



South African
Human Rights
Commission

ANNUAL REPORT 2015/16



south african
**human
rights**
commission

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FOREWORD BY THE CHAIRPERSON



During the 2015/16 financial year, the South African Human Rights Commission (Commission) continued to execute its constitutional mandate to promote respect for and the protection of human rights. Whilst it had to do this under difficult conditions, which include financial and human resource constraints, the Commission was able to achieve many of its strategic objectives.

In the period under review, the Commission was able to consolidate and strengthen its organisational and financial controls, strengthening its successive record of unqualified audits by the Auditor General. This bears testament to the internal capacity within the Commission, rendering the Commission well placed to continue to achieve positive audit outcomes.

Another important highlight for the period under review was the achievement of the Commission's strategic objectives regarding the commemoration of its twenty years of existence. The Commission successfully hosted a 2-day conference from 14 to 15 March 2016 in Midrand, to commemorate this milestone. Participants were afforded an opportunity to reflect critically on the institution's gains and challenges, while assessing the country's performance with respect to building a more inclusive and equal society.

The conference was held against the backdrop of a sudden upsurge of incidents of racism at the beginning of 2016. For this reason, the Commission considered it apt to focus the conference theme on racism. The Commission continues to grapple with the issue of racism in its day to day work. In order to more effectively discharge its mandate in this regard, the Commission is in the process of finalising its new draft strategy on racism and xenophobia.





As part of the 20-year anniversary commemorations, the Commission produced a documentary entitled "Dignity Restored: 20 Years of the South African Human Rights Commission", which chronicles the work of the Commission in the last twenty years. To complete the Commission's planned commemorative activities, the Commission's 20-Year Critical Review Report will be launched, at the latest by the end of October this year, to coincide with the end of terms of office of the majority of current Commissioners.

The Commission has also made great strides in dealing with the backlog in processing and finalising complaints and enquiries. To this end, during the period under review, the Commission processed over 9 000 complaints and finalised 89% of these cases. These results can be attributed to the effectiveness of the corrective measures put in place to deal with the backlog in the processing of complaints, which is starting to bear fruit.

To further strengthen these measures, in the 2015/16 financial year the Commission embarked on a review of its complaints handling procedures, which included making provisions for complex legal investigations in the complaints handling procedures, as well as drafting child-friendly complaints-handling procedures, all of which will soon be gazetted.

The Commission has also consolidated its work in the area of business and human rights. During the period under review, the Commission hosted a roundtable dialogue, inviting children's rights experts and stakeholders from government, civil society, development partners, and academia to examine the impact of business action on the rights of children, including in promoting and protecting children's rights in the workplace.

Another highlight for this period under review, was the Commission's co-hosting, together with the Department of Justice and Constitutional Development, the Department of International Relations and Cooperation, and civil society organisations, the continent's first regional seminar on finding practical solutions to end discrimination and violence based on sexual orientation and gender identity and expression. An important outcome of the conference is the draft declaration adopted at the seminar, which calls upon governments to take necessary measures to protect the rights of lesbian, gay, bi-sexual, transgender, and intersex persons.

Insofar as its international obligations are concerned, the Commission concluded its term as chair of the International Coordinating Committee for National Human Rights Institutions (ICC) now known as Global Alliance of National Human Rights Institutions (GANHRI), in March 2016. As it handed over the reins, the Commission left a legacy of a strong institutional culture, which will enable GANHRI to better coordinate the work and interests of national human rights institutions (NHRIs) across the globe.

Locally, the Commission was able to influence government policy relating to employment of people with disabilities, the right of access to basic education for poor learners, and access to housing for communities. Another important milestone was the release of an investigative hearing report on unregulated artisanal underground and surface mining activities in South Africa.

All these achievements would not have been possible without the dedication and hard work of our Commissioners, management, and staff. As we celebrate these achievements, I also pause to pay special homage to the former Deputy Chairperson of the Commission, Pregs Govender, whose term ended in December 2015.

Going forward, it is vital that the Commission consolidates the gains made in the past twenty years and that it strengthens engagements with parliament and its portfolio committees, to ensure the effectiveness of the Commission in the discharge of its constitutional mandate.

Advocate Mbedle Lawrence Mushwana

Chairperson

Date: 29 July 2016

OVERVIEW BY THE CEO



The financial year 2015-16 marked the Commission's 20th anniversary, since establishment in October 1995. In commemoration of this historical event, the Commission hosted a conference focusing on racism. In the judicious discharge of its human rights mandate, the Commission has, over the past 20 years, encountered challenges, learned lessons, and achieved many successes. Over the years, the issue of racism has been one of the most persistent challenges facing our nation. Race related complaints consistently represent the largest proportion of alleged human rights violations of the right to equality received by the Commission. The Commission's work suggests that inequality and discrimination remain prevalent and continue to pose serious threats to nation building, social cohesion, racial healing and reconciliation in South Africa.

While racism remains the most contentious and divisive challenge facing our nation, the country cannot move forward without meaningfully addressing the historical, political and economic context that forms the parameters of conversations on race and discrimination. The Commission succeeded in its conference intentions of providing a national platform to critically evaluate the country's performance with respect to building a more equal society, healing race relations, promoting reconciliation, and eliciting a national consensus on how best to address historical inequality and racism. The challenge ahead is for all stakeholders to play their part in the fight against racism. The Commission commits to continuously enhance its own role in devising promotional, protective and monitoring mechanisms against racial discrimination and all its manifestations in our society.

The 20th anniversary has also been manifest of our maturity as a human rights institution in safeguarding the Bill of Rights across a range of focus areas. The financial year under review mirrors the efforts and success of the period through sustained performance achievements in relation to delivery on the mandate. This is evident in the 90% achievement of set targets for the annual planning period, spanning across the institutional strategic objectives that operationalise our constitutional mandate.

Since establishment the Commission has conducted investigative hearings as a means to promote accountability for the observance of human rights by various stakeholders including government. In the financial year under review the Commission released and launched four reports emanating from such hearings. These were in the areas of emergency medical services; safety in farming communities; older persons; as well as housing and local governance. In addition, the Commission completed various reports, including broader economic and social rights areas, as well as equality reports, all in fulfilment of its monitoring mandate.

In seeking to advance the realisation of human rights, and enhance the impact of its findings and recommendations, the Commission has sought to strengthen its monitoring mandate. During the period under review, the Commission has developed a repository of its report recommendations, including those stated above. It is anticipated that in the next financial year the Commission would be able to report back on the progress it has made in monitoring government's implementation of the recommendations, as well as analyse the implications thereof.

Over the last 2 years the Commission has increasingly afforded concerted effort on instituting litigation to realise impact on key areas of identified human rights violations. Outcomes of litigation cases provide an





indication of the Commission's successes in the pursuit to protect society against rights violations. The 2015-16 financial year has seen two notable court rulings in favour of the Commission's positions, involving cases of textbooks and emolument orders.

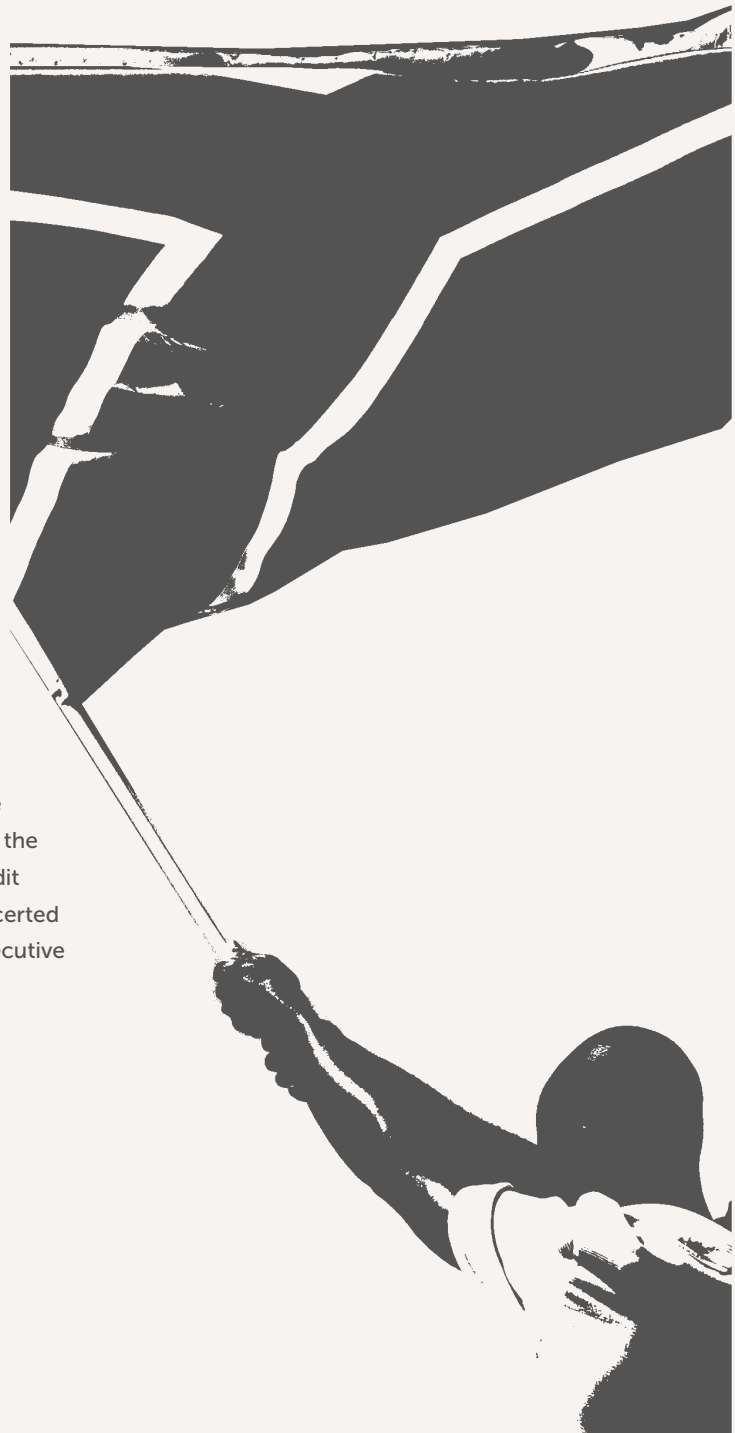
Further efforts to respond to human rights concerns as a way of advancing the realisation of human rights include attention and resolution of complaints lodged with the Commission on a daily basis. In this regard the Commission exceeded the targeted 85% finalisation of cases lodged during the financial year. Looking forward the intention is to strengthen the quality of complaints handling so as to increase the satisfaction of our complainants and realise greater impact on the human rights environment.

In the current planning cycle the Commission has strategically emphasised the need for wider reach into marginalised communities within society. Public outreach engagements were introduced and conducted in rural and peri-urban communities to foster accessibility. These engagements not only serve to broaden outreach but also have greater potential in integration with respect to the Commission's mandate; providing promotion, protection and monitoring aspects simultaneously for maximum impact.

Reflection on these annual and ongoing achievements cannot be concluded without reference to the effectiveness and efficiency of the institution. The greatest indicator of these being in the achievement of a third consecutive unqualified audit opinion that has been made possible with the concerted effort of an internal audit review task team and Executive Authority commitment and involvement.

A handwritten signature in red ink, appearing to read 'L. Khumalo'.

Lindiwe Khumalo
Chief Executive Officer
Date: 29 July 2016



SAHRC COMMISSIONERS



**COMMISSIONER
MABEDLE MUSHWANA**

Migration and equality portfolio
(Chairperson)



**COMMISSIONER
PREGS GOVENDER**

Basic Services and Healthcare
(Deputy Chairperson, term
ended December 2015)



**COMMISSIONER
BOKANKATLA MALATJI**

Disability and older persons
portfolio



**COMMISSIONER
LINDIWE MOKATE**

Children's rights and the right to
basic education portfolio



**COMMISSIONER
DANNY TITUS**

Human rights and law
enforcement, prevention of
torture portfolio
(Part time)



**COMMISSIONER
MOHAMED AMEERMIA**

The right of access to justice
and the right of access to
adequate housing portfolio



**COMMISSIONER
JANET LOVE**

Environment, rural development
and natural resources portfolio
(Part time)



PART A: GENERAL INFORMATION

1/STRATEGIC OVERVIEW

The Commission's strategic intent is informed by various legislation. This includes the Constitution of the Republic of South Africa, 1996 and the South African Human Rights Commission Act 40 of 2013 (SAHRCA), as well as other founding and supporting legislation.

VISION

Transforming society. Securing rights. Restoring dignity.

MISSION

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

VALUES

The values of the Commission are:

- Integrity
- Honesty
- Respect
- Objectivity
- Batho Pele principles
- Equality



2/LEGISLATIVE AND POLICY MANDATES

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

2.1 Constitutional mandate

Section 184 of the Constitution of the Republic of South Africa, Act 108 of 1996, reads as follows:

a) *The South African Human Rights Commission must:*

- (i) *promote respect for human rights and a culture of human rights*
- (ii) *promote the protection, development and attainment of human rights and*
- (iii) *monitor and assess the observance of human rights in the Republic.*

b) *The Commission has the necessary powers, as regulated by the national legislation, to perform its functions, including the power:*

- (i) *to investigate and report on the observance of human rights*
- (ii) *to take steps to secure appropriate redress where human rights have been violated*
- (iii) *to carry out research and*
- (iv) *to educate.*

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

d) *The Commission has additional powers and functions prescribed by other national legislation.*

2.2 Other legislative and policy mandates

The Commission has additional powers and functions prescribed by specific legislative obligations in terms of SAHRCA, Promotion of Access to Information Act, no. 2 of 2000 (PAIA), and the Promotion of Equality and Prevention of Unfair Discrimination Act, no. 4 of 2000 (PEPUDA).

In this respect, the Commission has to:

- (a) investigate allegations of violations of human rights or offences in terms of these statutes
- (b) promote awareness of the statutes
- (c) monitor compliance with the statutes
- (d) report to parliament in relation to these statutes and
- (e) develop recommendations on persisting challenges related to these statutes and any necessary reform.

a) South African Human Rights Commission Act 40 of 2013

SAHRCA provides for the composition, powers and functions of the SAHRC. Certain amendments to the 1994 Human Rights Commission Act were suggested by the Commission in order to bring it in line with the Constitution and subsequent legislation. It was decided that a new Act was a better option than an extensive amendment Bill. The 2013 SAHRCA repealed the 1994 SAHRCA.

In terms of Sections 13(1) to (4) of SAHRCA, the Commission is competent and obliged to -

- (i) *make recommendations to organs of state at all levels of government where it considers such action advisable for the adoption of progressive measures for the promotion of human rights within the framework of the Constitution and the law, as well as appropriate measures for the further observance of such rights*



- (ii) *undertake such studies for reporting on or relating to human rights as it considers advisable in the performance of its functions or to further the objectives of the Commission and*
 - (iii) *request any organ of state to supply it with information on any legislative or executive measures adopted by it relating to human rights and*
- (b) *the Commission -*
- (i) *must develop, conduct or manage information programmes and education programmes to foster public understanding and awareness of Chapter 2 of the Constitution, this Act and the role and activities of the Commission*
 - (ii) *must as far as is practicable maintain close liaison with institutions, bodies or authorities with similar objectives to the Commission in order to foster common policies and practices and to promote co-operation in relation to the handling of complaints in cases of overlapping jurisdiction or other appropriate instances*
 - (iii) *must liaise and interact with any organisation which actively promotes respect for human rights and other sectors of civil society to further the objects of the Commission*
 - (iv) *may consider such recommendations, suggestions and requests concerning the promotion of respect for human rights as it may receive from any source*
 - (v) *must review government policies relating to human rights and may make recommendations*
 - (vi) *must monitor the implementation of, and compliance with, international and regional conventions and treaties, international and regional covenants and international and regional charters relating to the objects of the Commission*
 - (vii) *must prepare and submit reports to the National Assembly pertaining to any such convention, treaty, covenant or charter relating to the objects of the Commission and*
 - (viii) *must carry out or cause to be carried out such studies concerning human rights as may be referred to it by the President, and the Commission must include in a report referred to in section 18(1) a report setting out the results of each study together with such recommendations in relation thereto as it considers appropriate.*
- (2) (a) *The Commission may recommend to parliament or any other legislature the adoption of new legislation which will promote respect for human rights and a culture of human rights.*
- (b) *If the Commission is of the opinion that any proposed legislation might be contrary to Chapter 2 of the Constitution or to norms of international human rights law which form part of South African law or to other relevant norms of international law, it must immediately report that fact to the relevant legislature.*
- (3) *The Commission is competent -*
- (a) *to investigate on its own initiative or on receipt of a complaint, any alleged violation of human rights, and if, after due investigation, the Commission is of the opinion that there is substance in any complaint made to it, it must, in so far as it is able to do so, assist the complainant and other persons adversely affected thereby, to secure redress, and where it is necessary for that purpose to do so, it may arrange for or provide financial assistance to enable proceedings to be taken to a competent court for the necessary relief or may direct a complainant to an appropriate forum and*
 - (b) *to bring proceedings in a competent court or tribunal in its own name, or on behalf of a person or a group or class of persons.*
- (4) *All organs of state must afford the Commission such assistance as may be reasonably required for the effective exercising of its powers and performance of its functions.*





b) Promotion of Access to Information Act 2 of 2000

PAIA was enacted to give effect to Section 32 of the Constitution, providing a statutory right of access to information held by the State, as well as by private bodies. In terms of PAIA, the Commission is mandated, amongst other things, to:

- (i) *Develop and conduct educational programmes to advance the understanding of the public, in particular of disadvantaged communities, of this Act and how to exercise the rights contemplated in this Act*
- (ii) *Encourage public and private bodies to participate in the development and conduct of programmes referred to in paragraph (i) and to undertake such programmes themselves and*
- (iii) *Promote timely and effective dissemination of accurate information by public bodies about their activities.*

In carrying out its mandate, the SAHRC may:

- (i) *Make recommendations for –*
 - f) The development, improvement, modernisation, reform or amendment of this Act, or other legislation or common law having a bearing on access to information held by public and private bodies, respectively and
 - g) Procedures in terms of which public and private bodies make information electronically available
- (ii) *Monitor implementation of this Act.*

In 2013, parliament enacted the Protection of Personal Information Act, 4 of 2013, which assigns its mandate in respect of PAIA to an Information Regulator, yet to be established. It is anticipated that the transfer of responsibilities and functions to the Information Regulator will take place in the course of 2018/19. The Commission at present still has the constitutional obligation to promote, protect, and monitor the right of access to information, until such time as formal transfer of power takes place.

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

Section 28 (2) of PEPUDA requires the SAHRC to assess and report on the extent to which unfair discrimination on the grounds of race, gender and disability persists in the Republic, the effects thereof, and recommendations on how best to address the problems. Section 25 (5) (a) of the PEPUDA prescribes for the submission of equality plans by the state to the SAHRC, to be dealt with in the prescribed manner, in consultation with the Commission on Gender Equality. The Commission continues to monitor state compliance with PEPUDA, and produces an equality report on an annual basis.

d) International and regional instruments

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

At an international level, the Commission is recognised by the United Nations Office of the High Commissioner for Human Rights as an 'A' status NHRI, recognising its full adherence to the Paris Principles. The Paris Principles are guiding principles that set out the nature and functioning of NHRIs. These principles emphasise the independent nature of NHRIs and guide the manner in which they should conduct their work.

Summarised, the Paris Principles state, among others, that NHRIs should:

- (i) Monitor any situation of violation of human rights
- (ii) Be able to advise the government, parliament and any other competent body on specific violations
- (iii) Educate and inform on issues of human rights and
- (iv) Be able to use their quasi-judicial powers where these exist.

