



**SOUTH AFRICAN HUMAN RIGHTS
COMMISSION**

ANNUAL REPORT

FOR THE YEAR ENDED 31 MARCH 2018



SOUTH AFRICAN HUMAN RIGHTS COMMISSION

ANNUAL REPORT

For the year ended 31 March 2018

Contents

| | |
|---------------------------------------------------------------------------------------------------------------------------------|----|
| FOREWORD BY THE CHAIRPERSON..... | 4 |
| OVERVIEW BY THE CHIEF EXECUTIVE OFFICER | 6 |
| PART A: GENERAL INFORMATION | |
| 1. STRATEGIC OVERVIEW..... | 8 |
| 1.1 Vision..... | 8 |
| 1.2 Mission | 8 |
| 1.3 Values | 8 |
| 2. LEGISLATIVE AND POLICY MANDATES | 8 |
| 2.1 Constitutional mandate..... | 8 |
| 2.2 Other legislative and policy mandates | 9 |
| 3. ORGANISATIONAL STRUCTURE..... | 11 |
| PART B: PERFORMANCE INFORMATION | |
| STATEMENT OF RESPONSIBILITY FOR PERFORMANCE INFORMATION..... | 12 |
| 1. OVERVIEW OF INSTITUTIONAL PERFORMANCE AND ORGANISATIONAL ENVIRONMENT..... | 13 |
| 1.1 Institutional delivery and organisational environment..... | 13 |
| 1.2 Key policy developments and legislative changes..... | 14 |
| 2. STRATEGIC FOCUS AREAS AND OUTCOME ORIENTED GOALS..... | 15 |
| 3. PERFORMANCE INFORMATION BASED ON STRATEGIC OBJECTIVES AND PROGRAMMES ... | 16 |
| 3.1 Strategic objectives | 16 |
| 3.2 Summary of programmes..... | 17 |
| 3.3 Alignment of programme structure with strategic objectives..... | 18 |
| 3.4 Organisational performance by strategic objective..... | 19 |
| 3.4.1 Strategic Objective 1: Promote compliance with international and regional obligations | 20 |
| 3.4.2 Strategic Objective 2: Advance the realisation of human rights..... | 22 |
| 3.4.3 Strategic Objective 3: Deepen the understanding of human rights to entrench a human rights culture | 28 |
| Strategic Objective 3: Deepen the understanding of human rights to entrench a human rights culture..... | 28 |
| 3.4.4 Strategic Objective 4: Ensure fulfilment of constitutional and legislative mandates | 42 |
| 3.4.5 Strategic Objective 5: Improve the effectiveness and efficiency of the Commission to support delivery on the mandate..... | 53 |
| PART C: CORPORATE GOVERNANCE | |
| 1. COMMISSIONERS..... | 56 |
| 2. RISK MANAGEMENT | 56 |
| 3. COMPLIANCE WITH LAWS AND REGULATIONS | 57 |
| 4. INSTITUTIONAL GOVERNANCE FRAMEWORK | 57 |

| | | |
|----|-----------------------|----|
| 5. | AUDIT COMMITTEE | 57 |
|----|-----------------------|----|

PART D: HUMAN RESOURCES MANAGEMENT

| | | |
|----|----------------------------------------------------------------------|----|
| 1. | HUMAN RESOURCES MANAGEMENT | 58 |
| | <i>Expenditure</i> | 58 |
| | <i>Employment and vacancies</i> | 60 |
| | <i>Job evaluation</i> | 62 |
| | <i>Employment changes</i> | 63 |
| | <i>Employment equity</i> | 65 |
| | Occupational bands..... | 66 |
| | <i>Performance rewards</i> | 69 |
| | <i>Foreign workers</i> | 70 |
| | <i>Leave utilisation for January 1, 2017 to March 31, 2018</i> | 72 |
| | <i>HIV/ AIDS and Health Promotion Programmes</i> | 73 |
| | <i>Skills development</i> | 76 |
| | <i>Injury on duty</i> | 78 |
| | <i>Utilisation of consultants</i> | 78 |

PART E: ANNUAL FINANCIAL STATEMENTS – (Separate document)

FOREWORD BY THE CHAIRPERSON

The period under review marks the first full performance cycle for the new cohort of Commissioners (except for two) whose term started on 03 January 2017. While the period offered the new Commission the opportunity to adopt innovative ways of implementing its mandate of promoting, protecting and contributing to the creation of the culture human rights, it marks a period when human rights were severely challenged in the country. For example, the period saw an unprecedented eruption of violence against women and children, with many women even losing their lives in the hands of men who seem not to attach any significance to the right to life. It dramatically highlighted the plight of persons with mental or psycho-social challenges through the Esidimeni tragedy that resulted in the loss of in excess of 140 lives of former Life Esidimeni mental health care users. There has also been a rise in public protests during the period, including service delivery protests that were accompanied by violence to both life and property and placed under severe threat and stress to among others, the right to access healthcare at public healthcare facilities in many parts of the country.

The above notwithstanding, the Commission made significant progress in the execution of its mandate during this period. The Commission has worked relentlessly to monitor, promote and protect human rights in South Africa. The totality of the work done has certainly raised the visibility and voice of the Commission and this has contributed to the increased demand for the Commission's services.

Unfortunately, the increase in the demand for our services also indicates the growing trend of human rights violations in South Africa. During the period under review, the Commission has dealt with violations of human rights in the country which remain an endemic challenge to society. The Commission dealt with more than 9 000 complaints and enquiries during the period under review. The key human rights concerns based on top five complaints lodged with the Commission include complaints relating to the right to equality; violations of Section 27 rights of access to health care, food, water, and social security; denial of just administrative action; violation of the right to human dignity; and complaints relating to labour relations. One of the continuing concern is that in terms of the right to equality, the highest number of complaints received concerned the issue of racism. A number of cases were concluded in this regard during the period under review while more complaints were also received.

The Commission also conducted a number of national investigative hearings during the 2017/2018 cycle which gave the Commission the opportunity to hear the voices of various communities and also brought together various government departments, policy makers, experts, civil society organizations and legal practitioners. Through its advocacy and training programmes, the Commission was also able to extend its reach and impact to the most vulnerable communities in South Africa. The Commission deepened outreach in rural and peri-urban communities through strengthening links to community media - broadcast, print and online.

Building alliances and accentuating synergy has been both critical and inevitable for the successful implementation of the mandate of the Commission. The Commission, therefore, spent considerable time trying to build these collaborative relationships with especially various government departments, a process that is ongoing. Emphasis is naturally on government as the Constitution provides that the state must respect, protect, promote and fulfil the

rights in the Bill of Rights. The Commission is grateful to a number of departments that not only cooperated but went beyond and provided much-needed support to its work. However, the Commission also grappled with the lack of government responsiveness from some departments and this regrettably saw a number of high-level government officials being served with notices to appear before the Commission. Regrettably, because the Commission would prefer closer cooperation with all government entities over the use of its coercive powers. This is particularly so given that both the Commission and the State serve the same constituents and given the fact that the State is the main guarantor of human rights. It is our hope that parliament, will discuss and debate this report and that, in exercising its oversight powers (contained in section 55 of the Constitution) will assist the Commission in achieving its mandate.

Whilst acknowledging the strides that we have managed to achieve, challenges facing the Commission have to be highlighted. The Commission's broad mandate, coupled with resource constraints and a dynamic political environment has posed a number of challenges to the Commission.

The Commission hopes that the experience gained from the period 2017/2018 will form a solid foundation for furthering the human rights agenda in the country towards the achievement of the much-desired culture of human rights in South Africa.



Advocate Bongani Majola
Chairperson

OVERVIEW BY THE CHIEF EXECUTIVE OFFICER

It is with nostalgia that I reflect back on another time when, as Chief Executive Officer of the South Africa Human Rights Commission (SAHRC), I penned my first Foreword to the SAHRC's Annual Report more than a decade ago. Significant changes have taken place since then, however, what has remained is a firm commitment by Commissioners and Secretariat, to continue to live the legacy of righting wrongs and seeking human dignity for our society. This task is daunting in the context of prevailing human rights complexities, which threaten and undermine our freedom and democracy. In the year under review, the SAHRC began with a new term with several new Commissioners and new staff members.

The year 2017/2018, like many other years had numerous human rights challenges. From our statistics, we recorded an overwhelming number of reported human rights violations and similar to when I first put pen to paper, the nature of these violations have not changed their character. Equality, socio-economic rights, just administrative action, human dignity and labour relations have consistently remained the top five complaints reported to the SAHRC.

Our Advocacy reports using new media platform have shown that on a daily basis, young people are taking out their frustrations on access to higher education, employment, and equality through violent expressions. It is concerning that young people are perpetrators of gender based violence, hate crimes and violent protest action. Our response has been to use our triple layered constitutional mandate to seek redress for human rights holders. In 2017/ 2018, the mandate to protect human rights violations was directed by the Legal Services which has a reach across all nine provinces and national office. In addition to addressing individual complaints, the SAHRC included investigative hearings in its attempt to address accountability from public and private actors. Some of our investigative hearings focused on socio-economic rights such as education, mental health care and land. The Commission will in 2018/2019 focus on monitoring the implementation of these recommendations.

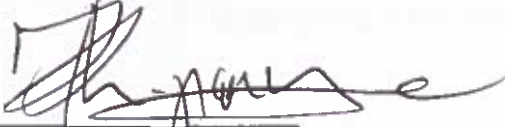
During 2017/2018, the monitoring of human rights over the years by our Research unit, has shown a lack of accountability on the part of many public bodies and this does not bode well to building a culture of human rights. Twenty three (23) years into our democracy, the culture of human rights has not sufficiently formed part of our landscape if we consider prevailing human rights challenges. The human rights culture is shaped by internal and external challenges and related solutions.

As a nation and a global citizen, we are challenged externally by economic and many other crises, however our resilience should inspire us to become better human rights champions. In reflecting what we have achieved as a country, our work over the past years and our commitment, both from Commissioners and Secretariat, show that 2018/2019 will be another opportunity to rethink how we can give the best effect to our mandate within prevailing resource constraints and other challenges facing the Commission and our nation.

As an institution, we must continue to exercise our mandate to promote and protect human rights, including our monitoring role which will ensure those entrusted with power are held accountable and that there is redress for all

victims of human rights violations. We are a Nation and a Commission that has thrived on hope and determination to do better and this will continue in our quest for a better Commission and a better Country and future.

I extend my gratitude to Commissioners and the Secretariat for their continued work, for ensuring another unqualified audit and for continuing to be champions of human rights for all.



Advocate Tseliso Thipanyane
Chief Executive Officer

PART A: GENERAL INFORMATION

1. STRATEGIC OVERVIEW

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

1.1 *Vision*

To transform society, secure rights, and restore dignity.

