

**Revised Strategic Plan
For the fiscal years
2015 to 2020**

31 January 2019

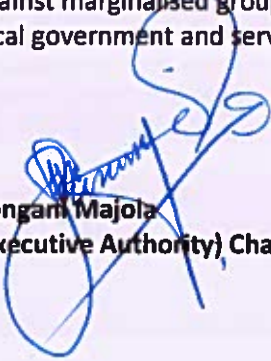
FOREWORD

The challenges of inequality, poverty, unemployment, and violence continue to plague South Africa. We, at the South African Human Rights Commission, take cognisance of these national challenges and centre the focus of our work on them. We are committed to playing our role and contribute towards the reduction and elimination of these key problems facing our country.

The mammoth task of delivering on our commitment is made more difficult by the resources constraints in which we find ourselves. In mitigating against this constraint, we have adopted the strategic principles of pursuing high impact strategic engagements with multi-level stakeholders, and encourage innovation in how we approach our work.

Through strategic engagements we endeavour to forge partnerships to protect human rights and promote their observance, and influence all role players to respect and sustain a culture of human rights in the country. The current planning cycle provides us an opportunity to interact with newly elected political leadership after the elections and to engage them on the strategic intent of our constitutional mandate on South African society.

Our priorities for the upcoming period include further exploration in the areas of business and human rights; corruption and human rights; equality and social cohesion; violence and unfair discrimination against marginalised groups, including the effects of violence against women and children; and protests, local government and service delivery.



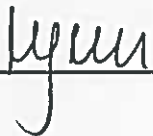
Bongani Majola
(Executive Authority), Chairperson of the South African Human Rights Commission

OFFICIAL SIGN OFF

It is hereby certified that this strategic plan:

- (i) Was developed by the Secretariat (management) of the South African Human Rights Commission under the guidance of the Executive Authority (Commissioners);
- (ii) Takes into account all the relevant policies, legislation and other mandates for which the Commission is responsible;
- (iii) Accurately reflects the strategic outcome oriented goals and objectives which the South African Human Rights Commission will endeavour to achieve over the period of 2015 – 2020 (as revised for the 2019-20 financial year); and
- (iv) Was approved by the Commissioners Strategic Oversight meeting of 29 January 2019.

Lorinda Lynn:



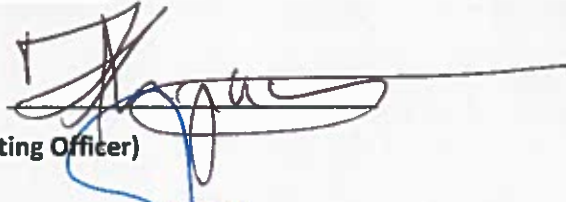
Acting Chief Financial Officer

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Head: Strategic Support and Governance

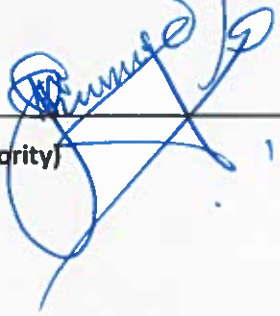
Tseliso Thipanyane:



Chief Executive Officer (Accounting Officer)

Approved by:

Bongani Majola:



Chairperson (Executive Authority)

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PART A: STRATEGIC OVERVIEW

In terms of the Public Finance Management Act (PFMA), 1999 (Act 1 of 1999, as amended by Act 29 of 1999) and National Treasury Regulations, the South African Human Rights Commission (The Commission / SAHRC) must prepare and submit a five-year strategic plan consistent with the Framework for Strategic Plans and Annual Performance Plans issued by the National Treasury in August 2010. The Accounting Officer (Chief Executive Officer) is responsible for making sure that such a plan is developed and submitted to the Executive Authority, and is tabled with Parliament.

The Framework for Strategic Plans requires all constitutional institutions to conduct a situational analysis, develop strategic outcome-oriented goals, formulate strategic objectives and develop annual performance plans. Based on this Framework, the Commission conducted a situational analysis through a PESTEL (Political; Economic; Social; Technological; and Legal) exercise and a SWOT (Strengths, Weaknesses; Opportunities, and Threats) analysis. This ultimately resulted in the formulation of revised strategic outcome-oriented goals and objectives for the period 2015 to 2020, which are subject to review each financial year.

1. Vision

The vision of the South African Human Rights Commission for the planning cycle remains as follows:

Transforming society. Securing rights. Restoring dignity.

2. Mission

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

The mission of the Commission will be strengthened by enhancing institutional focus, developing proactive outreach and advocacy initiatives that will be monitored and evaluated to ensure maximum impact.

