor the matter.
Maseko Khabo vs Department of Health and Social Services	Freedom of expression	The complainant alleged that she was inhumanely treated by a medical doctor who not only refused to treat her, but further insulted her about her weight. The matter has been filed with the Sabie Equality Court in Mpumalanga.
Minister Ngconde Balfour vs E-TV	Privacy	The complainant requested the Commission's opinion on the conduct of E-TV wherein the latter filmed and broadcast contents of the complainant's bedroom without his consent. The Commission made findings and recommendations in respect of the breach of the right to privacy. The Commission further also advised the complainant about his further rights of recourse and various options to explore, including taking the matter to court.
Access for citizen committee vs Top-presteerders Pty (Ltd)	Equality	This case involves the provision of equal access for people living with disabilities. The shopping mall, Village Square is not accessible to the disabled as it does not have lifts to access other floors. Litigation culminated in a settlement agreement being reached between the parties and such being made an order of the Equality Court in Hermanus, in the Western Cape. The respondents were further ordered to comply with the SABS building requirements. The Commission is currently monitoring the implementation of the court order.
Rawsonville	Labour	Complaints relate to various issues concerning farm-workers' abuse by farm owners. The alleged abuses include assault, rape, evictions and unpleasant working conditions. The Commission conducted various meetings with relevant stakeholders, including the Department of Land Affairs, Agri-Wes Cape, various NGOs, farmers and the community. Ongoing investigations of individual matters by the Commission is taking place. The Commission has inter alia also proposed mediation, training and education sessions.
Akhasa Salah	Equality	The matter concerns alleged hate speech utterances and harassment towards a black golf club member by fellow white golf club members. After reporting the incident to the golf club management, the complainant's membership was terminated. The matter has been referred to the Piet Retief Equality Court and is set down for hearing on 23 July 2007.



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Case / Matter	Right(s) violated	Status as at the end of March 2007
Haga-Haga	Housing	The complainants are farm dwellers who were allegedly requested by the farm owner to vacate his farm. The farm owner had further allegedly destroyed the family graves by ploughing over them and has refused the complainants the right to visit the family graves. A letter of allegation was sent to the farm owner and recommendations for litigation were made and approved. The Commission has filed application papers in court and is waiting for the respondent's replying papers.
Rantho Constance Nonsikelelo	Equality	The respondent in this matter had allegedly photocopied the complainant's Identity Document and replaced the complainant's photo with that of a baboon. After the Commission's intervention, the respondent apologised for his conduct - which adversely affected the complainant's dignity - and an amount of R5 000 was paid as damages to the complainant.
Lukas Kalakong vs Koos Mans	Equality	The complainant alleged that his employer had called him a 'Kaffir'. The matter was set down to be heard in the Kakamas Equality Court on 4 August 2006. However, on the day of the trial the respondent's attorneys indicated that they would serve the Commission with further affidavits of two witnesses. The Commission objected to this, citing late service. The trial was remanded to 29 September 2006. However, due to certain challenges being experienced with the relevant Equality Court, including allegations of bias and allegations that cases never reach finality, the witness has since indicated that he is no longer willing to testify.





PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Legal Services	Complaints Handling	Screen / Assess complaints	Within 7 days of receipt	Achieved
		Response to complaints (allegation, referral, rejection)	Within 7 days of receipt	Achieved
		Functional call-support centre for complainants	According to call centre support standards	Achieved: Call centre operational
	Redress	Number of resolved complaints	90% of complaints not subjected to litigation or public hearings	Partially achieved: 438 Complaints resolved; 18 litigation cases finalised
	Law Clinic	Registration with Law Society/ Training/ Candidate attorneys	Number of candidate attorneys/ national pilot	Partially achieved: Policy developed
	Public Hearings	Number of completed hearings	2-3 successfully completed hearings	Achieved: 2 Public hearings on Initiation schools and school-based violence conducted
		Report/findings	Submission of report, 3 months after hearing	Partially achieved: Reports of the hearings to be finalised in the 2007/08 financial year
		Follow-up	Quarterly follow-up	Partially achieved: Follow up on the Right to Basic Education Hearing of previous financial year
	Analyses of complaints and other legal services	Frequency of quantitative and qualitative analysis of trends	Monthly/ Quarterly/ annually	Achieved: Monthly and quarterly reports submitted
	Comprehensive and integrated management and quality assurance system	Adopted systems document/norms and standards	June 2006/ quarterly reviews	Partially achieved: Norms and Standards Document in draft form

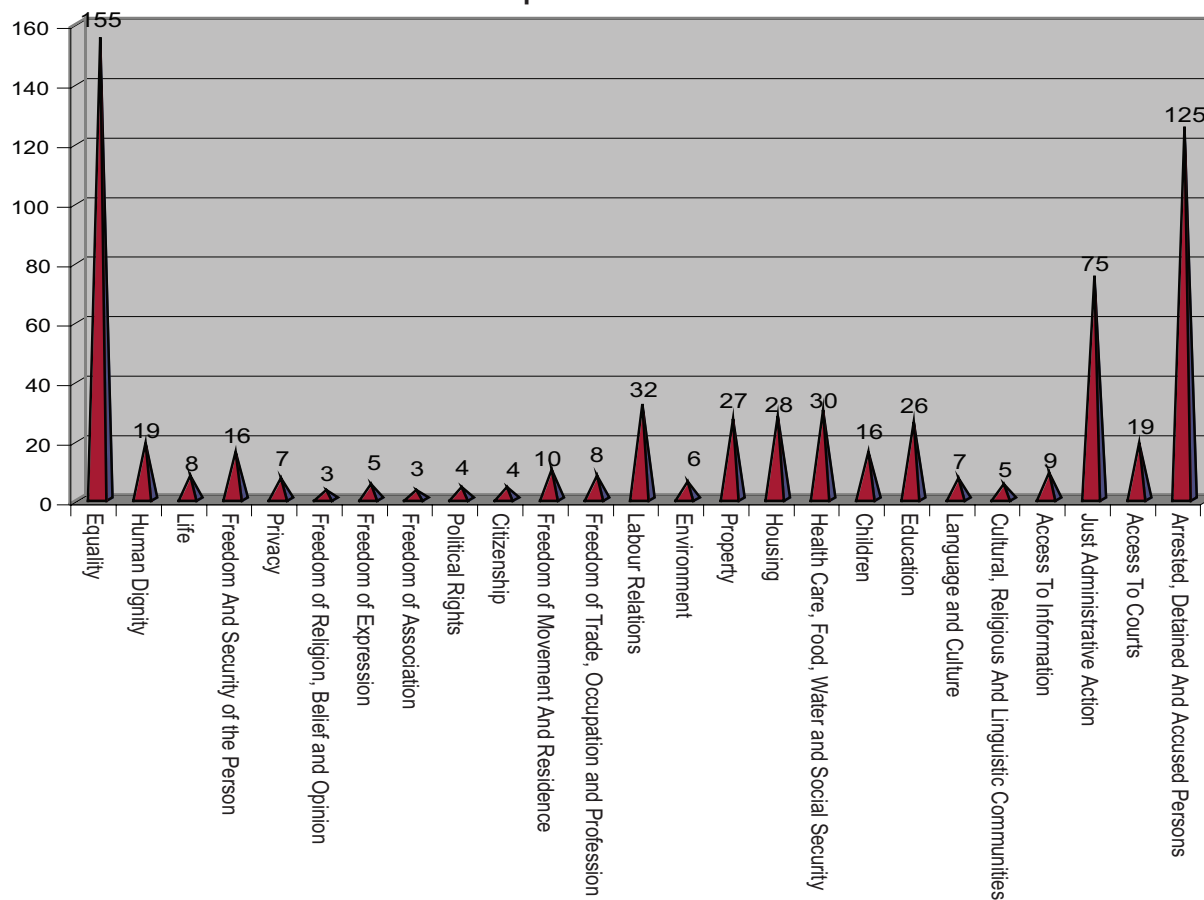


PART 2: PROGRAMME PERFORMANCE

Programme: Operations

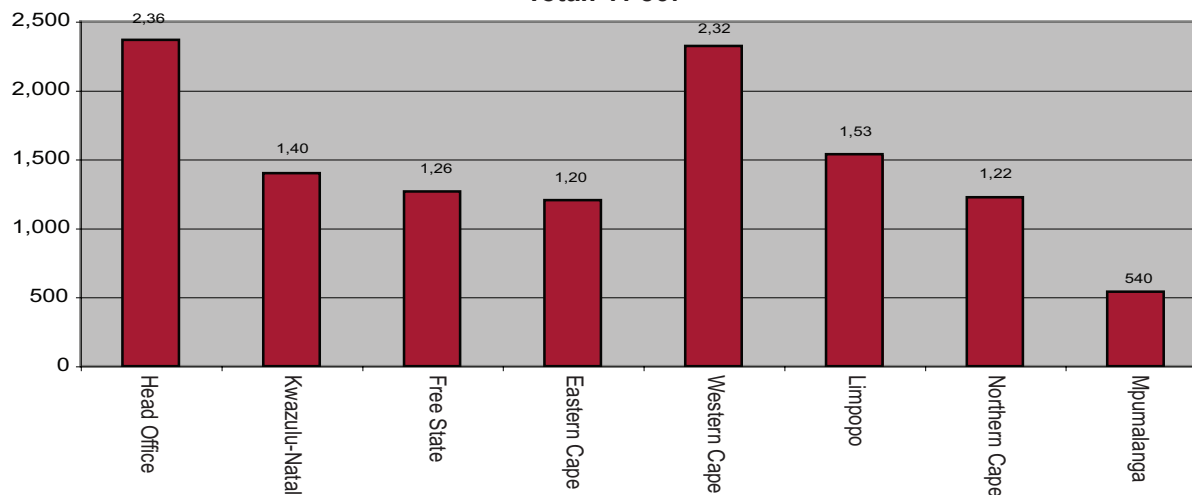
STATISTICS¹

Complaints investigated and handled by head office = 647
April 2006 to March 2007



Total Number of Complaints handled per Office – April 2006 to March 2007

Total: 11 867



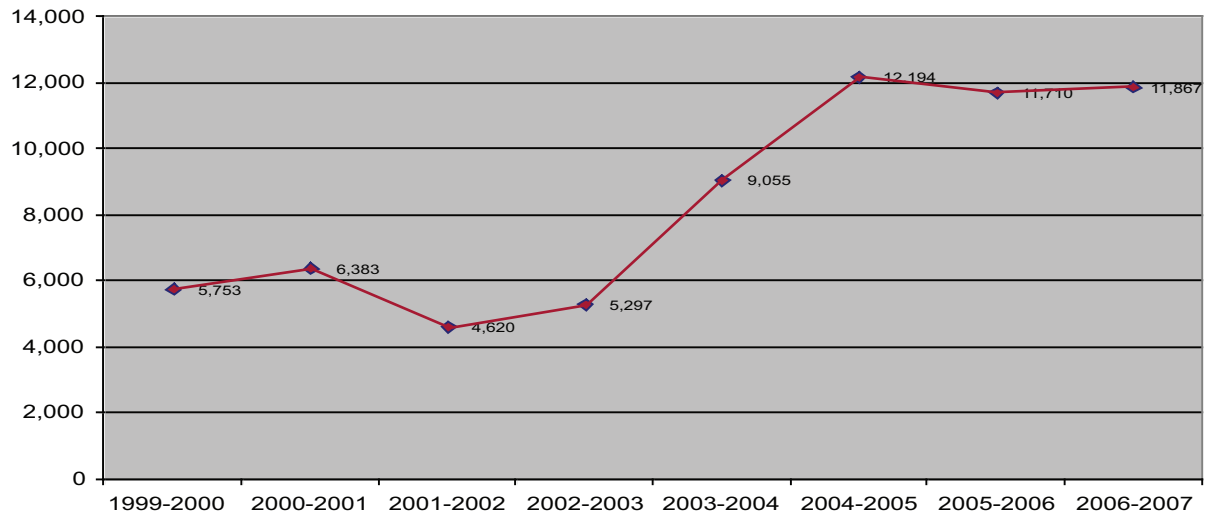
¹ All statistics are inclusive of "carried over" complaints from the previous financial year.



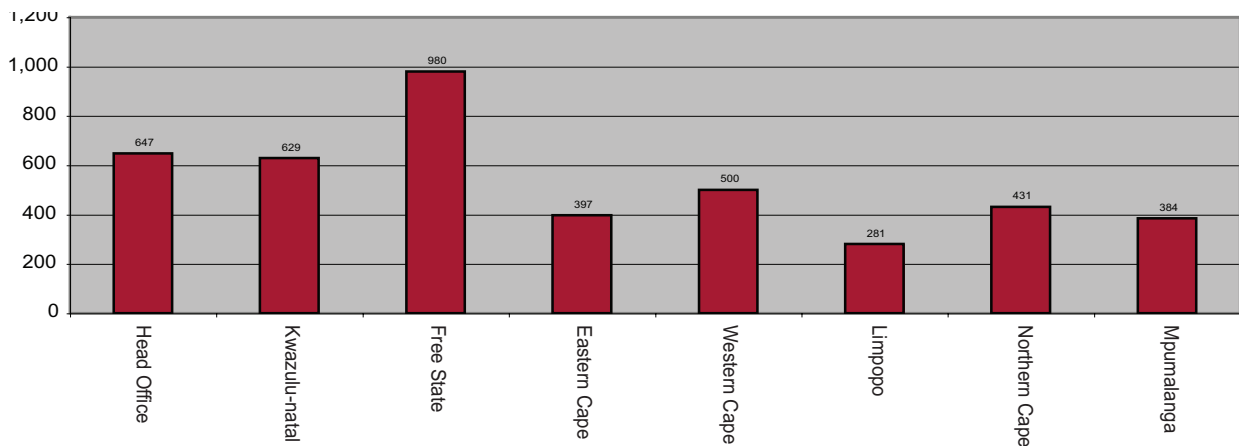
PART 2: PROGRAMME PERFORMANCE

Programme: Operations

**Total Number of complaints handled for the last eight year (all Offices)
April 2006 to March 2007**



**Complaints actioned upon as violations of human rights and actioned per office
1 April 2006 to March 2007 = 4 249**

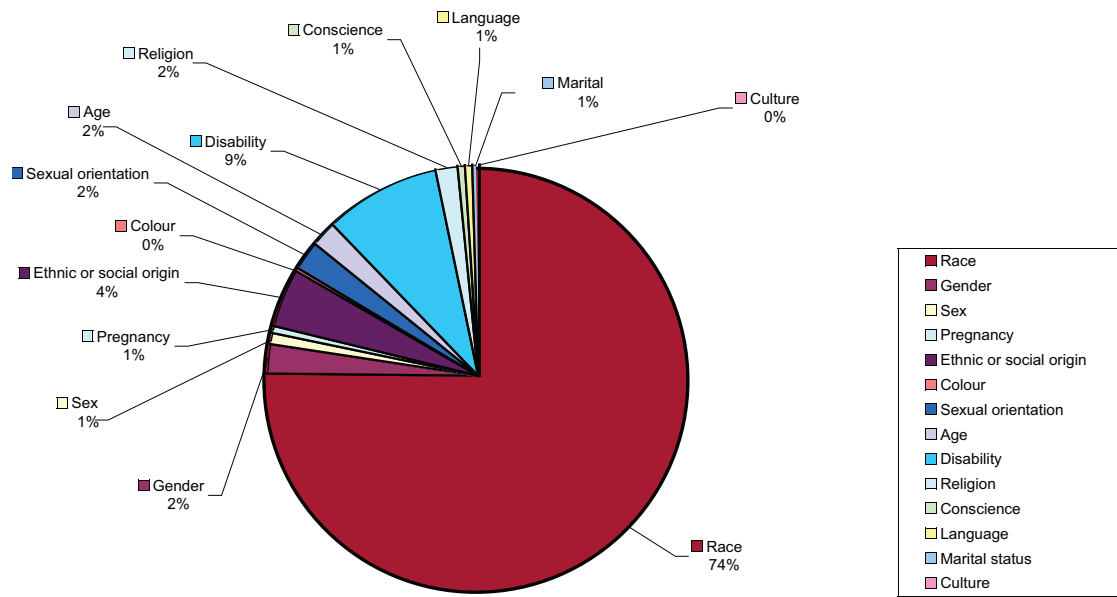




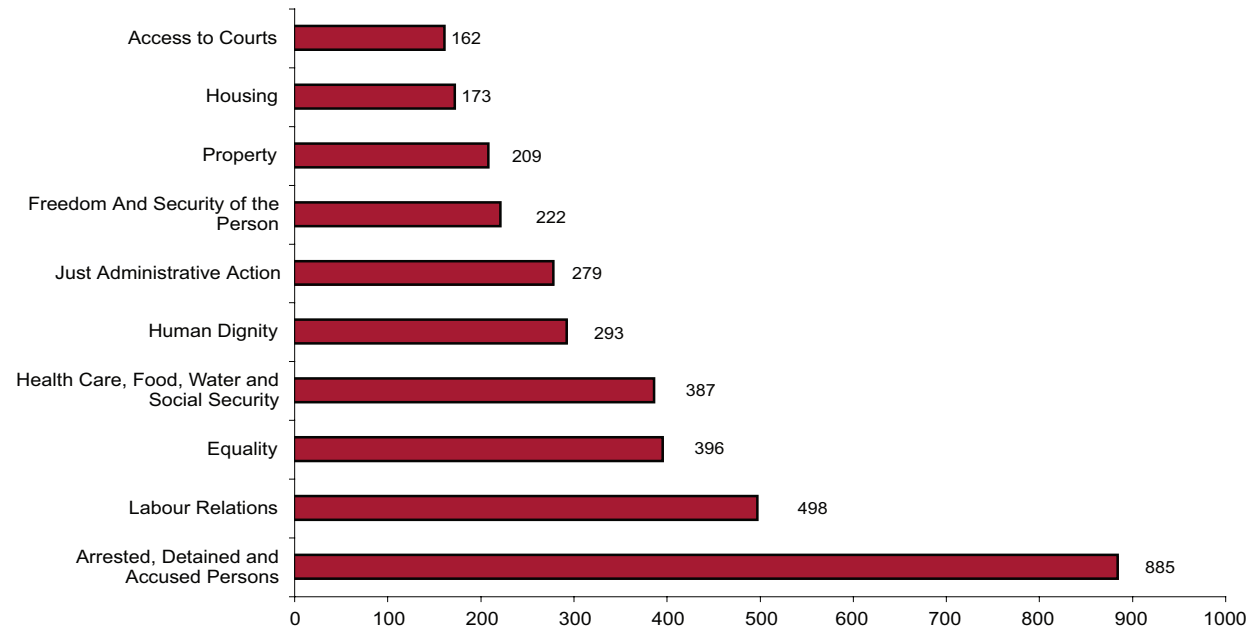
PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Breakdown on equality clause
April 2006 to March 2007