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

3/ORGANISATIONAL STRUCTURE

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

Figure 1: Organogram

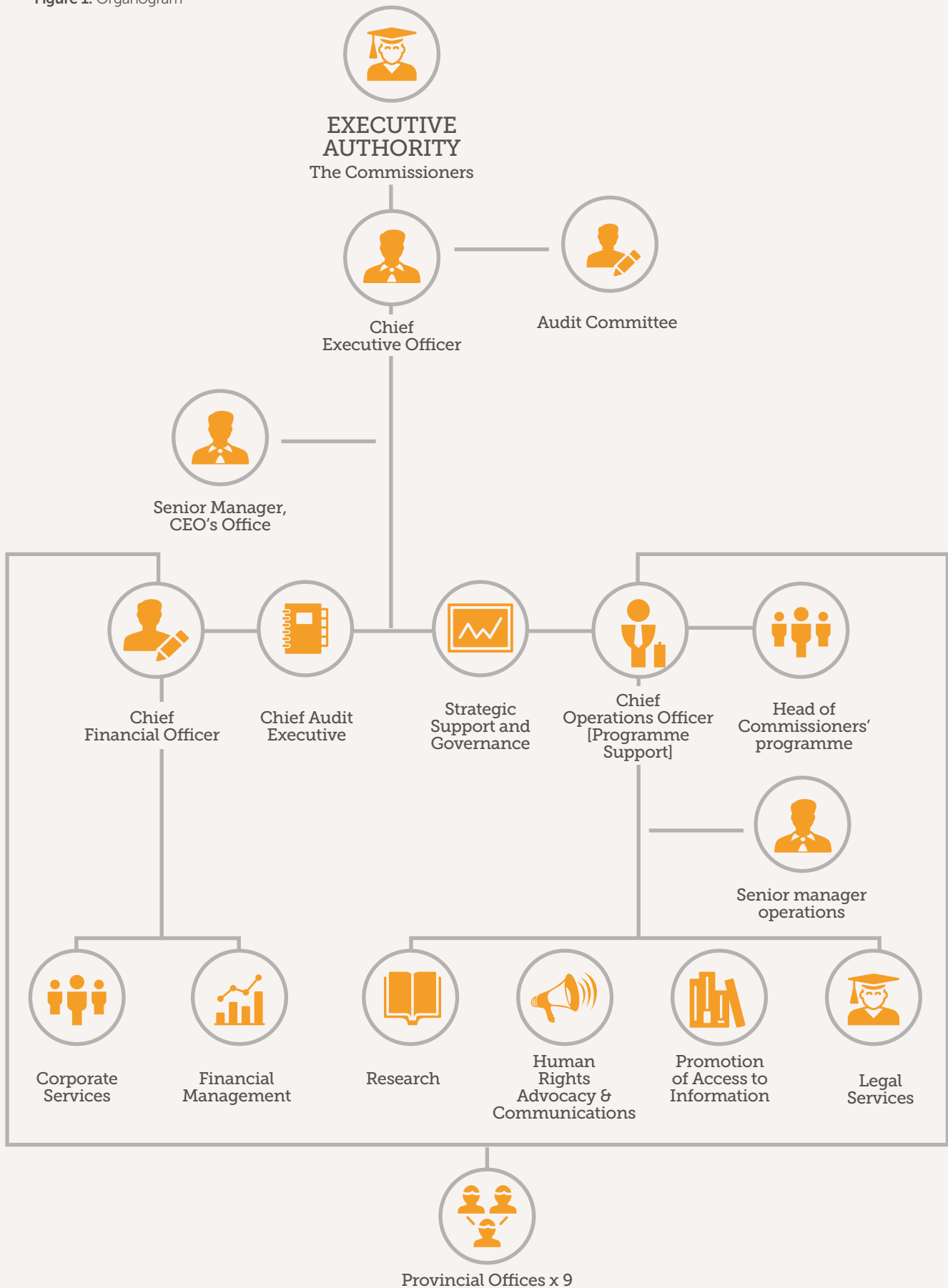


Figure 2: Generic provincial structure



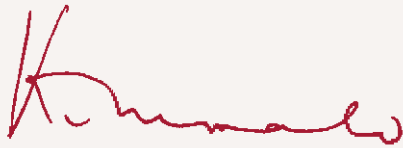
PART B: PERFORMANCE INFORMATION

Statement of Responsibility for Performance Information for the year ended 31 March 2016

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

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

In my opinion, the performance information fairly reflects the performance of the institution for the financial year ended 31 March 2016.



Lindiwe Khumalo
Chief Executive Officer
Date: 29 July 2016



1/PERFORMANCE OVERVIEW

1.1 Strategic focus areas and outcome oriented goals

Strategic focus areas

In order to exercise effective oversight over the implementation of their strategy, individual Commissioners adopted strategic priority focus areas, informed by the human rights obligations of South Africa at the international, regional, and domestic levels. Specific provinces and UN Treaty Bodies were also assigned by the Commissioners to individual Commissioners. These strategic priority areas, UN Treaty Bodies and provinces are presented in Table 1 below.

Table 1: Commissioners' strategic focus areas

Commissioner	Strategic focus area	Province	UN Treaty Bodies
Chairperson, Commissioner M. L. Mushwana	Migration, Equality	Mpumalanga	Convention on the Elimination of Racial Discrimination
Deputy Chairperson, Commissioner P. Govender ¹	Basic Services, Access to Information, Health Care	Gauteng and Western Cape	Convention on the Elimination of All Forms of Discrimination against Women
Commissioner B. Malatji	Disability, Older Persons	Limpopo	Convention on the Rights of Persons with Disabilities
Commissioner L. Mokate	Basic Education, Children	Kwa Zulu Natal	Convention on the Rights of the Child
Commissioner M. Ameerma	Housing, Access to Justice	Free State and North West	
Commissioner J. Love (part-time)	Environment, Natural Resources, Rural Development	Eastern Cape	International Covenant on Economic, Social and Cultural Rights
Commissioner D. Titus (part-time)	Human Rights and Law Enforcement, Prevention of Torture	Northern Cape	Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, International Covenant on Civil and Political Rights, Universal Declaration on the Rights of Indigenous Peoples

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

- (a) Using and projecting a broader constitutional and legislative mandate
- (b) Engagement with processes of enacting legislation that promotes constitutional human rights obligations
- (c) Enhancing understanding of international and regional issues through engagement with stakeholders
- (d) Enforcing protection of rights through alternative dispute resolutions and litigation
- (e) Intensifying advocacy as well as public and community outreach
- (f) Re-clustering strategic focus areas to enhance effectiveness
- (g) Strengthening key stakeholder relationships
- (h) Developing the institution as a learning organisation
- (i) Strengthening capacity that supports delivery on the mandate.

¹ Deputy Chairperson Govender's term of office ended in December 2015



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

The Commission has reconfigured its programme structure in order to allow for meaningful execution and realisation of its outcome-oriented goals and strategic objectives. The Commission has three main programmes, namely:

- (a) Administration
- (b) Promotion and Protection of Human Rights and
- (c) Research, and Monitoring and Evaluation.

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

1.2 Overview of institutional performance for 2015/16

The overall performance target achievement for the 2015/16 financial year is recorded at 90%, declining from 92% in the previous financial year. A number of factors can be attributed to the decline:

The Commission was faced with national crises with respect to concerns on equality, including a spate of xenophobic violence and hate speech in social media. This led to a sharp increase of complaints in the fourth quarter, requiring the Commission to respond and conduct investigations. Responding to these critical national issues with constrained capacity resulted in the Commission not meeting some of its targets which has reduced the overall performance of the Commission on complaints handling finalisation dates.

Promote compliance with international and regional human rights related treaties

The Commission continued to serve as chair of the International Coordinating Committee of National Human Rights Institutions (ICC) for the period under review. This year however, is the final year of the Commission's role as ICC chair. During its tenure, the Commission facilitated ICC functioning in global human rights mechanisms and institutional development. The SAHRC provided resources to support and ensure that the role of chair was effectively executed. Some of the key achievements in this facilitation and role of institutional strengthening within the ICC included establishing systems to enhance access to institutional memory; addressing an outstanding audit; developing and monitoring implementation of a strategic plan; accessibility of a bank account; reviewing accreditation processes; and contributing to institutional name change from ICC to Global Alliance of National Human Rights Institutions (GANHRI)

The significance of the name change from the ICC to GANHRI is to enhance the collective voice of the international community on human rights with a view to promoting compliance with human rights obligations across nations. Specific work of the Commission in relation to this objective, and holding government accountable, is captured through the SAHRC Annual International and Regional Human Rights Report and other key activities reported in the performance section, Section (2) below.

Advance the realisation of human rights

The achievements of the Commission in advancing human rights must be contextualised within national challenges regarding human rights violations. The Commission had to respond to these challenges using its complaints handling procedures and its monitoring and research reports, not only to hold government accountable but also to raise awareness about human rights. In the area of government accountability; the Commission played a monitoring role, as instructed by the High Court in the Lindela court judgement (SAHRC v Minister of Home Affairs and others (2014) 4 All SA 482). In this case, the Court directed the Commission





to monitor foreign migrant detention centres to ensure that the Department of Home Affairs complies with regulations relating to detention of migrants. On a different level the Commission addressed concerns about non-compliance by the state with findings of the Commission. Further, the Commission developed a repository of all of its report recommendations with a view to comprehensively monitor government's implementation of recommendations. Some of these recommendations informed the focus of the Commission's national investigative hearings. The recommendations have been served on respective government departments and parliament.

With over nine thousand complaints processed during the period under review, the Commission was able to finalise 89% of these. This is an improvement from the previous financial year and an over achievement of the target.

The Commission also completed reports under this strategic objective. Some of the notable outputs include:

- (a) State of Human Rights in South Africa Report and
- (b) SAHRC Equality Report.

Enhance and deepen the understanding of human rights to entrench a human rights culture

Stakeholder engagements are critical to the work of the Commission. One of the Commission's legislative requirements is for the Commission to work with various stakeholders including parliament, civil society organisations and academic institutions, to advance the realisation of human rights. Some of the Commission's stakeholder engagements for the period under review included parliamentary meetings, provincial visits, Section 11 Committee meetings (Section 11 of the SAHRC Act), and engagements with the Forum for Institutions Supporting Democracy. These engagements were particularly important in light of the Commission's twenty-year anniversary commemoration.

The Commission was able to influence government policy in the areas of:

- (a) Employment of people with disabilities
- (b) Barriers to basic education particularly poverty traps and social exclusion
- (c) Policing and human rights and
- (d) Housing and its impact on poverty and inequality.

The Commission completed its second annual Advocacy and Communication Report. This report reflected on provincial outreach and other key provincial stakeholder engagements.

Ensure fulfilment of constitutional and legislative mandates

Specific legislative mandates contained within PAIA, PEPUDA, and SAHRCA informed the focus of work under this strategic objective.

Particularly under PAIA key performance indicators, the Commission produced its annual PAIA Report which was tabled in parliament in September 2015. This report included the recommendations that, since 2011, have been submitted to the Department of Justice and Correctional Services (DOJCS). The purpose of including previous recommendations was to support the Commission's monitoring of government accountability. Some of the recommendations included:

- (a) Amendments to Section 90 (2) of PAIA, which deals with offenses, to strengthen compliance
- (b) Training of magistrates to allow them to adjudicate PAIA matters and
- (c) Creation of data portals to host voluntary disclosure of information.

The Commission will continue to engage with DOJCS on implementation of these recommendations.

For the period under review, the Commission's recommendations included the following:

- (a) Amendments to sections of PAIA
- (b) Review of fees payable and
- (c) Amendment to PAIA forms.

Improve the effectiveness and efficiency of the Commission to support delivery on its mandate

Unqualified audit opinion

The Commission has improved its internal control environment and is committed to make sure that there is adequate governance and controls. This has been evident in the consecutive unqualified audit obtained in the years 2013/14, 2014/15 and 2015/16. To this end, the mechanisms applied in the previous year were carried through to the 2015/16 financial year. This included regular monitoring of an audit action plan by an Audit Review Task Team established by management, and strengthening the internal audit function.

Organisational restructuring and culture

An organisational renewal plan was developed for implementation during 2015/16. The plan included the establishment of an Asakhane Rebuilding Committee, consisting of management, staff, and labour representatives. This Committee's main objective is to introduce, drive, and embed a new culture in the Commission that can support and strengthen staff morale and productivity. Some of the achievements of this Committee include the review of policies and the implementation of recommendations from staff surveys.

Performance management

The desire of the Commission to instil a high performance culture necessitated a revision of its performance management policy. The revision seeks to improve the management of performance while promoting and acknowledging good performance. New components, such as the feasibility of a 360-degree performance management method, were considered for further assessment during the next financial year.

1.3 Overview of organisational environment for 2015/16

Three significant events set the tone for the organisational environment during the period under review. These were:

- (a) Commemoration of the twenty years of the Commission
- (b) End of term of the Deputy Chairperson and
- (c) Preparation of the handover of selected responsibilities of the Commission under PAIA.

Historically, the Commission opened its doors in October 1995 and 2015 marked twenty years of its existence. The commemoration of its establishment required the Commission to reflect firstly on the state of human rights in the country and secondly, on the achievements and challenges the Commission faced over the past twenty years. The first reflection was captured in a research report titled "The State of Human Rights in South Africa" which reflected on what human rights means in present day South Africa.

The second reflection of documenting some of the achievements and challenges of the Commission over the past twenty years was celebrated as part of the March 2016 Human Rights annual conference. A video documentary on the work of the Commission was produced, entitled "Dignity Restored" and the annual conference drew on past and present Commissioners' and other stakeholders' reflection and analysis of the achievements and challenges of a NHRI in a developmental state.



Deputy Chairperson Govender was appointed from 1 December 2008 until 1 December 2015. Having served in the terms of both the previous and the current Commissioners, she brought her wealth of experience into the areas of gender and human rights, access to information, and access to basic services.

The introduction of South Africa's Information Regulator will impact on the Commission's implementation of its responsibilities in terms of PAIA, however, for the period under review the Commission continued to implement its annual PAIA plan, including its legislative responsibilities.

1.4 Key policy developments and legislative changes

Submissions on draft legislation

The Commission made submissions on various draft legislation to assure the human rights-based approaches within the country's legislation and policy prescripts. The following submissions and activities were undertaken in this regard:

- (a) Submissions on the Promotion and Protection of Investment Bill
- (b) Submission on the Children's Amendment Bill and Second Amendment Bill
- (c) Submission on the Western Cape Constitution First Amendment Bill
- (d) Submission to the Department of Justice and Correctional Services on the National Action Plan against Racism
- (e) Submission on the Department of Education's Draft HIV Policy for schools
- (f) Submission on White Paper on the Rights of People with Disabilities and
- (g) Presentation on the White Paper for Social Welfare



2/PERFORMANCE INFORMATION BY STRATEGIC OBJECTIVES AND PROGRAMMES

2.1 Strategic objectives, programmes and budget expenditure by programme

Strategic objectives and programmes

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

- (a) **Strategic Objective 1:** Promote compliance with international and regional obligations
- (b) **Strategic Objective 2:** Advance the realisation of human rights
- (c) **Strategic Objective 3:** Enhance and deepen the understanding of human rights to entrench a human rights culture
- (d) **Strategic Objective 4:** Use and project a broader constitutional and legislative mandate and
- (e) **Strategic Objective 5:** Improve the effectiveness and efficiency of the Commission to support delivery on its mandate.

Summary of programmes

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

PROGRAMME 1: ADMINISTRATION

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

Finance:

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

Corporate Services:

This unit encompasses Admin & Supply Chain Management, Human Resources and ICT. It establishes and manages integrated supply chain management, asset management, and coordination of all administrative functions of the Commission within defined regulatory frameworks. The unit aligns the Commission's human resource objectives to its planning processes, enabling recruitment and retention of staff with capacity to support the achievement of strategic objectives.

Internal Audit:

The Internal Audit unit assesses the adequacy and reliability of internal controls and governance processes. It identifies gaps and recommends corrective action in the controls and processes. It reports on a quarterly basis to the Audit Committee.





PROGRAMME 2: PROMOTION AND PROTECTION OF HUMAN RIGHTS

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

Commissioner's Programme (Office of the Commissioners):

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

Legal Services:

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

Human Rights Advocacy and Communications Unit:

Advocacy was adopted by the Commission as its programmatic priority focus as for the financial year under review. This required the strategic merger of the Human Rights Advocacy Unit and the Communication Unit. The new unit continues to promote awareness of human rights and contributes to the development of a sustainable human rights culture in South Africa.

Strategic Support and Governance:

The unit provides the functions of strategic planning, performance monitoring, evaluation, reporting, and communications and media relations.

Office of the Chief Executive Officer:

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

PROGRAMME 3: RESEARCH, MONITORING AND REPORTING

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

Research:

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

Promotion of Access to Information:

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

2.2 Alignment of programme structure with strategic objectives

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

Table 2: Alignment of strategic objectives with programmes

Strategic Objective	Promotion and Protection of Human Rights (Commissioner's Programme, Legal Services, Human Rights Advocacy, Strategic Support and Governance, and Office of the CEO)	Research, Monitoring and Reporting (Research, and Promotion of Access to Information)	Administration (Finance, Corporate Services, and Internal Audit)
Promote compliance with international and regional obligations	X	X	
Advance the realisation of human rights	X	X	
Enhance and deepen the understanding of human rights and entrench a human rights culture	X	X	
Use and project a broader constitutional and legislative mandate	X	X	
Improve the effectiveness and efficiency of the Commission to support delivery on its mandate	X	X	X

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

2.3 Organisational performance by strategic objective

The intention of this section is to report on organisational performance against performance indicators and planned targets set for the 2015/16 financial year. It covers key highlights for each strategic objective and identifies areas of under-performance. An account of actual achievements against planned targets is presented in tabular format.

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

The breakdown of achievement of overall targets by objective, is presented in a table below. In summary, the Commission achieved 90% of its annual performance targets for the financial year 2015/16.



Table 3: Overall target achievement by strategic objective

Strategic Objective	Total Number of Targets	Targets Achieved	Work in progress	% Achievement
Promote compliance with international and regional obligations	5	5	-	100%
Advance the realisation of human rights	13	11	-	85%
Enhance and deepen the understanding of human rights and entrench a human rights culture	6	6	-	100%
Use and project the broader constitutional and legislative mandate	7	7	-	100%
Improve the effectiveness and efficiency of the Commission to support delivery on its mandate	18	15	-	83%
Total	49	44	-	90%



STRATEGIC OBJECTIVE 1: PROMOTE COMPLIANCE WITH INTERNATIONAL AND REGIONAL OBLIGATIONS

Key highlights

The Commission achieved all five targets undertaken for promoting compliance with international and regional obligations. These included Commissioners' participation in international and regional activities; completion of the Annual International Human Rights Report; submission on identified country reports and international human rights instruments; engagement in processes towards monitoring of implementation of the United Nations Convention on the Rights of People with Disabilities; and a meeting with the United Nations Mandate Holder.

Annual International and Regional Human Rights Report

Annually, the SAHRC produces a report that reflects on its monitoring mandate with respect to the country's compliance with international and regional obligations, and developments in human rights laws, norms and standards. This report presents an informative overview of key developments impacting human rights at both the international (United Nations) level and regional obligations, and provides readers with a deeper understanding of United Nations (UN) and African human rights systems.

The report provides a synopsis of the year 2014, highlighting key aspects and developments at the UN and African human rights level and demonstrating the importance of its international and regional instruments for the domestic enjoyment of human rights in South Africa.

One of the findings of the report was that South Africa had, over time, not adhered to timelines for submission of country reports in terms of ratified international treaties. In some instances, the South African government has not submitted a country report for over ten years despite having ratified the treaty and therefore made a legal commitment to do so. Nevertheless, the Commission commends the South African government for recently submitting six outstanding reports to the UN. In addition an outstanding report on the Rights and Welfare of the Child was submitted to the African Commission during this reporting period. The Commission notes that this is a step in the right direction and will benefit a nascent democracy like South Africa in executing its duty to realise and uphold human rights.

The report makes a number of recommendations for consideration by the South African government. These are summarised as follows:

- (a) Adherence to the reporting time-frames and the submission of all outstanding reports to the relevant international and regional human rights bodies
- (b) Ratification of relevant international instruments, such as:

- (i) *The Optional Protocol on the Convention against Torture, which will provide further protection to persons who are deprived of their liberty and potentially curtail the allegations of torture and ill-treatment allegedly perpetrated at places of detention*
- (ii) *The International Convention on the Protection of the Rights of Migrant Workers and members of their families.*

Specifically, in the context of the High Court judgement handed down in November 2015, sentencing members of the police services who murdered Mozambique national, Mido Macia in a police cell; and incidents of xenophobia, violence, and crime in Kwa Zulu Natal and Gauteng in 2015, the ratification of this protocol and convention could have assisted South Africa in applying human rights standards (as articulated in the conventions), avoiding incidents of police brutality and xenophobia.