1.2 *Mission*

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

1.3 *Values*

The values of the Commission are:

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

2. LEGISLATIVE AND POLICY MANDATES

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

2.1 *Constitutional mandate*

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

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

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

2.2 Other legislative and policy mandates

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

In this respect, the Commission must:

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

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

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

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

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

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

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

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

International and regional instruments

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

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

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

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

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

3. ORGANISATIONAL STRUCTURE

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

Figure 1: Head office structure:

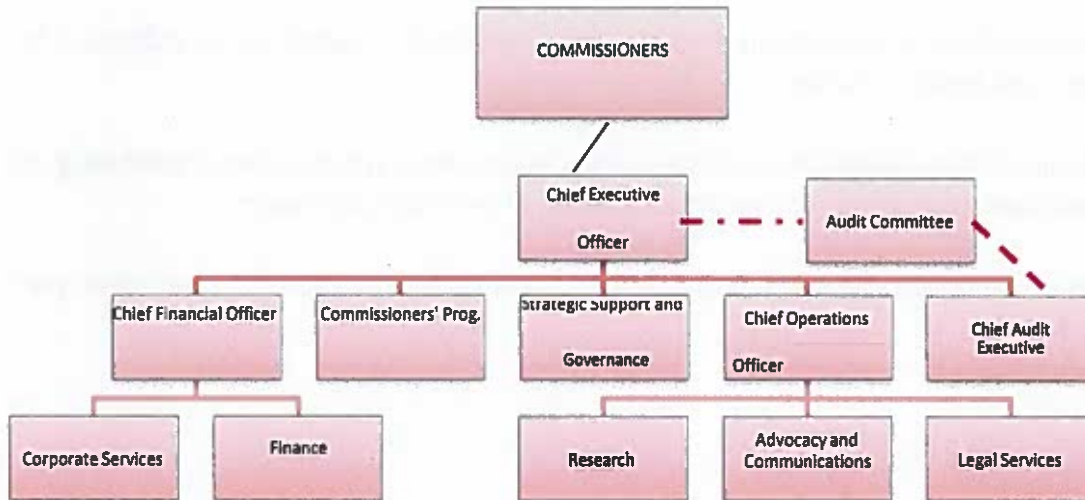
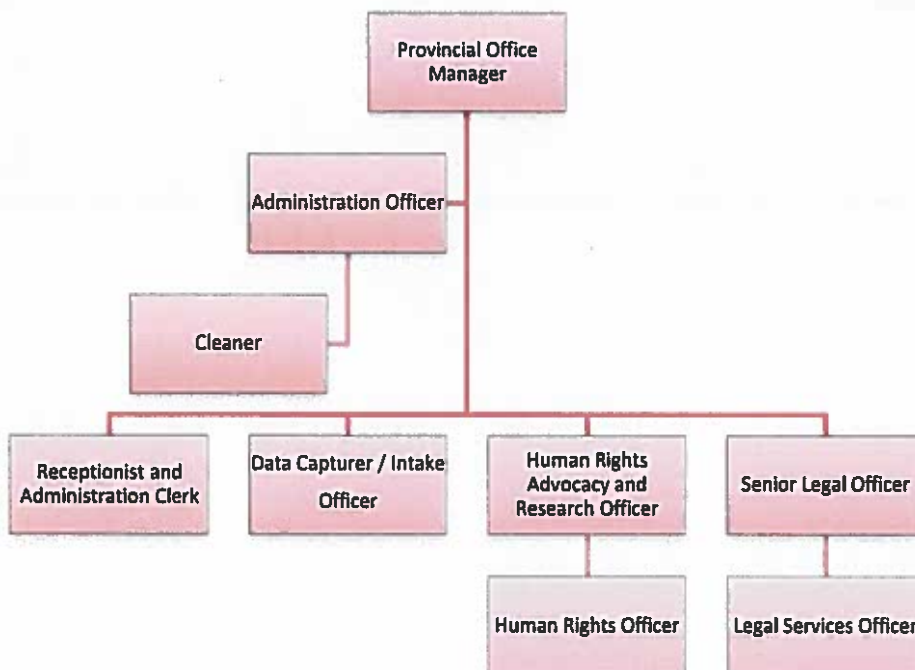


Figure 2: Provincial level generic structure:



PART B: PERFORMANCE INFORMATION

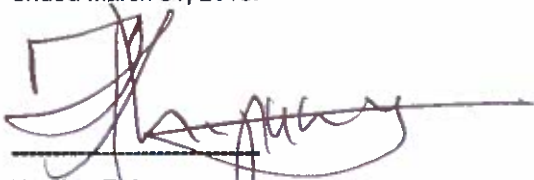
STATEMENT OF RESPONSIBILITY FOR PERFORMANCE INFORMATION

Statement of responsibility for performance information for the year ended March 31, 2018

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

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

In my opinion, the performance information fairly reflects the performance of the institution for the financial year ended March 31, 2018.



Tseliso Thipanyane
Chief Executive Officer
Date: 31 May 2018

1. OVERVIEW OF INSTITUTIONAL PERFORMANCE AND ORGANISATIONAL ENVIRONMENT

1.1 Institutional delivery and organisational environment

The ongoing violations of human rights in the country remain an endemic challenge in society. The Commission had to deal with more than 9 000 complaints and enquiries during the period under review. The key human rights concerns based on top five complaints lodged with the Commission include rights relating to equality; Section 27 (health care, food, water, and social security); just administrative action; human dignity; and labour relations. In terms of the right to equality, the highest number of complaints received concerned the issue of racism.

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

The period under review also marks the first full performance cycle for the new cohort of Commissioners (except for two) and even less so for the Chief Executive Officer. As such the leadership of the organisation had to oversee implementation of a pre-determined strategy and plan which Commissioners had to approve without adequate interaction as they had just arrived.

Resource limitations amidst a very broad constitutional mandate for the Commission are always a significant restraint. Senior management resignations and vacancies within the period meant that delivery would be adversely affected. In addition, concerns of National Treasury effected budget reductions posed challenges for the 2018-19 planning processes and the rethinking of the strategic plan going forward. The institution had to start devising significant cost savings measures including suspension of senior posts into the new financial year.

Promote compliance with international and regional human rights related treaties

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 below.

Advance the realisation of human rights

The achievements of the Commission with respect to the advancement of human rights must be contextualised within national challenges related to human rights violations. The Commission had to respond to these challenges utilising its complaints handling procedures, which include conducting investigative hearings and monitoring implementation of court orders and report recommendations. With over 9000 complaints processed during the period under review, the Commission was able to finalise 83 percent of these.

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

Key stakeholder and public outreach engagements are critical in deepening the understanding of human rights to entrench a human rights culture. In this regard, the Commission conducted engagements and capacity-building initiatives at community level as well as community and national media engagements. The Commission also collaborated with various constitutional institutions, government, civil society and academic stakeholders. The Commission's Advocacy and Communications Report reflects on the outcomes of these engagements in terms of improved institutional visibility and reach.

Ensure fulfilment of constitutional and legislative mandates

The Commission carried out its constitutional monitoring mandate to assess the state of human rights in relation to economic and social rights, as well as equality. The findings of the Commission and the implications for human rights are highlighted in the Economic and Social Rights Research Briefs and the Equality Report released during the period under review. Furthermore, the Commission completed a Civil and Political Rights report for an assessment in this area.

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

The Commission remains committed to maintenance of an unqualified opinion through ongoing monitoring of the audit, risk, and governance environment. In view of human resources, the institution developed a comprehensive human capital-management strategy driven by the strengthening of capacity building, succession planning and retention, as well as focused recruitment initiatives and processes. Fulfilling the important need to instil a high-performance culture, the Commission oriented staff to the revised enhanced performance management policy. The revision seeks to improve the management of performance while it promotes and acknowledges good performance.

1.2 Key policy developments and legislative changes

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

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

- a) Refugees Amendment Bill
- b) Older Persons Amendment Bill for submission to the Department of Social Development
- c) Legal Practise Bill; and
- d) Cybercrimes and Cybersecurity Bill

At a provincial level, the introduction of a Commission for Children by the Western Cape Legislature will have implications for the work of the Commission.

2. STRATEGIC FOCUS AREAS AND OUTCOME ORIENTED GOALS

2.1 Strategic focus areas

In pursuit of the Commission's mandate, Commissioners adopted strategic priority focus areas, informed by the Bill of Rights as well as international, regional and national human rights instruments and obligations. The identified strategic focus areas for the period under review included the following:

- a) Access to information
- b) Access to justice
- c) Basic education
- d) Basic services
- e) Children's rights
- f) Disability
- g) Environment and natural resources
- h) Equality
- i) Health care
- j) Housing
- k) Human rights law enforcement and prevention of torture
- l) Migration
- m) Older people
- n) Rural development

The human rights instruments for consideration included the following:

- a) Convention on the elimination of racial discrimination
- b) Convention on the elimination of all forms of discrimination against women
- c) Convention on the rights of people with disabilities
- d) Convention on the rights of the child
- e) International convention on economic, social and cultural rights
- f) Convention against torture and other cruel, inhumane or degrading treatment or punishment
- g) International covenant on civil and political rights
- h) Universal declaration on the rights of indigenous people

The planning processes for the 2018-19 financial year resulted in revised strategic focus areas as follows:

- e) Children and migration
- f) Civil and political rights
- g) Disability and social security
- h) Education
- i) Equality and social cohesion
- j) Healthcare
- k) Land, environment and right to food
- l) Water, sanitation and housing

2.2 Outcome-oriented goals and strategic objectives

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

- 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 area 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

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

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

- (a) Administration
- (b) Promotion and protection of human rights
- (c) Research, monitoring, and evaluation

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

3. PERFORMANCE INFORMATION BASED ON STRATEGIC OBJECTIVES AND PROGRAMMES

3.1 Strategic objectives

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

- a) Strategic Objective 1: Promote compliance with international and regional human rights related treaties
- b) Strategic Objective 2: Advance the realisation of human rights
- c) Strategic Objective 3: Deepen the understanding of human rights to entrench a human rights culture
- d) Strategic Objective 4: Ensure fulfilment of constitutional and legislative mandates; and
- e) Strategic Objective 5: Improve the effectiveness and efficiency of the Commission to support delivery on the mandate

3.2 Summary of programmes

In support of the strategic objectives, the Commission was, for the period under review, broadly structured into three programmes, namely, Administration, The Promotion and Protection of Human Rights, as well as Research, Monitoring and Reporting. The Commission is made up of business units and provincial offices responsible for core operations and institutional support functions for the realisation of the strategic objectives and programme outputs.

Programme 1: Administration

This programme consists of the business units as follows:

a) Office of the Chief Executive Officer

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

b) 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.

c) Corporate services

This unit encompasses the functions of Administration, Supply Chain Management, Human Resources Management, and Information Communications Technology. The unit aligns the Commission's human resources objectives to its planning processes, enabling recruitment and retention of staff with the 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.

d) Internal audit

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

Programme 2: Promotion and protection of human rights

This programme consists of the following business units:

a) Commissioners' programme (Office of the Commissioners)

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

b) Office of the Chief Operations Officer

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

the core business of the Commission.

c) *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.

d) *Advocacy and communications*

The Advocacy and Communications 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's objectives and enhance understanding through media relations and comprehensive communications.

e) *Provincial offices*

The provincial offices are responsible for carrying out the Commission's core mandate through actual operational implementation at provincial level.

Programme 3: Research, monitoring, and reporting

This programme consists of the following business units:

a) *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.

b) *Strategic support and governance*

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

3.3 Alignment of programme structure with strategic objectives

The programmes of the Commission are aligned with the strategic objectives for the meaningful realisation of the Commission's outcome-oriented goals and priorities. The performance information for 2017-18 is presented based on these strategic objectives. The following is a schematic presentation of alignment of programme structure of the Commission with strategic objectives.

Table 1: Alignment of strategic objectives with programmes

| | Programme | Strategic Objective 1 (Compliance with supranational obligations) | Strategic Objective 2 (Advance realisation of rights) | Strategic Objective 3 (Deepen understanding to entrench human rights culture) | Strategic Objective 4 (Fulfil legislative mandates) | Strategic Objective 5 (Improve organisational effectiveness and efficiency) |
|----|---------------------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. | Programme 1: Administration | - | - | - | Key performance indicators: 4.4 (Legislative compliance) and 4.5 (Annual report) | All key performance indicators |
| 2. | Programme 2: Promotion and protection | | All key performance indicators | All key performance indicators | - | - |
| 3. | Programme 3: Research, monitoring, and reporting | All key performance indicators | Key performance indicators: 2.4 (Court orders) and 2.5 (Reports summaries) | - | All key performance indicators | Key performance indicator: 5.11 (Institutional monitoring report) |

It is clear from Table 1 that most of the programme and business units' operations contribute to all of the strategic objectives, hence the presentation of performance based on its alignment with strategic objectives.