Top 10 Typical complaints (all offices)
April 2006 to March 2007



	GP			EC			LP			FS			KZN			WC			NC			MPL			MAIN TOTAL
	C/O	Current	Total	C/O	Current	Total	C/O	Current	Total	C/O	Current	Total	C/O	Current	Total	C/O	Current	Total	C/O	Current	Total	C/O	Current	Total	
Telephonic complaints	-	826	826	-	52	52	-	626	626	-	99	99	-	300	300	-	562	562	-	65	65	-	74	74	2,604
Interviews	-	485	485	-	116	116	-	517	517	-	120	120	-	361	361	-	875	875	-	680	680	-	-	-	3,154
Written complaints																									
Investigations	295	352	647	27	370	397	50	231	281	380	600	980	-	270	629	317	83	500	175	256	431	77	307	384	4,429
Rejections	16	108	124	152	412	64	2	79	81	3	22	25	-	30	30		168	168		1	1	-	32	32	1,025
Referrals	29	256	285	24	52	76		33	33	23	21	44	-	81	81		218	218	21	27	48	-	50	50	835
Total number of recieved complaints ⁽¹⁾	340	2,027	2,367	203	1,002	1,205	52	1,486	1,538	406	862	1,268	359	1,042	1,401	317	2,006	2,323	196	1,029	1,225	77	463	540	11,867
Resolved complaints ⁽²⁾	49	24	73	30	36	66	7	82	89		151	151	-	5	5			-		54	54			-	438
Finalised complaints ⁽³⁾	164	81	245	-	36	6	15	82	97	337	305	642	172	-	172	233	101	334	170	174	344		128	128	1,968
Outstanding complaints	131	271	402	27	334	361	35	149	184	43	295	338	187	270	457	84	82	166	5	82	87	77	179	256	2,251

Note 1: This includes all carried-over and received complaints for the financial year under review

Note 2: Resolved complaints refers to all complaints that have been investigated and resolved through the Commission's intervention

Note 3: Finalised complaints refer to all the files that have been closed because complainants are not taking the matter further



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

2.7.4.3 Research and Documentation

Measurable objectives

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

Service delivery objectives and indicators

Economic and Social Rights

The Commission has revamped its ESR monitoring regime and as a result decided to follow a three-year reporting cycle on ESR monitoring instead of the one-year cycle followed in previous years. In this regard the Commission started research for the 2005/08 report and the groundwork for publishing an Annual Human Rights Development Report and Human Rights Journal has also commenced in the financial year under review. The ESR researchers also conducted field work and workshops, attended conferences, delivered speeches, participated in public inquiries and advised on ESR complaints.

Promotion of Equality and Prevention of Unfair Discrimination

The Commission is responsible for implementing specific obligations under the Promotion of Equality and Prevention of Unfair Discrimination Act 2 of 2000. The Commission has, over the period of the financial year, continued with research towards the production of the Section 28(2) Annual Report. Internal Equality Updates were compiled and Equality Courts in the North West and Eastern Cape Provinces monitored. A telephonic survey of all the Equality Courts in the nine provinces was conducted and a report was compiled. Assistance was provided to Commissioners, the Legal Services Programme, the Education and Training Programme as well as to special projects of the Commission by means of research, legal opinions and training support. A successful Equality Indaba was hosted in November of 2006 and a report of this event has been produced.

Promotion of Access to Information

In relation to the Commission's obligations under the Promotion of Access to Information Act (PAIA), the unit conducted 25 briefings and submitted recommendations on law reform to

the Department of Justice and Constitutional Development. It has assisted with complaints-handling, reviewing of various models for an enforcement mechanism and raised awareness about pertinent provisions of the Act. The inaugural Openness and Responsiveness Awards were launched and hosted in September 2006.

The Promotion of Access to Information Act Indaba and the Information Officers Forum were hosted whilst two discussion papers on the Protection of Personal Information and the establishment of an Information Commissioner were submitted to the Law Reform Commission. Section 32 reports and section 14 and 51 manuals were received and processed.

Library and Documentation Centre

The Library and Documentation Centre was allocated a budget of R340 000 to resource the library and provincial offices. The acquisitions form a ready reference for the Commission and assist the Commission in pursuing its mandate. The Library renewed subscription to journals, online databases, government gazette and newspapers as per subscription anniversary dates. It also bought new books and receives donations from Commissioners and staff who regularly attend workshops and conferences.

The provincial offices received loose-leaf updates, gained access to online databases and bought new books guided by acquisition criteria developed by the library. The budget for the 2005/06 financial year for this purpose was R40 000.

The Library Unit performed cataloguing and classification of all materials received. The purpose of this exercise was to create, organise, maintain and update the library holdings on the database as material is received as above so as to make it accessible to users. On average 823 records of journal articles, books and reports were catalogued on a weekly basis. These help answer research queries/satisfy information requests.

The unit also undertook maintenance of the Kardex system. Kardex is a stock record of journal issues and law reports received. It enables the librarian to monitor journal issue arrival patterns and claim for whatever is not received as expected.

There was considerable usage of library materials. Between 01 April 2006 and 31 March 2007, 809 titles were borrowed from the library, 31 members of the public mainly senior students from local universities used the library and made 478 photocopies.



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
ESR	Contribute to Human Rights Development Report	Scope and extent of contribution	60% of Report	Partially achieved: Research done. Report not completed
	Journal articles	Number	1 per right per year	Not Achieved: Concept paper developed
	Quarterly reports	Frequency	Every 3 months	Achieved
	Stakeholders Workshop	Successfully completed workshops and reports	April 2006 – Feb 2007	Achieved
	Presentations Workshops / Parliament / conferences	Number	As per request	Achieved: 21 Workshops /seminars presentations held in all provinces
	Support to special projects	As per request	100% response to requests	Achieved: Supported Legal Services during the Health Inquiry and assisted during investigations on schools
	Assist with outreach awareness and training	As per request from Education and Training	80% response to requests	Achieved: Responded to all request for training
	Assist with complaints, mediation, interventions	As per request from Legal Services	100% response to requests	Achieved: Responded to all requests from Legal Services
	ESR Report	Completed according to agreed upon norms and standards	June 2006	Achieved: 6 th ESR Report was launched on 21 August 2006
	Comprehensive and integrated management and quality assurance system	Adopted systems, documents, norms and standard	June 2006	Partially achieved: Terms of reference approved and norms and standards handbook will be completed in the next financial year



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Library and Documentation	Development and Maintenance of the Library	Acquisition and Maintenance of Human Rights Materials in terms of subscription contracts	Quarterly reports	Achieved: The following material was acquired: 264 Journal issues 223 magazines/newsletters 190 books (59 purchased and 131 were donated) - 82 law reports - 34 loose-leaf updates - 148 reports - 36 annual reports - weekly Government Gazette as published by the government printers - 3 daily newspapers, 4 weekend newspapers and 2 online - Online databases on legal products that provide 24-hour access to Internet-based information resources
	Support to library users	Number of request for assistance	100% response to requests	Achieved
	Library services of provincial offices	Adopted concept paper/system	July 2006	Achieved
	Comprehensive and integrated management and quality assurance system	Adopted systems document / norms and standards	June 2006	Partially achieved: Terms of reference drafted and provider commenced work. Project took longer than was originally contemplated at conception due to unforeseen challenges



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Equality	Sec 28 Equality reports	Completed report in terms of equality legislation	As per legislative requirements	Not Achieved: Regulations not yet promulgated
	Monthly updates	Completed in terms of requirements of publications protocol	Monthly	Partially achieved: Mid-year review resulted in 8 internal updates being completed
	Equality Courts Monitoring	Number of courts monitored Quality and Utility of Reports	2 per province per month	Achieved: 10 monitoring visits conducted at KZN, 16 in NW and 10 in Eastern Cape (EC)
	Assist with Complaints	As per request from legal services	100% response to request	Achieved
	Research	Number of papers and opinions	4 per year	Achieved: Produced 16 presentations/ legal opinions, training material, literature and field research reports - Produced a draft booklet on PEPUDA
	Equality Indaba	Successfully completed indaba	Hosting annual indaba/ before Dec 2006	Achieved: Hosted Indaba II on 23 November 2006
	Support to special projects	As per request	100% response to request	Achieved Attended 27 workshops, seminars, conferences and meetings
	Contribution to the Human Rights Development Report and human rights Journal	As per project plan	As per project plan	Partially achieved: Research undertaken but not published
	Comprehensive and integrated management and quality assurance system	Adopted systems document / norms and standards	June 2006	Partially achieved: Terms of reference approved and norms and standards handbook will be completed in the next financial year



PART 2: PROGRAMME PERFORMANCE

Programme: Operations

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
PAIA	Consolidation of Section 32 reports of the public bodies	Increased number of respondents for section 32 information	100% response	Partially achieved: Not all public bodies submitted section 32 reports
	Assist with complaints / mediation / interventions	As per request from legal services	100%	Achieved: 4 Complaints received at the end of the financial year. One complaint pending
	Research	Number of papers and opinions	4 per year	Achieved: 4 Opinions/papers written
	Information and Deputy Information Officer's Forum	Establishment of Forum	Hosting annual meeting before Dec 2006	Achieved: The annual meeting took place on 20 September 2006
	Access to Information Indaba	Successfully completed indaba	Hosting Annual Indaba before December 2006	Achieved: The Indaba was held on 20 September 2006
	Support to special projects	As per request	100% response to request	Achieved: Provided support to the following special projects: e-Learning, Omnibus and CSAP
	Contribution to human rights report and human rights journal	As per project plan	As per project plan	Partially achieved: Research undertaken but not published
	Assist with public awareness education and training	As per request from education and training of information and deputy information officers	100 % response to request	Achieved: 28 Workshops conducted, 2 seminars and numerous speeches at conferences
	Other interventions in response to Commission's obligations under PAIA	Number of interventions	8 per year	Achieved: 6 Amendments identified and proposed to DOJCD / Made submissions to DOJCD on the establishment of the office of the Information Commission. Continued to receive and monitor both section 14 and 51 manuals / Hosted the Openness and Responsiveness Awards
	Comprehensive and integrated quality assurance system	Adopted systems document/ norms and standards	June 2006	Partially achieved: Terms of reference approved and norms and standards handbook will be completed in the next financial year



2.7.5 Special and Donor Funded Projects

2.7.5.1 Civil Society Advocacy Programme

Purpose

This programme aims at facilitating the access of vulnerable groups to Constitutional rights by providing mechanisms for advocacy, communication, awareness and engagement between communities, community structures, civil society organisations and government.

Measurable objectives

The Civil Society Advocacy Programme in South Africa is a European Union funded four-year initiative designed on the basis of a study at the instigation of three of the state institutions supporting constitutional democracy. These bodies, established through Chapter 9 of the South African Constitution, include the South African Human Rights Commission (Commission), the Commission for Gender Equality (CGE) and the Office of the Public Protector (OPP) (the Chapter 9s) that implement the programme.

CSAP contributes towards more effective governance, reduction of poverty in selected communities and improved living conditions for targeted people by

- Facilitating that the ability of communities to access their rights is improved.
- Providing advocacy support to the targeted communities.
- Capacitating the Commission and other Chapter 9s by providing active advocacy support within their mandate.
- Effectively co-ordinating and managing the programme.

Service delivery objectives and indicators

Result 1: The targeted communities are empowered to access their rights

During the period under review, a Community Profiling study was commissioned by CSAP. This 'Baseline Study Profiling 30 communities in three pilot provinces (KwaZulu-Natal (KZN), Eastern Cape, and Limpopo)', provides valuable baseline information which currently informs the work of the CSAP-sponsored Advocacy and Outreach Unit within the Commission, and is useful to C9s, Civil Society Organisations (CSOs) and other stakeholders in the methodology used and in the data provided. It will generally assist in targeting geographical communities and human rights thematic content issues and challenges in the 3 focal provinces. It informs national and provincial Commission work in terms of the monitoring, promotion and protection of human rights. The

3 reports consist of Volume 1: Provincial Report; Volume 2: National Report; Volume 3: Actual profiles of communities - 10 per province. The study was conducted during 2006 by the Community Agency for Social Enquiry (CASE) for CSAP, and was finalised in December 2006. A Training and Development Needs Assessment of communities in the 3 focal provinces was finalised in March 2007.

Result 2: Targeted CSOs are providing effective advocacy support to targeted communities

During the period under review, a data base of CSOs was established. A wide number of interventions with civil society organisations took place in KZN. A programme to provide Active Advocacy Support to Communities in the 3 priority provinces through CSOs was initiated in March 2007.

Result 3: C9s provide active advocacy support within their mandate

During the period under review, the main focus of the CSAP was directed to this result area. Result 3 of the Civil Society Advocacy Programme aims at providing support to Chapter 9s and enhancing their capacity to provide active advocacy support to selected civil society organisations and communities.

The work of the CSAP within the Commission was initiated in March 2006 with the appointment of a dedicated CSAP Programme Focal Point person. During the period under review, the CSAP provided support to the Commission through various institutional strengthening and capacity building processes. Highlights include a review and assessment of its organisational capacity conducted from July to September 2006 (the Landscape study), and the upgrading and review of management systems through Norms and Standards handbooks (see below), and support for awareness campaigns and outreach programmes.

Thus far the CSAP has benefited the Commission in the following ways:

- R 3.1 Landscape Study conducted 2006.
- R 3.2 Training and Development Needs Assessments conducted from July to September 2006.
- R 3.3 Implementation of TDNA recommendations by Regenesys, to be conducted in 2007/8.
- R3.4 A review and assessment of the Communication Strategy of the Commission, conducted in October 2006.
- R 3.5 A review and assessment of the outreach and advocacy programme of the Commission conducted in October 2006.
- The recruitment of a new Community Outreach and



PART 2: PROGRAMME PERFORMANCE

Programme: Special and Donor Funded Projects

Advocacy Unit in January 2006. The unit provides extra human resources at national and provincial levels to conduct community outreach and advocacy across Commission programmes in the three CSAP priority provinces viz. KwaZulu-Natal, Limpopo and the Eastern Cape.

Eight handbooks to provide rapid targeted strategic assistance and institutional strengthening for the Commission have been commissioned in early 2007 and are in progress viz.

- (i) Quality Assurance Framework (QAF) for SAHRC,
- (ii) Corporate Identity and Publications manual for Commission,
- (iii) Handbook for the development of a Code of conduct/guidelines for the lobbying and advocacy work of the Parliamentary Office of Chapter 9s,
- (iv) Generic Norms and Standards Handbook for use across programmes (Legal Services, Education and Training, Research and Documentation, Finance and Administration, Human Resources) at the South African Human Rights Commission (Commission)
- (v) Norms and Standards Handbook for use by the National Centre for Human Rights Education and Training - the education and training wing of the South African Human Rights Commission (Commission) Nachret Handbook
- (vi) Norms and Standards Handbook for use by the Legal Services Programme of the South African Human Rights Commission (Commission) Legal Handbook
- (vii) Norms and Standards Handbook on the Monitoring and Assessment Mandate of the South African Human Rights Commission (Commission) for use by the Research and Documentation Programme of the Commission Monitoring Handbook
- (viii) Improvement of the Commission Library and Documentation Centre. *Library Review*.

Result 4: Effective programme co-ordination and management

During the period under review, dedicated staff were appointed at a national and provincial level (in KZN) within the Commission. The Programme Steering Committee of the CSAP has been chaired by the Commission's DCEO: Operations, Dr Andre Keet since December 2006.

2.7.5.2 Community Outreach and Advocacy (Comout)

This sub-programme engages and interacts in particular, with disadvantaged and marginalised communities in South Africa, through the promotion of human rights community

outreach and activities. While activities are not limited to these provinces, the priority provinces are Eastern Cape, Limpopo and KwaZulu-Natal.