- (c) Given South Africa's unique historical experience of enforced disappearances during the apartheid era, ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, will demonstrate government's commitment to combatting this phenomenon.
- (d) Ratifying the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), will allow persons to lodge complaints to the ICESCR in instances where their rights under the Covenant have allegedly been violated.
- (e) Implementation of administrative measures: As a signatory to the International Convention on the Rights of Persons with Disabilities (CRPD), South Africa is obliged to create an independent mechanism for monitoring implementation of the CRPD. The International and Regional Human Rights Report recommends that the South African government to expedite establishment of a monitoring mechanism to enhance the promotion and protection of the rights of people with disabilities.
- (f) Reconsider government's support of the Protocol on the Statute of the African Court of Justice and Human Rights insofar as it confers immunity from prosecution on African Heads of State.

With the recommendations set out in the International and Regional Human Rights Report, the Commission's monitoring work for the forthcoming financial year will increase to include following up on implementation of these recommendations and other international and regional agreements and commitments.

Meeting with UN Mandate Holders

In recognition of the critical role that stakeholders play in assisting the Commission fulfil its mandate, Commissioners identified the need to engage with human rights experts and mandate holders. Mandate Holders are independent individuals appointed by the Human Rights Council of the UN, tasked with assisting the UN to examine, monitor, advise, and report on human rights issues, either from a country or thematic perspective. Ms Nozipho January-Bardill, the UN Mandate Holder within the UN Committee on the Elimination of Racism, Racial Discrimination, Xenophobia, and Related Intolerances was guest speaker at the Commission's annual UN Mandate Holders' meeting. Some of the key discussion points centred on:

- (a) Dealing with racism in South Africa within the framework of the legislation and the Convention on the Elimination of Racial Discrimination and highlighting the UN Committee recommendations on considering criminalising racism.
- (b) Raising awareness, defining, and providing a legal framework to effectively deal with the challenge of xenophobia.
- (c) Addressing fragmentation and focus on administrative procedures when considering strengthening of the UN Committee system, to give increased attention to content and interrelatedness of rights.
- (d) The Commission's continued work on the issues of xenophobia and racism which indicates the need to identify their root causes.





NHRI Report on the South African Government's combined periodic report under the UN Convention on the Rights of the Child:

In November 2015, a report was prepared as a shadow report to South Africa's second country report on the Convention on the Rights of the Child (CRC). The Commission, as a national human rights institution, submitted the report to clarify on some of the issues that had been addressed in the country report or bring to fore matters that the country report had not adequately addressed.

SAHRC interventions

South Africa's state report was overdue by several cycles. The government submitted a report setting out levels of implementation of rights in terms of the CRC and the extent to which children enjoy these rights. The SAHRC assessed the report and concluded that several challenges remain and, that in some cases, limited information was provided to the Committee on the Rights of the Child (Committee). The SAHRC therefore submitted a report highlighting challenges, for consideration by the Committee's pre-session working group on South Africa. The report recognised progress made by South Africa in the implementation of children's rights but also provided the Committee with information on the level of implementation of children's rights as enshrined in the CRC.

Besides studying the state report, the SAHRC reviewed the alternate report prepared by civil society organisations (CSOs) from South Africa. In light of the fact that information in the state report was further supplemented or elaborated upon by the CSOs' report, the SAHRC was mindful of repetition and in its report only attended to those areas which were not adequately addressed in both the state report and CSOs' report.

Key findings and recommendations

The SAHRC report brought a number of issues to the attention of the Committee and recommended that the Committee raise questions with the government on a number of areas where children's rights remain inadequately protected. The areas where the Commission made findings and recommendations include:

- (a) Need to establish a parliamentary caucus to deal with children's rights issues
- (b) Challenges related to the disbanding of the Department of Women, Children, and Persons with Disabilities including challenges related to dealing with children's rights
- (c) Impact of business activities on children's enjoyment of their rights
- (d) Challenges regarding the definition of a child, in particular uncertainties about marriage age.
- (e) Challenges related to birth registration, name, and nationality
- (f) Violence against children
- (g) Corporal punishment in the home and in school
- (h) Bullying in schools
- (i) Child neglect
- (j) Measures to prohibit and eliminate all harmful practices
- (k) Customary practices of initiation and ukuthwala and their impact on children's rights
- (l) Violence against non-nationals
- (m) Children with disabilities
- (n) Sexual and reproductive health rights
- (o) Standards of living and ways to assess them
- (p) Right to food and water, and sanitation related matters
- (q) Child support grant
- (r) Right to education, especially for children with disabilities.



Outcomes of report

The report was submitted to the Committee and in January 2016 the Commission made a presentation to the Committee, in Geneva. A number of the issues raised in the report and the recommendations made to the Committee, were raised with the South African government by the Committee when it considered South Africa's country report. The matters were raised through the list of issues South Africa had to respond to.

Proposed way forward

South Africa has since prepared its response to the Commission's list of issues, with a view to determining how to address the Commission's comments at the forthcoming session of the Committee that will take place in Geneva in October 2016 where finalisation of examination of the country report will take place.

General participation in international and regional activities

The Commission is often confronted with questions about its prioritisation of international and regional engagements over national engagements. In consideration of these questions, the Commission's strategic approach to its stakeholder engagements (whether international, regional, or national) is directed by its constitutional and legislative mandate and also by the policy mandate that distinguishes one national human rights institution from another. In compliance with policy directives in the UN Paris Principles, which requires NHRIs to maintain consultations with international, regional, and national bodies, the Commission is required to play its role in contributing to the universality of human rights discourse.

The overachievement of the Commission's targets indicates its international stature as an "A" status NHRI, enabling it to lead the ICC and to influence interpretation of human rights at regional and national level.

Monitoring implementation of the Convention on the Rights of Persons with Disabilities: framework and toolkit to promote the right to work of persons with disabilities

The SAHRC developed and launched a monitoring framework and toolkit aimed at promoting the right to work of persons with disabilities.

The purpose of this monitoring framework is to enable the SAHRC to assess the progress employers are making in the recruitment, retention, and accommodation of persons with disabilities in the workplace. This framework, together with the Toolkit for the Private Sector: Promoting the Right to Work of Persons with Disabilities, sets out the indicators to be monitored in the implementation of these obligations, and the questions to be asked to obtain necessary information. The framework and toolkit may be used by employers, public authorities, and other interested stakeholders as a self-assessment tool. The SAHRC will use them to monitor implementation of the CRPD, as provided for in Article 331 of the CRPD, and in terms of the toolkit itself. These documents were drafted by the SAHRC to enable businesses to comply with their various national and international obligations.

The toolkit is part of a broader equality agenda to have the rights of persons with disabilities recognised in the labour market. It is aimed at supporting and encouraging employers in the private sector to recruit, retain, and upskill persons with disabilities by presenting a strong business case for hiring and retaining employees with disabilities and demonstrating that employing persons with disabilities is good business. The toolkit is also intended to:

- (a) Raise awareness in the private sector, of the right to work of persons with disabilities
- (b) Help employers in the private sector understand their obligations by outlining the employer's legal responsibilities under national and international law, along with national development in policy relevant to advancing the right to work of persons with disabilities and
- (c) Provide practical guidance to employers, based on international best practices, on how and where to begin implementing the rights of persons with disabilities; showcase best practice; and recommend resources providing ways for employers in the private sector to promote equal opportunities and fair treatment of persons with disabilities.



Contextual factors that led to the development of the toolkit and monitoring framework

Persons with disabilities in South Africa experience high levels of unemployment, often remain in low status jobs, and earn lower than average remuneration. Multiple barriers hinder the capacity of persons with disabilities to obtain employment and to enjoy full and effective participation in the labour market on an equal basis with others. These factors have been widely documented and include barriers to education, lack of reasonable accommodation, lack of accessibility to infrastructure and to information, limitations on their legal capacity, and barriers created by attitudes within society. In addition, disability is often equated to an inability to work. In the past these factors have had a significant impact on the employment of persons with disabilities in South Africa.

It is estimated that as many as eight in ten persons with a disability are unemployed, making discrimination in terms of the denial of their employment opportunities one of the most daunting challenges faced by persons living with disabilities in South Africa. Whilst it is true that in present day South Africa unemployment remains a problem across the board, persons with disabilities are disproportionately affected. Disability should not diminish the rights of individuals to belong and contribute to the open labour market.

Who the toolkit is intended for

The toolkit is a resource that may be used by businesses of all sizes in all sectors. The guidelines provided in the toolkit are intentionally general so they can easily be adapted by employers to their specific business culture, working environment, and human resource procedures. The toolkit will be particularly relevant to designated employers in terms of the Employment Equity Act 55 of 1998. Human resources personnel, disabled persons' organisations (DPOs), and all organisations pursuing greater employment opportunities for persons with disabilities will find the toolkit similarly useful.

Designing the toolkit

When designing the toolkit, the Commission conducted consultative interviews with the disability community, including DPOs, CSOs, disability self-advocates, and other non-governmental organisations, to understand the barriers persons with disabilities face:

- (a) Accessing employment in the private sector
- (b) Retaining such employment
- (c) Being fully included in the workplace and
- (d) Being promoted and maximising their potential.

Consultations were also conducted with members of the private sector to establish their approach to implementing the rights of persons with disabilities and the challenges they faced. These consultative interviews give legitimacy to the toolkit as its design includes the views of persons with disabilities as well as the private sector. A literature review of best practices in other countries was also undertaken and provides an additional resource.

Required support

Despite the progress made in initiatives towards monitoring the implementation of the CRPD, there remains limitations regarding the establishment of institutional mechanisms and a lack of financial resources.

Table 4: Achievement against planned targets for promoting compliance with international obligations

Strategic Objective 1: Promote compliance with international and regional obligations

Objective Statement: Promote compliance with international and regional human rights obligations within South Africa and by the Commission

Annual Performance indicator	Actual achievement 2014/15	Planned target 2015/16	Actual achievement 2015/16	Reasons for deviation from planned target for 2015/16	Variance from 2014/15 to 2015/16 achievements	Comment on variances/ corrective measures
Number of international and regional activities participated in	12	14	26	Target exceeded due to responsibility as ICC chair and invitations from relevant structures.	Exceeded by 12	Dependant on schedules of the international and regional structures.
Number of annual international and regional human rights reports completed	1	1	1	Target achieved	None	None
Percentage submissions on identified country reports and international human rights instruments	100%	100%	100%	Target achieved	None	None
Number of meetings with UN Mandate Holders	1	1	1	Target achieved	None	None
Number of monitoring reports completed for monitoring implementation of CRPD	Monitoring Framework	Monitoring Report	Monitoring Report	Target achieved	None	None



STRATEGIC OBJECTIVE 2: ADVANCE THE REALISATION OF HUMAN RIGHTS

Advancing the realisation of human rights entailed engaging stakeholders and experts, hosting of public hearings to promote state accountability, media engagements to improve profile of the Commission and raise public awareness, and handling complaints of human rights violations in order to protect human rights. The units with the main contribution to this strategic objective are the Commissioners’ Programme, Human Rights Advocacy and Communications, Legal Services, and Strategic Support and Governance.

Key highlights

The Commission achieved eleven of thirteen targets for this strategic objective, recording an achievement of 85% in the period under review. Some of the highlights include two strategic litigation cases:

Litigation: Provision of textbooks in schools

One of the most notable cases was that of the Minister of Basic Education v Basic Education for All 2015 ZA SCA 198 which dealt with the right in terms of Section 29 (1) of the Constitution, to basic education. Despite the Department of Basic Education’s national policy that each learner must be provided with a textbook for



each subject before the commencement of the academic year, some learners in Limpopo provinces were not provided with textbooks. The Supreme Court held that the Department of Basic Education violated this constitutional right of learners and further that it had discriminated against those learners who did not receive textbooks. Section 184 (1) (c) of the SAHRCA imposes a responsibility on the Commission to fulfil its constitutional mandate and to monitor implementation of the court order. This affirmation of the important role of the Commission in assisting the country to advance human rights was particularly significant in light of the Commission's commemoration of its twenty years of existence in 2015.

Litigation: University of Stellenbosch Legal Aid Clinic and others v Minister of Justice and Correctional Services and others (South African Human Rights Commission as *amicus curiae*) [2015] 3 all SA 644 (WCC)

A second notable case heard first in the Western Cape High Court and thereafter in the Constitutional Court, Association of Debt Recovery Agents NPC v the University of Stellenbosch Legal Aid Clinic and Others 2015 CC 127, affirmed the monitoring role of the Commission. The Commission appeared as *amicus curiae* in the case which dealt with emolument attachment orders. These are one component in the system governing debt recovery in the Magistrate Courts. In the Western Cape High Court, Judge Desai noted that the issues of the cases fell within the mandate of the Commission, to not only promote and monitor the respect for human rights but also to prevent abuses of human rights of vulnerable communities, who are at greater risk of exploitation. The judgement placed an obligation on the Commission to raise awareness on the invalidity of emolument attachment orders obtained without judicial oversight.

This judgement on emolument attachment orders was timely as it was handed down during the financial year 2015/ 2016, when the Commission had elected to focus on the theme of Business and Human Rights for a second year in a row.

Arguments advanced by the SAHRC

The Commission as *amicus curiae* advanced arguments, supported by international law principles such as the UN Guiding Principles on Business and Human Rights, known as the Ruggie Principles, which place a duty upon states to take measures to prevent the abuse of human rights by business enterprises within their territory. The Commission also relied on the International Labour Organisation's Protection of Wages Convention, which places an obligation on each state to prevent the violation of socio-economic rights by private actors within its jurisdiction. The SAHRC drew the Court's attention to domestic and foreign law relating to judicial oversight regarding attaching property and salaries for debts. In advancing its argument, the SAHRC highlighted practise in the USA, Australia, Germany, and Rwanda, where emolument's attachment orders (EAOs) are capped, and recommended the same should be done in SA. The SAHRC recommended that red flags should be raised where an EAO exceeds 30% of the debtor's salary.

The Commission also advanced the perspective of the African Charter on Human and Peoples' Rights (the Banjul Charter) to which South Africa is a signatory. The Banjul Charter requires member states, like South Africa, to take legislative and other steps to protect persons against violations of their socio-economic rights by private actors. One such obligation is to provide effective judicial oversight roles and remedies to prevent such violations. Given that Section 39 (1) (b) of the Constitution provides that courts must consider international law when interpreting the Bill of Rights, the Commission, submitted that the international laws and norms highlighted above must be taken into account in the interpretation of the Magistrates Court Act, so that it passes constitutional muster, protecting the rights of the marginalised and the vulnerable.



The import of the ruling by Judge Desai on 8 July 2015

Judge Desai ruled that the impugned sections of the Magistrates Court Act were inconsistent with the Constitution of the Republic of South Africa Act, 1996 and invalid to the extent that they fail to provide for judicial oversight on the issuing of an emolument attachment order against a judgment debtor. It was also held that, in proceedings brought by a creditor for the enforcement of any credit agreement to which the National Credit Act applies, Section 45 of the Magistrates Court Act does not permit a debtor to consent in writing to the jurisdiction of a Magistrates' Court other than that in which that debtor resides or is employed.

Matter before the Constitutional Court

The applicants, the University of Stellenbosch Legal Aid Clinic and various individuals, approached the Constitutional Court, in support of the judgment of the Court *a quo*, and requested that the Constitutional Court confirm the order. In addition, they opposed the application for leave to appeal by Flemix and the Association of Debt Recovery Agents (ADRA).

On their part, Flemix and ADRA opposed the application for confirmation. In opposing the confirmation, they argued that the Western Cape High Court had erred in ruling that the impugned provisions, which had been declared invalid, did not allow for judicial oversight when EAOs were issued. It was their argument that judicial oversight is a step which precedes the issue of an EAO. They argued that as such, these provisions did provide for judicial oversight and that there was no basis for the declaration of invalidity made by the Court *a quo*.

Flemix and ADRA also sought leave to appeal against the other orders granted by the Court *a quo*, including the declaration in regard to jurisdictional link to the debtor. They argued that the declaration linking the jurisdiction to the debtor was restrictive in scope, and was ultra vires the litigants' right of access to courts. According to them, the impugned provision was in tandem with the parties' choice of forum.

Once again, the SAHRC was admitted as a friend of the Court, and was asked to provide insight on the treatment of EAOs in international law and other jurisdictions, as well as the appropriate remedy for the Court to order in these circumstances.

The matter was heard before the Constitutional Court on 03 March 2016. Final judgment is pending before the Constitutional Court.

Subsequent developments

An amendment Bill to the Magistrates Courts Act, namely Courts of Law Amendment Bill was approved by the National Cabinet in February and has been introduced to the National Assembly. It is currently before the Portfolio Committee of Justice and Correctional Services. The committee has not yet set a date to consider the Bill, and can only do so once parliament is back in session after the August municipal elections.

Some of the features of the Bill include a 25% cap on the portion of a salary which can be attached. The Bill also proscribes that EAOs can only be obtained in the court where the debtor resides. Creditors will be required to notify employers and debtors of their intent to file an EAO, and will have to provide a free monthly statement of the amount of debt remaining. Employers will be required to end wage garnishments once the debt has been paid off. The Bill will also provide for rescinding or abandoning court orders without incurring prohibitive legal costs.



Business and Human Rights Theme

The SAHRC produced its inaugural report on Business and Human Rights for the 2014/15 financial year.

Context

The SAHRC adopted Business and Human Rights as its strategic Focus Area for the 2014/15 period, with a view to increasing its institutional knowledge and understanding of the ways in which business activities affect the enjoyment of human rights. Its report is the culmination of the year's activities under this thematic area.

Objectives of the report

The aim of the report is to facilitate a more nuanced understanding of the ways in which business activities impact upon the enjoyment of rights, through comprehensive research. The report considers the broader legislative and policy frameworks which regulate the activities of corporations with respect to human rights, whilst bearing in mind the centrality of Section 8 of the Constitution, which provides for the application of the Bill of Rights to juristic persons, where applicable. The report also presents a forward-looking strategy to promote cooperate accountability from a human rights-based approach, and considers the role of the Commission as a national human rights institution.

Recommendations

The report makes a series of recommendations to government, business sector and the Commission.

Some of the recommendations to the government include:

- (a) The establishment of a national task team on Business and Human Rights to develop a National Action Plan on business and human rights
- (b) Government is urged to sign and ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and
- (c) Government is urged to develop an independent National Business and Human Rights Regulator to deal with complaints from the public regarding corporate misconduct and abuses that directly affect the enjoyment of rights.

The following recommendations are made to business:

- (a) Substantially improve mechanisms providing access to remedies for workers and their families across all sectors, through the establishment of in-house grievance mechanisms in line with the UN Guiding Principles which promote public participation
- (b) Cooperate fully with government initiatives which encourage corporations to respect and protect human rights.

Recommendations for the SAHRC:

- (a) Support the work of the UN Working Group on Business and Human Rights regarding the development of an internationally binding treaty on business and human rights on a national level.
- (b) Monitor the passage of the Promotion and Protection of Investment Bill through the legislature and, where relevant, provide analysis on its potential impact upon human rights
- (c) Work with the Commission for Gender Equality to develop a gender-responsive budgeting model which allows corporations to assess the impact upon gender equality of social and environmental activities
- (d) Develop within the SAHRC, a focus on business and human rights that can oversee the fulfilment of recommendations and conduct further research on the impact of business activities on human rights.

Launch of Investigative Hearing Report on Access to Emergency Medical Services in the Eastern Cape

In October 2015, the Commission released a report based on an investigative hearing on access to emergency medical services (EMS) in the Eastern Cape that was concluded by the end of the 2015/16 financial year.