3.4 Organisational performance by strategic objective

The intention of this section is to report on organisational performance based on performance indicators and planned targets set for the 2017-18 financial year. It covers key highlights for each strategic objective and identifies areas of under-performance. An account of actual achievements measured according to planned targets is presented in tabular format.

The Commission achieved 75 percent (that is, 21 of 28) of its annual targets for the period under review.

The breakdown of target achievement by objective is presented in Table 2 below.

Table 2: Summary of overall target achievement

| Strategic Objective | Total Number of Targets | Targets Achieved | Not Achieved | % Achievement |
|--------------------------------------------------------------------------------------------------|-------------------------|------------------|--------------|---------------|
| 1. Promote compliance with international and regional human rights related treaties | 3 | 3 | - | 100% |
| 2. Advance the realisation of human rights | 5 | 4 | 1 | 80% |
| 3. Deepen the understanding of human rights to entrench a human rights culture | 3 | 3 | - | 100% |
| 4. Ensure fulfilment of constitutional and legislative mandates | 5 | 4 | 1 | 80% |
| 5. Improve the effectiveness and efficiency of the Commission to support delivery on the mandate | 12 | 7 | 5 | 42% |
| Total | 28 | 21 | 7 | 75% |

3.4.1 Strategic Objective 1: Promote compliance with international and regional obligations

The Commission seeks to realise this objective by monitoring South Africa's implementation and compliance with international and regional human rights instruments, participating and engaging with various global human rights structures and mandate holders, the dissemination of reports to and from these structures, and strengthening engagements with broader stakeholders such as civil society, media, and academia. The Commission achieved all the targeted activities and outputs to promote compliance with international and regional obligations.

Table 3: Achievement on planned targets for compliance with international and regional human rights related treaties

| Strategic Objective 1: Promote compliance with international and regional human rights related treaties | | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------|----------------------------------------|-------------------------------------------------------|-----------------------------------------------|-------------------------------------------|
| Objective Statement: Monitor implementation and compliance with international and regional human rights obligations within South Africa and the Commission and strengthen key stakeholder engagements. | | | | | | |
| Performance indicator | Actual achievement 2016/17 | Planned target 2017/18 | Actual achievement 2017/18 | Reasons for deviation from planned target for 2017/18 | Variance from 2016/17 to 2017/18 achievements | Comment on variances/ corrective measures |
| Completion of SAHRC annual International and Regional Human Rights Report | 1 report completed | 1 | 1 | Target achieved | None | None |
| Submission of reports to supranational bodies | Reports and responses submitted as required | Submit reports as required | Submitted as required (8 reports) | Target achieved | None | None |
| Dissemination of bulletins | N/A | Disseminate bulletins as required | Disseminated as required (3 Bulletins) | Target achieved | None | None |

a) The Annual International and Regional Human Rights Report

During the past two years, the South African government appeared before several of the supranational structures for its periodic human rights review and to assess the extent to which international and regional human rights instruments have been implemented in the country. As part of the review process, several recommendations have been issued to the government to further ensure full application and implementation of the human rights provisions contained in the international and regional human rights instruments. As an institution established to support constitutional democracy, the SAHRC requested information from government regarding progress made in the implementation of selected recommendations from the international and regional human rights bodies.

The introductory chapter expands on the context, purpose and scope of the report and positions the SAHRC within its constitutional, statutory and international mandate. The chapter recognises the vital role the institution plays and highlights its re-accreditation as an A-status accredited NHRI.

A broad overview of the international and regional human rights system follows, explaining the differences between the United Nations charter and treaty-based systems and the human rights frameworks emanating from the African Charter on Human and Peoples' Rights.

The main body of the report is structured according to human rights themes which incorporate the relevant activities of international and regional human rights bodies, including resolutions, general comments and, where applicable, concluding observations (recommendations) issued to the South African government.

The report content opens with the South African government's appearance before the third cycle of the Universal Periodic Review (UPR) and highlights key information which is relevant to the thematic themes identified in the report. The chapter notes the recommendations made by the Human Rights Council in respect of the SAHRC's financial resources and the government's response hereto.

In the chapter on civil and political rights, the report provides insight on the South African government's initial report to the Human Rights Committee. The chapter highlights resolutions related to human rights defenders in Africa as well as a resolution on the right to life.

The economic, social and cultural rights chapter expands on a General Comment released by the Committee on Economic Social and Cultural Rights (CESCR) regarding business activities as well as resolutions on the right to food and the right to water and sanitation. In respect of the latter, the South African government's voting pattern is expanded.

The chapter on racism, racial discrimination, xenophobia and related intolerance addresses the South African government's review before the Committee on the Elimination of Racial Discrimination (CERD) and the select observations and recommendations of the CERD. The chapter notes the failure of government to respond to the CERD in respect of recommendations relating to the SAHRC's financial resources and further highlights resolutions which are of relevance to the themes addressed in the letters submitted to the government.

The chapter on torture and other cruel, inhuman or degrading treatment or punishment, highlights South Africa's overdue report under the Convention against Torture. The government announced that it is in the process of considering the ratification of the Optional Protocol to the Convention against Torture and that it was engaging the SAHRC in this regard with a view to establish an appropriate National Preventive Mechanism. The chapter expands on two developments, one at the international level regarding the prohibition of torture and the other at the regional level regarding the right to redress for victims of torture.

The following chapter relates to the elimination of discrimination against women, and highlights the delays on the part of the South African government to timeously adhere to the requests of the Committee on the Elimination of Discrimination against Women (CEDAW Committee). It also discusses the Committee's General Recommendation

No. 35 on gender based violence against women and General Recommendation No. 36 on the right of girls and women to education. A resolution pertaining to the elimination of discrimination against women and girls is also briefly addressed.

A general discussion about the South African government's engagement with the Committee on the Rights of the Child (CRC) captures developments relating to the rights of the child. The Commission further notes that the Committee issued three general comments during 2017, two of which were joint comments with the Committee with on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMWF). The three resolutions relate to, children in street situations and the human rights of children in the context of international migration.

The chapter on the rights of persons with disabilities notes the South African government's upcoming initial review with the Committee on the Rights of Persons with Disabilities (CRPD). The General Comment on the right to live independently and be included in the community is discussed as well as the ACHPR's resolution on the Regional Action Plan on Albinism in Africa (2017-2021).

A separate chapter is devoted to indigenous people, noting that the SAHRC requested information from government departments regarding this marginalised group. Developments at the international and regional level are addressed including resolutions on indigenous people and the South African government's participation at the UN Permanent Forum on the rights of indigenous issues.

In the chapter on extractive industries, it is noted that the Department of Mineral Resources (DMR) was the only government department which responded to the SAHRC's request for information on the implementation of select recommendations, albeit limited information. The chapter addresses the Resolution on the Niamey Declaration on Ensuring the Upholding of the African Charter in the Extractive Industries Sector.

South Africa's withdrawal from the Rome Statute is also general addressed under the penultimate chapter.

The final chapter of the report notes with concern the failure of the government to respond to the SAHRC's request for information on the implementation of select international and regional human rights recommendations. The chapter provides a list of broad recommendations which complement those issued by international and regional mechanisms and concludes by affirming the SAHRC's commitment to continue monitoring the South African government's international and regional human rights obligations.

3.4.2 Strategic Objective 2: Advance the realisation of human rights

For the Commission, advancing the realisation of rights entails responding to human rights concerns confronting the nation, conducting research and analysis of human rights complaints to establish trends and inform appropriate redress interventions, advocating for adherence to legislation that embodies human rights- based approaches, monitoring implementation of court orders, as well as report recommendations arising from investigative hearings and other investigations, research reports, and key stakeholder engagements.

Table 4: Achievement on advancing the realisation of human rights

| Strategic Objective 2: Advance the realisation of human rights | | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------|
| Objective Statement: Responsive to human rights concerns, analysing human rights complaints and trends, as well as monitoring implementation of court orders and report recommendations | | | | | | |
| Performance indicator | Actual achievement 2016/17 | Annual Planned target 2017/18 | Actual achievement 2017/18 | Reasons for deviation from planned target for 2017/18 | Variance from 2016/17 to 2017/18 achievements | Comment on variances/ corrective measures |
| Finalisation of complaints and enquiries | 87% | 85% | 83% | Increase in caseload | Reduced from 89% to 83% | Revised targets to reflect carrying capacity despite caseload fluctuations |
| Completion of Annual Trends Analysis Report | 1 report completed | Complete one report | 1 | Target Achieved | None | None |
| Hosting of investigative hearings | 3 | 4 | 4 | Target achieved | Increased by 1 hearing | None |
| Complete monitoring report on implementation of court orders | Developed framework / guidelines for monitoring court orders | Complete monitoring report on implementation of court orders | Monitoring report completed | Target Achieved | None | None |
| Submission of reports recommendations to relevant stakeholders | New Indicator | Submit summaries one month after approval of reports | Submitted report with summaries within one month after approval | Target achieved | None | None |

Finalisation of cases

| Financial year | Complaints | Enquiries | Total caseload | Year-on-year change | Finalised + once off enquires | % Achievement¹ |
|-----------------------|-------------------|------------------|-----------------------|----------------------------|--------------------------------------|----------------------------------|
| 2013 –14 | 4980 | 4237 | 9217 | 3% | 8550 | 93% |
| 2014 –15 | 3685 | 4494 | 8179 | -11% | 7337 | 90% |
| 2015 –16 | 4613 | 4625 | 9238 | 13% | 8200 | 89% |
| 2016 –17 | 4938 | 4792 | 9730 | 5% | 8498 | 87% |
| 2017 – 18 | 5144 | 4316 | 9450 | -3% | 7843 | 83% |

The reduction of the finalisation percentage from 87 percent at the end of the 2016-17 financial year to 83 percent at the end of the 2017-18 is due to staff turnover and significant case increase in one of the highest caseload provincial offices, the Western Cape.

¹ It must be noted that the percentage nature of the target has posed challenges as the institution cannot control or anticipate caseload intake in any given year. Hence the apparent reduction trend over the years, despite the actual number of cases finalised. As for the future financial years, the target has been revised to reflect actual figures.

Table 5: Top -five human rights complaints lodged

| Rights violated | Percentage in 2016-17 | Percentage in 2017-18 |
|-----------------------------------------------|--------------------------------------------------------------------------------|-----------------------|
| Equality | 14% | 14% |
| Health care, food, water, and social security | 13% | 9% |
| Just administrative action | 9% | 9% |
| Labour relations | 9% | 8% |
| Human Dignity | Was not in top 5 (instead, Arrested, detained, and accused persons was, at 9%) | 8% |

The equality related complaints remain the highest number of complaints received, and have stayed constant in comparison to the previous financial year. While economic and social rights are still the second highest, these have decreased from 13 percent in the 2016-17 to 9 percent in the previous financial year. This may indicate that members of the public are experiencing challenges related to accessing their socioeconomic rights and frustration related to the inability to promote equality by the state.