Measurable Objectives

- To reach people in marginalised and disadvantaged communities and promote human rights
- To entrench a sustainable human rights culture
- To promote the accessing of human rights
- To work with NGOs, civil society bodies and local government in promoting human rights in communities
- To partner with other internal structures within the Commission in promoting human rights
- To reach as many people as possible through mass communication means such as community radio.
- To implement a Monitoring and Evaluation system which will provide a needs analysis and an impact assessment on the programmes within the framework of the objectives of the Commission.

Service delivery objectives and indicators

The Community Outreach and Advocacy Sub-programme (Comout) has been in existence since January 2007. During that time it has developed its strategic plan according to its purpose and set goals.

The Comout sub-programme has a huge demand to cater for, in terms of community outreach work. In order to maximise its effectiveness it utilises the following criteria:

- A capacity-building and 'train-the-trainer' approach to all its interventions contributing towards a sustainable community who are able to further their understanding to others.
- Through effective use of the media in promoting human rights, in particular community radio.
- Through establishing 'link persons' from each intervention who can continue to make use of the Commission's services for further benefit to the relevant community.
- Promoting awareness and understanding of 'accessing human rights' in order to address a number of human rights concerns.
- Facilitating as far as possible contacts between communities and other stakeholders such as local government representatives, service providers and civil society role players in order to address problem areas.
- Utilising monitoring and evaluation to provide the relevant feedback for improvement and sustainability of human rights campaigns.



Community Outreach

During the period January to March 2007, the Comout sub-programme undertook a number of community-based activities in accordance with its strategic plan. At least 11 interventions were made in different communities in three provinces. These were the Eastern Cape, Gauteng and the North West Province.

Eastern Cape Province

During February, much of the Commission's activities were focused on preparing for Human Rights Week which takes place once a year to commemorate Human Rights Day on the 21st March 2007. In the Eastern Cape, meetings were held between the Elandini Municipality and the Comout sub-programme of the Commission and representatives of the Office of the Public Protector and the Commission on Gender Equality in order to promote human rights as well as to make preparations for Human Rights Week. From 19–23 March 2007, human rights awareness campaigns took place with communities around Mt. Fletcher, such as Maclear, Katkop and Ugie. A total of 471 people were reached during this period.

Workshops on human rights also took place with Community Development Workers in the Eastern Cape on 20 and 21 March 2007.

Two civil society workshops were held at Uitenhage hospital on the 28th March 2007 and at Addo Elephant National Park on the 29th March respectively in collaboration with churches and NGOs for the promotion of human rights.

The Comout representative in the Eastern Cape plays an active part of the task team, which has been established in Motherwell to deal with the Somali refugee concerns which are prevalent in the area. The UNHCR and other relevant members of the community are part of this task team.

North West Province

As in the case of the Eastern Cape, a number of interventions took place in the province for general human rights awareness and for Human Rights Week celebrations. An initial visit was made to the Moretele Municipality from 27–29 February. Visits were then conducted in the areas of Kgomo-kgomo, Mathiebestad, Makapanstad and Ratjiepene where a shortage of water seems to be an ongoing problem, together with general poverty and unemployment in the area. Meetings were held with traditional leaders of these communities who requested further training and interventions from the Commission. A follow-up visit was made to these areas from the 12th to the 16th March. A dialogue meeting took place on the premises and with the support of Moretele Municipality, with members of provincial government, civil society, community groups and traditional leaders attending. The Mayor of Moretele and the MEC for Safety and Security, the MEC of North West Province attended the Human Rights Day activities. These activities took place under the auspices of Nachret, which is the Education and Training sub-programme of the Commission.

Gauteng Province

Preparations for Human Rights Week also took place in Gauteng in particular in the areas of Ekurhuleni and Winterveldt. A collaboration with the Ekurhuleni Municipality and the Commission took place, resulting in the development of posters and t-shirts alerting people to the violation of human rights, in particular the right to safety and security through crime. A provincial dialogue took place on the 16th of March 2007, in the area of Winterveldt resulting in a large turnout of community representatives. These activities also formed part of a larger campaign under the auspices of Nachret.

The Comout sub-programme is planning to undertake a large community radio campaign in the three priority provinces focusing on the Bill of Rights of the South African Constitution. Access to rights will also be promoted.





PART 2: PROGRAMME PERFORMANCE

Programme: Special and Donor Funded Projects

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Community Outreach and Advocacy	Training programmes	The number and extent of outreach activities held	6 interventions prioritising Eastern Cape, Limpopo and KwaZulu-Natal	Achieved: 6 interventions in Eastern Cape, 2 in North West and 2 in Gauteng
	Capacity building for civil society	Number of interventions and feedback received	On a quarterly basis / add on to other courses	Achieved: 6 interventions in Eastern Cape, 2 in North West and 2 in Gauteng
	Community drama workshops	No of interventions and people involved	3 community drama workshops per year	Not achieved: No drama workshops conducted
	Seminars and roundtables	No of representatives and response to requests received	1 per quarter	Not achieved: No seminars conducted
	Human rights events and campaigns	Number of events and themes	1 event quarterly	Achieved: Human Rights Month: 22nd March 2007
	Human rights week	Once a year	1 for the three provinces	Achieved: Events in North West, Gauteng, Eastern Cape
	Community visits and informal walkabouts	Number of visits and walkabouts	3 quarterly / collaborations with other departments	Achieved: Eastern Cape, Gauteng and North West
Media	Community Radio Capacity Building Programme	Number and extent of people reached	At least one priority province	Partially achieved: Proposal prepared and submitted
	Media briefings	Number of events covered by the media	1 per month	Achieved: During Human Rights Month, March 2007
	Greater coverage of the Commission outreaches/campaigns	Number of releases covered in media	At least one province	Achieved: During Human Rights Month, March 2007
	Newspaper/magazine articles	Number of requests for interviews/ comments as covered by the media	1 per month / dependent on activities	Not achieved: No articles
	Technical and general support to Commission and Comout	Per request	Meet all requests	Achieved: Assistance during the Human Rights Month



PART 2: PROGRAMME PERFORMANCE

Programme: Special and Donor Funded Projects

Service delivery achievements

Sub-programme	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Monitoring and Evaluation	Concept paper	No. of recommendations Design of monitoring system	Concept paper started	Partially achieved: Draft Concept paper
	Sub-programme monitoring	Design of monitoring system	Included in Concept paper	Partially achieved: Draft Concept paper
	Provides programme or project design feedback	Develop M&E field guide	Develop M&E field guide	Achieved: M&E field guide developed
	Develop questionnaires	Number of questionnaires produced and piloted	At least one questionnaire piloted	Achieved: Questionnaire developed for Human Rights week

2.7.5.3 Information Management Systems

Purpose

This sub-programme responds to the Commission's needs to develop best practices on information management and to comply with both the National Archives and Records Services Act and the Promotion of Access to Information Act.

This saw the launch of a three-phased project. Phases one and two will be implemented over a period of two years with the pilot and full roll out in provinces. Phase three will be done on the second and third years.

Measurable Objectives

- To manage and archive information in compliance with legislative requirements
- To develop and maintain systems to enhance the quality of the output by the programmes
- To acquire ICT systems as per IT security policy and master plan-systems.

Phase One: Scoping of the current challenges and a report with recommendations on what the Commission can do to deal with these. This included an audit of the current systems that each programme has, to ensure the creation and preservation of records. It also includes an audit of the IT Policies to ensure they are in line with the laws governing IT. Finally, this phase was about mapping some of the business processes in the Commission in order to understand how and where records are created and the roles and responsibilities of individuals in those units.

Service delivery objectives and indicators

The need for setting best practice in terms of information management was as a result of the Commission having the responsibility of monitoring the Promotion of Access to Information Act (PAIA) and in having to advise public bodies on the management of their information in order to ensure easy access to their information when so requested.

The scoping report has been produced and some of the recommendations implemented in accordance with the project plan. In addition, this phase saw the completion of the IT policies, which if approved, will be introduced in the next financial year.



PART 2: PROGRAMME PERFORMANCE

Programme: Special and Donor Funded Projects

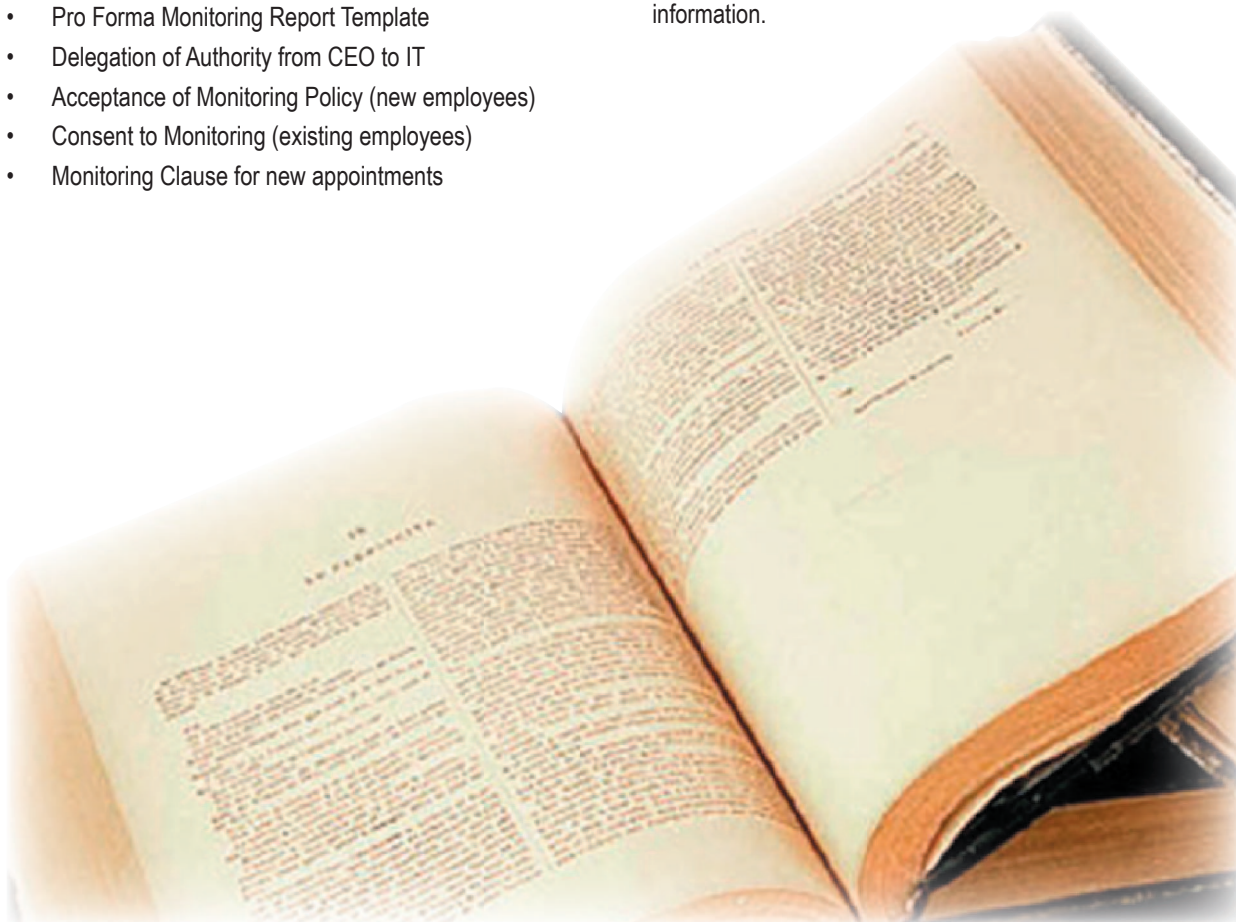
These include the following aspects of IT monitoring:

- Infosec Framework and Charter Document
- High level Information Security policy
- Information Security Roles and Responsibility guide
- E-mail Policy
- E-mail Guidelines
- E-mail Etiquette Document
- Internet Usage Policy
- Intranet Usage Policy
- Computer Usage Policy
- Telecommuting Policy
- Incident Response Policy (users)
- Incident Response Policy (technical staff)
- Monitoring Policy for End Users
- Monitoring Policy for Technical Staff
- Monitoring Guidelines for Technical Staff
- Pro Forma Monitoring Request Template
- Pro Forma Monitoring Report Template
- Delegation of Authority from CEO to IT
- Acceptance of Monitoring Policy (new employees)
- Consent to Monitoring (existing employees)
- Monitoring Clause for new appointments

Phase Two: This phase included the following key outputs:

Drafting and implementation of a Records Management Policy after analysis of the scoping report; drafting a file plan for approval by the National Archives and Records Services of South Africa; draft Retention and Disposal Schedule and Procedures; Draft Security and Access Classification Scheme; and introduction of a Registry System for the Commission. The Records Management Policy was developed and will be implemented in the next financial year. A draft file plan has been developed and submitted to the National Archives. It will be implemented as soon as such approval has been secured. The Security and Classification Scheme will be developed in the next financial year in accordance with the project plan.

Phase Three: introduction of an Electronic Document and Records Management System. This phase will see all the Information Communications Technologies (ICTs) improved and responding to all the Commission's ICT needs. This includes the introduction of e-learning and the improvement of our IT systems to respond to the needs for access to information.



The image shows the exterior of a building with a grey stone facade. At the top, there is a large window with white frames. Below the window, the words "HUMAN RIGHTS HOUSE" are inscribed in large, raised, purple letters. A security camera is mounted on the wall to the left of the inscription. Below the inscription, there is a small, square, purple logo featuring a stylized flame or sunburst design. The bottom of the image is partially obscured by a red and orange overlay containing text.

HUMAN RIGHTS HOUSE

PART 3

HUMAN RESOURCES MANAGEMENT



PART 3: HUMAN RESOURCES MANAGEMENT

Human Resources

1. EMPLOYMENT AND VACANCIES

TABLE 1.1 – EMPLOYMENT AND VACANCIES BY PROGRAMME, 31 MARCH 2007

Programme	Number of Vacant posts	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Commissioners	1	10	9	10%	
Management	3	39	36	7.69%	
Advocacy	0	0	0		
Legal Services	2	12	10	16.66%	
Research	4	16	12	25%	
Education	4	12	8	33.33%	
Provinces	8	40	32	20%	
Total	22	129	107	17.05%	

TABLE 1.2 – EMPLOYMENT AND VACANCIES BY SALARY BANDS, 31 MARCH 2007

Salary band	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Lower skilled (Levels 1-2)	0	0		
Skilled (Levels 3-5)	16	15	6.25%	
Highly skilled production (Levels 6-8)	34	27	20.59%	
Highly skilled supervision (Levels 9-12)	68	55	19.12%	
Senior management (Levels 13-16)	11	10	9.1%	

TABLE 1.3 – EMPLOYMENT AND VACANCIES BY CRITICAL OCCUPATION, 31 MARCH 2007

Critical occupations	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Legal	19	16	16.67%	0
Training	19	13	33.34%	0
Research	16	12	25%	0
Total	54	41	25%	



PART 3: HUMAN RESOURCES MANAGEMENT

Human Resources

2. JOB EVALUATION

The following table 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 2.1 – JOB EVALUATION, 1 APRIL 2006 TO 31 MARCH 2007

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)	9	1					
Skilled (Levels 3-5)	7	1	12.5%	1	6.25%		
Highly skilled production (Levels 6-8)	34	5	14.70%	3	8.82%		
Highly skilled supervision (Levels 9-12)	68	3	4.41%	3	4.41%		
Senior Management Service Band A	4	0	100%	0	100%		
Senior Management Service Band B	5	0	100%	0	100%		
Senior Management Service Band C	2	0	100%	0	100%		
Senior Management Service Band D							
Total	129	10	7.75%	7	5.42%		

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

TABLE 2.2 – PROFILE OF EMPLOYEES WHOSE SALARY POSITIONS WERE UPGRADED DUE TO THEIR POSTS BEING UPGRADED, 1 APRIL 2006 TO 31 MARCH 2007

Beneficiaries	African	Asian	Coloured	White	Total
Female	13		1		14
Male	4				4
Total	17		1		18
Employees with a disability					1

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 2.3 – EMPLOYEES WHOSE SALARY LEVEL EXCEED THE GRADE DETERMINED BY JOB EVALUATION, 1 APRIL 2006 TO 31 MARCH 2007

Total Number of Employees whose salaries exceeded the grades determined by job evaluation in 2006/07	None
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3. EMPLOYMENT CHANGES

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

TABLE 3.1 – ANNUAL TURNOVER RATES BY SALARY BAND FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

Salary Band	Number of employees per band as on 1 April 2006	Appointments and transfers into the Commission	Terminations and transfers out of the Commission	Turnover rate
Lower skilled (Levels 1-2)	0	0	0	
Skilled (Levels 3-5)	15	1	0	6.66%
Highly skilled production (Levels 6-8)	27	6	1	3.57%
Highly skilled supervision (Levels 9-12)	55	16	14	28%
Senior Management Service Band A	4	1	1	20%
Senior Management Service Band B	4	1	1	20%
Senior Management Service Band C	2	1	0	
Senior Management Service Band D				
Total	107	24	17	16.34%

TABLE 3.2 – ANNUAL TURNOVER RATES BY CRITICAL OCCUPATION FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

Occupation:	Number of employees per occupation as on 1 April 2006	Appointments and transfers into the Commission	Terminations and transfers out of the Commission	Turnover rate
Legal Services	16	4	1	7.69%
Education	13	3	1	10%
Research	12	3	9	34.61%
Total	41	10	12	20.33%