3. Values

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

4. Legislative and Policy Mandates

The Commission is an independent institution supporting constitutional democracy and established in terms of the Constitution of the Republic of South Africa, Act 108 of 1996. It derives its mandate from the Constitution, and other legislation including the South African Human Rights Commission Act, 40 of 2013 (SAHRCA); the Promotion of Access to Information Act 2 of 2000 (PAIA); the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA); and the Promotion of Administrative Justice Act 3 of 2000 (PAJA).

4.1 Constitutional mandate

The South African Human Rights Commission is established in terms of Section 181 of the Constitution. It is one of six State Institutions established to strengthen constitutional democracy in South Africa. In terms of Section 181(2) of the Constitution the SAHRC is "independent and subject only to the Constitution and the law". It is required to be impartial and to exercise its powers and perform its functions without fear, favour or prejudice.

The SAHRC is specifically mentioned in Section 184 of the Constitution. In terms of this section the functions of the SAHRC are the following:

- 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 South Africa.

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

- i. to investigate and to 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.
- b) 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.
- c) The Commission has additional powers and functions prescribed by other national legislation.

The SAHRC is constitutionally mandated to, inter alia, investigate any complaint alleging violation of human rights and to assist any person adversely affected thereby to secure appropriate redress.

4.2 Other legislative mandates

The Commission has additional powers and functions which are set out in Act 40 of 2013: the South African Human Rights Commission Act, and further supplemented by the following legislation: the Promotion of Access to Information Act 2 of 2000 (PAIA), the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA), and the Promotion of Administrative Justice Act 3 of 2000 (PAJA).

In this respect, the Commission has to:

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

a) South African Human Rights Commission Act

The SAHRCA provides for the composition, powers and functions of the SAHRC. Section 13 of the Act, inter alia, confers the following powers, duties and functions on the Commission:

- i. To maintain close liaison with institutions, bodies or authorities similar to the SAHRC, inter alia, to promote co-operation in relation to the handling of complaints in cases of overlapping jurisdiction;
- ii. 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.

1 (a) In terms of section 13(1) to (4) of Act, 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 objects 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.

Section 14 of the Act, provides that the SAHRC may, by conciliation, negotiation or mediation, endeavour to resolve any dispute or to rectify any act or omission emanating from or constituting a violation of a human right.

Section 15 of the Act further details the investigative powers and functions of the Commission as well as processes and obligations of respondents thereof.

Section 16 of the Act confers wide powers on the SAHRC in order to enable it to exercise its powers and perform its duties and functions, including the power to enter and search premises.

b) Promotion of Access to Information Act

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

It is anticipated that the assigned powers of the Commission with respect to access to information will, during the course of this strategic planning period, be transferred to the Information Regulator as established by Parliament within the context of the Protection of Personal Information Act, No, 4 of 2013 (POPI). However, the Commission remains with constitutional obligations to promote, protect and monitor the right of access to information.

c) Promotion of Administrative Justice Act

The PAJA is pioneering legislation that intends changing the way Government interacts with the people it serves. It creates ways of enforcing the right to be treated fairly in administrative actions. The PAJA seeks to protect the public from unlawful, unreasonable and procedurally unfair administrative decisions. It is a law that gives people affected by administrative decisions the right to be informed that a decision is to be taken, to be given reasons for decisions and to have decisions reviewed in court. The Commission has an obligation, as mandated by the Constitution, to protect, promote, and monitor the right to administrative justice.

d) Promotion of Equality and Prevention of Unfair Discrimination Act

Section 25 (5) (a) of the PEPUDA prescribes the submission of equality plans to the SAHRC to be dealt with in the prescribed manner, in consultation with the Commission on Gender Equality.

Section 28 (2) requires the SAHRC to assess and report on the extent to which unfair discrimination on the grounds of race, gender and disability persists in the Republic, the effects thereof and recommendations on how best to address the problems.

The Commission will continue to prepare a thematic equality report on an annual basis to monitor implementation of the PEPUDA, notwithstanding the fact that Sections 25 and 28 are not yet in operation.

4.3 Policy mandate

The Commission is actively involved in ensuring compliance with international and regional human rights obligations through advocating for country ratification of instruments, their domestication and reporting on them.

At an international level, the Commission is recognised by the Global Alliance of National Human Rights Institutions as an 'A' status national human rights institution (NHRI). The Commission has thus adhered to the Paris Principles, which are guiding principles that serve to guide 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. They state, among other things, that national human rights institutions should:

- i. monitor any situation of violation of human rights;
- ii. be able to advise the government, the 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 mentioned legislation and policies form the basis on which the Commission plans its operations for the 2015 to 2020 period.