Stakeholders

The Commission identified a number of relevant stakeholders, who were requested to provide either written or oral submissions to the hearing panel. From government these included the Eastern Cape Department of Health, the Eastern Cape Provincial Planning and Treasury, The Eastern Cape Department of Roads and Public Works, and the Provincial Government Fleet Management Service Trading Entity. From civil society, the Public Service Accountability Monitor and the Eastern Cape Health Crisis Action Coalition gave submissions. The labour union of Democratic Nursing Organisation of South Africa also made a submission. Experts invited were Ms Debbie Budlender and Dr Jane Goudge, as well as community representatives in selected parts of the Eastern Cape.

Issues that prompted the Commission to convene the hearing

In March 2013, the Commission received a complaint relating to lack of EMS in the rural areas of the Eastern Cape. A preliminary investigation revealed that the continuing denial of access to emergency services, particularly in rural areas, exacerbates existing vulnerabilities of some of the poorest communities and perpetuates enduring inequality, while giving rise to substantial rights violations.

In order to delve deeper into the issues, the Commission resolved to convene a provincial hearing into access to EMS in the Eastern Cape. This hearing was convened with a view to obtaining greater understanding of the challenges facing communities, government departments, and other relevant bodies, and to identify practical measures to address these challenges in future and promote the achievements of rights.

Findings

It was found that a number of gaps or uncertainties persist within the legal framework governing the provision of emergency medical and planned patient transport services. In addition, that shortages of medical supplies, equipment and staff; inappropriate policy design and implementation; insufficient consultation and provision of access to information; unreliable information management systems; and poorly managed and resourced call centres; have further contributed to a severely constrained EMS programme and the unequal provision of services.

The poor state of the road network, which is continually degrading as a result of insufficient funding allocated for the provision of maintenance and development, also hampers the ability of the Eastern Cape Department of Health to deliver EMS, particularly in rural areas. This is further compounded by the fact that the majority of ambulances are unable to travel through the vast and difficult landscape as they do not have 4x4 capabilities. It was found that these factors often delay the response times of ambulances, or in many instances, completely prevents their response to emergency situations in rural areas. Consequently, the impact is that people in need of timely medical assistance have no option but to resort to the use of public or private transport at their personal expense. This exacerbates poverty as most of the families rely on social assistance for their upkeep. These unanticipated costs have devastating effects as they compel families to obtain loans often at high interest to supplement their meagre earnings.

Recommendations

The Commission made a number of recommendations *inter alia* that the Eastern Cape Department of Health get its fleet fully operational, prioritising 4x4, inter-facility transfers and planned patient transport vehicles, and ensure each district has the right number of equipped ambulances according to population and terrain.





A further recommendation is that in reviewing its policies, the provincial department should ensure patient transport is available for those who have no other options, particularly those with mental and physical disabilities. It needs to accurately record emergency response times and staff should be informed that the new policy aims to get services to the site of an emergency within 15 to 40 minutes and within four hours' maximum. The Commission made further recommendations on human resources and urged the Eastern Cape Department of Health to fully operationalise its vehicle fleet of ambulances and install 4x4 capabilities in those vehicles, to enable them to cover poor road networks. The Commission also recommended in-depth and committed inter-governmental and inter-department cooperation and collaboration towards sustainable solutions to address the problems in the Eastern Cape Province.

Investigative Hearing Report into safety and security challenges in farming communities

In August 2015, the Commission released a report based on an investigative hearing into safety and security challenges in farming communities, conducted during previous financial years.

Stakeholders

The Commission identified a number of relevant stakeholders, who were requested to provide either written or oral submissions to a hearing panel. From government these included the Department of Justice and Constitutional Development, the Department of Rural Development and Land Reform, the South African Police Services, the Private Security Industry Regulatory Authority and the National Development Agency.

Other stakeholders invited included AfriForum, the Agricultural Research Council, the Gauteng Provincial Community Police Board, Agri South Africa, the Freedom Front Plus, the National Farmers Union of South Africa, the Transvaal Agricultural Union of South Africa, the African Farmers Association of South Africa and the Food and Allied Workers Union.

Issues that prompted the Commission to convene the hearing

In 2003 and 2008, the Commission released two reports into human rights in farming communities. Despite these earlier reports, the Commission continued to receive complaints of human rights violations in farming communities. In 2013, the Commission received a complaint from AfriForum on safety and security issues in farming communities. Instead of addressing these complaints piecemeal, the Commission resolved to adopt a holistic approach and convened a national investigative hearing to address the concerns.

Findings

The following emerged from the findings:

- (a) Continued issues with the policing of farming communities
- (b) Disputes over the terminology used to describe acts of violence on farms
- (c) Farm owners feel that government and the police should be keeping statistics on the prevalence of 'farm attacks and/or murders'
- (d) Farm owners feel that 'farm attacks and/or murders' should be made a priority crime by the police
- (e) Unacceptable high levels of violence and crime experienced by the farming community
- (f) Limited access in farming communities, both to and by government services
- (g) Farming communities' access to adequate housing is limited
- (h) A lack of confidence in the ability of the legal system to address the extreme levels of violence in farming communities and
- (i) The vulnerability and inter-dependency of the farming community.

Recommendations

The Commission made a number of recommendations, some of which are:

- (a) The South African Police Services and National Prosecuting Authority should step up their involvement in combating crimes against farming communities.
- (b) Particular attention be given to race relations in farming communities at proposed dialogues.
- (c) Stereotypes of farming in South Africa be addressed in an overall awareness raising campaign.
- (d) Research on safety and security challenges are important and should continue.
- (e) The Department of Justice and Constitutional Development should focus on creating an understanding within farming communities of how justice, within the court process, is achieved. This includes the classification of the farming community as a vulnerable group. In addition, an evaluation of the Victims' Charter needs to be conducted.
- (f) The police service should develop additional policies to ensure that the Rural Safety Strategy is implemented successfully. The creation of an Agricultural Forum, with cooperation between all role players and stakeholders is needed to provide a platform for the farming community to discuss how to better police their lands.
- (g) Farm Watches should be incorporated into the Community Policing Forum.
- (h) Farm owners need to allow government services access to their land more frequently.
- (i) An evaluation of the programme to empower traditional leaders on safety and security in farming communities is needed.
- (j) A special sub-committee should be established by the Justice, Crime Prevention, and Security Cluster priority committee to develop an action plan to address the issues raised, to engage with the community, and to monitor and evaluate the related activities of the departments.
- (k) The South African Judicial Education Institute should provide sufficient detail on the working of the court processes, explain improvements to the judicial system, and in particular, make recommendations on how to address impunity in farming communities.

Investigative Hearing Report into complaints relating to the systemic treatment of older persons

In June 2015, the Commission released a report based on an investigative hearing into complaints relating to the systemic treatment of older persons, conducted in the previous financial year.

Stakeholders

The Commission identified a number of relevant stakeholders, who were requested to provide either written or oral submissions to a hearing panel. From government these included the Department of Social Development, the Department of Health, the Department of Public Works, the Department of Justice and Constitutional Development, and the South African Police Services. Other stakeholders included the Democratic Alliance, the South African Older Persons Forum, Age in Action, Operation Compassion, and Help Seniors.

Issues that prompted the Commission to convene the hearing

The investigation was sparked by a complaint, in 2013, by the South African Older Persons Forum which requested that a register be created of those convicted of abusing the elderly.





Recommendations

Some of the recommendations of the report are highlighted below:

The National Department of Social Development must, within six months of date of receipt of the report, provide a circular to ensure uniformity in funding of services to older persons in all provinces. This circular should prioritise issues of safety, staffing, nutrition and health.

- (a) The department must also ensure that in the next budget cycle, special ring-fenced funding is allocated to residential facilities, to ensure that they comply with health and safety standards in the Older Persons Act, 13 of 2006 and in national building, occupational health, and safety regulations
- (b) The Department of Social Development must ensure that all funded residential care facilities are registered by end of 2015 and any new ones registered by the end of 2016
- (c) The Department of Health must within eight months from date of receipt of the report, consider a strategy for the supervision of care for frail older persons within communities
- (d) The department must also establish, within a year of the report, measures to ensure uniformity in service provision and practice in cases of older persons' mental illness. The report recommends that such residents be moved from frail care centres into state psychiatric facilities, in order to stabilise their conditions before they are returned to frail care centres. Psychiatric hospitals or clinics must provide psychiatric staff to supervise the ongoing treatment of psychiatric residents in frail care facilities and
- (e) The South African Police Services must, within eight months of date of receipt of the report, undertake training of police officers on the enforcement of the provisions of the Older Persons Act.

Investigative Hearing Report on access to housing, local governance and service delivery

In November 2015, the Commission released a report based on an investigative hearing on access to housing, local governance, and service delivery, as conducted in the previous financial year.

Stakeholders

The Commission identified a number of relevant stakeholders, who were requested to provide both written and oral submissions to a hearing panel. The SAHRC acknowledges that rural areas in South Africa, particularly those that constitute the former 'homeland' areas remain underdeveloped and riddled with poverty. SAHRC also recognises that the phenomenon of urbanisation, as people migrate to urban centres in search of work, has resulted in a failure by cities to meet their needs. Consequently, the Commission limited its investigation to urban metropolises, namely the provinces of the Western Cape (WCPG), Gauteng (GPG) and KwaZulu-Natal (KZNPG) and the municipalities of the City of Cape Town (CoCT), City of Johannesburg (CoJ) and eThekweni Municipality (ET). Other stakeholders included the National Department of Human Settlements, National Department of Cooperative Government and Traditional Affairs, South African Local Government Association, South African Board of Sheriffs, experts, and a number of civil society and community based organisations.

Issues that prompted the Commission to convene the hearing

Through its experience, the Commission identified a trend in the issues relating to housing and basic service delivery, which include but are not limited to the following:

- (a) The poor quality of housing and a lack of accountability by private sector contractors for the quality of housing units produced
- (b) A lack of a comprehensive and coordinated response to the housing crisis of vulnerable groups
- (c) A lack of meaningful consultation with communities

- (a) Upgrading of informal settlements has become synonymous with evictions due to the State's reluctance to undertake *in situ* upgrading
- (b) The excessive use of force when conducting evictions
- (c) The failure by local municipalities to provide alternative accommodation or implement appropriate emergency housing plans
- (d) Housing developments are usually located on the outskirts of the city, far removed from economic opportunities
- (e) The shortage of low-income inner-city accommodation and
- (f) A lack of capacity at municipal level.

Findings

Current housing policies and programmes fail to take into account the needs of a variety of people. Although mechanisms are available to ensure that even the most destitute are accommodated, their needs are not adequately addressed. For instance, housing programmes in urban centres seem to be directed at young, single persons rather than at families. In addition, the majority of state-driven housing developments and initiatives tend to be located on the periphery of cities increasing the challenges residents have to easily access economic opportunities. The continued isolation of such housing developments inadvertently continues to maintain the legacy of apartheid spatial geographic planning.

Municipalities were found to adopt disparate approaches in their interpretation and implementation of policies on housing, resulting in fragmentation and confusion on the issue. The report found that no sanctions are applied by the state to address contractors who build shoddy houses, despite the existence of excellent legislation addressing instances of dubious work and mechanisms to recover the money, or wasteful expenditure, from these contractors. The Commission recommends that contractors responsible for shoddy work be blacklisted on the National Treasury database barring them from receiving future tenders. Ultimately it is the poor and vulnerable communities that bear the greatest cost, as their right to a dignified, decent, and habitable dwelling is infringed by such practices.

The Commission notes that although the delivery of housing and basic services is a function of the local government sphere, effective delivery is largely dependent on the consistent application of policies within both state departments and the three spheres of government. The Commission found that despite the existence of mechanisms which provide for synergy and coordination, state departments and the different spheres of government continue to work in silos. The Commission is of the view that lack of integrated planning by all three spheres of government and relevant organs of state results in the implementation of plans which are contradictory and incomplete, which stalls development projects, resulting in wasteful expenditure.

The report notes that housing processes lack transparency and there is inadequate access to information. Millions of people are denied the right to participate in the development of policies and plans impacting on their daily lives. The hearing established that community engagements relating to basic service delivery, including housing, tend to lack substance. The information provided at such engagements often does not enable communities to make informed decisions since they are usually held at a stage when relevant policies and plans have already been finalised by those who lack an appreciation of the specific context of the community. These policies and plans then lack credibility as they fail to address the specific needs and priorities of individual communities. The process appears to be a "top down" approach instead of a "bottom up" approach. The latter is preferred, as it would ensure that decisions and choices are made on the basis of the daily lived experiences of the people whose problems they seek to address.

The courts have pronounced that the right to housing is linked to the enjoyment of other socio-economic rights, and security of tenure constitutes an integral part of the right of access to adequate housing. Despite the importance of security of tenure, the hearing established that unlawful evictions continue unabated, in violation of human rights. The Commission recommends a shift in mind-set in the approach of state departments to their housing obligations and their interpretation of the concept of 'security of tenure'. The right to dignity must take centre stage.





The Commission further found that “service delivery protests” are largely as a result of lack of inadequate community participation in local structures or, in cases where community participation does occur, the processes are superficial and driven by political considerations rather than by local needs. When attempts to engage with local authorities are unsuccessful, marginalised communities should ideally seek legal representation in order to protect or advance their rights. However, access to legal services is both expensive and challenging. Donor-funded public interest litigation, which can provide relief, is also limited by resource constraints. The Commission recommends parties use alternative dispute resolution mechanisms, founded on constructive and meaningful engagements.

It was noted that although the private sector is an important role-player in the provision of access to adequate housing, they too, at times, contribute to violations of the right to access adequate housing, particularly in relation to evictions. The Commission recommends that private property owners commit to a time-bound process when embarking on evictions proceedings, to allow the state reasonable time to plan for imminent evictions, especially in ensuring provision of alternative accommodation.

Way forward

The Commission intends, through its processes, to follow up with all parties in respect of whom recommendations were made, to facilitate implementation. This report will be tabled before the relevant parliamentary portfolio committees to ensure parliament exercises its oversight responsibility and hold government departments to account.

Investigative Hearing Report on issues and challenges in relation to unregulated artisanal underground and surface mining activities in South Africa

In August 2015, the Commission released a report based on an investigative hearing on issues and challenges in relation to unregulated artisanal underground and surface mining activities in South Africa, conducted in previous financial years.

Stakeholders

The Commission identified a number of relevant stakeholders, who were requested to provide either written or oral submissions to a hearing panel. From government these included the Department of Mineral Resources, the Department of Trade and Industry, the Department of Health, and the Department of Labour. Other stakeholders included the Chamber of Mines, the National Coordination Strategic Management Team on Illegal Mining, the Aggregate and Sand Producers Association of Southern Africa, and the South African Diamond and Precious Metals Regulator.

Issues that prompted the Commission to convene the hearing

Over a number of years, the Commission has focused on the impact of mining activities on the environment and on human rights. As a result of the spike in reports on illegal mining activities across the country, the Commission decided to convene a national investigative hearing.

Findings

The report reflects a finding that in South Africa, artisanal mining is not legally recognised, despite its growth and the potential opportunities it offers, economically and socially. These unregulated activities are synonymous with social, health, and environmental ills, making them even more challenging to condone and manage.

The Commission found that there is poor profiling and understanding of the artisanal miner in South Africa. Not all of these individuals and groups involved in artisanal mining began the activity intending to become involved in criminal syndicates. The current socio-economic situation in many parts of the country has also pushed many people into illegal mining activities.

It was found that although legislation and policy exists, there are a number of gaps and contradictions. Some of the other findings relate to how far illegality pervades the entire mining industry.



Recommendations

The Commission made a number of recommendations *inter alia* the need for future strategic research into artisanal mining in South Africa and the need for a holistic and collaborative approach by all role players, including government, civil society, and mining houses, towards addressing the opportunities and challenges posed by unregulated artisanal mining.

An appropriate, consistent, and transparency policy and regulatory framework focusing on facilitation and management of artisanal mining in South Africa, not just criminalisation of the activities is required.

It was recommended that urgent programmes be undertaken within artisanal mining communities in South Africa, to raise awareness of the dangers to people and the environment which can arise from unsafe artisanal mining and particularly, the dangers of mercury usage.

Monitoring implementation of recommendations

In advancing the realisation of human rights, the Commission has continuously sought to strengthen its monitoring mandate and hold government accountable. During the period under review, the Commission developed a repository of its report findings and recommendations made over the last five years. This includes the recent recommendations made in the reports in this Annual Report. It is anticipated that in the next financial year, the Commission will be able to report back on progress it has made in monitoring government's implementation of the recommendations.

Table 5: Achievements against planned targets for advancing the realisation of human rights

Strategic Objective 2: Advance the realisation of human rights

Objective Statement: Monitor, evaluate, and report on the realisation of human rights and the progressive realisation of economic and social rights

Annual Performance indicator	Actual achievement 2014/15	Annual Planned target 2015/16	Actual achievement 2015/16	Reasons for deviation from planned target for 2015/16	Variance from 2014/15 to 2015/16 achievements	Comment on variances/ corrective measures
Number of Annual Trends Analysis reports completed	1	1	1	Target achieved	None	None
Develop Repository of SAHRC report recommendations	Report Recommendations	Develop Repository	Repository developed	Target achieved	None	None
Monitoring implementation of High Court judgement on Lindela	Monitoring mechanism established	Monitoring report	Monitoring report	Target achieved	None	None
Number of State of Human Rights in SA reports completed	1	1	1	Target achieved	None	None
Number of Annual Thematic reports completed	1	1	1	Target achieved	None	None
Number of Public Perceptions baseline surveys completed	1	1	0	Lack of proper planning for adequate scope of the survey	Less by 1	Proper planning during the next financial year for future years

Strategic Objective 2: Advance the realisation of human rights

Objective Statement: Monitor, evaluate, and report on the realisation of human rights and the progressive realisation of economic and social rights

Annual Performance indicator	Actual achievement 2014/15	Annual Planned target 2015/16	Actual achievement 2015/16	Reasons for deviation from planned target for 2015/16	Variance from 2014/15 to 2015/16 achievements	Comment on variances/ corrective measures
Number of Charter of Children's Basic Education Rights baseline surveys completed	New indicator	1	1	Target achieved	None	None
Number of National Hearings conducted	6	4	2	Postponement due to end of term of Deputy Chairperson	Less by 2	Focus on monitoring of implementation status with previous hearing recommendations
Number of strategic impact litigation cases instituted	2	2	4	Target exceeded due to high number of cases requiring litigation	Exceeded by 2	Dependant on relevant cases arising and requiring litigation
Number of matrices completed for ESR areas	1	1	1	Target achieved	None	None
Percentage finalisation of cases	85%	85%	89%	Target exceeded due to system upgrades impact of improved performance efficiency interventions on previous years' work	Exceeded by 4%	Dependent on annual performance and caseload
Percentage submissions on relevant draft legislation	100%	100%	100%	Target achieved	None	None
Number of scoping exercises conducted for establishment of a Complaints Intake Centre	1 scoping exercise	1	1	Target achieved	None	None



STRATEGIC OBJECTIVE 3: ENHANCE AND DEEPEN THE UNDERSTANDING OF HUMAN RIGHTS TO ENTRENCH A HUMAN RIGHTS CULTURE

This year the contribution to this strategic objective included hosting a conference to commemorate twenty years of the SAHRC, engaging with stakeholders, and launching an access to justice campaign. The units who mainly contribute are the Commissioners' Programme and the Human Rights Advocacy and Communications Unit.

Key highlights

The Commission achieved all six targets for this strategic objective. They include a number of outputs linked to the commemoration of the SAHRC twenty-year anniversary, engagement with stakeholders, and the launch of an access to justice campaign.

Commemoration of twenty years of the South African Human Rights Commission: National Conference on Racism

The SAHRC has discharged its mandate and safeguarded the Bill of Rights judiciously over the past twenty years. It has encountered challenges, learned lessons, and achieved many successes. As such, the SAHRC convened a National Conference to celebrate and reflect on the twenty years of its existence. The conference sought to celebrate achievements, and provide a platform for retrospection and introspection on the most topical issues that have hampered or promoted the Commission's contribution to the establishment and protection of a culture of human rights and constitutional democracy in South Africa.

The conference's particular focus on racism for national dialogue, stems from the fact that race-related complaints consistently represent the largest proportion of alleged violations of the right to equality received by the SAHRC. In addition, the Commission's work suggests that inequality and discrimination remain prevalent and continue to pose serious threats to nation building, social cohesion, racial healing, and reconciliation in South Africa.