Equality Court Proceedings

| Provincial Office | Number instituted | Judgment |
|-------------------|-------------------|-----------|
| EC | 3 | 1 |
| FS | 4 | 3 |
| GP | 4 | 2 |
| KZN | 5 | 1 |
| LP | 2 | 2 |
| MP | 14 | 5 |
| NC | 3 | 0 |
| NW | 6 | 3 |
| WC | 2 | 1 |
| Total | 43 | 18 |

Litigation matters

- a) SAHRC & 19 Others v Madibeng Municipality, MEC for Local Government & Human Settlement, Minister of Water and Sanitation & Minister of Health - Case no.: 21099/17 (Gauteng High Court Division, Pretoria)

On 9 May 2017, the High Court granted an interim order directing the Madibeng Local Municipality to increase water supply to the approximately 3500 households of Klipgat C. This success did not only vindicate the Klipgat C's residents' right to have access to sufficient water in terms of section 27(1)(b) of the Constitution but it was also successful enforcement of the positive obligations imposed by section 27(2) to take reasonable measures to give effect to the right to have access to sufficient water.

- b) Given Nkwane v Yvonne Nkwane & Others - Case No. 36700/16 (Gauteng High Court Division, Pretoria)

In September 2017, the Commission applied and was granted leave to intervene as an amicus curiae. The matter was heard on 9 October 2017 and judgment was delivered on 28 March 2018. Whilst the Court found against the applicant, whose submissions were to a large extent supported by the Commission, the Judge expressed appreciation to the submissions of the Commission (which were based on international and foreign law.) Rule 46 of the Uniform Rules of Court, which the Commission challenged as being unconstitutional, has since been amended to grant the court discretion to set a reserve price. The court also noted that Rule 46(12) is perhaps an improvement. The Commission's litigation strategy in this matter was largely informed by the Commission's submissions to various forums including the Rules Board.

- c) South African Human Rights Commission v Qwelane; Qwelane v Minister for Justice and Correctional Services (EQ44/2009)

On 18 August 2017, the Gauteng High Court Division in Johannesburg sitting as the Equality Court granted judgment against the former journalist and South Africa's ambassador to Uganda, Jon Qwelane. In the column, on 20 July 2008, made hate speech utterances in terms of which Qwelane said:

- Homosexuality amounts to a rapid degradation of values and traditions;
- He suggested that the Constitution's acceptance of gay marriage would lead to "some idiot [demanding] to marry an animal".
- He also endorsed Zimbabwe President Robert Mugabe's views on homosexuality.

The Court declared Qwelane's comments as amounting to hate speech in terms of section 10 of the Equality Act. The Court also ordered him to apologise to the LGBTI community. The Court further ordered the Registrar of the Court to refer the matter to the Commissioner of the South African Police Service for investigation in terms of section 21(4) of the Equality Act.

d) South African Human Rights Commission obo South African Jewish Board of Deputies v Masuku and Another (EQ01/2012)

On 29 June 2017, the Gauteng High Court Division in Johannesburg sitting as the Equality Court granted judgment against Bongani Masuku of Cosatu, who had made comments against the Jewish community. The court found that Masuku's comments, which contained threats, were not only hurtful and harmful but also propagated hatred. The Court declared Masuku's comments as amounting to hate speech in terms of section 10 of the Equality Act and ordered him to apologise to the Jewish community.

Table 6: Alternative dispute resolutions

| Province | 2013 –2014 | 2014 –2015 | 2015 –2016 | 2016 –2017 | 2017-18 |
|---------------|------------|------------|------------|------------|-----------|
| Eastern Cape | 2 | 1 | 2 | 3 | 6 |
| Free State | 6 | 2 | 3 | 8 | 9 |
| Gauteng | 3 | 11 | 3 | 5 | 16 |
| KwaZulu-Natal | 4 | 4 | 5 | 6 | 10 |
| Limpopo | 0 | 5 | 1 | 11 | 9 |
| Mpumalanga | 0 | 3 | 0 | 6 | 7 |
| Northern Cape | 5 | 0 | 2 | 3 | 6 |
| North West | 0 | 1 | 0 | 5 | 6 |
| Western Cape | 0 | 0 | 0 | 2 | 7 |
| Totals | 20 | 27 | 16 | 49 | 76 |

In terms of Section 14 of the SAHRC Act, “the Commission may, by mediation, conciliation or negotiation endeavour – (a) to resolve any dispute; or (b) to rectify any act or omission, emanating from or constituting a violation of or threat to any human right.” Mediation is defined in the Commission’s Complaints Handling Procedures as the process of intervention between parties by an independent person or mediator to reach an agreement, whereas conciliation is defined as the process of reconciling a matter between parties. Negotiation is defined as the process of conferring with parties to reach an agreement. Collectively, these three processes are referred to as Alternative Dispute Resolution.

The Commission has successfully resolved matters making use of ADR mechanisms in 83 percent of the interventions initiated.

Investigative hearings

The four hearing hosted by the Commission during the financial year under review focused on:

- a) The status of mental healthcare in South Africa
- b) The lack of safety and security measures in schools for children with disabilities
- c) Social cohesion and Xenophobia
- d) Land

i. Investigative Hearing on the Status of Mental Health Care in South Africa

The South African Human Rights Commission (the Commission or SAHRC) hosted a National Investigative Hearing on the Status of Mental Health Care in South Africa, on Tuesday, 14 November 2017 until Wednesday, 15 November 2017 at the SAHRC Head Office in Johannesburg. In handing down his report into the Esidimeni debacle, the Health Ombud, Professor Malegapuru Makgoba, recommended that the Commission be requested to undertake, nationally, a systematic and systemic review of human rights compliance and possible violations nationally related to mental health in South Africa.

The National Hearing on the Status of Mental Health Care in South Africa, convened by the Commission, was not designed to address individual instances of inadequate mental health care. Its purpose was to collect information that allows the Commission to identify the underlying systemic and structural challenges that undermine access to and the quality of mental health care and develop recommendations designed to address those challenges. The Hearing panel was composed of the SAHRC's Chairperson, Advocate Bongani Majola; Commissioner Bokankatla Malatji; Commissioner Angie Makwella and an external panellist; Professor Katherine Sorsdahl. The Commission invited relevant government departments, regulatory bodies, civil society organisations, researchers, academics, and affected individuals to contribute towards identifying pertinent systemic and structural issues impacting on the provision and adequacy of mental health care in South Africa. The Rural Mental Health Campaign (RMHC) referred to the Hearing as a "much-needed step to access and improve mental healthcare access in South Africa" and presented its research and recommendations to the panel. The Hearing revealed a shortage of mental health care skills, training and resources.

ii. Investigative Hearing on the Lack of Safety and Security Measures in Schools for Children with Disabilities

The North West Provincial Office of the South African Human Rights Commission and the Legal Services Unit convened a two-day Provincial Investigative Hearing into the Lack of Safety and Security Measures in Schools for Children with Disabilities from 19 – 20 March 2018. Prior to the Hearing, the Provincial Office had finalised its investigation into a fire at the North West School for the Deaf where it found that the North West School for the Deaf, the Head of Department, North West Department of Education, the Member of Executive Council for Education, North West Department of Education, and the Minister of Basic Education failed to comply with legislation and policy, including the National Building Standards, Regulations and National Norms and Standards, Regulations for Safety Measures at Public Schools and Uniform Norms and Standard the Department of Public Works Disability Policy Guidelines. The Commission had also noted previous incidents in the North West Province where fires had broken out at special needs schools damaging property and resulting in the deaths and injuries of learners, including a fire in 2010 at the Christiana School for the Blind where three learners died. It was in this context that the Commission determined that the lack of safety and security measures in schools for children with disabilities constitutes a systemic problem in the North West Province which required further intervention in the form of a provincial hearing.

3.4.3 Strategic Objective 3: Deepen the understanding of human rights to entrench a human rights culture

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

Table 7: Achievements on deepening the understanding of human rights to entrench a human rights culture

| Strategic Objective 3: Deepen the understanding of human rights to entrench a human rights culture | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------------------------------------------|-----------------------------------|--------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------|
| Objective Statement: Effective advocacy for the adoption of human rights- based positions and approaches, intensify capacity building, public education and awareness- raising initiatives through public outreach engagements at community levels to empower people to effectively realise their rights, ensure accessibility of human rights educational material in different formats and languages, as well as comprehensive communications strategies which include all media. | | | | | | |
| Performance indicator | Actual achievement 2016/17 | Annual Planned target 2017/18 | Actual achievement 2017/18 | Reasons for deviation from planned target for 2017/18 | Variance from 2016/17 to 2017/18 achievement | Comment on variances/ corrective measures |
| Submission of thematic discussion papers to relevant stakeholders | 8 briefs submitted | Submit eight discussion papers | 8 | Target Achieved | None | None |
| Completion of advocacy and communication report | 1 report completed | Complete one report | 1 | Target achieved | None | None |
| Implementation of Advocacy and Communication Annual Plan | 100% | Full implementation of annual plan deliverables | 100% (Full implementation) | Target achieved | None | None |

Thematic discussion papers

The Commission produced thematic discussion papers based on identified human rights issues, with the main objective of influencing and lobbying for policy reform. The identified issues include the following:

- a) Access to basic education for undocumented learners in South Africa
- b) Access to healthcare for migrants in South Africa
- c) Detention monitoring in South Africa
- d) Discrimination and violence on the basis of sexual orientation, gender identity and expression
- e) Ending corporal punishment in the home
- f) Evictions in farming communities

- g) Spatial justice in South Africa
- h) Special needs education for children with disabilities

i. Access to Basic Education for Undocumented Learners

The Eastern Cape provincial office launched the thematic discussion paper on "*Access to Basic Education for Undocumented Learners*" at Raymond Mhlaba Centre in Port Elizabeth on 28 March 2018. The launch was attended by 20 social workers from civil society organisations that work on issues of undocumented children. The paper was informed by research and complaints received by the Commission that suggest that some learners are denied the right to basic education by virtue of them not having necessary documentation as per policy requirements.

The discussion noted a number of factors that seem to inform the challenges of access to basic education for undocumented learners. These ranged from lack of data regarding undocumented persons; lack of clarity on current legal framework; media reports which highlight incidents of threats of expulsion and/or detention of those who are undocumented to post provisioning allocation as well as nutrition provisioning for those affected. The Department of Home Affairs was singled out as failing in many respects; such as the failure to comply with court orders; closure of refugee office and a total disregard for the plight of stateless children.

ii. Access to Health Care for Migrants in South Africa

The Gauteng Provincial Office launched the thematic discussion paper on "*Access to health care for migrants in South Africa*", at Braamfontein on 28 March 2018. The dialogue was attended by 41 stakeholders in the migrant sector as well as key government departments such as Health and Home Affairs.

The dialogue identified the following key issues and recommendations:

- Provincial and national health care policies need to be aligned for them to be inclusive and can address a range of migration related health vulnerabilities
- The state needs to correct the disconnection between policy on paper and implementation at the service points, like clinics and hospitals. The denial of access to health care services due to administrative issues such as lack of documentation and demands for upfront payments impedes migrants' access to health care services.
- The state must develop a comprehensive health policy that will include undocumented migrants as well as the role of the private sector in the provision of health care services.

iii. Detention monitoring in South Africa

The Northern Cape provincial office launched the thematic discussion paper on "*Detention Monitoring in South Africa*" at a dialogue at Upington on 27 March 2018, which was attended by 15 stakeholders.

The Commission is concerned that currently there is no regular independent system for monitoring places of detention other than correctional centres. The paper seeks to highlight the gaps, weaknesses and opportunities in detention monitoring in South Africa, and to advocate for civil society to participate in detention monitoring and oversight. It uses Lindela Repatriation Centre (Lindela) to highlight the need for civil society organisations access to detained persons in order to prevent possible human rights violations through monitoring and mandatory

reporting systems. It proposes that places of detention should be transparent and open to civil society monitoring. As such, there is a need to develop accessible protocols for contact to the police, Child and Youth Care Centres and immigration detention centres.