4.4 Relevant court rulings

Some of the most recent court rulings, indicating the Commission's commitment and effectiveness in securing appropriate redress and advancing the realisation of human rights, include the following rulings that were handed over in favour and alignment with the Commission's findings:

a) A ruling on the provision and access to reliable and sufficient supply of safe water in areas of the Madibeng Local Municipality

(SAHRC & 19 Others v Madibeng Municipality, MEC for Local Government & Human Settlement, Minister of Water and Sanitation & Minister of Health (NGHC Case No.: 21099/17)

The Commission's North West Provincial Office (NWPO) received a complaint on behalf of the residents of Klipgat C against the Madibeng Local Municipality (Municipality) where it was alleged that the water provided to residents in the Klipgat C area was inadequate and that residents had been without water supply for a period of five (5) weeks at the time the complaint was lodged. Despite having brought the plight of the community to the attention of the Madibeng Municipality and liaised on several occasions with a view to resolving the water crisis, the situation remained unchanged and the Respondent failed and/or refused to provide residents with information on steps taken to address the water supply challenges.

On 24 March 2017, the Commission launched an application with the North Gauteng High Court, with Part A seeking an interim order for the Municipality to provide relief by increasing water supply and access to clean water to the residents. Part B of the application relates to long term solutions to the water supply challenges and the State's obligation to provide access to sufficient supply of safe water. Part B would be determined and dealt with on the basis of ordinary time-periods to be arranged with the Registrar of the Courts.

Part A of the application was set down for hearing on 9 May 2017, resulting in the court granting an interim order directing the Madibeng Local Municipality to increase water supply in the area. Subsequent monitoring by the Commission found that the Municipality did not fully comply with the interim court order. The Municipality was supplying water intermittently, which made it difficult to effectively monitor compliance.

On 24 May 2018 the Commission learnt that the Municipality had required the Department of Cooperative Governance and Traditional Affairs to join the proceedings. A joinder application has subsequently been submitted and awaiting a date for a hearing.

In the meantime the Commission would further gather information relating to the current levels of water delivery, the quality of the water, and the demographics in the area so as to demonstrate the water supply shortages compared with the statutory Constitutional and Regulatory standards. Following its monitoring and evaluation report in this regard, the Commission would proceed to institute contempt proceedings.

b) A ruling on the unconstitutional detention of immigrants at the Lindela Repatriation Center, against the Department of Home Affairs

The SAHRC and the People Against Suffering, Oppression and Poverty (PASSOP), represented by the Legal Resources Centre (LRC), successfully launched proceedings before the High Court of South Africa, Gauteng Local Division in Johannesburg relating to the systemic and persistent practices of unlawful detention of migrants at the Lindela Repatriation Centre (Lindela). Of particular relevance was the fact that the Minister of Home Affairs and Bosasa (Pty) Ltd were specifically directed to provide the SAHRC, on a regular and at least quarterly basis, with a written report setting out:

- i. The steps taken to comply with the court order granted;
- ii. Full and reasonable particulars in relation to any person detained at Lindela for a period in excess of 30 days from the date of that person's initial arrest and detention.

The Minister of Home Affairs and Bosasa (Pty) Ltd were also directed to provide the SAHRC, on a quarterly basis, with access to Lindela and detainees. A multi-faceted or socio-legal methodology has been adopted in order to undertake a monitoring exercise. In addition to direct observations at Lindela, documents such as reports provided by the Department of Home Affairs (DHA) to the SAHRC also inform the monitoring exercise. Direct interviews or consultations are conducted with detainees by way of a questionnaire. Detainees are either randomly selected from the reports submitted to the SAHRC or with respect to their peculiar circumstances being mindful of the need to balance gender and nationalities. The mandate of the SAHRC is explained to the detainees and voluntary participation is maintained at all times.

c) A ruling on the unlawful eviction of residents of Arthurstone Village, against the Amashagana Tribal Authority

Residents of Arthurstone Village were evicted unlawfully and in violation of their rights by the Amashagana Tribal Authority. The Commission instructed pro bono attorneys, Norton Rose Fulbright to challenge the Magistrates' Court's order. The relief sought was a declaration that evictions and demolitions were unlawful. Alternatively, emergency accommodation and damages.

Judgment was handed down on 8 June 2016 by the High Court in Pretoria, finding in favour of approximately 150 residents who were evicted from a piece of communal land known as the Arthurstone Farm in Bushbuckridge, Mpumalanga Province. The Amashagana Tribal Authority then proceeded to launch an application to petition the Supreme Court of Appeal to appeal against the judgement handed down by the High Court.

On 27 November 2017, the Commission received confirmation that the Tribal Authority was no longer appealing the judgement. The Tribal Authority offered an alternative piece of land in the vicinity of Arthurstone. The Complainants had in the meantime resettled on the land from which they were evicted,

and rejected the offer of alternative land. They insisted on the respondents implementing the order on Arthurstone.