TABLE 3.3 – REASONS WHY STAFF ARE LEAVING THE COMMISSION

Termination Type	Number	% of total
Death	0	
Resignation	16	14.95%
Expiry of contract		
Dismissal – operational changes	0	
Dismissal – misconduct	1	0.93%
Dismissal – inefficiency		
Discharged due to ill-health		
Retirement		
Transfers to other Public Service Departments		
Other		
Total	17	15.88%



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TABLE 3.4 – PROMOTIONS BY CRITICAL OCCUPATION

Occupation	Employees as at 1 April 2006	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	16	1	7.69%		
Education	13	2	20%		
Research	12	2	7.69%		
Total	41	5	10.20%		

TABLE 3.5 – PROMOTIONS BY SALARY BAND

Salary Band	Employees 1 April 2006	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)	0	0			
Skilled (Levels 3-5)	15	0		15	100%
Highly skilled production (Levels 6-8)	27	4	14.28%	25	89.28%
Highly skilled supervision (Levels 9-12)	55	8	16%	48	96%
Senior management (Levels 13-16)	10	2	18.18%	0	
Total	107	14	13.46%	88	84.61%

4. EMPLOYMENT EQUITY

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

TABLE 4.1 – TOTAL NUMBER OF EMPLOYEES (INCLUDING EMPLOYEES WITH DISABILITIES) IN EACH OF THE FOLLOWING OCCUPATIONAL CATEGORIES AS ON 31 MARCH 2007

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior officials and managers	11	2	2	1	11	2	1	1	31
Professionals	16	1	0	1	16	4	1	0	39
Technicians and associate professionals	2								2
Clerks	1				24	4		2	31
Service and sales workers									
Craft and related trades workers									
Plant and machine operators and assemblers									
Elementary occupations	2				2				4
Total	32	3	2	2	53	10	2	3	107
Employees with disabilities									



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TABLE 4.2 – TOTAL NUMBER OF EMPLOYEES (INCLUDING EMPLOYEES WITH DISABILITIES) IN EACH OF THE FOLLOWING OCCUPATIONAL BANDS AS ON 31 MARCH 2007

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	2	1	1	1	1				6
Senior Management	2				2				4
Professionally qualified and experienced specialists and mid-management	9	1	1	0	10	2	1	1	25
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	11	1	0		13	4	1	0	30
Semi-skilled and discretionary decision making	5	0		1	17	3		2	28
Unskilled and defined decision making	3	0	0	0	10	1	0	0	14
Total	32	3	2	2	53	10	2	3	107

TABLE 4.3 – RECRUITMENT FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management									
Senior Management									
Professionally qualified and experienced specialists and mid-management	4	1			4	1			10
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	3				1	1			5
Semi-skilled and discretionary decision making	1				1				2
Unskilled and defined decision making									
Total	8	1			6	2			17
Employees with disabilities									



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TABLE 4.4 – PROMOTIONS FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

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

TABLE 4.5 – TERMINATIONS FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

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					2				2
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	6				4	1	1		12
Semi-skilled and discretionary decision making	1								1
Unskilled and defined decision making									
Total	7			1	6	1	1		17
Employees with disabilities	1								1

TABLE 4.6 – DISCIPLINARY ACTION FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

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



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TABLE 4.7 – SKILLS DEVELOPMENT FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Commissioners, senior officials and managers	11	2	2	1	11	2	1	1	31
Professionals	16	1	0	1	16	4	1	0	39
Technicians and associate professionals	2								2
Clerks	1				24	4		2	31
Service and sales workers									
Elementary occupations	2				2				4
Total	32	3	2	2	53	10	2	3	107
Employees with disabilities	1								1

5. PERFORMANCE REWARDS

To encourage good performance, the Commission has granted the following performance rewards during the year under review.

TABLE 5.1 – PERFORMANCE REWARDS BY RACE, GENDER, AND DISABILITY, 1 APRIL 2006 TO 31 MARCH 2007

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
African					
Male	20	31	64.51%		
Female	51	53	96.22%		
Asian					
Male	1	2	50%		
Female	1	2	50%		
Coloured					
Male	1	3	33.33		
Female	5	10	50%		
White					
Male	2	2	100%		
Female	3	3	100%		
Employees with a disability	1	1	100%		
Total	84	107	78.50%		



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TABLE 5.2 – PERFORMANCE REWARDS BY SALARY BANDS FOR PERSONNEL BELOW SENIOR MANAGEMENT SERVICE, 1 APRIL 2006 TO 31 MARCH 2007

Salary Bands	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Lower skilled (Levels 1-2)	0	0				
Skilled (Levels 3-5)	15	15	100%			
Highly skilled production (Levels 6-8)	22	27	81.48%			
Highly skilled supervision (Levels 9-12)	30	55	54.54%			
Total	67	97	69.07%			

TABLE 5.3 – PERFORMANCE REWARDS BY CRITICAL OCCUPATIONS, 1 APRIL 2006 TO 31 MARCH 2007

Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total Cost (R'000)	Average cost per employee
Legal	14	16			
Research	4	12			
Education and Training	10	13			
Total	22	38			

TABLE 5.4 – PERFORMANCE RELATED REWARDS (CASH BONUS), BY SALARY BAND, FOR SENIOR MANAGEMENT SERVICE

	None
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6. FOREIGN WORKERS

The tables below summarise the employment of foreign nationals in the Commission.

TABLE 6.1 – FOREIGN WORKERS, 1 APRIL 2006 TO 31 MARCH 2007, BY SALARY BAND

	None
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TABLE 6.2 – FOREIGN WORKER, 1 APRIL 2006 TO 31 MARCH 2007, BY MAJOR OCCUPATION

	None
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Human Resources

7. LEAVE UTILISATION FOR THE PERIOD 1 JANUARY 2006 TO 31 DECEMBER 2006

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 9.1) and disability leave (Table 9.2).

TABLE 7.1 – SICK LEAVE, 1 JANUARY 2006 TO 31 DECEMBER 2006

Salary Band	Total days	% days with medical certification	Number of Employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	0					
Skilled (Levels 3-5)	40		14	35%		
Highly skilled production (Levels 6-8)	200		30	15%		
Highly skilled supervision (Levels 9-12)	250		60	24%		
Senior management (Levels 13-16)	10		3	30%		
Total						

TABLE 7.2 – DISABILITY LEAVE (TEMPORARY AND PERMANENT), 1 JANUARY 2006 TO 31 DECEMBER 2006

Total Number disability leave	None
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TABLE 7.3 – ANNUAL LEAVE, 1 JANUARY 2006 TO 31 DECEMBER 2006

Salary Bands	Total days taken	Average per employee
Lower skilled (Levels 1-2)	0	
Skilled Levels 3-5)	300	
Highly skilled production (Levels 6-8)	500	
Highly skilled supervision (Levels 9-12)	530	
Senior management (Levels 13-16)	100	
Total		

TABLE 7.4 – CAPPED LEAVE, 1 JANUARY 2006 TO 31 DECEMBER 2006

Total Number disability leave	None
--------------------------------------	-------------

TABLE 7.5 – LEAVE PAYOUTS FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

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

REASON	Total Amount (R'000)	Number of Employees	Average payment per employee
Leave payout for 2006/07 due to non-utilisation of leave for the previous cycle	226 353.97	17	22 days
Capped leave payouts on termination of service for 2006/07			
Current leave payout on termination of service for 2006/07			
Total			



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8. HIV AND AIDS AND HEALTH PROMOTION PROGRAMMES

TABLE 8.1 – STEPS TAKEN TO REDUCE THE RISK OF OCCUPATIONAL EXPOSURE

Total Number disability leave	None
-------------------------------	------

TABLE 8.2 – 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 Commission designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.		No	
2. Does the Commission have a dedicated unit or has it designated specific staff members to promote the health and well being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		Counselling through service provider, ICAS Budget: R42 240 p.a
3. Has the Commission introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme.	Yes		Life Management, Trauma, Family matters, Stress related, Finance
4. Has the Commission established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.		No	
5. Has the Commission reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		HIV/Aids policy
6. Has the Commission introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		HIV/Aids policy
7. Does the Commission encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have you achieved.	Yes		HIV/Aids policy
8. Has the Commission developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		Wellness day and monthly reports from ICAS

9. LABOUR RELATIONS

TABLE 9.1 – COLLECTIVE AGREEMENTS, 1 APRIL 2006 TO 31 MARCH 2007

Total collective agreements	None
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The following table summarises the outcome of disciplinary hearings conducted within the Commission for the year under review.

TABLE 9.2 – MISCONDUCT AND DISCIPLINARY HEARINGS FINALISED, 1 APRIL 2006 TO 31 MARCH 2007

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	0	
Verbal warning	0	
Written warning	0	
Final written warning	0	
Suspended without pay	0	
Fine	0	
Demotion	0	
Dismissal	1	100%
Not guilty	0	
Case withdrawn	1	100%
Total	1	100%

If there were no disciplinary hearings, then use the following table

Disciplinary hearings – 2006/07	None
--	-------------

TABLE 9.3 – TYPES OF MISCONDUCT ADDRESSED AT DISCIPLINARY HEARINGS

Type of misconduct	Number	% of total
Poor Performance	1	100%
Total	1	100%

TABLE 9.4 – GRIEVANCES LODGED FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

	Number	% of Total
Number of grievances resolved	2	50%
Number of grievances not resolved	2	50%
Total number of grievances lodged	4	100%

TABLE 9.5 – DISPUTES LODGED WITH COUNCILS FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

	Number	% of Total
Number of disputes upheld	1	50%
Number of disputes dismissed	1	50%
Total number of disputes lodged	2	100%

TABLE 9.6 – STRIKE ACTIONS FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

	None
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TABLE 9.7 – PRECAUTIONARY SUSPENSIONS FOR THE PERIOD 1 APRIL 2006 TO 31 MARCH 2007

Number of people suspended	1
Number of people whose suspension exceeded 30 days	0
Average number of days suspended	30
Cost (R'000) of suspensions	

10. SKILLS DEVELOPMENT

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

TABLE 10.1 – TRAINING NEEDS IDENTIFIED 1 APRIL 2006 TO 31 MARCH 2007

Occupational Categories	Gender	Number of employees as at 1 April 2006	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes and other short courses	Other forms of training	Total
Commissioners, senior officials and managers	Female	16		14		14
Professionals	Male	16		12		12
	Female	21		9		9
Technicians and associate professionals	Male	15		13		13
	Female	0		0		0
Clerks	Male	2		3		3
	Female	29		11		11
Service and sales workers	Male	1		1		1
	Female	0				
Elementary occupations	Male					
	Female	2		1		1
Sub Total	Male	2				
	Female	68		34		34
	Male	36		29		29
Total		104		64		64

TABLE 10.2 – TRAINING PROVIDED 1 APRIL 2006 TO 31 MARCH 2007

Service and sales workers	Male	1		1		1
	Female	0				
Commissioners, senior officials and managers	Female	16		5		5
Professionals	Male	16		5		5
	Female	21		2		2
Technicians and associate professionals	Male	15		2		2
	Female	0				
Clerks	Male	2		1		1
	Female	29		1		1
Service and sales workers	Male	1		1		1
	Female	0				



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Occupational Categories	Gender	Number of employees as at 1 April 2006	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes and other short courses	Other forms of training	Total
Skilled agriculture and fishery workers	Male					
	Female	0				
Craft and related trades workers	Male					
	Female	0				
Plant and machine operators and assemblers	Male					
	Female	0				
Elementary occupations	Male					
	Female	2				
Sub Total	Male	2		1		1
	Female	68				
	Male	36				
Total		104		18		18

11. INJURY ON DUTY

TABLE 11.1 – INJURY ON DUTY, 1 APRIL 2006 TO 31 MARCH 2007

Total number of injuries on duty	None
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12. UTILISATION OF CONSULTANTS

TABLE 12.1 – REPORT ON CONSULTANT APPOINTMENTS USING APPROPRIATED FUNDS

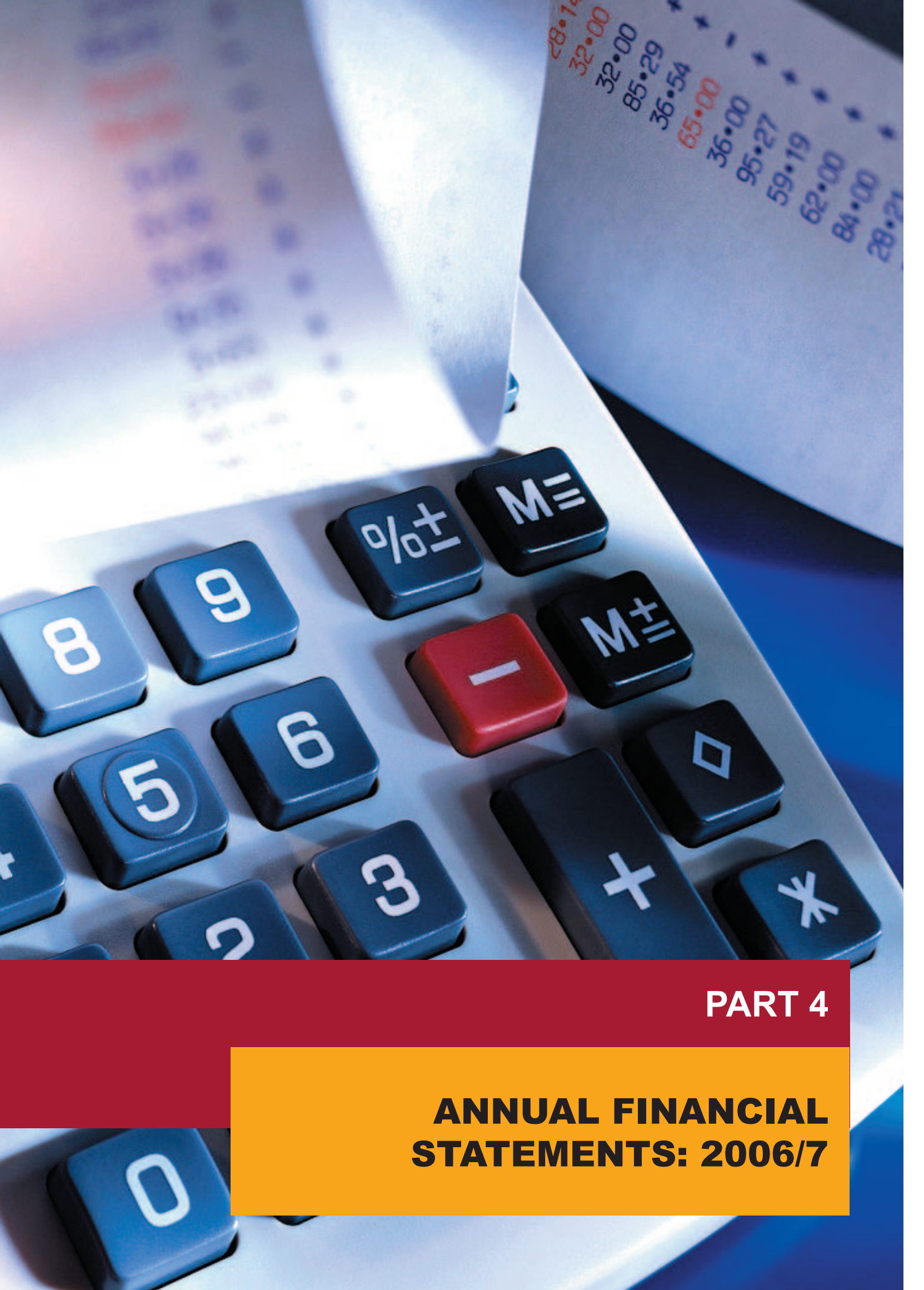
Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
PWC	4	12 months	R459 235.00
Diketso	2	3 months	R80 016
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand

TABLE 12.2 – ANALYSIS OF CONSULTANT APPOINTMENTS USING APPROPRIATED FUNDS, IN TERMS OF HISTORICALLY DISADVANTAGED INDIVIDUALS (HDIS)

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that work on the project
PwC			3
Diketso	100	100	2

TABLE 12.3 – ANALYSIS OF CONSULTANT APPOINTMENTS USING DONOR FUNDS, IN TERMS OF HISTORICALLY DISADVANTAGED INDIVIDUALS (HDIS)

Total number of injuries on duty	None
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PART 4

ANNUAL FINANCIAL STATEMENTS: 2006/7



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The Chief Executive Officer presents his report for the year ended 31 March 2007.

1. GENERAL OVERVIEW

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

Functions:

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

Powers:

- Investigate and report on the observance of human rights;
- Take steps to secure appropriate redress where human rights have been violated;
- Carry out research;
- Educate; and
- Require relevant organs of state to provide the SAHRC with information on the measures that they have taken towards the realization of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.

1.2 VISION

The South African Human Rights Commission – as a constitutional body that supports democracy - seeks to be an effective organization for the promotion and protection of human rights; to be the focal point for human rights practice in South Africa; and to be accessible to everyone.