The Commission is of the view that the monitoring of detention centres creates an enabling environment to address systemic and structural issues that arise when people are deprived of their freedom through detention. Such measures can be both preventative and protective, while establishing early warning mechanisms. These early warning mechanisms can be used to trigger the protection mandate of stakeholders such as the Commission.

The abuse of people in detention is a reality, torture, murder, rape and assault are still prevalent in centers of detention. Monitoring of places of detention can reduce the risk of human rights violations such as torture and inhumane and degrading treatment and/ or corrective in nature.

The following recommendations were made:

- A multi-sectoral working group should be established to develop best practice for access to different detention centers by civil society organisations. This working group should look at current practice (regionally and internationally) vis-à-vis standards of detention and access by civil society;
- A system of lay visitors as introduced by the Judicial Inspectorate of Correctional Services should be considered through legislation or policy, for both police stations and immigration detention centers. This policy should address the powers, functions, referral protocols and legal remedies;
- The SAPS should develop a National Instruction or Standing Order dealing with unaccompanied minors and ensure that such unaccompanied and separated children are not detained.

iv. Discrimination and Violence on the Basis of Sexual Orientation, Gender Identity and expression in South Africa

The KwaZulu Natal provincial office launched the thematic discussion paper entitled: ***“Discrimination and violence on the basis of sexual orientation, gender identity and expression (SOGIE)”*** through a roundtable discussion for 22 stakeholders in Durban, on 14 February 2018. The objective of the round table discussion was to engage with key stakeholders on the challenges faced by the LGBTIQ community; to consider priority areas within the context of KwaZulu Natal and to explore measures to address intolerance and discrimination against persons on the basis of SOGIE.

The background to the roundtable was that in December 2017, the Commission in partnership with the Network of African National Human Rights Institutions (NANHRI) hosted a two day in country meeting on SOGIE based violence and discrimination where a range of challenges faced by the LGBTIQ community were discussed. One of the recommendations that emerged from this meeting was the need for the Commission to prepare a thematic discussion paper on the subject of violence and discrimination that is perpetrated on the basis of SOGIE. A further recommendation was that a stakeholder engagement should be held to explore practical solutions to these challenges at the grassroots level of South African society. While much has been said about the challenges of discrimination and violence on the basis of SOGIE, not as much has been achieved in practice to ensure the full realization of the constitutionally guaranteed rights of LGBTIQ persons. While the legal and policy framework in respect of SOGIE based violence and discrimination in South Africa is relatively inclusive and progressive, its existence on paper has thus far proved insufficient to reduce SOGIE based violence and discrimination on the

ground. LGBTIQ persons have to be empowered to know and use the laws and policies in order to protect themselves.

The discussions noted the following key issues and recommendations:

- Disparities in legislation, wherein certain legislation excludes transgender persons from protection. Therefore there is a need to encourage law makers to take into account transgender persons when drafting legislation.
- The under-utilization of the Equality Court as many people still do not know or understand how these courts could assist them. The meeting proposed that the legal fraternity should be encouraged to assist in the promotion of the services offered by these courts.
- There is a need to sensitise front line staff in all government departments and service centers in order to minimize secondary victimization of the LGBTIQ community, especially by frontline staff at SAPS, Department of Health and at the Department of Home Affairs.
- The need for LGBTIQ persons to disclose their sexual orientation so as to avoid seclusion or incorrect classification and housing/ placement within correctional facilities.
- There is a need to ensure that the Life Orientation educational curriculum includes sexual orientation and gender identity and for educators, school governing body representatives, learners and other staff in schools to be sensitised through training. The Department of Education must also introduce a reporting system and continuous interventions on the subject of sexual orientation.

v. Ending corporal punishment in the home

The North West provincial office launched a thematic policy paper on *“Ending corporal punishment in the home”* through a dialogue on 8 March 2018 at Robega Community Hall in Rustenburg that was attended by 63 stakeholders.

The use of corporal punishment on children violates a range of children’s human rights including, their right to dignity and the right to be free from torture, inhuman and degrading treatment. Since the advent of democracy in 1994, South Africa has made some strides to ban corporal punishment particularly in the public sphere. However, corporal punishment or “chastisement” as it is often called was legal within the private sphere, thereby allowing the continuation of practices that undermined children’s rights.

There is now a move towards banning corporal punishment in the home and key to this move was a decision of the Commission in 2016 and furthermore a pronouncement of the High Court in the case of *YG v State*.² The ban of what is often euphemistically called “chastisement” as code for “corporal punishment” has been extended to the private sphere, — the home. Noting the importance of this judgment and its impact on children, parents and caregivers, the Commission developed a thematic discussion paper with a view to keeping the debate alive towards ensuring that an end is brought to the use of “reasonable chastisement” in the home.

Some of the key recommendations made in the discussions were:

- Government, civil society, religious groups, private citizens should look at the positive outcomes of banning corporal punishment in the home and support initiatives focused on these efforts;

² (2017) ZAGPJHC 290.

- Communities and families must be involved in the search for innovative ways of ensuring discipline that is not based on violence and children must be involved in efforts to create such change in the home.

vi. Evictions in farming communities

The Mpumalanga provincial office launched a thematic discussion paper entitled “*Evictions in Farming Communities*” through a roundtable discussion at Nelspruit on 20 March 2018, which was attended by 18 stakeholders in the farming and rural development sector. The paper highlights the precarious position of farm workers, occupiers and dwellers with reference to tenure rights as provided by the Extension of Security of Tenure Act, 1997 (ESTA) and other legislation. It is also meant to assist the Commission and other stakeholders working in the sector, with a practical advocacy tool to monitor the enforcement of the rights of occupiers in the farming communities.

The Commission maintains that the law cannot merely exist on paper and not have an impact on the lives of those it seeks to protect. Security of tenure for farm dwellers cannot be viewed in isolation to the broader historical, political and economic context. For ESTA occupiers to enjoy a strong form of secure tenure, as envisaged by the Constitution, recognition should be given that ESTA occupiers enjoy rights and entitlements over the land they occupy and that these entitlements are every bit as worthy of protection as those of private landowners.

The paper makes the following practical recommendations in attempts to influence policy:

- Section 23 of the ESTA must be amended to reflect a more accessible process for the poor and most vulnerable occupiers to access justice.
- The notices submitted to the provincial heads of departments of Rural Development and Land Reform in terms of section 9 of ESTA should be used to provide disaggregated statistical data on evictions and consequently, enable the department to assess the extent to which the legislative mechanism has brought any substantive utility to those affected.
- The SAPS should actively intensify safety and security in farming communities through visible policing and deployment of adequate resources.
- ESTA should be amended to require those selling their farms to obtain a compliance certificate from the Department of Rural Development and Land Reform to provide legal protection to farm dwellers against eviction when the new owner takes possession.

vii. Spatial Justice in South Africa

The Western Cape provincial office launched a thematic discussion paper entitled “*Spatial justice in South Africa*”, in Cape Town on 23 March 2018. The paper was informed by complaints on housing that the Commission received. The Commission then conducted research which indicates that apartheid spatial geography still exists in the country. The paper seeks to add into the body of literature to highlight the racialized nature of the effects of apartheid spatial legacy. The majority of people living in the periphery and the edges of cities are predominantly black people with low income.

- The periphery of cities are typically inhabited by black people or individuals of colour. Those living at the edge of the city are unable to access job opportunities, housing, education and other basic rights. Due to this geographical imbalance, racial disparities persist, subjecting black and coloured people in these areas to a poorer quality of living. Although the government has attempted to address some of these issues by

creating housing developments for low income individuals, these houses are still created at the margins of cities. This perpetuates inequality and ends up replicating apartheid era segregation.

- The Spatial Planning Land Use Management Act contains major flaws, whereby implementation is left to the by-laws. In doing so, the Act runs the risk of inconsistent and fragmented implementation of development and therefore does not address or resolve spatial injustice.
- The private sector plays a major role in shaping the built environment. Thus if a city is planning a housing development, it must utilize the private sector's data to determine how much private opportunity is accessible to residents in that location. As it stands now, cities do not consider the private sector when creating new developments and continue to create houses at the edges of the cities. Doing so perpetuates disparities, especially for low income individuals. For instance, suitable affordable housing in areas with a large private sector would give residents the ability to access private schools, hospitals and jobs. Ultimately having the private sector comply with inclusionary zoning practices will not deliver a large number of houses, but will create houses where the public sector cannot provide units.
- The Act places cities at the center of regulating land use, and in the past few years, cities did regulations based on profit. More emphasis should be placed on municipalities and cities when planning the built world, rather than placing this authority at the national level. Doing so would allow for collaboration between the civil society and the city regarding land use and the built world.

viii. Special needs education for children with disabilities

The Limpopo provincial office launched the thematic discussion paper entitled "*Providing education for children with disabilities in separate, more specialised schools: inclusive or exclusive education?*" at Mitchell House School in Polokwane on 22 March 2018, which was attended by 18 stakeholders.

The paper aims at informing the public on the human rights norms associated with inclusive education and the gaps that exist within the South African inclusive education system. Inclusive education for children and adults with disabilities, means that they are accommodated in a manner that provides equal opportunities, and minimizes their marginalization and exclusion from education systems.

The paper notes the following key findings:

- The inclusivity of children with disabilities which is a vital right, has unreasonably affected the children from poor backgrounds. The Commission's previous study on poverty and social exclusion identified the need for inclusivity in education as one of the areas that need urgent attention.
- The need for policy reform is paramount, so that the state can adopt measures to enable less privileged children with disabilities to be educated.
- Teachers are not equipped to pick up deviations and institutional attitudes remain the key impediments to the right to education for children with disabilities to inclusive education and enjoyment of their socio-economic rights. Whilst acknowledging that the Department of Education is training educators and equipping them with relevant skills, their deployment to mainstream schools then defeats the purpose.

The following recommendation is key:

- The Department of Basic Education must amend its White Paper 6 in line with the Article 24 of the Convention on the Rights of People with Disabilities (CRPD) to ensure that children with disabilities learn in the same schools as children without disabilities. The Department of Basic Education must adopt a plan to transform the education system by 2030 in order to meet the Goal 4 of the Sustainable Development Goals (SDGs).

Child-friendly complaints handling

The Constitution lays the foundation for the championing of the rights of children as full bearers of rights. Over and above the rights accorded to children as full rights holders, Section 28 of the Constitution provides for specific children's rights which find form in legislation such as the Children's Act 38 of 2005.

South Africa has ratified the Convention on the Rights of the Child (CRC) which sets normative standards for the protection of the rights of the child, and with which government must comply. As an 'A' status national human rights institution (NHRI), the Commission engages with the CRC Committee, and makes submissions to it. Following on its submission to the Committee in January 2016, the Commission made recommendations to South Africa, calling for adequate resourcing of the NHRI and to ensure that children have the right to access appropriate independent and effective complaints mechanisms, to be informed about their rights, be given appropriate opportunities to access justice and be heard and consulted in matters involving or affecting them. This reinforces the best interest of the child principle, which is paramount in all matters on children.

The Commission embarked on a child friendly campaign that comprised various facets, which included the creation and popularisation of child friendly spaces within the Commission; the development of educational material and information for dissemination to children to assist them to reach bodies like the SAHRC when they need help, together with a formal launch of the Commission's Child Friendly Complaints Handling Procedures (CFCHP). The formal launch of the CFCHP was supported by launches of child friendly spaces in each of the SAHRC provincial offices.