In June 2018 the Commission consulted with the complainants and wrote to the Municipality to refrain from refusing ESKOM electricity supply to the area. During July 2018 the Commission advised that the complainants continue to occupy the piece of land undisturbed.

- d) A ruling on emolument attachment orders to prevent human rights abuses of vulnerable communities who were at greater risk of exploitation, against the Association of Debt Recovery Agents.**

Prior to this judgment, Emolument Attachment Orders (EAOs) were issued in the magistrate courts to compel employers to deduct moneys (instalments in terms of judgment debt) owing to creditors, from the wages of employees. This continued until the full amount of the debt was paid off. Such orders were issued by a clerk of the court. The clerk was not obliged to evaluate the implications of the order on the livelihood of the debtor. This meant that there was no judicial oversight in the process of issuing such orders. The orders could also be issued in courts where the debtor did not live or work. In some instances, the debtors resided in Stellenbosch but the judgments were granted and EAOs issued in Kimberley, Wynberg and elsewhere.

The Commission made submissions before the Constitutional Court on the implications of the current practice in relation to the granting of EAO against debtors. The Commission's submission was based on South African and foreign jurisprudence in relation to the attachment of property to satisfy a debt.

It highlighted the practice in the USA, Australia, Germany and Rwanda, where EAOs are capped, and recommended that the same should be done in South Africa. It also made submissions on the implications of attaching salaries of debtors and the correct interpretation of sections of the Magistrates Courts Act in relation to the geographical areas where EAOs should be granted.

The Court found in favour of the applicants and placed on record in the judgment, its indebtedness to the Commission and its counsel for their contribution to the proceedings. The Court went on to declare certain provisions of section 65 of the MCA unconstitutional and invalid to the extent that they failed to provide for judicial oversight over the issuing of an EAO against a judgment debtor.

- e) A ruling on the delivery of school learning materials and/or textbooks, against the Department of Basic Education.**

In fulfilling the right to education, the State must ensure availability of education through, among other things, provision of teaching and learning support material in a timely fashion. The ruling has implications on implementation of the National Policy for the Equitable Provision of an Enabling School Physical Teaching and Learning Environment, which obliges the provision of basic facilities that enable schools to carry out their core functions of teaching and learning.

- f) Rulings with respect to the right to equality.**

It is the strategy of the Commission to encourage development of equality based jurisprudence. In particular we continuously seek to address issues of racism, gender discrimination, and persons with disability through the courts. As a result the Commission litigated in excess of fifty such matters through the equality courts. The Commission is also alive to the need to secure strategic advantage in public interest matters. Several public impact matters are currently before the courts. These include, among others, issues of the rights of women in customary matters.

The Commission will continuously engage with key policy makers to advocate for implementation of its recommendations and court orders, as well as monitor compliance thereof, and evaluate impact over time. A number of Court judgements place direct responsibility on the Commission to monitor and take certain steps. These judgements have serious implications for the Commission, particularly in terms of resources and therefore remain largely unfunded. The judgements include monitoring places where foreign nationals are detained, such as the Lindela Repatriation Center; providing assistance to family members of persons who died in detention under the apartheid regime, such as the Timol judgement, and other similar judgements.

5. Situational analysis

5.1 Performance and organisational environment

Factor	Issue	Situation
Political	2019 National Elections	<p>The lead up to the 2019 National Elections may result in an environment which is politically charged, filled with divisive politics and a rise in populist ideologies as political parties battle to win votes. Also there is likely to be a rise in the number of protest action. The appointment of new political leadership will also determine the political and socio-economic trajectory of the country impacting on economic growth.</p> <p>The Commission plans to engage with the public and relevant stakeholders to ensure the promotion and protection of the civil and political rights expressed in the exercise of the right to vote.</p> <p>In addition, the Commission will utilise the opportunity to engage with newly elected political leadership to ensure the upholding of constitutional democracy and the Bill of Rights as enshrined in the Constitution.</p>
	Political killings and the rise of violence related crimes	<p>The country has seen significant amounts of political violence in recent years which curtails a number of civil and political rights. This has led to the establishment of the Moerane Commission of Inquiry which set to look at the issues of killings which are politically motivated has completed its process and issued a report. The build up to the 2019 elections may see a spike in political violence and thus the Commission should engage with the relevant authorities to ensure the protection of the civil and political rights of everyone.</p> <p>The spike in violent crimes, particularly against women and children, is worrying. The Commission should engage with law enforcement</p>