The conference was preceded by renewed media focus on racism (particularly on social media platforms) that appears to have reignited a national conversation about racism and the appropriate responses thereto. There have been calls for government to respond to racism, racial discrimination, and hate speech in a proportionate and appropriate manner. This included calls for the criminalisation of racism, racial discrimination, and hate speech, as a method to achieve substantive equality and multicultural tolerance. Others have argued against criminalisation on the basis of constitutionally protected rights and freedoms, in particular the right to freedom of expression.

The position of the SAHRC that influenced the structure and content of the conference is:

- (a) That racism remains the most contentious, divisive, and serious challenge confronting South Africa.
- (b) That South Africa cannot move forward without meaningfully addressing the historical, political, and economic context that forms the parameters of the conversation on race, and which continues, by means of its systemic nature, to exacerbate the harm caused by racism in all its manifestations.
- (c) That laws and policies might not be sufficient to address these challenges, despite the important contribution that the law has made to the transformation of South African society. This argument is made because despite the existence of numerous progressive laws, policies, and programmes targeting inequality, racism, and racial discrimination, these issues persist.
- (d) That the reasons why legislation has contributed or failed to contribute to reduce inequality should be researched.
- (e) That there is a need to research and consult on the most appropriate methods of safeguarding a strong and resilient democratic society that is able to accommodate the rights to freedom of speech and protect other civil rights. Efforts should be directed at striking a balance between reasonable regulation and censorship.





- (f) That a debate and research on the criminalisation of the expression of racial hatred is necessary, with due consideration for the challenges that pertain particularly to social media.
- (g) That although racism is a global and enduring phenomenon, it poses a particularly serious threat in South Africa because inequality and poverty are still correlated with race, and because the socio-economic conditions of the majority of South Africans appear to be deteriorating. The exclusionary nature of the South African economy, slow economic growth, falling investment, rising joblessness, a poorly educated workforce, skills shortages, and high cost structures are contributing to increased racial tension, undoing the dividends of years of investment in racial reconciliation.

The overall objective of the conference was to provide a national platform to:

- (a) Critically evaluate the performance of South Africa in building a more equal society, healing race relations, and promoting reconciliation and
- (b) Elicit a national consensus on how best to address historical inequality and racism and the modern permutations thereof.

These objectives of the SAHRC's "Celebrating 20 Years of Human Rights Conference" were achieved.

The conference succeeded in providing a platform for open, frank, and honest multi-stakeholder engagement on the status of racism and equality in South Africa and the way forward. This engagement included an evaluation of the efficacy of existing policies, programs, and practices to eliminate inequality, racism, and related intolerance in South Africa. The conference, through presentations by experts and the facilitation of interactions between stakeholder groups, provided a strategic opportunity for stakeholders to examine the link between socio-economic inequalities, and racism and sexism. Former president Thabo Mbeki's contribution stands out in this regard. The conference, through presentations and participatory debate, also assisted in the identification of gaps in policy and policy implementation, possible drivers of change, facilitators of meaningful action, positive developments in narrowing the inequality gap, and opportunities for improving race relations in South Africa.

More specifically, the conference:

- (a) Drew public attention to the serious challenge facing the country, of growing inequality and its contribution to increased racial tension. This was demonstrated by media reports and engagement with the Anti-Racism Network of South Africa (ARNSA)
- (b) Mobilised and reenergised a national movement against racial inequality. This included participating in the national campaign against racism in partnership with ARNSA, and the invitation of a range of stakeholders, including the executive, the legislature, other Chapter 9 institutions, and core components of civil society such as business, the media, academia, and civil society organisations
- (c) Comprehensively assessed the success or otherwise of national efforts to combat and to eradicate inequality and racism. This was contained in most of the presentations on day two of the conference, and occurred among specific stakeholder groups during the break-away sessions
- (d) Examined, primarily through the presentation by Professor van der Westhuizen, the effectiveness of existing mechanisms to punish perpetrators and to provide redress to victims of racism and hate speech
- (e) Identified ways of increasing the effectiveness and coherence of measures designed to reduce inequality and eliminate racism, including financial and human resources. These were specific, namely the recommendations emerging from the break-away sessions and generalised, the conference resolution and joint commitments
- (f) Generated commitment to building a more equal society and to eliminating racism. This is demonstrated by the adoption of the conference declaration by all delegates
- (g) Reaffirmed national commitment to building a more equal society and strengthening the culture of human rights, the rule of law, and democracy, and of using national resources to achieve these goals and

- (h) Adopted a time-bound roadmap for the SAHRC and other Chapter 9 institutions, government, the private sector, media, and other relevant stakeholders to facilitate the emergence of a more equal society and to eradicate racism in South Africa.

Commemoration of twenty years of the South African Human Rights Commission: Documentary on the work of the Commission

The Commission produced a documentary entitled "Dignity Restored: 20 years of the South African Human Rights Commission". The documentary covered the work of the Commission over the preceding two decades. The documentary celebrated the Commission's achievements and general contribution to nation building by presenting the views of current and former members of the SAHRC, representatives of the legislature, representatives of the executive, politicians, members of civil society, other relevant stakeholders, and citizens who have been the subjects of SAHRC investigations or cases.

The content covered the establishment, mandate, and activities of the SAHRC. Cases studies and snippets of interviews were used to convey the history. The case studies presented covered the Commission's strategic focus areas.

The documentary also identified some of the challenges that the SAHRC continues to face in attempting to fulfil its constitutional mandate. Emphasis was placed on increasingly acrimonious relationships between members of the public and the law enforcement agencies of the state, and on the poor quality, inefficiencies, and inequities that continue to characterise education.

Overall, the documentary clearly demonstrates the very real connection between the SAHRC and the inhabitants of South Africa and the tangible difference the institution has made in the lives of many South Africans. Copies of the documentary were distributed at the conference and are available from the SAHRC.

Roundtable discussion on children's rights and business principles

The issue of children's rights and business principles is fairly new in human rights discourse in terms of efforts to formalise it and establish how to best address it. In order to establish the key obligations of the state and the responsibility of business, and create greater awareness of children's rights and business principles, the Commission hosted a roundtable discussion of stakeholders from government, civil society, development partners, and academics. The Commission sought to address the following issues:

- (a) Children's rights challenges arising from actions of business and remedial action required
- (b) Opportunities for promotion and protection of children's rights in the work place
- (c) Raising awareness of children as community members
- (d) Establishing avenues for information gathering and sharing.

Key findings

Five children's rights experts provided an overview of children's rights, the role of different players including government and business, and what these roles mean in light of principles developed on children's rights and business principles. It was noted that these principles are not binding but provide a good basis for protection of children's rights within the context of business. South Africa's tender process has the potential to negatively impact children's rights if not well managed.

There was input from a business perspective. The opportunities that business can provide children and not only the harm that business can do to children were noted. The young are an emerging market and it is in business' interest to protect them as they are future employees and customers.

Business also took the opportunity to highlight some of the issues they had started to work on that are intended to promote and protect children's rights.





Key implications going forward:

The following implications going forward were discussed:

- (a) The need to develop a strong legal framework that ensures compliance and accountability
- (b) The need to pay attention to how private schools deal with children's rights
- (c) The need to develop proactive and preventative interventions around issues of business and children's rights
- (d) The need to focus on the agricultural sector as it poses a potential risk of violation of children's rights
- (e) The need to pay attention to tender processes in respect of children's rights
- (f) The creation of a reference team to take discussion of children's rights further and concretise issues discussed at the roundtable
- (g) Children's rights should be included in sustainability reporting and in governing BBBEE legislation
- (h) The Commission should look into the role unions can play as far as children's rights are concerned in the competing interest between children's rights and right to strike
- (i) The need to develop a strategy to include business in debates on children's rights and to develop increased collaboration
- (j) Media should be engaged so that they play a bigger role in profiling children's rights.

Table 6: Achievements against planned targets for strengthening advocacy and raising human rights awareness

Strategic Objective 3: Enhance and deepen the understanding of human rights and entrench a human rights culture

Objective Statement: To expand the visibility of the Commission and raise awareness to enhance understanding of human rights and promote a human rights culture

Annual Performance indicator	Actual achievement 2014/15	Annual Planned target 2015/16	Actual achievement 2015/16	Reasons for deviation from planned target for 2015/16	Variance from 2014/15 to 2015/16 achievement	Comment on variances/ corrective measures
Number of stakeholder engagements conducted	108	110	160	Target exceeded within the context of the SAHRC twenty-year anniversary and responsiveness to stakeholder invitations	50	Ongoing stakeholder engagements to promote and entrench a human rights culture
Number of provincial human rights, public outreach engagements hosted	18	27	32	Target exceeded as provinces took initiative to extend their participation for wider reach, using allocated budget	5	Improved performance for wider reach
Percentage implementation of Integrated Advocacy and Communications plan	100%	100%	100%	Target achieved	None	None
Number of outputs completed and events hosted in commemoration of twenty years of SAHRC	Data gathering	3	3	Target achieved	None	None
Number of advocacy and communications reports completed	1	1	1	Target achieved	None	None
Launch of Access to Justice Campaign	New Indicator	Launch	Launch	Target achieved	None	None

STRATEGIC OBJECTIVE 4: USE AND PROJECT A BROADER CONSTITUTIONAL AND LEGISLATIVE MANDATE

The objective of using and projecting a broader constitutional and legislative mandate is to ensure that the Commission complies with prescripts contained in the Constitution, the Promotion of Equality and Prevention of Unfair Discrimination Act, and the Promotion of Access to Information Act.

Key highlights

All seven targets planned in the period under review were realised. They included completion of the Equality Report and PAIA related compliance. In addition, the Commission submitted the following recommendations to the Deputy Minister of Justice and Constitutional Development for consideration in terms of Section 83(3) (a) of PAIA.

Recommendations made in respect of PAIA

The Commission made the following key recommendations to the Department of Justice and Constitutional Development:

- (a) It is recommended that a government gazette notice be published to provide for greater clarity around the charging of request and access fees
- (b) It is recommended that regulations are published to provide for greater clarity around the charging of request and access fees in respect of non-profit organisations / community based organisations
- (c) It is recommended that Section 76 and/or Section 77 be reworded to ensure greater clarity regarding applicable time frames for response in instances where third party notifications / representations are required
- (d) It is recommended that Section 25 (1) be amended to clearly state the impact of calculating the thirty- day period insofar as Section 22 (1) is concerned. In this regard, it is recommended that the term "before further processing the request" be clearly defined in the body of the section or removed. A possible interpretation in this regard is that the thirty-day time period should run from date of submission of the request until the information officer requests payment of the request fee, at which stage calculation of the time period may be suspended until the fee is paid
- (e) It is recommended that Section 26 be reworded to clearly state whether that provision can be invoked following the third party notification process contained in Sections 47 – 49
- (f) It is recommended that Section 15 be amended, or that regulations are published, prescribing time frames for the processing of requests for automatically available records. In addition, PAIA should provide for remedies to address failures to make such information available
- (g) It is recommended that the definition of days is reviewed and that the Department consider defining "days" in line with the definition of "court days", incorporating *dies non*
- (h) It is recommended that the regulations relating to the exemption of certain individuals refers to both request and access fees
- (i) It is recommended that the forms prescribed be amended to make provision for requesters who wish to claim exemption from the payment of access fees, to provide their income details and their permissible deductions
- (j) It is recommended that Sections 36 and 68 be reviewed to ensure greater specificity to assist implementers of the legislation when applying the provisions. Trade secrets, as it appears in Section 36, should also be defined in Section 1 (the Commission has previously recommended that "commercial information" be defined)
- (k) To ensure that records are released within a reasonable period of time following access being granted, it is recommended that access fees be calculated and set out in decision letters and that records must be provided within a set period of time following payment of the requested access fees



- (l) Section 5 should be reworded to more clearly establish the supremacy of the legislation over any other legislation where such other legislation creates a higher threshold for accessing information than is required in terms of PAIA, unless expressly provided otherwise
- (m) It is recommended that Section 49 be amended to provide for notification to requesters of when a third party was notified of the request by an information officer
- (n) It is recommended that Sections 25 (3), 56 (3) and 77 (5) be amended to specifically require the information officer, private body, and/or relevant authority to provide written confirmation that Sections 28 and 59 have been duly considered and applied

Table 7: Achievements against planned targets for projecting a broader constitutional and legislative mandate

Strategic Objective 4: Use and project a broader constitutional and legislative mandate

Objective Statement: Fulfil the Commission's legislative obligations in relation to the right to equality, access to information and the promotion of administrative justice and any other relevant legislative mandate

Annual Performance indicator	Actual achievement 2014/15	Annual Planned target 2015/16	Actual achievement 2015/16	Reasons for deviation from planned target for 2015/16	Variance from 2014/15 to 2015/16 achievements	Comment on variances/corrective measures
Number of Annual Equality reports completed	1	1	1	Target achieved	None	None
Number of PAIA Annual reports submitted to parliament	1	1	1	Target achieved	None	None
Number of Recommendations reports submitted to DOJCD	1	1	1	Target achieved	None	None
Number of Institutional Compliance reports completed	1	1	1	Target achieved	None	None
Percentage implementation of PAIA promotion and advocacy strategy and plan	100%	100%	100%	Target achieved	None	None
Number of PAIA handover frameworks completed	New indicator	1	1	Target achieved	None	None
Number of Section 10 manuals reviewed and translated	New indicator	1	1	Target achieved	None	None



STRATEGIC OBJECTIVE 5: IMPROVE THE EFFECTIVENESS AND EFFICIENCY OF THE COMMISSION TO SUPPORT DELIVERY ON ITS MANDATE

The Commission achieved seventy-eight percent (83%) of the targets for improving institutional effectiveness and efficiency.

Table 8: Achievements against Planned Targets for improving institutional effectiveness and efficiency

Strategic Objective 5: Improve the effectiveness and efficiency of the Commission to support delivery on its mandate

Objective Statement: Ensure that all the objectives set out in the strategic plan and budget are met

Annual Performance indicator	Actual achievement 2014/15	Annual Planned target 2015/16	Actual achievement 2015/16	Deviation from planned target for 2015/16	Variance from 2014/15 to 2015/16	Comment on variances/ corrective measures
Review of institutional governance practices	New indicator	Revised Framework	Revised Framework	Target achieved	None	None
Enhancement of IT based systems	Automation	Feasibility and scoping	Feasibility and scoping completed	Target achieved	None	None
Percentage implementation of organisational capacity development plan	100%	100%	100%	Target achieved	None	None
Percentage implementation of gender mainstreaming plan	100%	100%	20%	Not achieved due to prerequisite for staff awareness building before full roll- out	80%	Plan to be fully implemented during the next financial year
Percentage compliance with financial and non-financial performance information requirements	100%	100%	100%	Target achieved	None	None
Percentage compliance with other relevant legislative and regulatory requirements	85%	100%	100%	Target achieved	None	None
Percentage implementation of PMER policy	100%	100%	90%	Delayed completion of performance contracts/ reviews; late or non- submission of monthly performance reports by some units due to staff turnover and transitional arrangements	10%	Review and strengthen monitoring of compliance with institutional policies
Implementation of records management plan	100%	100%	100%	Target achieved	None	None



Strategic Objective 5: Improve the effectiveness and efficiency of the Commission to support delivery on its mandate

Objective Statement: Ensure that all the objectives set out in the strategic plan and budget are met

Annual Performance indicator	Actual achievement 2014/15	Annual Planned target 2015/16	Actual achievement 2015/16	Deviation from planned target for 2015/16	Variance from 2014/15 to 2015/16	Comment on variances/ corrective measures
Implementation of knowledge management plan	100%	100%	100%	Target achieved	None	None
Maintenance of the library	Maintain	Maintain	Maintain	Target achieved	None	None
Percentage implementation of Internal Audit plan	100%	100%	100%	Target achieved	None	None
Audit opinion	Unqualified	Unqualified	Unqualified	Target achieved	None	None
Percentage implementation of action plan resulting from audit findings	100%	100%	74%	Poor response to resolution of findings by business units	26%	Strengthen monitoring, include in performance contracts and reviews
Percentage implementation of strategic risks annual treatment plan	100%	100%	100%	Target achieved	None	None
Percentage implementation of organisational renewal plan	New indicator	100%	100%	Target achieved	None	None
Review of performance management system	Implemented	Reviewed	Reviewed	Target achieved	None	None
Monitoring compliance with Corporate Services charter	Developed	Monitoring Reports	Monitoring Reports	Target achieved	None	None
Number of institutional monitoring and evaluation reports completed	1	1	1	Target achieved	None	None



Strategies to deal with areas of under performance

The following tables indicate the targets where the Commission has under-achieved for the period under review and provides proposed corrective actions.

Table 9: Non-achieved targets and remedial actions

STRATEGIC OBJECTIVE 2: Advance the realisation of human rights

	Key Performance Indicator	Original Annual Target	Achievement as at 31 March 2015	Reasons for variance	Corrective action
1.	Number of public perceptions baseline surveys	1	0	Lack of proper planning for adequate scope of the survey	Proper planning during the next financial year for future years
2.	Number of national hearings	4	2	Postponed due to end of term of Deputy Chairperson	Focus on monitoring implementation status with previous hearing recommendations

STRATEGIC OBJECTIVE 5: Improve the effectiveness and efficiency of the Commission to support delivery on its mandate

	Key Performance Indicator	Original Annual Target	Achievement as at 31 March 2016	Reasons for variance	Corrective action
1.	Percentage implementation of gender mainstreaming plan	100%	20%	Not achieved due to prerequisite for staff awareness building before full roll out	Plan to be fully implemented during the next financial year
2.	Percentage implementation of planning, monitoring, evaluation, and reporting policy	100%	90%	Delayed completion of performance contracts and reviews, as well as late or non- submission of monthly performance reports by some units due to staff turnover and transitional arrangements	Review and strengthen monitoring of compliance with institutional policies
3.	Percentage implementation of action plan resulting from audit findings	100%	74%	Poor response to resolution of findings by business units	Strengthen monitoring, include in performance contracts and reviews



PART C: CORPORATE GOVERNANCE

1/EXECUTIVE AUTHORITY: THE COMMISSIONERS

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

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

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

At the beginning of the 2015/16 financial year the Commission was headed by seven Commissioners.

Table 10: Commissioner's details and appointment status

	Name	Appointment status
1	Adv. M L Mushwana (Term ending in October 2016)	Full-time (Chairperson)
2	P Govender (Term ended in December 2015)	Full-time (Deputy Chairperson)
3	L Mokate (Term ending in September 2016)	Full-time
4	B Malatji (Term ending in September 2016)	Full-time
5	Adv. M Ameerma	Full-time
6	D Titus (Term ending in September 2016)	Part-time
7	J Love (Resigned 31st May 2016)	Part-time





2/RISK MANAGEMENT

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

The Commission continues to recognise the importance of risk management to ensure realisation of objectives and therefore endeavours to comply with legislation as it pertains to its risk management. The Chief Financial Officer is responsible for the risk management processes in the Commission and facilitates the development and review of a risk register and monitors implementation of a risk management plan. The register and plan capture institutional strategic risks and mitigating actions, and are reviewed for progress quarterly.

3/COMPLIANCE WITH LAWS AND REGULATIONS

The function of legislative and regulatory compliance has been delegated to the Commission's heads of units to ensure compliance with relevant legislation and statutes pertaining to their programmes. Compliance in relation to core operations is the responsibility of the Chief Operations Officer, while corporate and financial related compliance issues are the responsibility of the Chief Financial Officer. The Chief Executive Officer has overall, ultimate responsibility to monitor and ensure institutional and financial compliance. The Chairperson has executive authority, responsible for overall strategic and governance oversight.

PART D: HUMAN RESOURCES MANAGEMENT

1/HUMAN RESOURCE MANAGEMENT

Expenditure

The following tables summarise final audited expenditure by programme (Table 12) and by salary bands (Table 13). In particular, they provide an indication of the amount spent on personnel costs in terms of each programme or salary band within the Commission.