The key objectives of the Commission's child friendly campaign are multi-fold and interlinked seeking to achieve:

- A. Physical spaces adapted and designed to be friendly and accessible to children;
- B. Practical and relevant educational material, developed and produced in a simplified manner to enable children's ease of understanding; disseminated in identified target areas to raise awareness among children about their rights and encourage their participation in matters that affect them;
- C. A wide awareness that the SAHRC is able to assist children whose rights have been violated supported by dedicated procedures to assist this process and to encourage both children and stakeholders to report such violations to the Commission;
- D. Launch the campaign as part of building and maintaining a network of strategic stakeholder relationships within the children rights sector for continued collaborative engagement.

The Commission launched child-friendly human rights spaces and material across all nine provinces during Child Protection Week, reaching more than 13 500 stakeholders. The stakeholders reached included children between 5-11 years; various schools; child rights organisations; social workers, child care practitioners, early childhood development educators, community development workers, parents and legal guardians; key state departments such as Departments of Social Development; Basic Education, Health, Justice; South African Police Services and SAHRC staff and other Chapter 9-10 bodies.

The outcome of the launches saw stakeholders agree to work towards:

- An integrated approach to children issues;
- Bringing a focus on vulnerable children such as refugee children, children in childhood centers and potential victims of harmful traditional practices;
- Enhanced capacitation of all stakeholders who work with children to be able to handle cases that affect children with the sensitivity that this deserves.

Provincial Indabas

The Commission conducted nine provincial indabas, reaching a total of 1108 stakeholders, as part of its effort to address direct access to the Commission and its Commissioners. At the beginning of 2017, the Parliament of the Republic of South Africa appointed a new set of Commissioners for a seven year term. The provincial indabas thus also became a way of introducing the recently appointed Commissioners to all key provincial stakeholders.

The provincial indabas took the form of stakeholder engagements, where the relevant focus area/ issue Commissioner as supported by the officials of that particular province engaged key role players and stakeholders on a particular human rights topic, theme, issue or focus area that is most relevant and topical to the province.

The provincial indabas were also intended to strengthen stakeholder relations between the Commission and various provincial stakeholders which include government departments and civil society such as traditional and community representatives. Commissioners utilised the indabas to highlight human rights violations and other systemic problems to key stakeholders at the provincial and local government level, for their attention and action. Civil society and community organisations also utilised the indabas as an opportunity to engage directly with Commissioners, thus ensuring that the relationship between the Commission and its provincial non-governmental partners is strengthened at the highest level of leadership of the Commission.

The provincial indabas provided a space and platform for dialogue, increased levels of human rights awareness and promoted a culture for human rights within local environment, and mobilised the public to be active participants in the realisation of their rights.

a) Eastern Cape provincial indaba

The Eastern Cape office conducted its provincial indaba on the 15th of November 2017 in East London on school infrastructure, under the guidance of Commissioner Andre Guam as the Commissioner responsible for the education focus area. The provincial office laments how more than two decades after the dawn of democracy, government still finds itself falling short in providing quality education for learners. The lack of proper infrastructure is one such major concern. This is despite the Policy on the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure of November 2013, which requires all schools in the province by November 2016, to eradicate mud schools and schools built from materials such as asbestos, metal and wood; and provide electricity, water and sanitation to schools without access; as the vast majority of schools in the province failed to meet the 2016 deadline.

This state of affairs prompted the decision by the Commission to focus on the subject matter of school infrastructure. The Commission noted with concern the non-attendance by key government departments for non-cogent reasons. Despite this, the Commission is of the opinion that the indaba met its objectives as it provided a platform to civil society organisations in the education sector to share insights into the subject matter. The indaba also provided impetus to participants to propose practical solutions on prioritising and improving the current state of school infrastructure in the province so as to make the right to education a reality for the province's children.

b) Free State provincial indaba

The Free State office hosted a provincial indaba focusing on the housing challenges in the province. The provincial indaba was conducted on 21 August 2017 at Bethlehem under the guidance of Commissioner Mohamed Ameerma as the Commissioner responsible for the housing focus area. The Dihlabeng Local Municipality area was identified as one with a myriad of housing challenges. These included the shortage of housing sites, poor response from government and allegations of corruption and fraud with housing applications and tendering of sites. On the other

hand, the area already has an active civil society which is running a housing campaign in an attempt to address some of the housing challenges in Dihlabeng.

The provincial indaba proved to be popular amongst the people in the Free State province as shown by the impressive attendance and participation of 677 stakeholders. The participants eagerly welcomed the indaba, with some coming from further away places such as QwaQwa, Senekal, Ficksburg and surrounding farms.

The indaba provided a platform for stakeholders to address some of the issues of access to housing, poverty, and urban and rural development challenges, particularly for the poor. It also mobilized communities to be active participants in issues that affect them, empower them with information to be able to hold local government accountable and facilitated improved communication structures between the provincial government, civil society in the housing sector and affected communities. The overall aim of the indaba was achieved as the indaba was able to identify impediments that slowed down the delivery of houses and resulted in the provincial government making written commitments on the acceleration of delivery of houses to deserving and previously disadvantaged citizens.

c) Gauteng provincial indaba

The Gauteng office hosted a provincial indaba under the theme: ***“Access to housing for migrants in Gauteng cities”***, at the SAHRC Offices in Braamfontein, on 25 October 2017, under the guidance of the Chairperson of the SAHRC, Commissioner Bongani Majola. As a mostly urban province, the Gauteng Provincial Office noted that it receives complaints related to the housing in cities, townships, and informal settlements. The context of the housing related complaints are on homelessness, evictions, and poor living conditions in informal settlements.

Housing delivery remains a contentious issue in Gauteng cities and has proven difficult to address as most municipalities lack the capacity to respond to the plight of the poor due to historical legacies of apartheid spatial planning. Gauteng is mostly a migrant city, hosting both internal and international migrants, who often experience a severe housing crisis when they arrive within its area.

Many migrants live in the inner city simply because it is what is easily affordable within their means. The National Housing Code restricts access to programs such as housing subsidies to South African citizens and permanent residents. This results in foreign migrants having to contend with the public housing programs to which they are explicitly excluded as non-citizens. Although foreign migrants have the option of accessing housing by private rental markets, this exposes them to high levels of xenophobia. The private rental markets are not aware of the various categories of migrants and whether they can enter into a contract with documented foreign migrants. Poor living conditions such as overcrowding, lack of services and threats of eviction for non-payment affect all poor inner city residents and forced evictions are a constant threat for vulnerable residents in the inner city.

64 stakeholders from government departments and agencies, local municipalities, research institutions and civil society working in the housing or migrant sector attended the indaba.

Some of the issues that were noted in the indaba include the acknowledgement that cities have limited capacity to deal with housing challenges; the integration of migrants should include access to housing and other basic services; cities need to compile and maintain a comprehensive population registry of migrants so as to be able to plan for the provision of services; the eradication of hijacked buildings and illegal occupation should be conducted in a humane manner and within the confines of the law and leaders should exercise restraint and caution when making utterances that could potentially be construed as xenophobic.

The indaba achieved its objectives in advocating towards inclusive policies for housing of migrants in cities and the recognition of migrants as stakeholders in the inner city; critically assessing the socio-economic realities to understand the various constraints of municipalities in providing adequate or alternative housing.

d) KwaZulu Natal provincial indaba

The KwaZulu Natal office hosted a provincial indaba entitled: *“Ending Corporal Punishment in Schools”*. The event was held at Grantham Park Primary School in Empangeni on 22 February 2018, under the guidance of the SAHRC Deputy Chairperson, Commissioner Priscilla Jana. The indaba was attended by 27 stakeholders in the child rights and education sector, and included key government departments and civil society representatives.

The indaba was part of the Commission’s efforts to reinforce the awareness message on the need to desist with corporal punishment in line with legislative provisions; highlight the negative effects of corporal punishment on learners and the learning environment and share best practice alternative models on positive discipline and for educators to access these.

e) Limpopo provincial indaba

The Commission’s Limpopo office, under the guidance of Commissioner Bokankatla Malatji as the Commissioner responsible for the disability focus area, conducted its provincial indaba for 85 key stakeholders on 15 September 2017 at the New Peter Mokaba Stadium Press Theatre in Polokwane under the theme *“Health, Women and Persons with Disabilities: Platform for reflection on health as a constitutional right”*.

The indaba was informed by numerous complaints and criticisms regarding challenges in accessing health care. The office also conducted site inspections and investigations at specific hospitals, healthcare centers and clinics over a period of time. Challenges such as shortage of medicine, beds and staff, poor customer service and poor infrastructure were noted.

Some of the key issues that the provincial indaba identified included a clear confirmation of the mandate of the Commission, with stakeholders affirming the reliance by the general public on the Commission to investigate the violation of socio-economic rights, such as a lack of access to health care in particular. In turn the Commission has a responsibility to investigate such complaints, seek redress for complainants and ensure that South Africa complies with its international obligations in supporting the rights of vulnerable people.

The indaba acknowledged the advancements made in the area of women and persons with disabilities’ rights, but noted that much more is still required to ensure the sector accesses and realizes the right to health.

f) Mpumalanga provincial indaba

The Mpumalanga office conducted two engagements on evictions in farming communities. The first was a high profile preliminary engagement for 14 stakeholders on 5 October 2017 in Nelspruit, which culminated in a provincial indaba attended by 90 stakeholders at Piet Retief. Both initiatives were held under the guidance and leadership of Commissioner Jonas Ben Sibanyoni.

The Mpumalanga office continues to be inundated with human rights violation complaints which emanate from alleged illegal evictions of farm workers, occupiers and dwellers as well as undue delays of finalisation of land claims. Farm occupiers, dwellers and workers in the province continue to be at risk of being threatened with, or

being evicted from farms in clear violation of legislation such as the Extension of Security of Tenure Act, 1997 (ESTA).

The indaba targeted farm dwellers, workers and occupiers as beneficiaries for the event as it provided a platform for them to share their experiences and challenges with the Commission and other stakeholders who were present. It also presented a platform for stakeholders in the area of rural development, agriculture and land affairs to engage on the challenges presented by evictions in farming communities; to discuss the role of all relevant stakeholders in advancing the plight and protecting the rights of farming communities; and to make policy proposals aimed at enhancing relevant legislative provisions and development in rural communities.

g) Northern Cape provincial indaba

The Northern Cape office conducted a provincial indaba on 5 March 2018 at Upington on housing, and was attended by 30 stakeholders. The indaba was based on a number of complaints that the office had received from the Dawid Kruiper Municipal area with regard to access to housing in that area. These complaints cited the challenges of an increase in informal settlements, problems with the tender processes for vacant municipal plots and allegations that community members had received proof of ownership or title deeds for houses they had received more than twenty years ago from the municipality.

The indaba provided the Commission and the affected communities with an opportunity to reflect on progress made and also examine the challenges that remain with regards to specific complaints. The indaba also served as a public assurance to the complainants that the Commission is attending to their complaints, and also reinforce a relationship of trust between the complainants and the Commission.

h) North West provincial indaba

The North West office hosted a provincial indaba on the lack of schools for severely disabled learners, at Rustenburg on 2 March 2018. The indaba was hosted under the guidance of Commissioner Angie Makwetla, as the Commissioner responsible for child rights. The indaba was in response to a systemic complaint received from a non-profit organisation, Parents for Children with Special Educational Needs (PACSEN). The complaint alleged that since 2008 there is a continuing shortage of staff at Meerhof Special School. The vacancies had been advertised and interviews conducted but no appointments had been made to date. The Commission's investigation revealed that these challenges were not peculiar to Meerhof Special School but spread throughout other special needs schools in the province.