Factor	Issue	Situation
		agencies to find mechanisms of collaborating to defeat the scourge of violence which undermines the fundamental right to life and security.
	Corruption	Multiple Commissions and parliamentary Inquiries have been set up to probe allegations of state capture and malfeasance in state owned enterprises. Corruption has a huge impact on the progressive realisation of human rights as resources meant for development are syphoned out. The appointment of a National Director of Public Prosecutions with integrity is vital in combatting corruption.
	State of the local government sphere and violent protest action	The high rate of fruitless and wasteful expenditure in local government and the placement of various municipalities under administration is highly concerning, noting the severe impact on the realisation of rights. These issues are also closely related to the occurrence of protest action, and the violent manifestations of such protest action in some instances.
Economic and Social	Economic stagnation (Poverty, unemployment and inequality)	South Africa entered into a technical economic recession and has faced downgrades by a number of credit ratings agencies. The government has developed and is implementing plans towards addressing the triple threat of poverty, unemployment and inequality e.g. The National Development Plan: Vision 2030 (NDP), Medium Term Strategic Framework (MTSF) outcomes and Sustainable Development Goals (SDG). However, given the challenges of corruption, growing inequality (with the forever widening chasm between the have-nots and the have-lots), soaring levels of poverty and unemployment and the culture of impunity, it remains unlikely that the objectives of these plans will be realized.
	Racism, Xenophobia and related intolerances	Although South Africa has a robust Constitution and laws, racism and intolerances continue to rear ugly heads. The project of building a social cohesive country (rainbow nation) is ongoing. South Africa has been developing the National Action Plan to Combat Racism, Racial

Factor	Issue	Situation
		Discrimination, Xenophobia and Related Intolerance (NAP), which envisioned a South Africa founded on non-racialism, plurality, tolerance, diversity, equality and human dignity. The Commission will have to play an active role in ensuring the finalization and adoption of the NAP.
	Socio-economic rights and land	The basic education and public healthcare sectors have faced multiple crises, and continuing uncertainties in the social security system and are of serious concern. And the debate around land expropriation without compensation will continue to be central in the near future.
Technological	Information and Communications Technology (ICT)	<p>With the rise of the Fourth Industrial Revolution, the role and impact of technology on the realization of rights and operating environments of organisations has become significant.</p> <p>There is a great opportunity for the Commission to leverage on the various digital platforms to enhance human rights education, reporting, accountability and advocacy. The long-term initiative to be explored is the development of a Human Rights Application (App) which could be linked with the case management system. The App would be utilised by the public to access and monitor progress of their cases. There are, however, a number of vulnerabilities associated with technological innovations, such as database hacking, cyber-attacks, leakages and theft of sensitive private or personal information and risk of social, corporate or government-sponsored surveillance. In that regard, the Commission will prioritize and strengthen cyber security systems.</p>
Environmental	Extractives	Mining has been identified in the NDP as a key sector contributing towards economic growth and development, and amidst rising rates of unemployment and low economic growth projections, industries like mining will continue to play a predominant role. The risk here is the potential expansion of mining operations into protected areas and

Factor	Issue	Situation
		<p>ongoing non-compliance / lack of enforcement with relevant law. The expansion of industrial development as well as the potential lack of adequate rehabilitation and post-closure land use planning constitutes a serious threat to rural livelihoods and food security, thereby deepening poverty and disadvantage in the long term.</p>
	<p>Climate change and scarcity of natural resources</p>	<p>The protection and enhancement of the environment and natural resources is a core component of the NDP and MTSF outcomes. South Africa is a contributor to greenhouse gas emissions and is particularly vulnerable to the effects of climate change, which is acknowledged to have a disproportionate impact on vulnerable groups. Recent severe weather conditions, including droughts, flooding and storms causing serious damage also impact on the realisation of rights.</p>
<p>Legal</p>	<p>The Constitution and legislative environment</p>	<p>South Africa has a progressive Constitution, robust laws and policy framework. There is, however, ongoing concerns relating to poor implementation of these laws and policies, a disregard of constitutional values, inadequate cooperation by the Executive and other institutions. Generally the Constitutional guarantees are not translated into reality.</p> <p>The Commission will continue to play its role in fostering proper application of the Constitution and the law by all relevant players in order to realise positive impact and entrench a culture of human rights.</p>
	<p>Robust Judiciary</p>	<p>The judiciary in South Africa has remained independent and often serving as the last line of defence for human rights. The judiciary has made strides in developing common law and interpreting the law through the prism of the Constitution. In its protection mandate, the Commission will continue with strategic public interest law matters to entrench a culture of human rights and expand on the jurisprudence on human rights.</p>