Table 12 – Personnel costs by programme, 2015/16

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel cost as a percent of total expenditure	Average personnel cost per employee (R'000)
CEO	15,046	8,529	104	6,413	57%	710
Commissioners	20,404	14,524	186	5,694	71%	605
Corporate and Financial Support Services	51,483	17,907	1,078	32,498	35%	512
Programme Support	65,649	57,440	518	7,691	87%	586
Total	152,582	98,400	1,887	52,297	64%	583

Table 13 – Personnel costs by salary bands, 2015/16

Salary bands	Personnel expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (levels 1-2)	-	-	-
Skilled (Levels 3-5)	3,375	3%	562,534
Highly Skilled Production (Levels 6-8)	23,081	23%	349,716
Highly Skilled Supervision (Levels 9-12)	49,475	50%	687,142
Senior Management (Levels 13-16)	22,469	23%	898,734
Total	98,400	100%	582,243





The following tables provide a summary per programme (Table 14) and salary bands (Table 15), of expenditure incurred as a result of salaries, overtime, home owners allowance, and medical assistance. In each case, the table provides an indication of the percentage of personnel budget used for these items.

Table 14 – Salaries, overtime, home owners allowance and medical assistance by programme, 2015/16

PROGRAMME	SALARIES		OVERTIME		HOME OWNERS ALLOWANCE		MEDICAL ASSISTANCE	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	Allowance as a % of personnel cost	Amount (R'000)	Medical assistance as a % of personnel cost
CEO	8,528	9%	23	-	54	1%	249	3%
Commissioners	14,523	15%	22	-	212	2%	272	2%
Corporate and Financial Support Services	17,906	18%	278	-	508	3%	790	4%
Programme Support	57,439	58%	16	-	1,185	2%	1,723	3%
Total	98,398	100%	341	0%	1,960	2%	3,035	3%

Table 15 – Salaries, overtime, home owners allowance and medical assistance by salary bands, 2015/16

SALARY BANDS	SALARIES		OVERTIME		HOME OWNERS ALLOWANCE		MEDICAL ASSISTANCE	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	Allowance as a % of personnel cost	Amount (R'000)	Medical assistance as a % of personnel cost
Lower skilled (levels 1-2)	-	-	-	-	-	-	-	-
Skilled (levels 3-5)	3,375	3%	4	0.1%	81	2%	128	4%
Highly skilled production (levels 6-8)	23,081	24%	93	0.4%	786	3%	1,251	6%
Highly skilled supervision (levels 9-12)	49,474	50%	242	0.5%	637	1%	1,191	2%
Senior management (levels 13-16)	22,468	23%	-	0%	455	2%	465	2%
Total	98,398	100%	341	1%	1,960	2%	3,035	3%

Employment and vacancies

The following tables summarise the number of posts on establishment of the Commission, the number of employees, the vacancy rate, and whether there are any staff additional to those on establishment. This information is presented in terms of three key variables: programme (Table 16), salary band (Table 17), and critical occupations (Table 18). Departments have identified critical occupations that need to be monitored. Table 18 provides establishment and vacancy information for the key critical occupations of the department.

Table 16 – Employment and vacancies by programme, 31 March 2016

Programme	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
CEO	12	12	0%	-
Commissioners	25	24	4%	-
Corporate and financial support services	35	35	0%	-
Programme support	113	98	13%	-
Total	185	169	9%	-

Table 17 – Employment and vacancies by salary bands, 31 March 2016

Salary band	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Lower skilled (levels 1-2)	-	-	-	-
Skilled (levels 3-5)	6	6	0%	-
Highly skilled production (levels 6-8)	68	66	3%	-
Highly skilled supervision (levels 9-12)	80	72	10%	-
Senior management (levels 13-16)	31	25	19%	-
Total	185	169	9%	-

Table 18 – Employment and vacancies by critical occupation, 31 March 2016

Critical occupations	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Legal	53	48	9%	-
Training	12	11	8%	-
Research	22	20	9%	-
Total	87	79	9%	-

The information in each case reflects the situation as at 31 March 2016. For an indication of changes in staffing patterns over the year under review, please refer to Section 5 of this report.

Job evaluation

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

The following table (Table 19) summarises the number of jobs evaluated during the year under review. The table also provides statistics on the posts that were upgraded or downgraded.



Table 19 – Job Evaluation, 1 April 2015 to 31 March 2016 (including vacant positions)

Salary band	Number of posts	Number of jobs evaluated	% of posts evaluated by salary bands	POSTS UPGRADED		POSTS DOWNGRADED	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (levels 1-2)	-	-	-	-	-	-	-
Skilled (levels 3-5)	-	-	-	-	-	-	-
Highly skilled production (levels 6-8)	-	-	-	-	-	-	-
Highly skilled supervision (levels 9-12)	-	-	-	-	-	-	-
Senior management service band A	21	2	-	-	-	-	-
Senior management service band B	-	-	-	-	-	-	-
Senior management service band C	-	-	-	-	-	-	-
Senior management service band D	-	-	-	-	-	-	-
Total	21	2	-	-	-	-	-

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

Table 20 – Profile of employees whose salary positions were upgraded because their posts were upgraded, 1 April 2015 to 31 March 2016 (excluding vacant positions)

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

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

Employment changes

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

Turnover rates provide an indication of trends in the employment profile of the Commission. The following tables provide a summary of turnover rates by salary band (Table 21) and by critical occupations (Table 22).



Table 21 – Annual turnover rates by salary band for the period 1 April 2015 to 31 March 2016

Salary Band	Number of employees per band as on 1 April 2015	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (levels 1-2)	-	-	-	-
Skilled (levels 3-5)	6	-	-	-
Highly skilled production (levels 6-8)	72	1	2	3%
Highly skilled supervision (levels 9-12)	63	7	8	13%
Senior management service band A (level 13)	17	3	3	8%
Senior management service band B (level 14)	2	-	-	-
Senior management service band C (level 15)	2	-	-	-
Total	162	11	13	8%

Table 22 – Annual turnover rates by critical occupation for the period 1 April 2015 to 31 March 2016

Occupation	Number of employees per occupation as on 1 April 2015	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Legal Services	53	6	3	6%
Training	14	4	3	21%
Research	24	2	1	4%
Total	91	12	7	8%

Table 23 - Reasons why staff are leaving the department

Termination Type	
Death	2
Resignation	10
Retrenchment	-
Expiry of contract	-
Dismissal – operational changes	-
Dismissal – misconduct	-
Dismissal – inefficiency	1
Discharged due to ill-health	-
Retirement	-
Transfers to other Public Service Departments	-
Other (voluntary separation package)	-
Total	13
Total number of employees who left as a % of the total employment	7%



Table 24 – Promotions by critical occupation

Occupation	Employees as at 1 April 2015	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Legal Services	53	-	-	41	77%
Education	14	-	-	11	79%
Research	24	-	-	8	33%
Total	91	-	-	60	66%

Table 25 – Promotions by salary band

Salary Band	Employees 1 April 2015	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progressions as a % of employees by salary band
Lower skilled (levels 1-2)	-	-	-	-	-
Skilled (levels 3-5)	6	-	-	6	100%
Highly skilled production (levels 6-8)	72	-	-	56	78%
Highly skilled supervision (levels 9-12)	63	-	-	41	65%
Senior management (levels 13-16)	21	1	-	5	25%
Total	162	1	0%	108	67%

Employment equity

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

Table 26 – Total number of employees in each of the following occupational categories as on 31 March 2016 – including part-time Commissioners

Occupational categories (SASCO)	MALE				FEMALE				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials, and managers	15	2	2	1	4	3	2	3	32
Professionals	13	2	2	2	15	4	2	4	44
Technicians and associate professionals	12	0	1	0	26	3	2	4	48
Clerks	3	0	0	1	35	1	0	0	40
Service and sales workers	-	-	-	-	-	-	-	-	-
Skilled agriculture and fishery workers	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	-	-	-	-	-	-	-	-	-
Elementary occupations	3	0	0	0	2	0	0	0	5
Total	46	4	5	4	82	11	6	11	169
Employees with disabilities	2	0	0	0	2	0	0	0	4



Table 27 – Total number of employees in each of the following occupational bands as on 31 March 2016 – including part-time Commissioners

Occupational Bands	MALE				FEMALE				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	3	1	1	0	2	1	0	1	9
Senior management	5	1	1	1	2	1	2	1	14
Professionally qualified and experienced specialists and mid-management	24	2	2	2	23	5	4	6	68
Skilled technical and academically qualified workers, junior management, supervisors, foreman, and superintendents	6	0	1	0	29	3	0	3	42
Semi-skilled and discretionary decision making	5	0	0	1	24	1	0	0	31
Unskilled and defined decision making	3	0	0	0	2	0	0	0	5
Total	46	4	5	4	82	11	6	11	169

Table 28 – Recruitment (including employees with disabilities and research associates) for the period 1 April 2015 to 31 March 2016.

Occupational Bands	MALE				FEMALE				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	0	0	0	0	0	1	0	0	1
Senior management	3	0	0	0	2	0	0	0	5
Professionally qualified and experienced specialists and mid-management	6	0	0	1	1	1	0	0	9
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	1	0	0	0	0	0	0	0	1
Semi-skilled and discretionary decision making	1	0	0	0	2	0	0	0	3
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Total	11	0	0	1	5	2	0	0	19
Employees with disabilities	-	-	-	-	-	-	-	-	-



Table 29 – Promotions (including employees with disabilities) for the period 1 April 2015 to 31 March 2016

Occupational Bands	MALE				FEMALE				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	-	-	-	-	1	-	-	-	1
Senior management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management	-	-	-	-	-	-	-	-	-
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	-	-	-	-	-	-	-	-	-
Semi-skilled and discretionary decision making	-	-	-	-	-	-	-	-	-
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
Total	0	0	0	0	1	0	0	0	1
Employees with disabilities	-	-	-	-	-	-	-	-	-

Table 30 – Terminations (including employees with disabilities, interns and contractors) for the period 1 April 2015 to 31 March 2016

Occupational Bands	MALE				FEMALE				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	0	0	0	0	0	0	1	0	1
Senior management	1	0	0	0	1	0	0	0	2
Professionally qualified and experienced specialists and mid-management	6	0	0	0	2	0	0	0	8
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	0	0	0	0	2	0	0	0	2
Semi-skilled and discretionary decision making	0	0	0	0	1	0	0	0	1
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Total	7	0	0	0	6	0	1	0	14
Employees with disabilities	1	0	0	0	0	0	0	0	1

Table 31 – Disciplinary action for the period 1 April 2015 to 31 March 2016

Disciplinary action	MALE				FEMALE				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	1	-	-	-	2	-	-	-	3



Table 32 – Skills development for the period 1 April 2015 to 31 March 2016

Occupational categories	MALE				FEMALE				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	5	1	2	1	1	2	1	0	13
Professionals	13	0	2	1	7	3	3	3	32
Technicians and associate professionals	22	1	1	0	39	0	0	4	67
Clerks	2	0	0	0	16	0	0	0	18
Elementary occupations	3	0	1	0	8	0	0	0	12
Total	45	2	6	2	71	5	4	7	142
Employees with disabilities	1	0	0	0	0	0	0	0	1

Performance rewards

To encourage good performance, the Commission has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability (Table 33), salary bands (Table 34).

Table 33 – Performance rewards by race, gender, and disability, 1 April 2015 to 31 March 2016

	BENEFICIARY PROFILE			COST	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
Total African	70	118	59.3%	2,589	37
Male	12	42	28.6%	512	43
Female	58	76	76.3%	2,077	36
Total Asian	4	13	30.0%	298	75
Male	2	6	33.3%	83	42
Female	2	7	28.6%	96	48
Total Coloured	4	11	36.4%	222	56
Male	1	8	12.5%	50	50
Female	3	3	100%	172	57
Total White	5	15	33.3%	239	48
Male	1	2	50.0%	50	50
Female	4	13	30.8%	189	47
Employees with a disability	1	5	20.0%	51	51
Total	84	162	51.9%	3,399	40



Table 34 – Performance rewards by salary bands for personnel below senior management service, 1 April 2015 to 31 March 2016

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	0.0%	0	0	0.0%
Skilled (levels 3-5)	4	6	66.6%	63	16	0.0%
Highly skilled production (levels 6-8)	45	58	77.6%	1468	32	0.0%
Highly skilled supervision (levels 9-12)	19	65	29.2%	964	51	0.0%
Total	68	129	43.4%	2495	25	0.0%

Table 35 – Performance related rewards (cash bonus), by salary band, for senior management service

Salary band	BENEFICIARY PROFILE			Total cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within band			
Band A	7	16	43.8%	354	50	0.0%
Band B	2	3	66.0%	122	61	0.0%
Band C	0	2	0.0%	0	0	0.0%
Band D	0	0	0.0%	0	0	0.0%
Total	9	21	54.9%	476	55.5	0.0%

Foreign workers

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

Table 36 – Foreign Workers, 1 April 2015 to 31 March 2016, by salary band

Salary band	1 APRIL 2015		31 MARCH 2016		CHANGE	
	Number	% of total	Number	% of total	Number	% change
Lower skilled (levels 1-2)	-	-	-	-	-	-
Skilled (levels 3-5)	-	-	-	-	-	-
Highly skilled production (levels 6-8)	7	64%	6	50%	-	-
Highly skilled supervision (levels 9-12)	4	36%	4	33%	-	-
Senior management (levels 13-16)	-	-	2	17%	-	-
Total	11	100%	12	100%	-	-



Table 37 – Foreign workers, 1 April 2015 to 31 March 2016, by major occupation

Major occupation	1 APRIL 2015		31 MARCH 2016		CHANGE	
	Number	% of total	Number	% of total	Number	% change
Legal	3	27%	2	22%	1	
Education	0	0	0	0	0	
Research	8	73%	7	78%	1	
Total	11	100%	11	100%	5	

*Leave utilisation for the period 1 January 2015 to 31 March 2016**

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 38).

Table 38 – Sick leave, 1 January 2015 to 31 March 2016*

Salary band	Total days	% days with medical certification	Number of employees using sick leave	% of total employees using sick leave	Average days per employee
Lower skilled (levels 1-2)	-	-	-	-	-
Skilled (levels 3-5)	27	-	5	83%	5.4
Highly skilled production (levels 6-8)	529	-	51	77%	10.4
Highly skilled supervision (levels 9-12)	244	-	43	60%	5.7
Senior management (levels 13-16)	70	-	12	48%	5.8
Total	870	-	111	66%	7.8

Table 39 summarises the use of annual leave. The wage agreement concluded with trade unions in the Public Service Co-ordinating Bargaining Council in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

Table 39 – Annual Leave, 1 January 2015 to 31 March 2016*

Salary bands	Total days taken	Average per employee
Lower skilled (levels 1-2)	-	-
Skilled (levels 3-5)	169	28
Highly skilled production (levels 6-8)	1 464	22
Highly skilled supervision (levels 9-12)	1 246	17
Senior management (levels 13-16)	347	14
Total	3 226	19

* This is due to the SARHC system of calculating accumulation of leave.



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

Table 40 – Leave pay-outs for the period 1 April 2015 to 31 March 2016

Reason	Total amount (R'000)	Number of employees	Average payment per employee (R'000)
Leave pay-out for 2015/16 - non-use of leave in previous cycle	-	-	-
Capped leave pay-outs on termination of service for 2015/16	-	-	-
Current leave pay-out on termination of service for 2015/16	239	13	18
Total	239	13	18

HIV and AIDS & health promotion programmes

Table 41 – Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk
None. Southern Africa (ICAS) has a fully-fledged HIV unit that Commission's staff members may access 24 hours a day, 7 days a week. Contact details are readily available to staff	An HIV/Aids and health awareness workshop was held on the 1st December 2015

Table 42 – Details of health promotion and HIV/AIDS programmes

Question	Yes	No	Details, if yes
1. Has the Commission designated a member of senior management to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide name and position.		X	Not applicable to the SAHRC
2. Does the Commission have a dedicated unit or has it designated specific staff members to promote the health and well-being of employees? If so, indicate the number of employees involved in this task and the annual budget available for this purpose.	X		Five members- R90 000
3. Has the Commission introduced an employee assistance or health promotion programme for employees? If so, indicate the key elements/services of this programme.	X		ICAS counselling, wellness, and health advice, and financial advice
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) they represent.		X	Not applicable to the SAHRC
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.	X		Performance management policy & procedures.
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.	X		Wellness day, health education and voluntary screening
7. Does the Commission encourage its employees to undergo voluntary counselling and testing? If so, list the results achieved.	X		Employees were given time to undertake VCT and interact with the health officials.
8. Has the Commission developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.		X	Health promotion is done through ICAS services. Quarterly reports are provided and analysed



Table 43 summarises the outcome of disciplinary hearings conducted within the department for the year under review.

Table 43 – Misconduct and disciplinary hearings finalised, 1 April 2015 to 31 March 2016

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	-	-
Verbal warning	-	-
Written warning	2	25%
Final written warning	3	38%
Suspended without pay	-	-
Fine	-	-
Demotion	-	-
Dismissal	2	25%
Not guilty	-	-
Case withdrawn	1	12%
Total	8	100%

Table 44 – Types of misconduct addressed at disciplinary hearings

Type of misconduct	Number	% of total
Insolence and disobedience	1	50%
Poor performance termination	1	50%
Total	2	100%

Table 45 – Grievances lodged for the period 1 April 2015 to 31 March 2016

	Number	% of total
Number of grievances resolved	1	100%
Number of grievances not resolved	0	-
Total number of grievances lodged	1	100%



Skills development

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

Table 46 – Training needs identified 1 April 2015 to 31 March 2016

Occupational categories	Gender	Number of employees as at 1 April 2016	TRAINING NEEDS IDENTIFIED AT START OF REPORTING PERIOD			Total
			Leaverships	Skills programmes & other short courses	Other forms of training	
Legislators, senior officials and managers	Female	5	-	5	1	6
	Male	6	-	5	2	7
Professionals	Female	13	-	3	-	3
	Male	14	-	4	2	6
Technicians and associate professionals	Female	46	-	8	3	11
	Male	20	-	6	-	6
Clerks	Female	21	-	3	3	6
	Male	2	-	2	-	2
Service and sales workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Skilled agriculture and fishery workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Craft and related trades workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Plant and machine operators and assemblers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Elementary occupations	Female	2	-	1	-	1
	Male	4	-	2	-	2
Sub total	Female	87	-	20	4	27
Sub total	Male	46	-	19	4	23
Total		133		39	8	50



Table 47 – Training provided 1 April 2015 to 31 March 2016

Occupational Categories	Gender	Number of employees as at 1 April 2016	TRAINING PROVIDED WITHIN THE REPORTING PERIOD			Total
			Leaverships	Skills Programmes & other short courses	Other forms of training	
Legislators, senior officials and managers	Female	2	-	1	1	2
	Male	4	-	30	2	32
Professionals	Female	19	-	30	-	30
	Male	11	-	10	2	12
Technicians and associate professionals	Female	35	-	60	3	63
	Male	20	-	30	-	30
Clerks	Female	39	-	40	3	43
	Male	4	-	4	-	4
Service and sales workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Skilled agriculture and fishery workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Craft and related trades workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Plant and machine operators and assemblers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Elementary occupations	Female	2	-	6	-	-
	Male	3	-	7	-	-
Sub total	Female	97	-	137	5	32
	Male	50	-	62	5	44
Total		147	-	199	10	76

Injury on duty

The following tables provide basic information on injury on duty.

Table 48 – Injury on duty, 1 April 2015 to 31 March 2016

Nature of injury on duty	Number	% of total
Required basic medical attention only	3	100%
Temporary total disablement	-	-
Permanent disablement	-	-
Fatal	-	-
Total	3	100%



Utilisation of consultants

Table 49 – 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
NONE	NONE	NONE	NONE

Total number of projects	Total individual consultants	Total duration: work days	Total contract value in Rand
NONE	NONE	NONE	NONE

Table 50 – Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals

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

Table 51 – Report on consultant appointments using donor funds

Project title	Total number of consultants that worked on the project	Duration: work days	Donor and contract value in Rand
NONE	NONE	NONE	NONE

Total number of projects	Total individual consultants	Total duration: work days	Total contract value in Rand
NONE	NONE	NONE	NONE

Table 52 – Analysis of consultant appointments using donor funds, in terms of historically disadvantaged individuals

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





Annual Financial Statements

for the year ended March 31, 2016

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GENERAL INFORMATION

COUNTRY OF INCORPORATION AND DOMICILE

South Africa

MEMBERS

Adv L Mushwana
Ms P Govender (Term ended 8 Dec 2015)
Ms L Mokate
Adv B Malatji
Adv MS Ameerma
Ms J Love
Dr D Titus

REGISTERED OFFICE

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2017

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BANKERS

First National Bank

AUDITORS

Auditor General South Africa
Registered Auditors

SAHRC contact details

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LIMPOPO

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RUSTENBURG
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CAPE TOWN
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AUDIT COMMITTEE REPORT

The Audit Committee is pleased to present its report for the financial year ended 31 March 2016.