1.3 MISSION STATEMENT

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

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

1.4 OBJECTIVES

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

- To promote human rights and contribute to developing a sustainable culture of human rights through education and training, community outreach and public awareness campaigns;
- To monitor human rights by providing comprehensive research and documentation mechanisms designed to advance and assess human rights, especially social and economic rights;
- To protect human rights by investigating individual and systemic complaints of human rights violations and provide appropriate redress;
- To entrench the Commission as the major resource and primary focal point for human rights promotion, protection and monitoring in the country;
- To be accessible and work in a collaborative manner with organs of state, civil society and other Chapter 9 organisations;
- To advance the public and Parliamentary accountability of the Commission's work and maximise the utilisation of public resources through sound strategic management and efficient financial and administrative systems and procedures; and
- To publicise and convey the role and work of the Commission to the general public via an integrated internal and external communications strategy.

1.5 PROGRAMME AND OUTPUT DETAILS FOR THE YEAR ENDING 31 MARCH 2007

The SAHRC has pursued the following objectives:

Programme 1: Commissioners

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



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Programme 2: CEO's Office

Sub-programme 1: Strategic Management

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

Sub-Programme 2: Finance Management

- Budgeting process and Budget implementation and control;
- Timely, accurate and reliable financial reports;
- Effective financial and internal controls;
- Risk management; and
- Anticorruption and fraud prevention measures

Sub-Programme 3: Parliamentary Liaison and Legislation Monitoring

- To facilitate interaction between the commission and Parliament
- To protect human rights by providing input on proposed legislation that conflicts with human rights norms and standards.
- To realise human rights by monitoring the implementation of recently drafted legislation that seeks to protect and promote human rights
- To inform the commission internally about proposed legislation and activities in Parliament that affect human rights
- To support democracy through facilitating civil society engagement with legislation making through conducting training, and hosting workshops and seminars.
- To facilitate a civil society forum to obtain input on Parliamentary and government liaison issues.

Sub-Programme 4: Special Programmes

- To streamline the work of the Commission in relation to vulnerable sectors
- To provide a co-ordination function for the activities of the Commissioners in relation to identified vulnerable sectors

- To provide support within the Commission to respond to human rights violations within this sector
- To assist with advocacy, public awareness and legal services.
- To manage the development and publication of the annual human rights development report and quarterly journal
- To implement projects in line with agreements with donor agencies

Sub-Programme 5: Media and Communications

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

Programme 3: Corporate Services

Sub-Programme 1: Administration, IT and Supply Chain Management

- To develop and maintain efficient administrative systems
- To provide administrative and logistical support to the operations of the Commission, nationally and provincially
- To develop and maintain an information technology system

Sub-Programme 2: Human Resources

- * To develop a comprehensive human resource service within the Commission.
- * To ensure that the Commission manages an efficient compensation system
- * To implement staff development initiatives
- * To promote sound employee relations and ensure compliance with relevant labour legislation
- * To provide efficient Human Resources administration and management

Programme 4: Operations

Sub-Programme 1: Education and Training

- To conduct training, workshops, seminars, presentations and capacity building programmes on equality, economic and social rights, promotion of access to information, farming communities and the SAHRC's focus areas.



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Respond to requests for training from organisations and communities.

- To provide in-house capacity building for the Commission on the equality legislation, access to information and general human rights themes and training methodology.
- To ensure the institutionalisation of human rights education and provide a system of quality assurance in the education and training programmes of the SAHRC.
- To implement human rights education projects in line with the strategic objectives of the Commission, nationally and regionally.
- To conduct community outreach and awareness programmes.
- To develop appropriate human rights education and training materials.

Sub-Programme 2: Legal Services

- To investigate individual and systemic complaints of human rights violations.
- To provide appropriate redress and resolve disputes regarding violations.
- To initiate investigations into human rights violations.

Sub-Programme 3: Research and Documentation

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

Programme 5: Special Projects

Civil Society Advocacy Programme (CSAP)

- The CSAP programme provides financial and other targeted support on three different levels (directly to grassroots communities and citizens, civil society organisations and to the Chapter 9 institutions; viz the Commission on Gender Equality (CGE), SAHRC and Office of the Public Protector (OPP)). The total programme cost is estimated at €10 million. Complimentary financial and other inputs will be made by the three participating Chapter 9 institutions.

Spending trends as per Standard items

Programme	Expenditure Outcome			
	Audited	Audited	Audited	Estimates
	R'000	R'000	R'000	R'000
	2003/04	2004/05	2005/06	2006/07
Personnel	18,330	21,246	25,073	26,236
Administrative	2,005	3,729	6,105	7,294
Inventories	1,178	884	756	897
Equipment	3,093	-		
Land and buildings	1,860	4,475	5,403	5,750
Professional services	2,992	8,493	4,985	5,398
Total	29,458	38,827	42,322	45,575
Baseline allocation	32,728	37,653	41,774	49,220

Kindly note that the above expenditure excludes commitments of R2,755,518.00 on 2006/07 budget and R4,775,671.00 on surplus funds, for purchase orders issued to suppliers of which goods and services have not been delivered as at year-end. See Annexure B for detailed costing of the commitments.



PART 4: ANNUAL FINANCIAL STATEMENTS

Statement of Responsibility

STATEMENT OF RESPONSIBILITY FOR THE YEAR ENDED 31 MARCH 2007

By the Chief Executive Officer

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

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

Commissioners

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

Name	Capacity	From	To
N Kollapen	Chairperson	01-04-2006	31-03-2007
Z Majodina	Deputy Chairperson	01-04-2006	31-03-2007
T Manthata	Commissioner	01-04-2006	31-03-2007
L Wessels	Commissioner	01-04-2006	31-03-2007
C McClain-Nhlapo	Commissioner	01-04-2006	31-12-2006 *
K Govender	Part-time Commissioner	01-04-2006	31-03-2007

*Commissioner McClain-Nhlapo has been on unpaid leave from December 2004. She resigned in December 2006.

Role and Function

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

Audit Committee Members Number of Meetings Attended

Previous Audit Committee Members	1
Mr D Coovadia	3
Ms TV Ndou	3
Mr AV Skosana	3

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

Risk Management

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

Internal Audit

The internal audit function has been outsourced to an external firm of auditors namely, PriceWaterhouse Coopers (PWC) & Xabiso Consortium.



PART 4: ANNUAL FINANCIAL STATEMENTS

Management Report and Approval

SAHRC Address

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

Bankers

First National Bank, Parktown

Chief Executive Officer

The Chief Executive Officer of SAHRC Adv T. Thipanyane was appointed on 1 May 2006.

Property, plant and equipment

There have been major changes to the property, plant and equipment held during the period under review. More assets were bought using surplus funds and this resulted in a huge increase in our property, plant and equipment.

All assets valued at less than R5,000.00 were fully depreciated during the year under review. Obsolete assets were sold to staff members and an amount of R3,770.00 was received.

Subsequent Events

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

Auditors: Office of the Auditor-General

The financial statements fairly represent the state of affairs of the office as at 31 March 2007. These statements are the responsibility of the office while the auditors are responsible for the reporting on the fair presentation of these financial statements. The financial statements reflect appropriate accounting policies and adhere to applicable accounting standards.

The annual financial statements for the year ended 31 March 2007 were submitted to the Accounting Officer for approval on 21 May 2007 for submission to the Auditor-General and Treasury; as in terms of section 40(1)(c) of the Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended.

The annual financial statements set out on pages 83 to 99 have been approved by the Accounting Officer and signed on behalf of the SAHRC by:

Adv T Thipanyane
Chief Executive Officer

Date: 01 August 2007



PART 4: ANNUAL FINANCIAL STATEMENTS

Report of the Audit Committee

REPORT OF THE AUDIT COMMITTEE FOR THE YEAR ENDED 31 MARCH 2007

We are pleased to present our report for the financial year ended 31 March 2007.

Audit Committee Members and Attendance:

The audit committee consist of the members listed hereunder:

Name of Members	Number meetings Attended
Mr D Coovadia (Chairperson)	3
Mr V Skosana	3
Ms T Ndou	3

Audit Committee Responsibility

The Audit Committee reports that it has complied with its responsibilities arising from sections 38(1)(a) of the PFMA and Treasury Regulations 3.1.13 and 27(1)(10). The audit committee reports that it has adopted appropriate formal terms of reference as its audit committee charter has regulated its affair in compliance with this charter and has discharged its responsibilities as contained therein.

The Effectiveness of Internal Control and the Internal Audit function.

The system of controls is designed to provide cost effective assurance that assets are safeguarded and that liabilities and working capital are efficiently managed.

In line with PFMA and King II report requirements, the internal audit provides the audit committee and management with assurance that internal controls are appropriate and effective. This is achieved by means of risk management processes as well as the identification of corrective actions and suggested enhancements to the controls and processes.

From the various reports of internal audit, the audit on the annual financial statements and management letter of the Auditor-General, it was noted that no significant or material non-compliance with prescribed policies and procedures has been reported. Accordingly we can report that the system of internal control for the period under review was sufficiently effective and efficient, except for a lack of certain internal control relating to policies and procedures. The evaluation of the internal audit function was performed by the committee when considering the progress reports submitted by the internal audit consortium.

Evaluation of the Annual Financial Statements

The Audit Committee has:

- Reviewed and discussed with the Auditor-General and the Accounting Officer, the audited financial statements to be included in the Annual Report.
- Reviewed the accounting policies; and
- Reviewed the Auditor-General's management letter and the responses of management.

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

D Coovadia

.....
Chairperson of the Audit Committee
08 August 2007



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

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the accompanying financial statements of the South African Human Rights Commission which comprise the statement of financial position as at 31 March 2007, statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages 83 to 99.

Responsibility of the accounting officer for the financial statements

2. The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with the South African Statements of Generally Accepted Accounting Practices (GAAP) including any interpretations of such Statements issued by the Accounting Practices Board, with the effective Standards of Generally Recognised Accounting Practices (GRAP) issued by the Accounting Standards Board replacing the equivalent GAAP Statement and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA). This responsibility includes:

- designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error
- selecting and applying appropriate accounting policies
- making accounting estimates that are reasonable in the circumstances.

Responsibility of the Auditor-General

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) read with section 4 of the Public Audit Act, 2004 (Act No. 25 of 2004), my responsibility is to express an opinion on these financial statements based on my audit.

4. I conducted my audit in accordance with the International Standards on Auditing and General Notice 647 of 2007, issued in Government Gazette No. 29919 of 25 May 2007. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.
5. 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.
6. An audit also includes evaluating the:
 - appropriateness of accounting policies used
 - reasonableness of accounting estimates made by management
 - overall presentation of the financial statements.
7. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Basis of Accounting

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

Opinion

9. In my opinion, the financial statements present fairly, in all material respects, the financial position of the South African Human Rights Commission as at 31 March 2007 and its financial performance and cash flows for the year then ended, in accordance with the basis of accounting as described in note 1, and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999).



PART 4: ANNUAL FINANCIAL STATEMENTS

Report of the Auditor-General

OTHER MATTERS

I draw attention to the following matters that are ancillary to my responsibilities in the audit of the financial statements:

Internal control

10. The material non-compliance with rules and regulations were due to a lack of monitoring of compliance with policies and procedures as well as poor governance structures.
11. The internal audit function was not assessed as a result of a lack of monitoring of compliance with the audit committee charter.
12. Due to lack of technically competent staff in the finance sub-programme, material adjustments were made to the financial statements.

Non-compliance with applicable legislation

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

The South African Human Rights Commission incurred insurance expenses amounting to R434 297 during the year under review. The insurance was reduced to R250 000 subsequent to year-end after consultation with National Treasury and the evaluation of the asset risk profile.

Matters of governance

14. Treasury Regulations 17.3.1 prescribe that institutions may not amend existing or institute new computerised systems that will affect the financial administration without the prior written approval of the National Treasury. Prior approval was not obtained from National Treasury for upgrading the financial system.
15. Treasury Regulations 14.3.1 prescribe that the accounting officer must, for each separate portion of trust money, open and maintain a separate bank account, called a trust account, assign to the trust account a name or title that clearly identifies the account, maintain

separate accounting records for each trust account, of the transactions, including investment transactions, undertaken, and annually prepare separate annual financial statements that comply with generally accepted accounting practice.

Separate annual financial statements for the trust were not prepared, however, the trust was inactive during the financial year. The Commission was in the process of dissolving the trust.

16. In terms of section 4.3 of the Audit Committee Charter and Treasury Regulation 27.1.8 (a) and (b), the Audit Committee should ensure that the internal audit function performs their responsibilities effectively and efficiently through reviewing the performance against the annual internal audit plan and the agreed Service Level Agreement with the outsourced service provider and review amongst others, the following:

- (a) the effectiveness of internal control systems
- (b) the effectiveness of internal audit

The Audit Committee did not evaluate the performance of the internal audit for the financial period under review.

Material corrections made to the financial statements submitted for audit

17. Material corrections were made to the annual financial statements to adjust the expenses initially overstated by R7 531 189.

Unaudited supplementary schedules

18. The supplementary schedules on pages 96 to 99 of the financial statements were not audited and were provided for information purposes.

OTHER REPORTING RESPONSIBILITIES

Reporting on performance information

19. I have audited the performance information as set out on pages 5 to 57.

Responsibilities of the accounting officer

20. The accounting officer has additional responsibilities as required by section 40(3)(a) of the PFMA to ensure that the annual report and audited financial statements fairly present the performance against predetermined objectives of the public entity.



PART 4: ANNUAL FINANCIAL STATEMENTS

Report of the Auditor-General

Responsibility of the Auditor-General

21. I conducted my engagement in accordance with section 13 of the Public Audit Act, 2004 (Act No. 25 of 2004) read with General Notice 646 of 2007, issued in Government Gazette No. 29919 of 25 May 2007.
22. In terms of the foregoing my engagement included performing procedures of an audit nature to obtain sufficient appropriate audit evidence about the performance information and related systems, processes and procedures. The procedures selected depend on the auditor's judgement.
23. I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for the audit findings.

Audit findings

24. No audit findings.

Appreciation

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

.....
Ms MMA Masemola for Auditor-General

Johannesburg
31 July 2007



A U D I T O R - G E N E R A L



PART 4: ANNUAL FINANCIAL STATEMENTS

Statement of Financial Position as at 31 March 2007

	Notes	2007 R	2006 R
Non-current assets		6,400,383	5,337,157
Property, plant and equipment	2	6,187,606	5,337,157
Intangible assets	3	212,777	
Current assets		10,092,457	7,154,602
Trade and other receivables	4	236,190	222,293
SAHRC Trust	5	203,450	203,445
Cash and cash equivalents	6	9,652,818	6,728,864
Total assets		16,492,841	12,491,759
NET ASSETS AND LIABILITIES			
Reserves			
Accumulated Surplus		9,035,982	6,427,089
Non-Current Liabilities			
Deferred lease liability	18.1	275,613	295,396
Current liabilities		7,181,243	5,769,274
Trade and other payables	7	6,350,886	3,851,374
Unexpended donated projects	8	724,457	1,791,665
Unpaid salaries provisions	9	105,900	126,234
Total Net Assets and liabilities		16,492,841	12,491,759



PART 4: ANNUAL FINANCIAL STATEMENTS

Statement of Financial Performance for the year ended 31 March 2007

	Notes	2007 R	2006 R
Income		49,477,037	42,000,451
Donations	10	30,301	49,265
Grants	10	49,220,000	41,774,000
Other Income	10	226,736	177,186
Expenditure		45,574,082	42,391,898
Administrative expenses	11	11,517,472	9,850,201
Staff costs	12	26,236,390	25,073,014
Other operating expenditure	13	7,820,219	7,468,683
Surplus /(Deficit) from operations		3,902,955	(391,447)
Finance cost	14	(713)	(949)
Income from investments	15	690,322	340,798
Surplus / (Deficit) for the year		4,592,563	(51,598)



PART 4: ANNUAL FINANCIAL STATEMENTS

Statement of Changes in Net Assets for the year ended 31 March 2007

	Notes	Accumulated Surplus 2007
Balance at 1 April 2005		6,146,430
Prior period error		627,652
Restated Accumulated Surplus		6,774,082
Surplus for the year		(51,597)
Balance at 1 April 2006		6,722,485
Prior period error	18	(295,396)
Restated Accumulated Surplus		6,427,089
Expensed surplus funds		(1,983,671)
Surplus for the Year		4,592,563
Balance at 31 March 2006		9,035,982



PART 4: ANNUAL FINANCIAL STATEMENTS

Cash Flow Statement for the year ended 31 March 2007

	Notes	2007 R	2006 R
Operating activities			
Cash receipts from customers		49,477,037	42,000,451
Cash paid to suppliers and employees		(43,465,250)	(41,113,212)
Cash generated from operations	16	5,384,344	1,231,289
Interest income		690,322	340,798
Interest expense		(713)	(949)
Net cash from operating activities		6,073,953	1,571,138
Investing activities			
Acquisition of Property, plant and equipment		(2,937,223)	(1,215,018)
Acquisition of Intangible assets		(212,777)	-
Net cash used in investing activities		(3,150,000)	(1,215,018)
Net increase in cash and cash equivalents		2,923,954	356,120
Cash and cash equivalents at beginning of year		6,728,864	6,372,744
Cash and cash equivalents at end of year	6	9,652,818	6,728,864



PART 4: ANNUAL FINANCIAL STATEMENTS

Notes to the Annual Financial Statements for the year ended
31 March 2007

1. ACCOUNTING POLICIES

1.1 Basis of preparation

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

Standard of GRAP	Replaced Statement of GAAP
GRAP1 : Presentation of Financial Statements	AC101 : Presentation of Financial statements
GRAP 2 : Cash flow statements	AC118 : Cash flow statements
GRAP 3 : Accounting policies, changes in accounting policies and errors	AC103 : Accounting policies, changes in accounting policies and errors

The recognition and measurement principles in the above GRAP and GAAP Statements do not differ or result in material differences in items presented and disclosed in the financial statements.