Factor	Issue	Situation
	Legal developments	<p>Developments include the introduction of the Prevention and Combating of Hate Speech and Hate Crimes Bill; a review of the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA); and review and/or ongoing legal challenges to old legislation bearing the hallmark of apartheid – including the Regulation of Gatherings Act.</p> <p>The National Action Plan has been under development for 17 years and finalisation has been substantially delayed, highlighting a crucial area for intervention by the Commission.</p> <p>The 2017 ruling of the High Court of South Africa in the Ahmed Timol Inquest Hearing highlights the apparent “unfinished business” of the Truth and Reconciliation Commission (TRC), and proposed a role to be played by the SAHRC in future.</p> <p>In terms of international human rights agreements, the Commission will be increasingly involved in processes relating to the domestication of the Optional Protocol on the Convention Against Torture.</p>

5.2 Organisational environment

The Commission carries a very broad mandate to serve the South African population. The organisational structure consists of 8 Commissioners, supported by 190 permanent positions in the Secretariat. This provides capacity challenges in ensuring effective and wider reach in the delivery of the mandate. In this planning period the capacity challenges have been further exacerbated by budgetary constraints, with the Commission receiving an allocation of approximately R189 million for the 2019/20 financial year. In view of the budgetary constraints, the Commission decided to freeze posts that became vacant during the course of the year.

These capacity challenges compelled the Commission to review the extent and approach to its performance objectives and targets. In some instances targets would be reduced to take into account the constraints and carrying capacity of the organisation. In general though, the Commission emphasises the

principle of ensuring greater impact and more innovation in executing its mandate. The Commission will focus on high impact and multi-level strategic engagements and partnerships in addressing human rights violations to realise greater impact. Furthermore, the Commission will embark on an organisational redesign process to establish a structure that optimally delivers on the mandate.

5.3 The strategic planning process

In revising the 2015 – 2020 Strategic Plan, the Commission followed a similar process to its standard annual planning activities, marked by strategic planning sessions to conduct a situational assessment through a PESTEL (Political; Economic; Social; Technological; and Legal), SWOT (Strengths, Weaknesses; Opportunities, and Threats) and strategic analyses. The process was underpinned by Commissioners' input reflecting on the set strategic direction for the planning period. A series of consultative strategic planning sessions were conducted with staff, business units, senior management and Commissioners. The process culminated in a revised strategic plan for the period 2015 to 2020, reflecting on strategic outcome oriented goals and programmes that were more aligned with the Constitutional mandate. It also resulted in the development of the 2018/19 Annual Performance Plan.

6. Broad thematic and strategic focus areas

Broad thematic areas

Reflecting on the situational analysis, the Commission, as a national human rights institution (NHRI), has identified the need to understand and strategise in accordance with the human rights, political and socio-economic landscape and situation in the country. This requires a redefinition of human rights from a broader perspective and acknowledging the interdependence of economic and social rights as well as civil and political rights. To this end the Commission contextualised the human rights environment in terms of the key challenges facing South Africa, and what as a NHRI the Commission should be doing.

The key issues confronting the country, and therefore present a central focus for the work of the Commission, include the challenges of:

- a) Poverty;
- b) Unemployment;
- c) Inequality;
- d) Violence; and

e) **Service delivery and related protests.**

Currently more than half of our population live in poverty, and a third is unemployed. Inequality and unfair discrimination, including on the grounds of race, gender, disability and sexual orientation, remain a challenge. There are increasing incidents of violence, especially against women and children, as well as criminal activity.

The strategy of the Commission will consider these broader issues as key themes requiring attention in relation to the execution of the SARHC constitutional mandate.

Strategic focus areas

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

1. Children and migration
2. Civil and political rights
3. Disability and social security
4. Education
5. Equality and social cohesion
6. Healthcare
7. Land, environment and right to food
8. Water, sanitation and housing

7. Priority areas

The Commission will endeavour to put significant efforts and largely align resources with the following priority areas, which are meant to be a cross-cutting thread throughout the plan.

1. Business and Human rights – National Action Plan
2. Corruption and human rights
3. Violence and unfair discrimination against marginalised and vulnerable groups
4. Equality and social cohesion
5. Protests, local government and service delivery

8. Strategic principles

In view of limited resources and capacity constraints, the Commission has adopted the following strategic principles in the execution of its mandate:

1. High impact engagements
2. Accommodate unforeseen work
3. Greater impact and more innovation
4. Multi-level strategic stakeholder engagements, including select statutory institutions and international and regional human rights bodies

9. Strategic outcome oriented goals

As a statutory institution, we are bound to deliver as informed by the constitution and SAHRC Act. Our outcome oriented goals therefore must directly align and be drawn from this constitutional mandate and legislative obligations. The institution concerns itself with how it reflects and delivers on this mandate through its strategic goals and objectives. The following strategic goals have been identified for the remainder of the 5 year planning cycle, 2015 to 2020. The identified goals can be categorised into institutional development, core constitutional mandate, and the international and regional footprint. The goals are also informed by the SDG and NDP.