The indaba was attended by 29 educators from various special schools in the affected district. Through the indaba, the Commission was able to solicit further information relating to the complaint, which will assist the Commission in formulating precise demands for redress to the relevant state departments. Such interventions will go a long way in ensuring that the rights of learners with severe intellectual disabilities are respected.

i) Western Cape provincial indaba

The Western Cape office hosted a provincial indaba on the rights of farm dwellers, with a focus on security of tenure as provided for under the Extension of Security of Tenure Act 62 of 1997. The indaba was hosted on 26 March 2018 at Colibri Hall in Wellington and was conducted under the guidance of Commissioner Chris Nissen.

During its public outreach engagements within farming communities, the Commission noted the various challenges that people living and working on farms endure as marginalised and vulnerable communities. This indaba was aimed at addressing some of these challenges, by engaging all relevant stakeholders on the issues of concern.

The indaba took the form of a dialogue and included some farm dwellers and those who had been evicted, who outlined their lived realities and experiences. They were also able to interact with civil society organisations working in the sector who engage with farm dwellers on daily basis and know the challenges the latter encounter on a daily basis. The indaba also comprised of officials from key state departments.

Some of the practical issues that the indaba identified were in relation to forced and illegal evictions and the harsh effects of displacement; and the linkage of the right to residency on farms being dependent on employment, which means that dismissals often result in evictions. A survey by Women on Farms found that women working in farms receive less than the minimum wage and the continuation of the “Dop system” that exploits farm workers whereby farmers reward workers with bottles of cheap wines and end up addicted to alcohol.

Public outreach engagements

The Commission has been successfully running public outreach engagements - colloquially called human rights ‘clinics’ - for the last four years as a model that focuses on rural, peri urban and marginalised communities. Rural communities experience multi-faceted challenges which range from poverty to low income levels; social exclusion; poor housing conditions; lack of security of tenure; lack of access to health care services and lack of access to basic services such as electricity, roads and clean water. Vulnerable groups such as women, children, farm workers and persons living with disabilities are disproportionately affected by these challenges.

Thus, unless human rights education is extended to these communities, rural communities will continue to lag behind insofar as the provision of basic services is concerned as well as continue to face the systematic denial of their rights. The objectives of the public outreach engagements are multi-fold, in that they are intended at bridging the information gap amongst rural communities; serve as a platform to amplify awareness on pertinent issues relating to access to justice, access to information and the role and mandate of the Commission; encourage public participation on issues of democracy and human rights and provide opportunities for communities to be assisted with complaints relating to human rights violations through help desks that provide on the spot advice as well as registration of complaints.

Owing to the success of this model the Commission continues further refining it during implementation so that it responds to the unique needs of each community.³ As part of the 2017/2018 Operational Plan, the Commission conducted 35 public outreach engagements, reaching 6 290 people.

Human Rights Concerns from Public Outreach Engagements

The key issues emerging from the public outreach engagements largely dwell on socio-economic rights. For this reporting period, some of the areas of concern include farm evictions, poor quality of education and discrimination based on sexual orientation, as follows:

1. Forced evictions of farm workers continue to disproportionately affect the most socially, economically disadvantaged poor in our society. It is of major concern that this situation persists despite the constitutional and legislative protections against unlawful evictions. Evictions sometimes result in homelessness and in most instances occur in a manner that is incompatible with the fundamental human rights contained in the Constitution as well as other procedural safeguards on evictions. Forced evictions threaten a range of human rights. These include the rights to human dignity, security of the person,

³ Annual Advocacy & Communications Reports of 2014 to 2017 available at www.sahrc.org.za

- privacy, health, access to adequate housing, education, life, freedom of movement, and freedom to choose one's residence. In addition, evictions negatively affect the psychological well-being of the victims.
2. The major areas of concern with regards to the rights of children include the lack of birth certificates for children which hampers their rights to education; the continuation of the practice of administering of corporal punishment at schools; access to health care and social grants; the unmet needs of children with disabilities as well as the deprivation of children's access to education. Provinces reported on a new trend in some schools whereby children who arrive late to school are locked out of the school gates. It appears that schools seem to take a blanket approach, without bothering to look into the reasons for children's late coming. Some of the explanations are that in child headed households, such children arrive late because they play a parental role to their siblings, whilst in other cases this is due to the withdrawal of scholar transport by service providers who would not have been paid on time by the relevant authorities and as a result withdraw their services.
 3. The Commission's Advocacy Officers reported that disturbing societal attitudes of stigmatization and discrimination based on sexual orientation are being observed, especially in rural communities. Cases of corrective rape, harassment and abuse of members of the lesbian, gay, bisexual, transgendered and intersexed (LGBTI) community continue to be reported in many communities, including ill treatment by health care workers. This leads to people hiding their sexuality because they are scared of living in anxiety and shame.

Public road-shows

For the 2017/2018 financial year, the Commission introduced road shows as a new approach to reach out to larger numbers of the public. The road shows are a series of outreach activities held over a number of days. Some of the activities include direct one on one discussions, brief public information sessions, exhibitions and distribution of educational and promotional materials at public spaces such as taxi ranks, shopping centres, clinics or grant pay points. They are a less structured manner of outreach and information dissemination through which the Commission directly takes its services to the people.

Each provincial office maps out a travel route and basic logistics for the road show, specifically targeting those areas that the Commission has not visited before. The objective of each road show is to popularise and market the Commission, promote its constitutional mandate, increase its visibility and improve on its accessibility by going directly to, and taking its services to the people, especially at grassroots level.

Similar to the public outreach engagements, stakeholders such as government departments and state agencies, Chapter 9/10 bodies, civil society formations as well as mainstream and local media were invited to participate in the Commission's road shows for a collaborative approach.

During 2017/2018 the Commission planned to conduct 11 road shows, however, due to the success of the initiative, the Commission conducted 19 roadshows and 2 cross border roadshows; reaching 7 499 people.

Human Rights Concerns from Road Shows

The following key issues emerged from the various road shows as conducted by the Commission:

The recommendation is that SAPS officers in outlying areas undergo sensitivity training on how to record, investigate and report on gender based violence. In a related issue, the recommendation is for the Department of Social Development to increase the number of temporary shelters for victims of domestic violence, not only for women and children but also for men.

A number of complaints relating to the administration of grants by SASSA were raised such as the income threshold that disqualifies a person from receiving a grant as part of the means test is considered too high especially given

the general state of the economy; lack of notice or reasons for the abrupt stoppage of grants and the practice of illegal or unexplained deductions continuing unabated.

- The recommendation is that SASSA must intensify its outreach programs for a better understanding of its policies, processes and procedures to grant recipients.
- Most people indicated they require information on the range of services offered by the Department of Justice, such as difficulties of tracing maintenance defaulters especially where the latest address is non-existent; the circumstances in which a maintenance order can be reviewed; the rights of fathers of children born out of wedlock and the determination of inheritance in polygamous unions/ marriages. The recommendation is for the Department of Justice to either intensify the pace of its rural outreach activities or partner with or participate in the Commission's road shows so as to take its services and information to people who need it most.

Poor service delivery remains of uppermost concern to members of the community whom the various road shows came across. Communities acknowledged that acts such as the looting of shops owned by foreign nationals and the burning and vandalism of libraries, schools and municipal infrastructure have nothing to do with the reasons of the protests. The recommendation is for elected political leaders and representatives to ensure they remain accountable to the people by ensuring good quality services and providing regular updates to the communities on the progressive realisation of socio- economic rights as contained in the Constitution, as consistently called upon in other previous reports of the Commission.

Farm workers and migrant workers continue to experience violations of their human rights and were reported by various farming communities. These violations include the lack of labour unions which were often repelled by farm owners, low and uneven wages being paid to women, seasonal and migrant workers and the continued use of child labour. The recommendation is for the Department of Labour to intensify the monitoring of working conditions, hours and basic salaries of farm workers to ensure compliance by farmers.

Capacity Building Workshops

The Commission is cognisant of the challenges of reaching out to every single person in a country as vast as ours. To this end it recognises the need to partner with community representatives, leaders, activists, individuals, organisations and formations in order to expand its reach, especially in deep rural and far flung communities. Since the 2016/2017 financial year, the Commission introduced a pilot project to build the capacity of focal points at grassroots level through train the trainers' workshops. The workshops utilise the Commission's Train the Trainers' Manual during the workshops and the participants also get to keep the Manual as a basic resource and reference tool.

The workshops are aimed at capacitating the trainees to in turn, conduct human rights public awareness campaigns, identify human rights violations in their communities, provide basic advice to community members, and take complaints on behalf of the Commission and submit these to the respective Commission's provincial office for investigation.

Based on the success of the pilot project, the Commission resolved to continue with the capacity building workshops. For the 2017/2018 financial year the Commission conducted 27 capacity building workshops -from an original target of 18 - for 731 civil society stakeholders. The stakeholders who were trained ranged from sectors such as paralegals in community advice offices, youths, traditional healers, community development/ health care workers, community activists and social workers.

Media and communications activities

In pursuit of its constitutional and statutory mandates, and its APP strategic imperatives, the Commission's media and communications activities endeavoured to:

- a) Deepen outreach in rural and peri-urban communities through strengthening links to community media - broadcast, print and online
- b) Utilise innovative outreach activities - via social media and story-driven communications
- c) Promoting rural legal clinics on community media to maximise reach to marginalised communities.
- d) Partnering with national, regional and international stakeholders to enhancing the overall visibility of the Commission in rural areas, nationally, regionally and internationally.
- e) Strengthening stakeholder relations and fostering strategic partnerships for the effective provision of human rights services.

In pursuit of achieving its constitutional mandate the Commission undertakes a range of media and communications activities at building human rights knowledge; through engagement with media (print, broadcast, online), at all levels (community, regional, national) and across sectors (private, public, and community).

The Commission's media and communications activities operationalise the Promotion mandate through media engagements as follows:

- Media Statements: 166
- Interviews & Queries - 778
- Social Media Messaging 1539
- Opinion Pieces - 13
- Advertorials - 3
- SAHRC Website ongoing updating and maintenance
- Monitoring Media – ongoing

The Communications sub-unit utilises a range of approaches in seeking to raise its profile and to position the SAHRC as a lead human rights institution. These include interviews, queries, media statements, press briefings, dissemination on social media posts, advertorials, and briefing meetings with media organisations and bodies.

Year on Year analysis of Facebook and Twitter

| Platform | Followers | Posts/ tweets | New followers |
|------------------|-----------|---------------|---------------|
| Twitter 2016-17 | 35 568 | 1 152 | 6 650 |
| Twitter 2017-18 | 46 449 | 960 | 10 881 |
| Facebook 2016-17 | 9 308 | 369 | 1 664 |
| Facebook 2017-18 | 11 234 | 579 | 1 926 |

3.4.4 Strategic Objective 4: Ensure fulfilment of constitutional and legislative mandates

The objective to fulfil constitutional and legislative mandates is to ensure compliance with prescripts contained in the Constitution and other key relevant legislation. It further strengthens the mandate monitoring role for the assessment of the state of human rights in the country through the assessment of economic and social rights, the right to equality, and civil and political rights. Four of the five targets that were set for the financial year in this regard were achieved.