The implementation of GRAP 1, 2 and 3 has resulted in the following significant changes in the presentation of the financial statements:

1. Terminology differences:

Standard of GRAP	Replaced Statement of GAAP
Statement of Financial performance	Income statement
Statement of Financial Position	Balance Sheet
Statement of changes in net assets	Statement of changes in equity
Net Assets	Equity
Surplus/deficit for the period	Profit/Loss for the period
Accumulated surplus/deficit	Retained earnings
Contribution from owners	Share capital
Distribution to owners	Dividends
Reporting date	Balance sheet date

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

3. Specific information such as:

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

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



PART 4: ANNUAL FINANCIAL STATEMENTS

Notes to the Annual Financial Statements for the year ended 31 March 2007

1.2 Accounting policies

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

1.3 Revenue

Revenue is measured at the fair value of the consideration received or receivable. Revenue is recognised when it is probable that future economic benefits will flow to the enterprise and these benefit can be measured reliably.

Grants and transfers

Grants and transfers constitute transfer payment from the Department of Justice and Constitutional Development (DOJCD).

Grants and transfers are recognised as income over the periods necessary to match them with the costs for which they are intended to compensate, on a systematic basis.

Income from investments

Income from investments constitutes interest accrued on favourable balance with commercial banking institutions. Interest revenue is accrued on a timely basis, by reference to the principal outstanding and the effective interest rate applicable, which is the rate that exactly discounts estimated future cash receipts through the expected life of the financial assets to that asset's net carrying amount.

1.4 Donor Funds

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

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

1.5 Current Expenditure

Current expenditure is recognised in the statement of financial performance on an accrual basis. And the cost of purchases excludes the trade discounts.

1.5.1 Inventory

The carrying amount of inventories is carried at fair value less cost to sell.

The amount of any write-down of inventories is recognised as expense in the period.

1.6 Property, plant and equipment

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

Item	Write-off period in years	Depreciation rate
Computer Equipment	3	33.3% pa
Office Equipment	4	12.5% pa
Furniture and Fittings	8	25% pa
Motor vehicles	5	20% pa
Library Material		Not depreciated

The carrying value of property is reviewed for impairment when events or changes in circumstances indicate that the carrying amount may not be recoverable. If any such indication exists and where the carrying amount exceeds the estimated recoverable amount, the assets are written down to their recoverable amount. Impairment losses and the reversal of impairment losses are recognised in the statement of financial performance. The useful life and residual values are reviewed at the end of each financial year.

1.7. Intangible assets

Intangible assets consist of computer software. Intangible assets are stated at cost less accumulated depreciation and any accumulated impairment losses.

1.8. Leases

Rental payable under operating leases are charged to the statement of financial performance on a straight line basis over the term of the relevant lease.

1.9 Financial instruments

Financial assets and financial liabilities are recognised on the balance sheet when the Commission becomes a party to the contractual provisions of the instrument.



PART 4: ANNUAL FINANCIAL STATEMENTS

Notes to the Annual Financial Statements for the year ended
31 March 2007

Measurement

Financial instruments are initially measured at cost, which includes transaction costs. Subsequent to initial recognition these assets are measured as set out below.

Financial assets

The Commission's principle financial assets are accounts receivable and cash equivalents.

Accounts receivables

Accounts receivables are stated at their nominal value as reduced by appropriate allowances for estimated irrecoverable amounts. Where extended payment terms are granted, whether explicitly or implicitly, the effect of the time value of money should be taken into account wherever this is material, irrespective of the cash selling prices of the goods.

Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash held with banks.

Financial liabilities

The Commission's principle financial liabilities are accounts payable.

1.10 Payables

Trade and other payables are stated at their nominal value, and the discounts received for prompt settlement of invoices are deducted from the cost of inventory or be recognised as financing income.

1.11 Provisions

Provisions are recognised when the Commission has a present obligation as a result of a past event e.g. unpaid accounts for suppliers and accumulated leave pay provisions to a maximum of 22 days, and it is probable that this will result in an outflow of economic benefits that can be estimated reliably.

1.12 Accruals

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

1.13 Employee Benefits

Short-Term Employee Benefits

The cost of the short-term employee benefits is expensed in the statement of financial performance in the reporting period that the service is rendered.

Termination Benefits

Termination benefits are recognised as expense and the actual payment to the employee is done when the employee resigns, whereby the provisions for leave pay is reduced by the same amount of payment.

Retirement Benefits

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

Medical Benefits

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

1.14 Comparative Figures

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

1.15 Projects

For the current year, unexpended donor funds of which the project has been completed are reflected as current liabilities.

2. PROPERTY, PLANT AND EQUIPMENT 2006/07

	Balances as at 01 April 2006			Current Year Movements					Balances as at 31 March 2007		
	Gross carrying amount	Accumulated Depreciation	Net carrying amount	Change in estimate	Addition surplus fund	Additions	Disposal	Depreciation for the year	Gross carrying amount	Accumulated Depreciation	Net carrying amount
	R	R	R			R	R	R	R	R	R
Motor vehicles	1,027,502	462,370	565,131	(8,606)	766,619	258,068	-	231,370	2,043,584	693,741	1,349,844
Computer equipment	4,644,732	3,807,350	837,383	(105,947)	386,622	499,477	-	574,849	5,424,884	4,382,199	1,042,686
Office equipment	2,765,522	1,550,634	1,214,887	(297,697)	189,324	218,504	-	538,547	2,875,654	2,089,181	786,473
Furniture and Fittings	3,492,769	2,577,532	915,237	4,533	74,500	206,334	-	334,291	3,778,136	2,911,823	866,313
Library Material	1,804,519		1,804,519	-		337,773	-	-	2,142,291		2,142,291
Total	13,735,044	8,397,886	5,337,157	(407,717)	1,417,066	1,520,157	-	1,679,057	16,264,550	10,076,943	6,187,606

2. PROPERTY, PLANT AND EQUIPMENT 2005/06

	Balances as at 01 April 2005			Current Year Movements			Balances as at 31 March 2006			
	Gross carrying amount	Accumulated Depreciation	Net carrying amount	Change in estimate	Additions	Disposal	Depreciation for the year	Gross carrying amount	Accumulated Depreciation	Net carrying amount
	R	R	R	R	R	R	R	R	R	R
Motor vehicles	656,251	322,423	333,827	-	371,251	-	139,947	1,027,502	462,370	565,131
Computer equipment	4,329,073	3,386,267	942,806	-	434,339	-	539,763	4,763,412	3,926,030	837,383
Office equipment	2,704,947	1,129,690	1,575,257	-	60,575	-	420,944	2,765,522	1,550,634	1,214,887
Furniture and Fittings	2,856,845	2,279,871	576,974	627,652	8,272	-	297,661	3,492,769	2,577,532	915,237
Library Material	1,463,938	-	1,463,938	-	340,581	-	-	1,804,519	-	1,804,519
Total	12,011,054	7,118,251	4,892,802	627,652	1,215,018	-	1,398,315	13,853,724	8,516,566	5,337,157



PART 4: ANNUAL FINANCIAL STATEMENTS

Notes to the Annual Financial Statements for the year ended
31 March 2007

Notes	2007 R	2006 R
3. Intangible Assets		
Computer software	212,777	
During the year a system upgrade was conducted at this cost to the Commission.		
There are no comparative figures as the cost of software used before was fully depreciated in line with the accounting policy on computer equipment.		
4. Trade and other receivables	236,190	222,293
Other receivables	105,686	56,518
Staff loans	130,504	163,989
Department of Justice	-	1,785
Staff loans are in terms of a staff loan policy, and are approved as per policy.		
5. SAHRC Trust	203,450	203,445
The SAHRC Trust account is a bank account that operates as an independent trust with a Trust Deed. The SAHRC is the sole beneficiary of the SAHRC Trust. It is the Commission's intention to utilise the Trust funds in its other operations in the near future subject to obtaining approval in accordance to the trust deed. The Trust has been dormant for a long time and after dissolution this funds will be removed from this account as per resolution.		
6. Cash and cash equivalents	9,652,818	6,728,864
Current Account	1,519,769	1,000,300
Call Account	8,108,794	5,704,424
Petty Cash	24,255	24,139
7. Trade and other payables	6,350,886	3,851,374
Accounts payable	4,334,775	2,059,238
Leave pay provision	1,325,249	1,792,136
Outstanding third party payments	690,862	



PART 4: ANNUAL FINANCIAL STATEMENTS

Notes to the Annual Financial Statements for the year ended
31 March 2007

	Notes	2007 R	2006 R
8. Unexpended donated projects		724,457	1,791,665
RBX-NCF		326,191	326,192
Secretariat of African National Institutions		-	4,931
Norwegian Field Project		-	517,323
Vryburg Police Project (NZ)		86,748	86,748
Mott Foundation		29,974	354,999
Foundation for Human Rights SER 2 (0941/021)		74,535	250,000
Foundation for Human Rights SER 2 (0941/002)		34,009	250,000
Foundation for Human Rights New		173,000	
Own Funded Training Project ⁴		-	
Ten year Anniversary		-	1,472
9. Provisions			
Unpaid salaries provision		105,900	126,234
Unpaid salaries relates to the outstanding payments for the salaries of the Commissioners to be backdated from April 2006 - March 2007 after approval has been granted.			
10. Income		49,477,037	42,000,451
Donations income		30,301	49,265
SA Government grant		49,220,000	41,774,000
Projects completed and per commission resolution taken as income		6,403	-
Sundry income:		220,333	177,186
11. Administrative expenses			
Administrative expenses amounting to include the following:		11,517,472	9,850,201
Audit fees		544,367	325,157
Depreciation		1,679,057	1,398,315



PART 4: ANNUAL FINANCIAL STATEMENTS

Notes to the Annual Financial Statements for the year ended
31 March 2007

Notes	2007 R	2006 R
12. Staff cost		
12.1 Staff costs amounting to include the following:	26,236,390	25,073,014
12.2 Aggregated remuneration paid to:	5,725,384	6,340,287
Commissioners	2,356,457	2,395,418
Chairperson: J Kollapen	695,714	678,661
Deputy Chairperson: Z Majodina	442,581	572,930
Commissioner: L Wessels	548,214	528,184
Commissioner C MacLain		21,276
Commissioner: T Manthata	541,026	497,525
Part-time Commissioner: K Govender	128,922	96,841
Office of the CEO	1,765,337	2,013,501
Chief Executive Officer: T Thipanyane	657,725	1,011,277
Deputy CEO: Operations: A Keet	567,295	487,565
Deputy CEO: Corporate Services: B Khumalo	540,316	514,659
Other senior managers	1,603,592	1,931,369
Head of Programme Finance and Admin	482,199	162,242
Head of Programme Legal	498,524	315,302
Head of Programme Research and Documentation	494,218	465,853
Head of Programme Human Resources	86,641	467,234
Head of Programme Nachret	42,010	520,737
13. Operating lease commitments		
The South African Human Rights Commission future lease commitments are as follows	6,114,116	11,334,874
Due within one year	4,880,498	6,484,881
Due within two to five years	1,233,618	4,849,993

Terms and conditions of operating leases.

- All the lease are operating for an agreed period i.e. 12,36 or 60 Months, with an option to renew.
- The leased equipment cannot be removed from premises without the consent of the lessor.



PART 4: ANNUAL FINANCIAL STATEMENTS

Notes to the Annual Financial Statements for the year ended
31 March 2007

Notes	2007 R	2006 R
14. Finance costs		
Interest expense	(713)	(949)
15. Income from investments		
Interest income - bank deposits	690,322	340,798
16. Cashflow from operating activities		
Surplus / (Deficit) for the year	4,592,563	(51,597)
Adjusted for:	945,784	1,058,466
Depreciation	1,679,057	1,398,315
Interest income	(690,322)	(340,798)
Bad debts written off	10,360	
Provision for doubtful debts	(65,723)	
Asset written-off	11,698	
Interest expense	713	949
Operating surplus before changes in working capital	5,538,347	1,006,869
Cash paid to suppliers using Surplus Funds	(1,552,070)	
Changes in working capital	1,398,066	224,420
Decrease / (Increase) in debtors	(13,897)	177,012
Increase / (Decrease) in creditors	1,411,964	47,408
Cash generated from operations	5,384,344	1,231,289

17. Change in estimate

Previously our fixed assets register was managed on microsoft excel programme. Fixed assets module was designed on A review of our fixed assets register and the general ledger was undertaken during October/November 2006 to ensure assets register balances to the general ledger and to consider whether they would result in any adjustments to the prior statements.



PART 4: ANNUAL FINANCIAL STATEMENTS

Notes to the Annual Financial Statements for the year ended
31 March 2007

Notes	2007 R	2006 R
The following adjustments were identified:		
17.1 Property, plant and equipment		
The value of certain assets were overstated on the general ledger for fixed assets by R 407,717 in the previous financial year.		
The impact of adjustment on the 2007 financial statements is as follows:		
Increase in accumulated depreciation for 2006/07	407,717	
Decrease in property, plant and equipment as at 31 March 2007	(407,717)	
18. Prior period error		
Leases were not straightlined in the past in compliance to IAS 17, the current year's financial statements have been adjusted retrospectively in order to comply with this standard		
The impact of the adjustment on the 2007 financial statements is as follows:		
Decrease in Accumulated Surplus as at 1 April 2006.	(295,396)	
Increase in Deferred lease liability as at 1 April 2006.	(295,396)	
18.1 Deferred lease liability	275,613	295,396
Deferred lease liability	275,613	295,396
This is as a result of the straightlining of leases in terms of IAS 17.		
19. Insurance Premium Cost		
In 2005/06: R 370,085 and in 2006/07: R 434, 297 was paid for insuring the Commission's assets and approval by National Treasury was sought but was unsuccessful.		
Corrective action has been taken at the end of the financial year 2006/07 by restricting the cover to only movable assets such as laptops and motor vehicles, therefore the insurance premium for 2007/08 will be within the prescribed limit of R 250,000.		
20. Subsequent events		
There has been or no facts or circumstances of material nature that have occurred between the accounting date and the date of this report. No contingent liabilities are expected.		



PART 4: ANNUAL FINANCIAL STATEMENTS

Detailed Statement of Financial Performance for the year ended 31 March 2007

	Notes	2007 R	2006 R
Operating income		50,167,359	42,341,249
Donations income		30,301	49,265
Interest received	16	690,322	340,798
Profit on disposal of non-current assets			
SA Government grant		49,220,000	41,774,000
Projects completed		6,403	-
Sundry income		220,333	177,186
Operating expenditure		45,574,797	42,392,847
Advertising		260,979	183,022
Audit Fees: External		544,367	325,157
Internal		459,235	300,087
Bad debts written-off		10,360	
Provision for doubtful debts		65,723	
Bank charges		41,045	40,939
Book and subscription		15,579	-
Computer expenses		56,989	265,808
Conference and workshops		90,510	609,676
Consulting fees		80,016	1,419,943
Courier and postage		94,920	145,737
Depreciation		1,679,057	1,398,315
Change in estimate - assets		407,717	
Legal fees		160,147	101,088
Subscription - library materials		416	51,237
Insurance		434,297	370,085
Interest paid		713	949
Internal and External liaison		188,126	166,682
Lease and hire expenses		793,066	797,975
Motor vehicle expenses		206,406	168,828
Asset written off		11,698	
Library material		125,228	
Other expenses		-	1,294
Printing and stationery		427,961	356,381
Rent and services		5,719,883	5,402,992
Repair and maintenance		426,110	162,616
Salaries and wages		26,236,390	25,073,014
Staff development		198,299	94,737
Staff relocation		231,816	60,247
Telephone, cell and fax		1,808,742	1,868,365
Translation and project cost		4,270,956	2,391,311
Travel and accommodation		528,043	636,363
Surplus/ (Deficit) for the year		4,592,563	(51,598)



PART 4: ANNUAL FINANCIAL STATEMENTS

Annexures to the Annual Financial Statements for the year ended
31 March 2007

ANNEXURE A TO THE FINANCIAL STATEMENTS SCHEDULE OF DONOR FUNDED / OWN FUNDED PROJECT ROLL-OVER AS AT 31 MARCH 2007

Donor Funded Projects	Balance Apr-05	Adjustment to opening balance	Adjusted Balance Apr-05	Income Received	Actual Expenses	Balance Mar-07
	R	R	R	R	R	R
941/019 Norwegian Field Project	16,00	-	517,323	-	517,323	0
941/014 UNHCR (Roll back Xenophobia)	326,192	-	326,192	-	-	326,191
941/001 Secretariat of African national institutions	4,931	-	4,931	-	4,931	(0)
941/009 Vryburg police project (NZ)	86,748	-	86,748	-	-	86,748
941/017 Mott foundation 200300731	354,999	-	354,999	74,621	399,646	29,974
941/020 Ten year Anniversary	1,472	-	1,472	-	1,472	0
941/021 Foundation for Human rights SER 2	250,000	-	250,000	-	175,464	74,536
941/002 Foundation for Human rights SER 2	250,000	-	250,000	-	215,991	34,009
941/027 Foundation for Human rights reports	-	-	-	173,000	-	173,000
Sub total	1,791,665	-	1,791,665	247,621	1,314,827	724,457
Transferred to rollover account	1,791,665	-	1,791,665	247,621	1,314,827	724,457