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

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

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

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

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

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

PART B: STRATEGIC OBJECTIVES

In alignment with the revised strategic outcome oriented goals, the strategic planning process culminated in slightly revised strategic objectives.

10. Strategic objectives and programmes

10.1 Strategic objectives

A total of five strategic objectives aligned with the outcome oriented goals were developed, as follows:

Outcome oriented goal 1: Enhance organisational development and excellence.

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

Objective statements:

1.	Transforming institutional culture
2.	Ensure institutional compliance with key corporate legislative requirements
3.	Strategic comprehensive integrated human capital management
3.	Strategic comprehensive integrated financial management and effective controls
4.	Strategic institutional support and review of administrative systems, policies and processes
5.	Enhance sustainable and accessible comprehensive knowledge management systems and Information and Communications Technology improvements
6.	Ensure effective risk management and internal controls
7.	Review and enhance the effectiveness and efficiency of governance structures
8.	Implement sustainable comprehensive integrated institutional performance monitoring and evaluation systems
9.	Enhance synergy and integration of internal processes

Outcome oriented goal 2: Promote a sustainable culture of human rights in the country.

Strategic objective 2: Enhance advocacy, visibility and awareness programmes

Objective statements:

1.	Effective advocacy for adoption of human rights based positions and approaches
2.	Intensify human rights and people based capacity building activities, and education and awareness raising efforts through outreach engagements at public and community levels to empower people to effectively realise their rights
3.	Ensure accessibility of human rights educational material in different formats and languages
4.	Sustained roll out of comprehensive advocacy and communications strategy including all media (print, electronic, and social media, underpinned by a functional and accessible ¹ website)
5.	Effectively deliver on the internal institutional observance of human rights and communications, including branding
6.	Strategic interactions and collaborations with other stakeholders in the promotion of human rights

Outcome oriented goal 2: Promote a sustainable culture of human rights in the country.

Strategic objective 3: Take steps to secure appropriate redress where human rights have been violated

Objective statements:

1.	Address human rights challenges, take appropriate interventions and ensure that the Commission findings are acted upon
2.	Conduct legal investigations in terms of the SAHRC Complaints Handling Procedures
3.	Effectively use alternative resolution mechanisms and other appropriate interventions
4.	Institute proceedings in courts and / or tribunals, including high impact litigation where necessary
5.	Conduct research and analysis on human rights complaints and trends
6.	Strategic interaction and collaboration with other stakeholders in the protection of human rights

¹ This includes the Commission exploring ways of ensuring accessibility to all people, including people with disabilities.

Outcome oriented goal 2: Promote a sustainable culture of human rights in the country.

Strategic objective 4: Monitor, assess and report on the observance of human rights

Objective statements:

1.	Monitor and report on measures taken by the state towards the realisation of selected economic and social rights, as well as civil and political rights and other rights
2.	Monitor and report on compliance with the Promotion of Equality and Prevention of Unfair Discrimination Act
3.	Monitor and report on compliance with the Promotion of Access to Information Act
4.	Advise government and the legislatures on key legislation and policy
5.	Monitor implementation of SAHRC reports, recommendations and directives
6.	Strategic interaction and collaboration with other stakeholders in monitoring human rights observance
7.	Engage the state to support the Commission with capacity to carry out its mandate

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

Strategic objective 5: Meet obligations under the Constitution, the SAHRC Act, and the Paris Principles

Objective statements:

1.	Monitoring the implementation of and compliance with international and regional human rights instruments relating to the objects of the Commission
2.	Reporting to national Parliament and international and regional human rights bodies on issues pertaining to any of the instruments
3.	Support, participation and interaction at international, regional and sub-regional level
4.	Promote and strengthen human rights activities through learning exchanges, commemorative events and other promotional activities
5.	Monitor and advise that SA's foreign policy and international conduct is in line with our constitutional values
6.	Awareness raising of International and Regional human rights instruments in the country

10.2 Programmes

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

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

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

Programme 1: Administration

This programme consists of the following business units:

Finance:

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

Corporate services:

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

Internal audit:

The internal audit unit assesses the adequacy and reliability of internal controls and governance processes. It identifies gaps and recommends corrective action to the controls and processes.