Audit Committee members and attendance

The Audit Committee consists of the members listed hereunder and should meet four times per annum as per its approved terms of reference and makes provision for two (2) extra special audit committee meetings as might be required. During the current year six (6) meetings were held.

Name of member	Number of meetings
Mr D Coovadia (Chairperson - Term ended 30 November 2015)	4
Mr W Hattingh (Chairperson - Appointed 1 December 2015)	6
Ms PC Motsielwa	6
Ms M Malope	5
Mr G Mathee	4

Audit Committee Responsibility

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

The Effectiveness of Internal Control

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

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

- Performance Management Review
- Governance Review
- IT Governance Review
- Complaints Management Review
- Human Rights Advocacy Review
- Purchases and Payables Review
- Asset Management Review
- Cash Management Review
- Human Resources Review
- Follow-up & Adhoc Management Requests



The following were areas of concern:

- Non-compliance with complaints handling procedures relating to prescribed timelines and communication with complainants;
- Incorrect or incomplete complaint reports;
- Complaint not timeously finalised
- Complaint files not adequately safeguarded.
- The Human Rights Advocacy procedure manual has not been adequately designed and implemented.
- Inadequate IT Security;
- Inadequate and ineffective IT Governance.
- Inadequate governance practices implemented in the Commission;
- Incorrect or incomplete fixed asset register.
- Suppliers not paid within 30 days.
- Creditors with debit balances.
- Changes to Masterfile details not reviewed
- Inadequate contract management.
- The Performance Management Committee (PMC) is not properly constituted and minutes of the PMC meetings are not kept.
- Inadequate budget for training and development in the Commission.
- Inadequate staff development policies and procedures.
- Audit findings raised not timeously resolved.

In-Year Management and Monthly/Quarterly Reports

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

Evaluation of Financial Statements

The Audit Committee has:

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



Auditor's Report

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

- Duplicate supplier information
- Commissioners do not sign annual declaration of interest. The Commission did not have a 'Commissioners' declaration of interest' framework or policy
- SSG unit does not validate performance reported against POE
- No supporting documentation in relation to reported activities
- The following findings, although reported as not being addressed by the Auditor General, have been addressed in the 2016/2017 Annual Performance Plan:
 - *The technical indicator descriptor document does not include all the required sections as set out in the National Treasury Frameworks*
 - *Links to other plans were not included in the Annual Performance Plan*
 - *No risks are provided per strategic objective and no risk mitigation plan included*
 - *Targets do not meet the SMART requirements as set out in the National Treasury Frameworks*
 - *No programme outputs included in the strategic plan*
- IT Governance Framework not approved and implemented
- Ineffective and inadequate user account management processes.
- Inadequate administrator access management
- Ineffective backup process

The Audit Committee concurs and accepts the conclusions of the external auditor on the annual financial statements and is of the opinion that the audited annual financial statements be accepted and read together with the report of the auditor.



Waldo Hattingh

Chairperson of the Audit Committee

South African Human Rights Commission

Date: 22 July 2016



REPORT OF THE AUDITOR-GENERAL

Report on the financial statements

Introduction

1. I have audited the financial statements of the South African Human Rights Commission set out on pages 75 to 102, which comprise the statement of financial position as at 31 March 2016, the statement of financial performance, statement of changes in net assets, cash flow statement and the statement of comparison of budget and actual amounts for the year then ended, as well as the notes, comprising a summary of significant accounting policies and other explanatory information.

Accounting officer's responsibility for the financial statements

2. The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with South African Standards of Generally Recognised Accounting Practice and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No.1 of 1999), and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor-general's responsibility

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

Opinion

6. 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 2016 and its financial performance and cash flows for the year then ended, in accordance with South African Standards of Generally Recognised Accounting Practice (SA Standards of GRAP) and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).

Report on other legal and regulatory requirements

7. In accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA) and the general notice issued in terms thereof, I have a responsibility to report findings on the reported performance information against predetermined objectives of selected programmes presented in the annual performance report, compliance with legislation and internal control. The objective of my tests was to identify reportable findings as described under



each subheading but not to gather evidence to express assurance on these matters. Accordingly, I do not express an opinion or conclusion on these matters.

Predetermined objectives

8. I performed procedures to obtain evidence about the usefulness and reliability of the reported performance information of the following selected programmes presented in the annual performance report of the constitutional institution for the year ended 31 March 2016:
- Programme 2: Promotion and Protection of Human Rights; and
 - Programme 3: Research, Monitoring and Reporting on pages 19 to 47.
9. I evaluated the usefulness of the reported performance information to determine whether it was presented in accordance with the National Treasury's annual reporting principles and whether the reported performance was consistent with the planned programmes. I further performed tests to determine whether indicators and targets were well defined, verifiable, specific, measurable, time bound and relevant, as required by the National Treasury's Framework for managing programme performance information (FMPPi).
10. I assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.
11. I did not identify any material findings on the usefulness and reliability of the reported performance information for the following programmes:
- Programme 2: Promotion and Protection of Human Rights; and
 - Programme 3: Research, Monitoring and Reporting.

Additional matter

12. Although I identified no material findings on the usefulness and reliability of the reported performance information for the selected programmes, I draw attention to the following matter:

Achievement of planned targets

13. Refer to the annual performance report on pages 19 to 47 for information on the achievement of the planned targets for the year.

Compliance with legislation

14. I performed procedures to obtain evidence that the constitutional institution had complied with applicable legislation regarding financial matters, financial management and other related matters. I did not identify any instances of material non-compliance with specific matters in key legislation, as set out in the general notice issued in terms of the PAA.

Internal control

15. I considered internal control relevant to my audit of the financial statements, annual performance report and compliance with legislation. I did not identify any significant deficiencies in internal control.

Auditor - General

The Auditor-General
Pretoria
29 July 2016



CHIEF EXECUTIVE OFFICER'S REPORT

The members submit their report for the year ended March 31, 2016.

1. Incorporation

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

2. Going concern

We draw attention to the fact that at March 31, 2016, the entity had accumulated surplus of R 14,578 million and that the entity's total assets exceeded its liabilities by R 14,578 million.

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

3. Members

Below are the members of executive authority during the year under review:

Name	Nationality	Term ended
Adv L Mushwana	South Africa	
Ms P Govender	South Africa	08/12/2015
Ms L Mokate	South Africa	
Adv B Malatji	South Africa	
Adv MS Ameermia	South Africa	
Ms J Love	South Africa	
Dr D Titus	South Africa	

4. Corporate governance

General

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

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

Functioning of the Audit Committee

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



Internal audit

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

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

Internal controls

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

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

5. Auditors

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

6. Risk Management

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

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

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

7 Approval of finances

The financial statements fairly represent the state of affairs of the Commission as at 31 March 2016. The statements are the responsibility of the Commission while the auditors are responsible for reporting on the fair presentation of these financial statements. The annual financial statements reflect appropriate accounting policies and adhere to applicable accounting standards.

The annual financial statements for the year ended 31 March 2016 were submitted to the Audit Committee for review. The Executive Authority has approved these financial statements on 30 May 2016, 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 75 to 102, which have been prepared on the going concern basis, were approved by the Executive Authority on May 31, 2016 and were signed on its behalf by:



Ms L Khumalo

Chief Executive Officer



STATEMENT OF FINANCIAL POSITION
AS AT MARCH 31, 2016

	Note(s)	2016 R '000	2015 R'000
Assets			
Current Assets			
Inventories	6	249	235
Operating lease asset	4	10	774
Receivables from exchange transactions	7	909	56
Prepayments	5	82	1,118
Cash and cash equivalents	8	11,287	16,730
		12,537	18,913
Non-Current Assets			
Property, plant and equipment	2	15,232	14,938
Intangible assets	3	532	396
		15,764	15,334
Non-Current Assets		15,764	15,334
Current Assets		12,537	18,913
Total Assets		28,301	34,247
Liabilities			
Current Liabilities			
Finance lease obligation	9	2,553	3,334
Operating lease liability	4	106	2,509
Payables from exchange transactions	12	5,203	5,139
Unspent conditional grants and receipts	10	-	40
Provision on employee benefit	11	1,020	885
Provision for leave	11	3,684	1,108
		12,566	13,015
Non-Current Liabilities			
Finance lease obligation	9	1,157	1,113
Non-Current Liabilities		1,157	1,113
Current Liabilities		12,566	13,015
Total Liabilities		13,723	14,128
Assets		28,301	34,247
Liabilities		(13,723)	(14,128)
Net Assets		14,578	20,119
Accumulated surplus		14,578	20,119



STATEMENT OF FINANCIAL PERFORMANCE

	Note(s)	2016 R'000	2015 R'000
Revenue			
Revenue from exchange transactions			
Administrative fees		92	454
Interest on outstanding debts		1	1
Interest received - investment		1,032	1,052
Total revenue from exchange transactions		1,125	1,507
Revenue from non-exchange transactions			
Transfer revenue			
Government grants & subsidies	14	146,411	130,136
		1,125	1,507
		146,411	130,136
Total revenue	13	147,536	131,643
Expenditure			
Employee related costs	15	(98,400)	(76,904)
Depreciation and amortisation		(3,791)	(3,258)
Finance costs	16	(429)	(398)
Lease rentals on operating lease		(11,901)	(12,084)
Debt impairment		(44)	-
Repairs and maintenance		(671)	(470)
General expenses	17	(37,502)	(38,228)
Total expenditure		(152,738)	(131,342)
Total revenue		147,536	131,643
Total expenditure		(152,738)	(131,342)
Operating (deficit) surplus		(5,202)	301
Loss on disposal of assets and liabilities		(341)	(1,190)
Deficit before taxation		(5,543)	(889)
Taxation		-	-
Deficit for the year		(5,543)	(889)



STATEMENT OF CHANGES IN NET ASSETS

	Accumulated surplus R'000	Total net assets R'000
Balance at April 1, 2014		
Changes in net assets	19,480	19,480
Prior year adjustment	1,528	1,528
Net income (losses) recognised directly in net assets	1,528	1,528
Surplus (loss) for the year	(889)	(889)
Restated surplus (loss) for the year	639	639
Total changes	639	639
Balance at April 1, 2015	20,119	20,119
Changes in net assets		
Deficit for the year	(5,541)	(5,541)
Total changes	(5,541)	(5,541)
Balance at March 31, 2016	14,578	14,578



CASH FLOW STATEMENT

	Note(s)	2016 R '000	2015 R '000
Cash flows from operating activities			
Receipts			
Non exchange revenue - Government grant		146,411	130,136
Administrative fees		92	454
Interest income		1,032	1,052
		147,535	131,642
Payments			
Employee costs		(95,689)	(77,965)
Suppliers		(52,604)	(47,742)
Finance costs		(429)	(398)
		(148,722)	(126,105)
Total receipts		147,535	131,642
Total payments		(148,722)	(126,105)
Net cash flows from operating activities	19	(1,187)	5,537
Cash flows from investing activities			
Purchase of property, plant and equipment	2	(2,693)	(4,061)
Purchase of other intangible assets	3	(199)	(54)
Net cash flows from investing activities		(2,892)	(4,115)
Cash flows from financing activities			
Finance lease payments		(1,364)	(1,881)
Net increase/(decrease) in cash and cash equivalents		(5,443)	(459)
Cash and cash equivalents at the beginning of the year		16,730	17,189
Cash and cash equivalents at the end of the year	8	11,287	16,730



STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS

Budget on Accrual Basis

	Approved budget R'000	Adjustments R'000	Final Budget R'000	Actual amounts on comparable basis R'000	Difference between final budget and actual R'000
Statement of Financial Performance					
Revenue					
Revenue from exchange transactions					
Administrative fees	76	-	76	92	16
Interest on outstanding debts	-	-	-	1	1
Interest received - investment	2,233	-	2,233	1,032	(1,201)
Total revenue from exchange transactions	2,309	-	2,309	1,125	(1,184)
Revenue from non-exchange transactions					
Transfer revenue					
Government grants & subsidies	144,311	2,100	146,411	146,411	-
Total revenue from exchange transactions	2,309	-	2,309	1,125	(1,184)
Total revenue from non- exchange transactions	144,311	2,100	146,411	146,411	-
Total revenue	146,620	2,100	148,720	147,536	(1,184)
Expenditure					
Personnel	(87,145)	-	(87,145)	(98,400)	(11,255)
Depreciation and amortisation	-	-	-	(3,791)	(3,791)
Finance costs	-	-	-	(429)	(429)
Lease rentals on operating lease	(14,876)	-	(14,876)	(11,901)	2,975
Bad debts written off	-	-	-	(44)	(44)
Repairs and maintenance	(689)	-	(689)	(671)	18
General expenses	(39,450)	(2,100)	(41,550)	(37,502)	4,048
Total expenditure	(142,160)	(2,100)	(144,260)	(152,738)	(8,478)
	146,620	2,100	148,720	147,536	(1,184)
	(142,160)	(2,100)	(144,260)	(152,738)	(8,478)
Operating deficit	4,460		4,460	(5,202)	(9,662)
Loss on disposal of assets and liabilities	-	-	-	(341)	(341)
	4,460	-	4,460	(5,202)	(9,662)
	-	-	-	(341)	(341)
Deficit before taxation	4,460	-	4,460	(5,543)	(10,008)
Surplus before taxation	4,460	-	4,460	(5,543)	(10,003)
Taxation	-	-	-	-	-
Actual Amount on Comparable Basis as Presented in the Budget and Actual Comparative Statement	4,460	-	4,460	(5,543)	(10,008)



ACCOUNTING POLICIES

The accounting policies on pages 80 to 89 and the notes on pages 90 to 102 form an integral part of the annual financial statements.

1. Presentation of Annual Financial Statements

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

These annual financial statements have been prepared on an accrual basis of accounting and are in accordance with historical cost convention as the basis of measurement, unless specified otherwise. They are presented in South African Rand and rounded to R'000.

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

1.1 Significant judgements and sources of estimation uncertainty

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

1.2 Property, plant and equipment

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

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

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

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

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

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

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

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



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

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

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

Class	Depreciation method	Estimated useful life in years
Computer Equipment	Straight line	
- Laptops and desktops		10 years
- Servers and switches		17 years
Office equipment	Straight line	
- Printers and Fridges etc		17 years
- Audiovisual and equipment and conferencing		17 years
Leasehold improvements	Straight line	5 years
Furniture and Fittings	Straight line	
- Furniture and Fittings		20 years
- Gazebo, Flags, Banners and Accessories		17 years
Library Materials	Straight line	20 years
Motor Vehicles	Straight line	12 years
Finance Lease	Straight line	3 years (over lease term)

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

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

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

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

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

1.3 Intangible assets

An asset is identified as an intangible asset when it:

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

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



An intangible asset is recognised when:

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

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

Intangible assets are initially recognised at cost.

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

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

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

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

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

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

Item	Useful life
Patents, trademarks and other rights	13 years

Intangible assets are derecognised:

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

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

1.4 Financial instruments

Classification

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

- Financial assets measured at amortised cost;
- Financial liabilities measured at amortised cost;

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



Initial recognition and measurement

Financial instruments are recognised initially when the entity becomes a party to the contractual provisions of the instruments. The entity recognises a financial instruments or their component parts, on initial recognition as a financial asset, financial liability or an equity in accordance with the substance of the contractual arrangements in its statement of financial position when the entity becomes a party to the contractual provisions of the instrument.

Financial instruments are measured initially at fair value.

For financial instruments which are not at fair value through surplus or deficit, transaction costs are included in the initial measurement of the instrument, except for equity investments for which a fair value is not determinable, which are measured at cost and are classified as available-for-sale financial assets.

Transaction costs on financial instruments are fair value through surplus or deficit are recognised in surplus or deficit.

Subsequent measurement

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

Financial instruments at fair value through surplus or deficit are subsequently measured at fair value, with gains and losses arising from changes in fair values being included in surplus or deficit for the period. Net gains and losses on the financial instruments are at fair value through the surplus or deficit dividends and interest.

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

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

Fair value measurement consideration before subsequent measurement

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

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

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

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

Fair value determination

The fair values of quoted investments are based on current bid prices. If the market for a financial asset is not active (and for unlisted securities), the entity establishes fair value by using valuation techniques. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity specific inputs.



1.5 Leases

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

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

Finance leases - lessee

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

The discount rate used in calculating the present value of the minimum lease payments is the interest rate implicit in the lease. Minimum lease payments are apportioned between the finance charge and reduction of the outstanding liability. The finance charge is allocated to each period during the lease term so as to produce a constant periodic rate of on the remaining balance of the liability.

Operating leases - lessee

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

1.6 Inventories

Inventories are initially measured at cost except where inventories are acquired through a non-exchange transaction, then their costs are their fair value as at the date of acquisition. Cost generally refers to the purchase price, plus taxes, transport costs and any other costs in bringing inventories to their current location and condition.

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

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

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

1.7 Impairment of cash-generating assets

Cash-generating assets are those assets held by the entity with the primary objective of generating a commercial return. When an asset is deployed in a manner consistent with that adopted by a profit-orientated entity, it generates a commercial return.

Non-cash generating assets are assets other than cash-generating assets.

Recognition and measurement (individual asset)

At the end of each reporting period, the carrying amount of the non-cash generating assets are reviewed to determine whether there is an indication of impairment or reversal of impairment. If there is any such indication, the recoverable service amount of the asset is estimated in order to determine the extent of the impairment loss (if any).

Where the recoverable service amount is less than the carrying amount, the carrying amount of the asset is reduced to its recoverable service amount. This reduction is an impairment loss. An impairment loss is recognised immediately in the statement of financial performance.



Reversal of impairment loss

The entity assess at each reporting date whether there is any indication that an impairment loss recognised in prior periods for a cash-generating asset may no longer exist or may have decreased. If any such indication exists, the entity estimates the recoverable amount of that asset.

An impairment loss recognised in prior periods for a cash-generating asset is reversed if there has been a change in the estimates used to determine the asset's recoverable amount since the last impairment loss was recognised. The carrying amount of the asset is increased to its recoverable amount. The increase is a reversal of an impairment loss. The increased carrying amount of an asset attributable to a reversal of an impairment loss does not exceed the carrying amount that would have been determined (net of depreciation or amortisation) had no impairment loss been recognised for the asset in prior periods.

A reversal of an impairment loss for a cash-generating asset is recognised immediately in statement of financial performance.

After a reversal of an impairment loss is recognised, the depreciation (amortisation) charge for the cash-generating asset is adjusted in future periods to allocate the cash-generating asset's revised carrying amount, less its residual value (if any), on a systematic basis over its remaining useful life.

1.8 Employee benefits

Short-term employee benefits

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

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

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

1.9 Provisions and contingencies

Provisions are recognised when:

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

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

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

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

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

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



A constructive obligation to restructure arises only when an entity:

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

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

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

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

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

Contingent assets and liabilities are not recognised in the statement of financial position other than disclosed.

1.10 Commitments

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

Disclosures are required in respect of unrecognised contractual commitments.

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

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

1.11 Revenue from exchange transactions

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

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

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



Measurement

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

Interest and administrative fees

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

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

1.12 Revenue from non-exchange transactions

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

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

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

Government grants

Government grants are recognised as revenue when:

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

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

Other grants and donations

Other grants and donations are recognised as revenue when:

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

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

1.13 Unauthorised expenditure

Unauthorised expenditure means:

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

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



1.14 Fruitless and wasteful expenditure

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

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

1.15 Irregular expenditure

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

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

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

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

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

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

1.16 Budget information

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

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

The annual financial statements and the budget are on the same basis of accounting therefore a comparison with the budgeted amounts for the reporting period have been included in the Statement of comparison of budget and actual amounts

1.17 Related parties

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

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



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

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

1.18 Events after reporting date

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

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

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

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

1.19 Effects of new standards

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

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

- GRAP 20 Related Party Disclosures.
- GRAP 32 Service Concession Arrangements: Grantor.
- GRAP 108 Statutory receivables.
- GRAP 109 Accounting by Principals and Agents.