Own Funded projects	Balance Apr-05	Adjustment to opening balance	Adjusted Balance Apr-05	Income Received	Actual Expenses	Balance Mar-07
	R	R	R	R	R	R
941/004 Own funded training project 4	-	-	-	-	-	-
941/016 Farming community EU	-	-	-	-	-	-
Own funded projects	-	-	-	-	-	-

Total projects	Balance Apr-05	Adjustment to opening balance	Adjusted Balance Apr-05	Income Received	Actual Expenses	Balance Mar-07
	R	R	R	R	R	R
Projects sub-total	1,791,665	-	1,791,665	247,621	1,314,827	724,457
Projects total	1,791,665	-	1,791,665	247,621	1,314,827	724,457



PART 4: ANNUAL FINANCIAL STATEMENTS

Annexures to the Annual Financial Statements for the year ended 31 March 2007

ANNEXURE B TO THE FINANCIAL STATEMENTS

Commitments schedule for the orders issued to the suppliers as at 31 March 2007

The total amount of R7,531,189.00 has been committed as follows:

The total amount of commitments made on surplus fund is R4,775,671.00 and has been committed as follows:

Description	Amount
Purchase of 4x4 motor vehicle for SAHRC provincial offices	R1,252,324.00
Purchase and installation of Audio equipments	R 385,656.00
Purchase of servers for provincial offices	R668,916.00
E- Learning	R684,000.00
Archiving system	R373,200.00
Evaluation of IT unit	R131,100.00
Job evaluation	R193,105 .00
Organisational Health survey	R125,400 .00
Flowcentric system	R274,134.00
Conference on Crime and Human Rights(including travel and accommodation)	R687,836.00
Total	R2,755,518.00



PART 4: ANNUAL FINANCIAL STATEMENTS

Annexures to the Annual Financial Statements for the year ended
31 March 2007

ANNEXURE B TO THE FINANCIAL STATEMENTS

The total amount of commitments made on budget for 2006/07 is R2,755,518.00 and has been committed as follows:

Description	Amount
Audit fees (External)	R411,571.00
IT upgrades, licences and maintenance	R421,618.00
Staff development	R150,163.00
Printing and stationery	R88,979.00
Motor vehicle	R250,465.00
Computer equipment	R100,910.00
Public hearings	R583,925.00
Human rights week	R185,808.00
Conference and workshops	R562,079.00
Total	R2,755,518.00

PROMOTION OF ACCESS TO INFORMATION ACT

PAiA



PART 5

**ANNEXURES TO THE
ANNUAL REPORT**



PART 5: ANNEXURES TO THE ANNUAL REPORT

Promotion of Access to Information

PART ONE – INTRODUCTION

The Promotion of Access to Information Act Unit established by the Commission, is mandated in terms of the PAIA legislation to advance the implementation, and the monitoring of PAIA. In compliance with this mandate, the unit has implemented various systems targeting key areas for intervention. The outcomes of these interventions are highlighted in the body of the text below.

The mission of the unit has been to advance the implementation of PAIA primarily on four separate but connected levels, to this end it has focused on the general public, public bodies, private bodies and finally on possible reform of the legislation itself. The efforts of the unit with regard to the general public are highlighted in the discussion on Public Awareness and Training. Interventions made with regard to public bodies are discussed under the general section 32 and monitoring summary; and, legislative review is detailed under recommendations.

Public Awareness and Training

It is accepted that for the right of access to information to be properly realised, persons who are entitled to the right have to be made aware of this entitlement and its advantages for them as a tool. The unit has sought to conduct several awareness raising events which range from workshops and seminars, to conducting walkabouts and disseminating general information on the right to access information.

In addition to these activities a user-friendly handbook was developed by the Commission and has been translated into four of the official languages. Due to resource limitations the unit hopes to overcome, it is envisaged that the handbook will ultimately be published in all official languages and will be accessible on the web.

The unit has also been active in sharing and raising awareness on a local, regional and international level by participating in appropriate fora through seminars and conferences relating to the right of access to information. The unit hosted a seminar during the visit of the Irish Information Commissioner in September. It has also participated in the Human Rights Week activities both in Gauteng and specifically through a workshop hosted during the Human Rights Week in the Eastern Cape for the Provincial Department of Arts and Culture. On the 'International Right to Know' day, the Commission, in collaboration with the Open Democracy Advice Centre, hosted the Openness and Responsiveness Awards detailed in the discussion under section 32.

In this regard, shared experiences at the local, regional and international level have improved the unit's own anticipatory responses with regard to implementation and awareness raising.

Based on the outcomes of the activities described above, the unit has devised an integrated plan for the coming financial year which will see an increase in the frequency of workshops and training; and the development of a detailed media strategy which will further contribute to its aim of awareness raising.

Public Bodies

The mandate of the Commission in relation to public entities has been of necessity limited to training and monitoring of section 32. Resources allocated for this purpose have, however, been creatively allocated to ensure that the maximum number of public entities are reached. It should be noted at this point that since monitoring is a key function area of the unit, resources have been allocated largely to this function.

The unit has managed scarce resources by responding to requests for training and conducting these sessions at the venues determined by the requester. The unit has responded to requests from all levels of public bodies, ranging from the Office of the Premier in KwaZulu-Natal to local municipalities and the Financial Services Board.

Noteworthy was a day's training that the South African Reserve Bank organised and requested from the Commission for training on PAIA for their upper management level staff. It is envisaged that requests for training of this type will increase as public bodies consider the importance of the Act and the principle of openness.

Training sessions are devised to target diverse groups of Information Officers as opposed to specific groups with the intention of minimizing costs. The results of these training sessions are evident from the increase in the numbers of public bodies which are now complying with their obligations under section 32. It is anticipated that the upward trend with regard to the numbers of bodies reporting will be influenced by the activities planned to accelerate both the quantity and quality of reporting by public bodies in the future.

The unit has also co-ordinated special events targeting public bodies. These include the information officers forum and is detailed under the section 32 discussion.

The resource Guide launched provincially (detailed in the last annual report) has met with responses which were highly



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Promotion of Access to Information

constructive and welcomed. In as much as the Guide has been received with acclaim, the Commission once again is restrained by resources to update and maintain the Guide in a printed format. It will as a result only make the updated Guide available on its website.

Law Reform

The unit has been able due to its active interaction with members of the public and with public bodies themselves to consider and review the day-to-day implementation obstacles inimical within the legislation itself and to identify practical hurdles hampering compliance.

A number of key issues have been identified with regard to the provisions of the legislation. These include the fee impositions in PAIA²; provisions governing obligations for private bodies, public interest provisions; pitfalls with the internal appeal procedures; penalties affecting Information Officers and the inappropriate time frames for the processing of urgent requests etc.

Special note has to be made of the recommendations submitted by the unit for the establishment of the Office of the Information Commissioner, to the Deputy Minister of Justice and Constitutional Development and subsequently to the Director General. It should also be noted that as part of its advocacy and lobbying campaign, the Commission made similar submissions to the Asmal Committee.

The unit will closely monitor the responses of the Asmal Committee and will continue to lobby the Department of Justice and Constitutional Development for the establishment of the Office of the Information Commissioner.

Jurisprudential developments also form part of the activities of the Unit. To this end case law emanating from the Constitutional Court and from the Supreme Court of Appeal are constantly monitored. Relevant case law is then summarised and posted on the PAIA website; cases with precedential value are also discussed at seminars and integrated in workshops and conferences.

Private Bodies

Private bodies are also obliged under PAIA to submit section 51 Manuals to the Commission. This obligation has generated widespread alarm from private bodies. These range from a general lack of understanding the reporting requirements

themselves to a lack of adequate resources to enable reporting. A number of private bodies have indeed already submitted their manuals. Resource constraints have not made it possible to monitor Private bodies closely.

In light of the unit's custodial role in relation to the manuals, it has had to engage short-term staff to sort and electronically capture relevant data for the registries submitted.

The assessment of the reporting obligations for private bodies has led to the Commission recommending that small private bodies be exempted from reporting obligations under PAIA. There has been no response to this recommendation to date. Small private bodies have, however, been granted an extension to the 31 December 2011 to submit their manuals.

To this extent the unit has included private body information officers in general training sessions where this has been possible. Several large private entities have responded quite proactively in this regard. In the meantime the unit is devising a strategy to best accommodate the private sector for optimal delivery at the projected time and for the Commission to have systems ready to receive these manuals.

Heads of private bodies were also included in the Information Officers Indaba held in September 2006. The 2007 Openness Awards will also include a select number of heads of Private Bodies in order to raise awareness of the Act in the sector.

Other Interventions

The unit also engages in the activities of the Legal Services Programme of the Commission. Its functions are limited to providing assistance to applicants in request for information matters. Approximately 6 such requests were handled by the unit in this reporting cycle.

Research, the contribution of papers, opinions and submissions are also made regularly to journals and seminars hosted by academic institutions.

Apart from formal interventions, the unit is often called upon by the media for comment and actively uses these platforms to impart information about the right to access information.

The unit has also served as a body facilitating mediation where this is requested. However, due to the Commission's lack of powers in this Act to mediate, this is provided only if the two parties agree to such mediation. This is one of the issues

² The Unit is pleased to submit that following its recommendation, the indigent and certain specified categories of income earners are now exempt from paying fees for requests made under PAIA.



PART 5: ANNEXURES TO THE ANNUAL REPORT

Promotion of Access to Information

that has been raised both with the Department of Justice and Constitutional Development and the Asmal Committee. The unit advocated the establishment of the Office of the Information Commissioner to be empowered to mediate in order to alleviate unnecessary costs incurred through the court processes.

The e-Learning project has been earmarked for special attention as a work in progress. It is anticipated that the product which is near completion will serve as a primary tool in facilitating implementation of PAIA. The project is commendable for its user-friendly format and accessibility. It is one of the Commission's Information Communication Technologies that will be employed to reach the masses and raise awareness of the Act. (Please see the Education and Training Programme's report on e-Learning for more information)

Section 32 Reports

Section 32 reports have hogged the unit's attention for the past three reporting cycles. This has been attributable to the number of variables which impact on a public body's capacity and ability to report accurately within the stipulated reporting period.

To this end, the unit has successfully hosted an information officers' forum, which saw the active involvement of information officers in problem sharing and solving. The Commission, in collaboration with the Open Democracy Advice Centre (ODAC) hosted the Golden Key Awards to recognise national public and private institutions as well as individuals who have done exemplary work in promoting openness in the public and private sectors. It is envisaged that the Golden Key Award ceremony will be extended to include provincial and local government bodies in the coming years.

Merit assessments were made in the following categories:

Category 1: The Openness Award

These are institutions cited as implementing and representing 'best practice.' They have nurtured positive sentiment and have set up enabling organisational systems and procedures that promote proper compliance with the provisions of the Promotion of Access to Information Act. The organisations and individuals honoured with these awards would have shown conscious respect of the national aspiration for an open, transparent and people-centred democracy as embodied in section 32 and 33 of the Constitution as well as Principles 5 and 6 of Batho Pele.





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Promotion of Access to Information

The winner of this award is determined by consideration of the following criteria:

	Guiding question
Roadmap	<ol style="list-style-type: none">1. Is there a list of all documents which can be disclosed and those which cannot?2. Is the process for submitting requests readily available to requestors?3. Are contact details regarding the office which handles requests provided? Are there provisions for receiving requests using different methods?
Records management	<ol style="list-style-type: none">4. How are records organised and stored?5. What are the rules governing the generation of information?6. Is there a practice of automatic disclosure where records are disclosed as soon as they are generated?
Reporting	<ol style="list-style-type: none">7. Is there a system for recording and reporting on the number of requests received?8. Does the report reflect open practice?
Internal Mechanisms	<ol style="list-style-type: none">9. Are requests recorded accurately?10. What internal guidelines exist for frontline officials on how to handle requests?11. What internal procedures exist for processing requests and communicating with requestors?12. What is the procedure for assisting disadvantaged requestors?13. Is there an implementation plan which operationalises the Act?
Resources	<ol style="list-style-type: none">14. What financial resources are allocated to implementing the Act?15. What human capacity has been appointed/trained to facilitate access to information?16. Is there a unit established to monitor and co-ordinate the implementation of the Act?17. What incentives are in place to ensure that staff comply with the Act?18. What sanctions are in place to ensure that staff comply with the Act?

Category 2: Deputy Information of Officer of the Year Award

Criteria for Award:

There are no formal criteria for determination of the winner of this award but considerations listed below are taken into account in the assessment as guidelines.

Guidelines
Gives reasons for administrative decisions to those affected;
Release, in response to specific requests, information relating to their policies, actions and decisions and other matters related to their areas of responsibility.
Provision of Information at no cost to the requestor
Ensures that the organization publishes in accordance with Section 15 of PAIA
Information is provided as soon as practicable. The target for response to simple requests for information is 30 days from the date of receipt.
Transfers requests to relevant institutions where necessary and informs the requestor, in writing, of the transfer
Does not require a PAIA form for every single request even if it relates to records which should be available in terms of Section 15
Has acted a 'champion of access to information' within his/her institution
When s/he couldn't find the records requested, s/he has compiled an affidavit detailing efforts that have been made to find the document and the affidavit was given to the requestor.
Has assisted a requestor fill in the form correctly, when occasion called for it



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Promotion of Access to Information

Category 3: Right to Know Activist of the Year Award

Criteria for Award:

There are no formal criteria for determination of the winner of this award but the decision shall be made through discretion of the Award Committee/Panel.

Category 4: The Best Media Coverage of PAIA Award

Criteria for Award:

There are no formal criteria for determination of the winner of this award but the decision shall be made through discretion of the Award Committee/Panel.

Additional considerations for deciding on winners *(in the case of a tie in the results after application of the criteria envisaged in Categories 1 & 2 or to guide selection of winners based of strategic advocacy objectives)*

Publishes facts and analysis of the facts which the Government considers relevant and important in framing major policy proposals and decisions

Information normally made available when policies and decisions are announced

Make available explanatory material on departments' dealings with the public (including such rules, procedures, internal guidance to officials and similar administrative manuals as will assist better understanding of departmental action in dealing with the public)

Publish Section 15 Notices

Officials are aware of PAIA

Officials are aware of the Principles of Batho Pele

Publishing of information consistent with Principles 5 and 6 of Batho Pele

Has established an effective system and policy guidelines for dealing with requests

Has published public service material to advise the public of their right to know

Annual submission of Section 21 Reports to the Commission

Both the awards ceremony and the information officers forum have introduced exciting incentives to reward good practice. It is envisaged that these initiatives will become permanent features in the unit's drive to generate awareness and influence compliance, and more importantly to sustain compliance from bodies who already meet the criteria listed above.

The efforts of the unit with regard to training, awareness raising and promotion of compliance are now coming to fruition. Figures for public body reports reveal an increase in the numbers reporting for the first time since the Commission commenced monitoring. However, these numbers are yet to reach the optimal level to which the unit aspires.

PART TWO – INTRODUCTION

The schedule of Section 32 reports annexed hereto were compiled by the Commission in terms of its mandate entrenched within the PAIA legislation.

In terms of the legislation, public bodies are obliged to report to the Commission certain standard information governing the requests for information they processed within a particular reporting cycle.

The task of the information officer then, is to compile a section 32 report to the Commission tabulating information relevant to the requests and the response of the public body thereto. These responses are then categorised as follows:



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Promotion of Access to Information

- 1.1 the number of requests for access received;
- 1.2 the number of requests for access granted in full;
- 1.3 the number of requests for access granted in terms of section 46 (this is where an Information Officer of a public body, despite there being grounds for refusal of access, grants the request for access to a record, if the disclosure is in the interest of the public);
- 1.4 the number of requests for access refused in full and refused partially and the number of times each provision of this Act was relied on to refuse access in full or partial;
- 1.5 the number of cases in which the periods stipulated in section 25(1) (the 30 day period within which the Information Officer must deal with the request), were extended in terms of section 26(1);
- 1.6 the number of internal appeals lodged with the relevant authority and the number of cases in which, as a result of an internal appeal, access was given to a record;
- 1.7 the number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27;
- 1.8 the number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77(7); (this is where the relevant authority fails to give notice of the decision on an internal appeal to the appellant within 30 days after receipt of the appeal, and the relevant authority is then regarded as having dismissed the appeal);
- 1.9 such other matters as may be prescribed.

2. SUBMISSION OF SECTION 32 REPORTS

A cursory glance at the section 32 report annexed reveals worrying patterns of non-compliance by most categories of public bodies. The empirical data indicates a marked improvement in the levels of reporting at national government level; and a decline in reporting at the provincial level. Levels of non-compliance with reporting obligations are consistent for other public entities. Chapter 9 institutions also lagged in terms of their reporting obligations, as only four out of the six institutions submitted their reports.

In essence, the Commission has found that the number of reports submitted have not reached the ceiling anticipated. The cause for alarm has not been restricted to non-compliance by any one sector of public sector, it is instead directed at almost all public bodies across the board.

What will be most satisfactory is if public bodies could build section 32 into their compliance systems and not wait for letters reminding them of this obligation. One such body which has consistently complied before the Commission sends reminder

notices has been the Parliament of SA. It has over the past few years complied and has, as such, set best practice which all other public bodies are encouraged to follow.