Strategic support and governance:

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

Office of the Chief Executive Officer:

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

Programme 2: Promotion of human rights

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

Commissioners' programme (Office of the Commissioners):

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

Human rights advocacy and communications:

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

Provincial offices

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

Programme 3: Protection of human rights

Legal Services:

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

Office of the Chief Operations Officer:

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

Programme 4: Monitoring of human rights

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

Research:

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

10.3 Resource considerations

The Commission is confronted with restrained financial resources and will endeavour to deliver on its mandate within the confines of the available resources. It must be noted that human rights concerns often carry huge cost implications when litigation and obligations placed by the courts, arising from various judgements, on the SAHRC are considered.

a) Financial resources

The Commission receives its funding from transfers from the Department of Justice and Constitutional Development. During the current strategic planning period, 2015–2020, the transfers are expected to increase from R128,1 million in 2014/2015 to R189,2 million in 2019/2020, at an average annual rate of approximately 8%. Total expenditure is expected to similarly increase, with key cost drivers including personnel expenditure, rent, goods and services.

b) Human resources

The approved organisational structure consists of eight Commissioners and 190 permanent and fixed-term positions in the Secretariat. The majority of the approved positions in the new structure are at the professional, skilled and semi-skilled level, representing 63% of all positions. Middle management comprises 35% of the total staff compliment, while senior management represents 8%.

10.4 Risk management

The SAHRC revises and updates its strategic risk register annually in accordance to the 2015 to 2020 strategic plan to manage identified key risks to the achievement of organisational goals and objectives. In relation to the current strategic plan period, 2015 to 2020, the following risks and mitigation mechanisms have been identified for each strategic objective:

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

	Identified Risk	Mitigation plan
1.	Non-compliance with internal controls	Training workshops and sanctions for non-compliance
2.	Ineffective technology	Implement IT strategy and improve functionality of infrastructure
3.	Ineffective governance structures	Enhance effectiveness of governance structures through revision of processes and intensified monitoring
4.	Non-compliance with corporate services charter	Training workshops and sanctions for non-compliance
5.	Delays in approval of policies and procedures	Enhance effectiveness of governance structures through revision of processes and intensified monitoring

Strategic objective 2: Enhance advocacy, visibility and awareness programmes

	Identified Risk	Mitigation plan
1.	Lack of stakeholder commitments to public outreach engagements	Develop and intensify key stakeholder engagement strategy
2.	Inadequate coverage of Bill of Rights	Strengthen engagements with civil society community based organisations; Develop and use position papers
3.	Delayed responses to media issues	Improve compliance with standard operating procedures for media responses
4.	Insufficient media monitoring at provincial levels	Strengthen performance monitoring of provinces to improve media monitoring activities
5.	Limited branding and educational campaigns for visibility and awareness	Increased budget allocation and other resources

Strategic objective 3: Take steps to secure appropriate redress where human rights have been violated

	Identified Risk	Mitigation plan
1.	Inadequate use of mandate and powers	Improve adherence to mandate and powers
2.	Non-compliance with complaints handling procedures	Intensify training and performance management
3.	Inadequate capacity to litigate and mediate	Intensify training
4.	Inadequate complaints management system	Review system; intensify training
5.	Unexpected hearings and dependency on availability of key stakeholders	Budget reprioritisation

Strategic objective 4: Monitor, assess and report on the observance of human rights

	Identified Risk	Mitigation plan
1.	Non-responsiveness of respondent stakeholders and government delays in submission of required information	Strengthen engagements with the Executive and Parliament
2.	Poor quality of information received for analysis and reports	Review of research methodologies
3.	Inadequate implementation of SAHRC recommendations by other respondents	Strengthen monitoring mechanisms and engagements with the Executive and Parliament
4.	Lack of impact assessment of SAHRC work	Initiate evaluation exercises and intensified research studies
5.	Delays in internal approval processes	Enhance effectiveness of governance structures through revision of processes and intensified monitoring

Strategic objective 5: Meet obligations under the Constitution, the SAHRC Act, and the Paris Principles

	Identified Risk	Mitigation plan
1.	Non-responsiveness of stakeholders and government delays in submission of country reports	Strengthen engagements with the Executive and Parliament
2.	Poor quality of information received for analysis and reports	Review of research methodologies
3.	Inadequate implementation of SAHRC recommendations by other respondents	Strengthen monitoring mechanisms and engagements with the Executive and Parliament
4.	Lack of impact assessment of SAHRC work	Initiate impact evaluations and intensify research studies
5.	Delays in internal approval processes	Revise processes and intensify monitoring to enhance effectiveness of governance structures

PART C: LINKS TO OTHER PLANS

9. Links to other plans

The National Treasury Framework for Strategic Plans and Annual Performance Plans requires institutions to indicate the links of their annual plan with other plans, such as the long-term infrastructure and other capital plans; conditional grants; public entities; and public-private partnerships. It must be noted that the SAHRC did not have such links at the time of concluding its strategic plan and annual performance plan. The Commission, however, is exploring opportunities to obtain more secure accommodation, including consideration of acquiring its own office premises.