NOTES TO THE ANNUAL FINANCIAL STATEMENTS

2. Property, plant and equipment

	2016 R'000			2015 R'000		
	Cost / Valuation	Accumulated depreciation and accumulated impairment	Carrying value	Cost / Valuation	Accumulated depreciation and accumulated impairment	Carrying value
Finance lease	8,247	(4,844)	3,403	6,997	(2,710)	4,287
Furniture and fixtures	4,411	(2,032)	2,379	3,999	(1,845)	2,154
Motor vehicles	5,611	(1,428)	4,183	5,593	(1,434)	4,159
Office equipment	1,518	(379)	1,139	1,304	(368)	936
IT equipment	3,835	(1,038)	2,797	3,222	(913)	2,309
Leasehold improvements	506	(140)	366	196	(59)	137
Library Materials	1,398	(433)	965	1,320	(364)	956
Total	25,526	(10,294)	15,232	22,631	(7,693)	14,938

Reconciliation of property, plant and equipment- 2016 (R'000)

	Opening balance	Additions	Disposals	Depreciation	Total
Finance lease	4,287	1,728	(75)	(2,537)	3,403
Furniture and fixtures	2,155	464	(21)	(219)	2,379
Motor vehicles	4,159	645	(148)	(473)	4,183
Office equipment	936	362	(72)	(87)	1,139
IT equipment	2,308	834	(83)	(262)	2,797
Leasehold improvements	137	310	-	(82)	365
Library Materials	956	78	-	(68)	966
	14,938	4,421	(399)	(3,728)	15,232

Reconciliation of property, plant and equipment- 2015 (R'000)

	Opening balance	Additions	Disposals	Depreciation	Total
Finance lease	2,022	4,348	(8)	(2,075)	4,287
Furniture and fixtures	1,925	542	(104)	(208)	2,155
Motor vehicles	2,380	2,768	(545)	(444)	4,159
Office equipment	1,034	178	(184)	(92)	936
IT equipment	2,505	471	(397)	(271)	2,308
Leasehold improvements	176	-	-	(39)	137
Library Materials	918	102	(1)	(63)	956
	10,960	8,409	(1,239)	(3,192)	14,938



Assets with zero book value

As at 31 March 2016 there were assets with a total cost of R 631 000 which were finance leased. The three year finance lease for these assets had expired as at 31 March 2016 and these assets were sitting at a zero book value but still in use. These assets would be replaced during quarter one of 2016.

Assets subject to finance lease (Net carrying amount)

	2016 R'000	2015 R'000
Finance lease	3,403	4,287
Leasehold improvements	365	137
	3,768	4,424

3. Intangible assets

	2016 R'000			2015 R'000		
	Cost / Valuation	Accumulated amortisation and accumulated impairment	Carrying value	Cost / Valuation	Accumulated amortisation and accumulated impairment	Carrying value
Computer software	1,087	(555)	532	888	(492)	396

Reconciliation of intangible assets- 2016 (R'000)

	Opening balance	Additions	Amortisation	Total
Computer software	396	198	(63)	531

Reconciliation of intangible assets- 2015 (R'000)

	Opening balance	Additions	Amortisation	Total
Computer software	408	54	(66)	396

4. Operating lease asset (accrual)

	2016 R'000	2015 R'000
Current assets	10	774
Current liabilities	(106)	(2,509)
	(96)	(1,735)
Operating lease represents the rentals paid by the commission for the office buildings for Head Office and provincial offices	11,901	12,084

Terms and conditions

(i) All the leases are operating for an agreed period. i.e 12, 36, 60 months, within an option of renew.

(ii) All operating leases excluding Telkom (VPN) are subjected to an escalation ranging between 7% and 10%.

The head office building rental expired at 31 March 2016, this office constitutes the highest portion of rental paid and explains the significant change on the deferred operating lease at year end.

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

Due within one year	1,056	10,054
Due within two to five years	754	369
	1,810	10,423



5. Prepayments

	2016 R'000	2015 R'000
The prior year prepayment has been paid to the Centre for Applied Legal Studies (CALs) who is the legal representative of the SAHRC at the Farlam Commission of Inquiry. Arrangement has been made with CALS to refund the money back to the Commission now that the Farlam Commission of Inquiry has concluded its work. As at 31 March 2016, the prepayment has been reclassified to receivables, hence there is a significant movement in the prepayments balance.	82	1,118

6. Inventories

	2016 R'000	2015 R'000
Consumable stores	249	235

7. Receivables from exchange transactions

	2016 R'000	2015 R'000
Trade debtors	909	56

Trade and other receivables impaired

As of March 31, 2016, trade and other receivables of R 909,544 (2015: R 55,554) were provided for. The amount of the provision was R nil as of March 31, 2016 (2015: R nil).

The ageing of these loans is as follows:

3 to 6 months	902	-
Over 6 months	7	55

As at 31 March 2016, the expected refund from CALS was reclassified from prepayment to receivables hence there is a significant movement in the receivable account balance.

8. Cash and cash equivalents

Cash and cash equivalents consist of:

	2016 R'000	2015 R'000
Cash on hand	54	(17)
Bank balances	230	4,311
Short-term deposits	11,003	12,436
	11,287	16,730



9. Finance lease obligation

	2016 R'000	2015 R'000
Minimum lease payments due		
• within one year	2,784	2,375
• in second to fifth year inclusive	1,219	2,526
	4,003	4,901
• less: future finance charges	(293)	(454)
Present value of minimum lease payments	3,710	4,447
Present value of minimum lease payments due		
• within one year	2,553	3,334
• in second to fifth year inclusive	1,157	1,113
	3,710	4,447
Non-current liabilities	1,157	1,113
Current liabilities	2,553	3,334
	3,710	4,447

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

The average lease term was 3 years and the average effective borrowing rate was 10% (2015: 9%).

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

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

Terms and conditions

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

10. Unspent conditional grants and receipts

Unspent conditional grants and receipts comprises of:

Unspent conditional grants and receipts

	2016 R'000	2015 R'000
Foundation for Human Rights (FHR)	-	40
Movement during the year		
Additions during the year	-	360
Income recognition during the year	-	(320)
	-	40

The nature and extent of government grants recognised in the annual financial statements and an indication of other forms of government assistance from which the entity has directly benefited; and

Unfulfilled conditions and other contingencies attaching to government assistance that have been recognised.



11. Provisions

Reconciliation of provisions - 2016 (R'000)

	Opening Balance	Additions	Utilised during the year	Total
Provision on employee benefit	885	3,840	(3,705)	1,020
Provision for leave	1,108	4,176	(1,600)	3,684
	1,993	8,016	(5,305)	4,704

Reconciliation of provisions - 2015 (R'000)

	Opening Balance	Additions	Utilised during the year	Total
Provision on employee benefit	1,051	3,377	(3,543)	885
Provision for leave	2,003	3,652	(4,547)	1,108
	3,054	7,029	(8,090)	1,993

12. Payables from exchange transactions

	2016 R'000	2015 R'000
Trade payables	3,841	4,299
Accrued expense	1,362	840
	5,203	5,139

13. Revenue

	2016 R'000	2015 R'000
Administrative fees	92	454
Interest on outstanding debts	1	1
Interest received - investment	1,032	1,052
Government grants & subsidies	146,411	130,136
	147,536	131,643

The amount included in revenue arising from exchanges of goods or services are as follows:

Administrative fees	92	454
Interest on outstanding debts	1	1
Interest received - investment	1,032	1,052
	1,125	1,507

The amount included in revenue arising from non-exchange transactions is as follows:

Transfer revenue		
Government grants & subsidies	146,411	130,136

14. Government grants and subsidies

	2016 R'000	2015 R'000
Operating grants		
Government grant	146,411	130,136
	146,411	130,136



15. Employee related costs

	2016 R'000	2015 R'000
Basic Salary	64,030	51,541
Performance Bonus	3,892	3,568
Medical aid - company contributions	3,036	2,890
Unemployment Insurance Fund (UIF)	329	292
Pension Fund contributions	6,361	5,642
Non-pensionable contribution	6,436	5,281
Other short term benefit	4,033	1,718
13th Cheques	3,982	3,215
Car allowance	851	1,023
Housing benefits and allowances	1,967	1,734
Termination benefits	3,485	-
	98,400	76,904

16. Finance costs

	2016 R'000	2015 R'000
Finance leases	429	398

Total interest expense, calculated using the effective interest rate, on financial instruments not at fair value through surplus amounted to R 429,099 (2015: R 397,840).

17. General expenses

	2016 R'000	2015 R'000
Accounting fees	-	23
Advertising	331	292
Auditors remuneration	2,556	2,961
Bank charges	72	101
Cleaning	213	858
Computer expenses	284	7
Consulting and professional fees	2,140	1,319
Hire	334	267
Insurance	362	419
Conferences and seminars	1,383	2,664
Levies	63	116
Motor vehicle expenses	137	103
Motor vehicles expenses (Fuel)	363	304
Placement fees	869	1,008
Postage and courier	113	60
Printing and stationery	1,209	759
Security	873	492
Staff welfare	97	148
Subscriptions and membership fees	591	394
Telephone and fax	3,432	3,879
Office Relocation cost	263	638
Training	1,904	2,124
Electricity	98	22
Municipal services charges	2,913	2,966
Workmens Compensation	520	-
Operating Expenses	16,381	16,304
	37,502	38,228



18. Auditors' remuneration

	2016 R'000	2015 R'000
Fees	2,556	2,961

19. Cash (used in) generated from operations

Deficit	(5,543)	(889)
Adjustments for:		
Depreciation and amortisation	3,791	3,258
Loss on disposal of assets	341	1,190
Debt impairment	44	-
Movements in operating lease assets	(13)	(268)
Changes in working capital:		
Inventories	(14)	(46)
Receivables from exchange transactions	(853)	26
Prepayments	1,036	1,974
Payables from exchange transactions	64	252
Unspent conditional grants and receipts	(40)	40
	(1,187)	5,537

20. Financial instruments disclosure

Categories of financial instruments

2016 (R'000)

	At fair value	Total
Financial assets		
Receivable from exchange transactions	909	909
Cash and cash equivalent	11,287	11,287
	12,196	12,196
Financial liabilities		
Payable from exchange transactions	5,203	5,203
Employee benefit due	4,704	4,704
Finance lease obligation	2,553	2,553
	12,460	12,460

2015 (R'000)

	At fair value	Total
Financial assets		
Receivable from exchange transactions	56	56
Cash and cash equivalent	16,730	16,730
	16,786	16,786
Financial liabilities		
Payable from exchange transactions	5,139	5,139
Employee benefit due	1,993	1,993
Finance lease obligation	3,334	3,334
	10,466	10,466



21. Commitments

	2016 R'000	2015 R'000
Authorised operational expenditure		
Purchase orders issued		
Goods and services	6,407	3,912
Total operational commitments		
Already contracted for but not provided for	6,407	3,912
Total commitments		
Total commitments		
Authorised operational expenditure	6,407	3,912

This committed expenditure relates to open purchase orders issued to suppliers for goods and services not yet received as at 31 March 2016 and will be financed by available funds.

Operating leases - as lessee (expense)

Operating lease payments represent rentals payable by the entity for certain of its office properties. Leases are negotiated for an average term of seven years and rentals are fixed for an average of three years. No contingent rent is payable.

22. Contingencies

Categories of contingent liability

	2016 R'000	2015 R'000
Guarantee issued by First National Bank	685	685
Nehawu (retrenchments)	-	9,050
Dismissed Senior Manager	910	819
Subtotal	1,595	-
	1,595	10,554

At year end the Commission was uncertain as to the timing of any outflow and the responsibility of any reimbursement relating to the contingent liability.

As at 31 March 2015, a contingent liability of R 9 million was declared for retrenched staff. The R 9 million was estimated at 24 month's salaries of the retrenched employees which is the maximum award which the Labour Court may issue. During February 2016, the labour court ruled in favor of the retrenched employees and awarded 12 month's salary which amounted to R 3.4 million. The award was paid to the former employees during March 2016, refer to note 15.

The Senior Manager listed above was dismissed after his probation was not confirmed due to poor performance. The Commission has been served with legal papers wherein the dismissed staff member is challenging his dismissal at the Labour Court.

23. Related parties

No related party for the year under review.



24. Members' and prescribed officer's emoluments

Executive

2016 (R0'000)

	Salary	Bonuses and Performance payments	Expense Allowances	Provident Contributions	Termination Leave Paid Out or Backpay	Acting allowance	3G and Cell allowance	Total
Chief Executive Officer: L Khumalo	815	125	373	102	69	-	33	1,517
Chief Operation Officer: Ms S.E. Motara	209	-	113	26	-	-	2	350
Chief Financial Officer: P Makaneta	648	116	297	81	27	-	29	1,198
Head of Corporate Services: A Price	596	56	324	79	25	-	24	1,104
Head of Parliamentary: J Cohen	353	29	162	44	10	-	15	613
Head SS&G: S Giyose	537	96	246	67	22	36	24	1,028
Head of Research & Documentation: Dr.K. Moyo	255	-	138	32	42	-	-	467
Chief Audit Executive: G Pause	537	51	291	67	22	-	24	992
Head Legal Services (LSP): P Gregarious	536	96	246	67	24	-	24	993
PM: KZN T Munno	509	43	234	64	15	-	24	889
PM MPL: E Mokonyama	536	96	246	67	24	-	24	993
PM GP: C Klsson	536	96	246	67	24	22	24	1,015
Provincial Manager WC: Mr.K.Singh	528	19	286	66	15	-	24	938
PM LP: V Mavhidula	522	127	239	65	15	-	24	992
PM NC: C Williams	509	43	234	64	15	-	24	889
Strategic support and Governance: Ms.N Webster	515	44	236	64	19	-	24	902
Head: Human rights Advocacy & Communications: Ms.Diale	259	-	140	32	-	-	-	431
Operations Manager: Dr.MS Nsibirwa	428	-	232	53	8	-	-	721
Head of Commissioners: Ms. CL Duma	110	-	52	14	-	-	-	176
Head of Research: Dr. RPD Miamingi	106	-	58	13	-	-	-	177
	9,044	1,037	4,393	1,134	376	58	343	16,385

2015 (R0'000)

	Salary	Performance and 13th Cheque	Expenses allowances	Pension contributions	Leave Payout	Other Benefits	Total
Chief Accounting Officer: K Ahmed	675	8	450	-	120	31	1,284
Chief Operating Officer: L Khumalo	600	120	275	75	-	29	1,099
Chief Financial Officer: P Makaneta	600	120	275	75	-	29	1,099
Head of Corporate Services: A Price	552	63	279	87	-	-24	1,005
Head of Parliamentary: J Cohen	341	28	156	43	-	15	583
Head SS&G: S Gijose	498	131	228	62	-	24	943
Head Research & Documentation: K Singh	498	57	270	62	-	24	911
Head Legal Service (LSP): P Gregorious	498	100	270	62	-	24	954
PM KZN: T Munno	491	41	225	61	-	24	842
PM MPL: E Mokonyama	498	100	228	62	-	24	912
PM GP: C Kisson	498	99	228	62	-	24	911
PM WC: MA Dugmore	123	20	56	15	22	24	260
PM LP: V Mavhidula	494	47	226	61	-	6	834
PM NC: C Williams	491	41	225	61	-	12	830
PM NW: I Suleman	369	-	199	46	39	-	653
Head Commissioners Programme: N Webster	491	41	225	62	-	22	841
Head Chief Audit Executive: G Paulse	498	85	228	62	-	24	897
	8,215	1,101	4,043	958	181	360	14,858



Non-executive

2016 (R0'000)

	Salary	Bonuses and Performance payments	Provident Contributions	Other benefits	Total
Adv L Mushwana	716	-	-	586	1,302
Ms P Govender	429	52	54	317	852
Ms L Mokate	557	48	70	310	985
Adv B Malatji	557	48	70	310	985
Adv MS Ameerma	557	48	70	310	985
Ms J Love	120	-	-	8	128
Dr D Titus	41	-	-	14	55
	2,977	196	264	1,855	5,292

2015 (R0'000)

	Salary	Bonuses and Performance payments	Provident Contributions	Other benefits	Total
Adv L Mushwana	747	-	363	41	1,151
Ms P Govender	626	47	261	71	1,005
Ms L Mokate	583	43	239	65	930
Adv B Malatji	583	43	239	65	930
Adv MS Ameerma	581	39	239	65	924
Ms J Love	114	-	-	-	114
Dr D Titus	52	-	-	-	52
	3,286	172	1,341	307	5,106

Audit Committee members remunerations

2016 (R0'000)

	Emoluments	Travel expenses	Total
D Coovadia (Resigned October 2015)	46	2	48
G Matthee	18	1	19
M Malope	21	2	23
P Motsielwa	20	-	20
W Hattingh	23	1	24
	128	6	134

2015 (R0'000)

	Emoluments	Travel expenses	Total
D Coovadia	45	3	48
W Hattingh	16	1	17
P Motsielwa	16	2	18
M Malope (Appointed 01 October 2014)	8	1	9
RP Mnisi (Resigned 30 September 2014)	4	-	4
G Matthee (Appointed 01 October 2014)	4	-	4
	93	7	100



25. Prior period errors

As part of preparing its Annual Financial Statements, the Commission discovered that there were activities that led to prior period errors. Consequently, the Commission had to restate the opening balance to account for the expenses that were not accounted for in 2014/15 financial year.

The correction of the error(s) results in adjustments as follows:

	2016 R'000	2015 R'000
Statement of financial position		
Accumulated surplus or deficit		1,528
Statement of Financial Performance		
General Expenses		(594)
Staff relocation		(171)
Personnel Cost		443
Leave pay provision		(1,242)
Lease rental on operating lease		36

26. Risk management

Financial risk management

Liquidity risk

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

Credit risk

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

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

Financial instrument	2016 R'000	2015 R'000
Trade and other receivables from exchange transactions	909	56
Prepayment	82	1,118
Cash and cash equivalents	11,287	16,730

27. Events after the reporting date

Disclose for each material category of non-adjusting events after the reporting date:

- nature of the event.
- estimation of its financial effect or a statement that such an estimation cannot be made.

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

28. Fruitless and wasteful expenditure

	2016 R'000	2015 R'000
Fruitless and wasteful expenditure	11	-

Fruitless and wasteful expenditure to the value of R 10 621 (2015: R nil) was incurred in the current year. Fruitless and wasteful expenditure emanates from interest expense charged on Telkom account.



29. Irregular expenditure

	2016 R'000	2015 R'000
Opening balance	1,348	1,269
Add: Irregular Expenditure- current year	-	79
	1,348	1,348

Irregular expenditure to the value of R nil (2015: R 79,000) was incurred in the current year. Irregular expenditure emanates from non-compliance with National Treasury Note 8 of 2007 and Treasury Regulation 16A 9.1 (d) and 16A 6.3 (b.)

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

30. Deviation from supply chain management regulations

Paragraph 12(1)(d)(i) of Government gazette No. 27636 issued on 30 May 2005 states that a supply chain management policy must provide for the procurement of goods and services by way of a competitive bidding process.

Paragraph 36 of the same gazette states that the accounting officer may dispense with the official procurement process in certain circumstances, provided that he records the reasons for any deviations and reports them to the next meeting of the members and includes a note to the annual financial statements.

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

The total deviations from the above-mentioned Government Gazette amounted to R 5,859,455

31. Budget differences

Differences between budget and actual amounts basis of preparation and presentation

The budget and the accounting bases differ. The annual financial statements for the entity are prepared on the accrual basis using a classification based on the nature of expenses in the statement of financial performance. The annual financial statements are for the fiscal period from 4/1/2015 to 3/31/2016. The annual financial statements differ from the budget, which is approved on the cash basis.



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