Strategies to accelerate compliance

During the initial stages of implementation, the commission gave due consideration to the difficulties concomitant with securing compliance required under a new legislative directive. In line with these teething difficulties, the commission made several interventions. Amongst these were recommendations to the Department of Justice to permit the delegation of duties by information officers to deputy information officers and the amending of reporting cycle timeframes for public bodies. The submission therefore needs to be made that the logistical and administrative structures to facilitate and encourage compliance have been in place for the past two reporting cycles.

The Commission's monitoring in the 6 years since the implementation of PAIA has revealed the need for a number of strategic interventions to be introduced. These focused on active briefing and training of deputy information officers and legal personnel across the spectrum of public bodies on an ongoing basis. The commission also offers briefing and training sessions to specific departments and has made itself available to provide assistance to any public entity specifically requesting such assistance.

The PAIA Unit within the Commission is a structure which has dedicated itself to amongst other things, developing and distributing material as a means of raising public awareness and therefore reliance on the right of access to information. These materials include the section 10 guide and a user-friendly PAIA handbook. The latter will be available for distribution in the second half of this financial year. The handbook will also be made available to all public bodies.

The unit has also successfully hosted the Information Officers Forum in 2006. The initiative enjoyed huge success and was welcomed as a platform for the sharing of information and ideas by all Information officers who attended.

To supplement the awareness raising endeavours of the Commission, the Golden Key Awards ceremony was held in September 2006. The Golden Key Award acknowledges success in implementing compliance with PAIA. In as much as it carries an accolade for the recipient, it simultaneously carries a stigma for recalcitrant bodies who are 'named and shamed' in the report.



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The Awards ceremony has made significant impact on reporting at national level. This is self evident from a comparative analysis of the empirical data over the last three reporting cycles. A number of success stories may be attributable to the Awards ceremony; the Department of Social Development is a worthy example of one such story. The said department had been listed as a bad performer at the ceremony for failing to demonstrate openness and as having set a bad example as a service delivery department. It has, since the awards ceremony, actively pursued its reporting obligations and has submitted the section 32 report timeously, also indicating a healthy number of requests for information from the department. Conversely the empirical data seems to suggest a relationship between the absence of the provincial, local and other public bodies from the Award ceremony and their general lack of compliance with regard to reporting.

It is envisaged that the number of public bodies to be included in the awards ceremony to be held in 2007 will be increased to encompass a broader range of participants.

3. THE SCHEDULE OF S32 REPORTS

The consolidated schedule of section 32 reports hereunder is divided into five different sections. Section 1 consists of National

Government Department's statistics; Section 2 comprises Provincial Government Department' statistics; Section 3 comprises Local Government statistics; Section 4 comprises Chapter 9 Institutions statistics; and section 5 tabulates the statistics of Other Public Bodies.³

4. CONCLUSION

The lack of compliance by public bodies remains an area of key concern for the Commission. Creating public awareness and training initiatives are critical tools to enhance compliance. In this regard the Commission envisages intensifying awareness and training initiatives in the coming year. The unit has also implemented an interactive forum on its website to further encourage dialogue and facilitate problem solving for public and private bodies.

It is envisaged that the initiatives discussed above will be catalysts for the acceleration in compliance the Commission seeks. This type of increase in reporting will certainly support the momentum the Commission has lent the process of reporting, monitoring and assisting with the creation of a healthy access to information regime in the country.



³ The theft of the Commission's servers made some of the submitted data vulnerable over a short period of time. The theft has, however, not impacted on the monitoring and analysis of section 32 reports submitted to the Commission.



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PART THREE

In terms of section 83(3)(h) of the Promotion of Access to Information Act 2 of 2000, the following information is submitted by the Office of the Public Protector (OPP) for the reporting year 9 March 2006 to 8 March 2007.

SUMMARY:

	Information required	Information Submitted
Section 83(3)(h)(i)	The number of complaints lodged (including complaints received the previous reporting year that were not finalised in that year) with the OPP in respect of right conferred or duty imposed by this Act	1 complaint carried forward from 08/03/07; 2 complaints lodged with the OPP during the reporting year.
Section 83(3)(h)(ii)	The outcome of those complaints received	3 complaints were finalised; No complaints still under investigation.

DETAILED NOTES:

Public Protector's Office and Reference:	Date received:	Institution complained against:	Nature of complaint:	Outcome of the investigation:	Date finalised:
Free State provincial office 7/2-9766/06FS	23 August 2006	SA Police Service	Not responding to request for access to information lodged by the complainant	Response provided by SA Police Services	23 February 2007
National Office 7/2-2448/07HQ	26 February 2007	ACSA/OR Tambo Airport	Information on development plans regarding the airport not provided	Complainant did not apply for information in terms of Act 2 of 2000 – referred to the Information Officer of the airport	30 March 2007
Northern Cape provincial office 7/2-0157/05NC	30 March 2005	Department of Education: Northern Cape	The complainant applied for a position with the Department as requested to be given the records of the interviews to check his performance against other candidates	The complainant did not apply for information in terms of Act 2 of 2000 – advised to apply for the documents in terms of the Act. Complainant did so and the access to information issues was therefore regarded as finalised	26 January 2007

SECTION 32 STATISTICAL REPORT: 01 APRIL 2006 – 31 MARCH 2007

Section 1 National Government Departments

Department	Date Submitted (The dates listed below indicate the date on which the reports were received)	Number of requests for access received Section 32(a)	Number of requests for access granted in full Section 32(b)	Number of requests for access granted in full or partially Section 32(c)	Number of requests for access: a) refused in full b) refused partially c) number of times each provision of the Act was relied on to refuse access in full or partially Section 32 (d)	Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26 (1) Section 32(e)	Number of internal appeals lodged with the relevant authority a) number of cases in which internal appeal access was given Section 32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 (7) Section 32(h)	Other Information
1. Agriculture	29 March 2007	20	17	0	(a) 1 (b) 2 (c) 0	0	(a) 0 (b) 0	0	0	
2. Justice and Constitutional Development	2 March 2007	56	20	0	9 4 9	26	4 0	0	0	
3. Land Affairs	08 March 2007	13	0	11	1 0 0	0	1 0	0	0	
4. Public Service and Administration	30 July 2006	1	0	0	1 0 0	0	0 0	0	0	
5. Trade and Industry	3 April 2007	11	2	0	1 3 2	3	1 0	2	5	
6. Provincial and Local Government	15 March 2007	1	0	0	1 0 0	0	0 0	0	0	
7. Parliament of the Republic of South Africa	28 Feb 2007	2	0	0	0 0 0	0	0 0	0	0	Refer to the report.
8. Foreign Affairs	15 May 2007	7	2	0	0 2 0	2	1 2	1	0	
9. Water Affairs and Forestry	30 March 2007	107	107	0	0 0 0	2	1 0	0	0	Refer to the report.
10. Correctional Services	28 March 2007	24	16	2	0 3 1	2	0 0	0	0	
11. Home Affairs	26 April 2006	14	3	3	5 1 0	0	1 1	0	1	
12. Housing	20 Dec 2006	900553	900553	0	1 0 0	0	0 0	0	0	
13. Science and Technology	15 July 2007	6	2	0	4 4 1	2	0 0	0	0	
14. National Defence	12 June 2007	25	6	0	2 2 16	1	0 0	0	0	
15. Social Development	2 May 2007	126	3	0	1 0 0	0	0 0	0	0	
16. The Presidency of SA	31 May 2007	4	1	0	0 0 0	0	0 0	0	0	
17. Environmental Affairs and Tourism	7 May 2007	82	71	0	10 10 1	0	0 0	0	0	
18. Sport and Recreation	29 June 2007	0	0	0	0 0 0	0	0 0	0	0	



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SECTION 2 – PROVINCIAL GOVERNMENT DEPARTMENTS

Departments	Date Submitted (The dates listed below indicate the date on which the reports were received)	Number of requests for access received Section 32(a)	Number of requests for access granted in full Section 32(b)	Number of requests for access granted in terms of section 46 Section 32(c)	Number of requests for access: a) refused in full b) refused partially c) number of times each provision of the Act was relied on to refuse access in full or partially Section 32(d)	Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26 (1) Section 32(e)	Number of internal appeals a) lodged with the relevant authority b) number of cases in which as a result of an internal appeal access was given Section 32(f)	Number of internal appeals which were lodged on the ground that a request was regarded as having been refused in terms of section 27 Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 (7) Section 32(h)	Other Information
Free State										
1. Office of the Premier	23 July 2006	2	1	0	0	0	0	0	0	
Gauteng										
1. Agriculture, Conservation and environment	29 March 2007	20	17	0	1	0	0	0	0	
2. Department of Housing	20 Dec 2006	900553	900553	0	1	0	0	0	0	
Limpopo										
1. Health and Social Development	03 April 2007	13	6	0	5	5	0	0	0	
2. Public Works	02 May 2007	1	1	0	0	0	0	0	0	
3. Office of the Premier	31 May 2007	2	2	0	0	0	0	0	0	
4. Roads and Transport	28 June 2007	1	1	0	0	0	0	0	0	
5. Economic Development, Environment and Tourism	24 April 2007	1	0	0	1	0	0	0	0	
6. Local Government and Housing	18 June 2007	11	3	0	8	0	0	0	0	
7. Social Development	27 March 2007	13	6	0	5	0	2	0	0	
8. Agriculture	18 April 2006	5	0	0	0	0	0	0	0	
Mpumalanga										
1. Department of Public Works	26 April 2007	1	0	0	1	0	0	0	0	
Western Cape										
1. Provincial Parliament	30 May 2007	0	0	0	0	0	0	0	0	
North West										
1. Health	28 May 2007	4	2	0	0	2	0	0	0	



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SECTION 3 – LOCAL GOVERNMENT

Municipalities	Date Submitted (The dates listed below indicate the date on which the reports were received)	Number of requests for access received Section 32(a)	Number of requests for access granted in full Section 32(b)	Number of requests for access granted in terms of section 46 Section 32(c)	Number of requests for access: a) refused in full b) refused partially c) number of times in each provision of the Act was relied on to refuse access in full or partially Section 32(d)	Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26(1) Section 32(e)	Number of internal appeals lodged with the relevant authority a) lodged with the relevant authority b) number of cases in which as a result of an internal appeal access was given Section 32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 - Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 - Section 32(h)	Other Information
Gauteng					(a)) b (c)	(a) (b)				
1. City of Johannesburg	08 March 2007	98	83	7	0 3 2 0	2 1 3	0			
2. Ekurhuleni Metropolitan Municipality	11 April 2007	7	7	0	0 0 0 0	0 0 0	0			
KwaZulu-Natal										
1. Uthungulu District Municipality	12 June 2007	0	0	0	0 0 0 0	0 0 0	0			
2. Ethekeini Municipality	28 May 2007	25	10	10	10 2 0 12	2 1 0	0			
3. City of uMhlatuze	08 Jan 2007	10	6	0	0 0 0 0	0 0 3	0		1	
Limpopo										
1. Public Works	17 May 2007	1	0	0	0 0 0 0	0 0 0	0			
Western Cape										
1. Theewaterskloof Municipality	18 June 2007	14	14	0	3 0 0 1	0 0 0	0	0	0	
2. Saldanha Bay Municipality	11 July 2007	7	5	0	2 0 0 0	0 0 0	0		0	
City of Cape Town	09 July 2007	107	91	0	7 1 2 1	0 0 3	3			
Eastern Cape										
1. Nelson Mandela Bay Metropolitan Municipality	11 June 2007	30	22	0	0 0 1 2	2 2 0	0		0	
2. King Sabata Dalindyebo Municipality	20 June 2007	2	2	0	0 0 0 0	0 0 0	0		0	



SECTION 4 – CHAPTER 9 INSTITUTIONS

Institution	Date Submitted (The dates listed below indicate the date on which the reports were received)	Number of requests for access received Section 32(a)	Number of requests for access granted in full Section 32(b)	Number of requests for access granted in full in terms of section 46 Section 32(c)	Number of requests for access: a) refused in full b) refused partially c) number of times each provision of the Act was relied on to refuse access in full or partially Section 32(d)	Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26(1) – Section 32(e)	Number of appeals lodged with the relevant authority a) number of cases in which as a result of an internal appeal access was given – Section 32(f)	(a)	(b)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 – Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 – Section 32(h)	Other Information
1. South African Human Rights Commission	15 May 2006	3	1	0	(a) 0 (b) 0 (c) 2	0	0	0	0	0	0	
2. Commission for Culture, Religion and Language	16 May 2007	0	0	0	0	0	0	0	0	0	0	
3. Auditor-General	16 July 2007	2	2	0	0	0	0	0	0	0	0	
4. Public Protector	15 June 2007	1	0	0	0	1	0	0	0	0	0	



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SECTION 5 – OTHER PUBLIC BODIES

Institution	Date Submitted (The dates listed below indicate the date on which the reports were received)	Number of requests for access received Section 32(a)	Number of requests for access granted in full Section 32(b)	Number of requests for access granted in full in terms of section 46 Section 32(c)	Number of requests for access: a) refused in full b) refused partially c) number of times each provision of the Act was relied on to refuse access in full or partially Section 32(d)	Number of cases in which the periods stipulated in section 25(1) were extended in terms of section 26(1) - Section 32(e)	Number of appeals: a) lodged with the relevant authority b) number of cases in which as a result of an internal appeal access was given Section 32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 - Section 32(g)	Number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 - Section 32(h)	Other Information
1. Magistrates Commission	08 March 2007	15	14	0	(a) 1 (b) 1 (c) 0	0	2	0	0	
3. Telkom	04 April 2007	3	1	0	1 1 2	0	1	1	0	
4. Accounting Standards Board	31 March 2007	0	0	0	0 0 0	0	0	0	0	
5. Central University of Technology Free State	31 March 2007	3	0	0	1 1 1	0	0	0	0	
6. South African Police Service	18 May 2007	20 427	17 723	393	110 137 247	2 120	3	0	0	
7. South African Diamond Board	17 June 2007	0	0	0	0 0 0	0	0	0	0	
8. Trans Caledon Authority (TCTA)	05 Dec 2006	0	0	0	0 0 0	0	0	0	0	
9. South African Reserve Bank	17/07/2006	11	3	0	1 1 1	4	0	0	0	
10. Health and Welfare Sector Education Training Authority (HWSETA)	45 May 2007	0	0	0	0 0 0	0	0	0	0	
11. National Development Agency	30 August 2006	0	0	0	0 0 0	0	0	0	0	
12. FoodBev SETA	30 March 2007	0	0	0	0 0 0	0	0	0	0	
13. Airports Company S.A. (ACSA)	31 March 2007	2	1	1	1 1 2	0	0	0	0	Refer to the report.
14. SA Veterinary Council	26 June 2007	2	2	0	0 0 0	0	0	0	0	
15. The Market Theatre Foundation	20 March 2007	0	0	0	0 0 0	0	0	0	0	
16. South African Reserve Bank	17 May 2007	2	0	0	1 0 1	1	1	0	0	Refer to the report.
17. National Intelligence Agency	07 May 2007	4	6	1	1 2 5	1	0	0	0	
18. ARMSCOR (Armaments Corporation of SA)	3 April 2007	4	3	0	0 0 0	0	0	0	0	
19. Financial Service Board	28 May 2007	1	0	0	1 1 0	0	0	0	0	
20. ESKOM	29 May 2007	73	24	7	42 1 3	0	0	0	40	
21. Council for Medical Scheme	29 May 2007	38	36	0	1 1 0	0	0	0	0	
22. Wits University	11 June 2007	0	0	0	0 0 0	0	0	0	0	
23. The Market Theatre Foundation	12 April 2007	0	0	0	0 0 0	0	0	0	0	
24. Oil Pollution Control South Africa (OPCSA)	31 May 2007	0	0	0	0 0 0	0	0	0	0	
25. South African Energy Research Institute (SANERI)	31 May 2007	0	0	0	0 0 0	0	0	0	0	
26. South African Gas Development Company (IGAS)	31 May 2007	0	0	0	0 0 0	0	0	0	0	
27. CEF (PTY) LTD	31 May 2007	0	0	0	0 0 0	0	0	0	0	
28. Independent Development Trust (IDT)	29 June 2007	0	0	0	0 0 0	0	0	0	0	
29. Film and Publications Board	27 June 2007	0	0	0	0 0 0	0	0	0	0	
30. Competition Commission	24 July 2007	27	21	0	0 0 0	0	0	0	0	
31. SFF Association	31 May 2007									
32. Mining Qualifications Authority	21 October 2006	0	0	0	0 0 0	0	0	0	0	

ABOUT THE SAHRC LOGO

The concept behind the logo of the South African Human Rights Commission is the suggestion of South African warmth, new life and the interdependence and solidarity of people.



The symbol of flames interlinked with the shape of people and the protea signifies the ongoing struggle for human rights. In terms of natural symbolism the warmth and reassurance of the yellow flames makes the image alive.

The black lettering for 'South African' sets a contrast for the white lettering which brings brightness to the overall colour scheme. The lettering is not a type font, but was specifically designed for this logo. It is deliberately informal to suggest friendliness and approachability.

The colour Terracota is used to symbolise the earth, an African colour of the clay pot and the soil. It too represents the natural South African environment.

The logo is designed to appeal to the visual senses in a way that creates identification with the imagery.



Notes

[illegible]



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