Table 8: Achievement on fulfilling constitutional and legislative mandates

| Strategic Objective 4: Ensure fulfilment of constitutional and legislative mandates | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------|-----------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Objective Statement: Fulfil the Commission's legislative obligations in relation to economic and social rights, the right to equality, civil and political rights, and any other relevant legislative mandates | | | | | | |
| Performance indicator | Actual achievement 2016/17 | Annual Planned target 2017/18 | Actual achievement 2017/18 | Reasons for deviation from planned target for 2017/18 | Variance from 2016/17 to 2017/18 achievements | Comment on variances/ corrective measures |
| Completion of SAHRC S184(3) Economic and Social Rights (ESR) Report | 3 ESR Briefs | Three research briefs completed | 3 ESR Briefs completed | Target Achieved | None | None |
| Completion of SAHRC Annual Equality Report | 1 | Complete one report | 1 | Target achieved | None | None |
| Submission of Civil and Political Rights Research Briefs to relevant stakeholders / Parliament | 1 (Report) | Submit 2 briefs | 0 briefs submitted | Target Not Achieved | Change of target from a report to 2 briefs – but briefs not submitted | Briefs not submitted to relevant stakeholders and/or Parliament as per APP. Briefs will be distributed through various forums in the new financial year. |
| Compliance with Key Legislative Requirements | 100% | Full compliance | Full compliance | Target Achieved | None | None |
| Submission of SAHRC Annual Report to Parliament | Report submitted by end of September | Submit report by end September | Submitted report by end September | Target Achieved | None | None |

Research briefs on the state of economic and social rights: monitoring water and sanitation recommendations

Section 27(1) (b) of the Constitution guarantees everyone the right of access to sufficient water and requires the state to adopt reasonable legislative and other measures to progressively realise this right within its available resources. Although Section 27 addresses the right to water, it does not explicitly provide for the right to sanitation. The right to sanitation can, however, be derived from other sections in the Constitution such as environment, health

and dignity, myriad international instruments to which South Africa is a State Party, and interpretations of the Constitutions by the judiciary and the legislature.

The Commission has undertaken extensive work in respect of the basic right to water and sanitation as part of its constitutional and statutory mandate. In 2014, the Commission launched a report entitled *The Right to Access Sufficient Water and Decent Sanitation in South Africa*, based on the Commission's systematic and extensive work undertaken in fulfilment of its mandate on these rights since 2010. The report details the Commission's legal investigation and resolution of two major complaints on unenclosed toilets. These complaints subsequently informed the Commission's investigation into the level of access to sufficient water and decent sanitation in impoverished communities in all provinces across the country.

The Commission found significant challenges impacting on access to water and sanitation, including:

- a) Poor construction and/or maintenance of water and sanitation infrastructure in homes and communities lead to a lack of access to services.
- b) A lack of monitoring of the completion and quality of service delivery projects tasked to external contractors that were paid for their services.
- c) The lack of ongoing upgrading and expansion of bulk infrastructure to meet the needs of existing and new settlements leads to problems with service delivery.
- d) Poor or no maintenance of water treatment and waste water treatment infrastructure.
- e) An absence of a rights-based approach to service delivery permeating all levels of government, particularly pronounced at the local government level, leading to inaccessible, inadequate and inappropriate services, such as unenclosed toilets.
- f) A lack of clarity and coordination between the key spheres of government and government departments that are constitutionally obliged to progressively realise the right of access to sufficient water and sanitation.
- g) The lack of consistent, accessible, appropriate and adequate provision of quality services impacted most significantly on groups of people that suffered existing vulnerabilities and on associated rights such as health and education.

In response, the Commission directed broad recommendations to primary duty bearers in the state with a view to highlighting persistent challenges, and to support remedial action and improved delivery. The recommendations include capacity building for municipalities, and engagements with vulnerable and at-risk communities, in order to ensure the progressive provision of adequate sanitation facilities.

Noting the environment within which public bodies operate, their three-year planning and budgeting processes, and taking into account its own monitoring mandate, the Commission deemed it necessary to monitor and evaluate the status of implementation of some of the specific recommendations it had made to relevant government departments in 2014. The purpose of this monitoring endeavour was to, first, assess the status of implementation of the 2014 recommendations. Secondly, the Commission sought to establish whether gaps in policy implementation were present in order to provide responsible authorities with appropriate recommendations.

For the purposes of the assessment, information was requested from various government departments. In addition, feedback from identified stakeholder was secured. This body of information, together with the Commission's own research, forms the basis of this research brief.

Perhaps one of the most telling outcomes of the exercise is that despite repeated requests from the Commission to the Department of Water and Sanitation, the Department failed to respond. Government bears constitutional

and statutory obligations to provide information to the Commission, and non-responsiveness is thus highly concerning. Furthermore, a lack of responsiveness contradicts the foundational constitutional values of openness, responsiveness and accountability, while negating other constitutional rights such as that of access to information. The non-responsiveness by the custodian for the fulfilment of the right to access water and sanitation is regrettable to the extent that non-cooperation denies the department a valuable opportunity to engage on the issues which challenge delivery and could enhance services, if addressed.

Research policy brief on the state of economic and social rights: a basic income grant

This section details the findings of a literature review and interviews with five key stakeholders around the proposal of a Basic Income Grant (BIG) to assist those “missing middle”, aged between 18 and 59, who do not have access to employment or any form of income. A BIG is a cash payment that would be made either to a specific group of people (means tested) or all citizens of a particular country that would potentially be used for raising living standards but with the ultimate goal of lifting people from a poverty trap.⁴ A BIG may be disbursed using a means test, where the cash transfer is paid only to those earning below a certain income level or meet other “living standards” criteria. Alternatively, it could be a universal grant, which is paid to all citizens of a country without limitations.

It was found, predictably, that the issue was extremely controversial and polarising. While many civil society organisations favour the implementation of such a grant, most State representatives believe that while it would assist with poverty alleviation, it is unaffordable for the country at present.

When asked about the potential implementation of a BIG, National Treasury (NT) insisted that it was not in line with the State’s strategy for poverty alleviation and instead indicated the consideration of the introduction of a National Social Security Fund (NSSF). It remains unclear how a NSSF would assist the “missing middle”, who may never have had access to employment and thus to a social security safety net. Nevertheless, the NSSF is proposed by government in isolation from a BIG.

In 2012, an Inter-Departmental Task Team on Social Security and Retirement Reform prepared a discussion paper⁵ (shared by the NT), which outlined the social security reforms which it plans to present to the State for imminent implementation. In addition to removing the means test for the administration of the CSG and OAG, the paper describes plans for the implementation of a NSSF, which would essentially act as a type of “living annuity”. The NSSF will allow for the payment of contributions from the employer and employee (similar to the Unemployment Insurance Fund system), which will then be paid out in the form of a salary once the employee retires. This is essentially “designed to smooth income consumption through the life cycle, giving individuals more money in retirement, when they are no longer earning a monthly income”.⁶

While any effort to encourage savings for retirement purposes is laudable, these changes will affect those employed at the lowest earning levels (below R149 736 per annum). These employees, even at this ceiling level, will be required to contribute a substantial proportion of their salary per annum to the NSSF, even with assistance from the employer (12%). Assuming that a person earning R149 000 per annum will contribute 6% per annum, this amounts to R8 940 per annum, which is R745 per month. This system, while retaining wealth in the long term, may serve to exacerbate poverty and inequality in the short term. It is important to note that those earning below

⁴ M Samson, C Haarmaan, D Haarmaan, K MacQuene, I van Niekerk, G Khathi, O Babson & A Stevens ‘The social, economic and fiscal impact of a basic income grant’ in G Standing & M Samson (eds) *A Basic Income Grant for South Africa* (2003) 19-38.

⁵ Inter-Departmental Task Team on Social Security and Retirement Reform *Comprehensive Social Security in South Africa*, Discussion document, Version 11.9 (2012).

⁶ M Sagan *Monitoring the Right of Access to Social Security and Appropriate Assistance in South Africa: An analysis of the policy effort, resource allocation and expenditure and enjoyment of the right to social security*, the Studies in Poverty and Inequality Institute, Working Paper 14 (2017) 35.

R13 000 per annum will not be required to make contributions. The NT believes that the implementation of the NSSF will have positive potential macroeconomic benefits. In addition to positive impacts on savings, future consumption trends, government revenue and participation in the labour force, “an increase in tax-incentivised savings together with mandatory preservation of retirement-fund accumulations and improved lifetime income security” may be beneficial for growth in the country.⁷

An argument by State departments against the BIG is that there is a specific proportion of the budget allocated to social grants per annum, and if this allocation were to be spread across all age cohorts, the amount of the CSG and OAG would have to be decreased. This would detrimentally impact children and older persons. It must also be noted that the introduction of a BIG would not address the systemic drivers of poverty, but would act as more of a ‘quick fix’ and is not ultimately sustainable.⁸

As mentioned, the above scenario is based on the assumption that the existing amount allocated to social security will be spread across all age groups, which may benefit some, but will ultimately leave many worse off. A possible solution to this would be ensure that the introduction of a BIG is funded by an additional allocation from the budget (when feasible) or other tax systems such as a wealth tax. Ultimately, assessing the legislative responsibilities of the State and the persistence of poverty, inequality and unemployment, South Africa is in violation of its international and national obligations regarding the provision of social assistance.

It is important to reiterate the option provided by the NT of a NSSF is not related to any universal or means-tested cash payments or social services to the almost 36% of South Africans who are unemployed. As such, there is much scepticism by civil society and human rights organisations on how the State plans to assist the individuals and families of most vulnerable and impoverished in South Africa.

The Taylor Committee found that by providing a universal grant in the form of R100 per person per month, South Africa could reduce its poverty rate by 76%. If a BIG was to be provided in association with a CSG for a family, the impact on poverty would be extremely positive. While the State will argue that this is unaffordable at present, there are comparative models⁹ and national organisations that proposed ways to fund such a scheme, which in the short term could be rolled out as a pilot to the poorest in the country and gradually reassessed and further expanded.¹⁰

The argument for a BIG is also supported by the International Monetary Fund (IMF), which has illustrated through studies that a payment of R1 584 to all individuals per annum could reduce the Gini Coefficient by 0.05 points and reduce poverty by 10.8%.¹¹

The policy brief aimed to highlight the plight of the “missing middle” in the context of South Africa’s current economic situation, and to make an assessment of the effectiveness and viability of the a Basic Income Grant. It found that poverty, inequality and unemployment had decreased since 1994, but not significantly. As such, there is a large proportion of unemployed people aged between 18 and 59 that do not have access to a regular income or relief in the form of social security or social assistance from the State. It therefore appears that the State is not fulfilling its international or national obligations in relation to social assistance, and should introduce a Basic Income Grant progressively to South Africa’s most poor to immediately begin alleviating poverty and inequality.

The United Nations Commission on Social Development states that:

The ultimate purpose of social protection is to increase capabilities and opportunities and, thereby, human development. While by its very nature social protection aims at providing at least minimum standards of well-

⁷ Inter-Departmental Task Team on Social Security and Retirement Reform (note 5 above).

⁸ National Treasury, personal communication.

⁹ See for example G Standing & M Samson *A Basic Income Grant for South Africa* (2003) 153.

¹⁰ Taylor Committee (note **Error! Bookmark not defined.** above).

¹¹ International Monetary Fund *Tackling Inequality* (2017) 53.

being to people in dire circumstances enabling them to live with dignity, one should not overlook that social protection should not simply be seen as a residual policy function of assuring the welfare of the poorest. But as a foundation at a societal level for promoting social justice and social cohesion, developing human capabilities and promoting economic dynamism and creativity.

Recommendations

It is accordingly recommended that National Treasury, in consultation with the Department of Social Development:

- a) Begins assessments of the viability for funding a Basic Income Grant for a proportion of the poorest people in South Africa.
- b) Draft a roadmap for the pilot roll-out of the BIG to identified people.
- c) Conduct additional assessments on the impact of the BIG.
- d) Make further amendments to the systems and plans for the “missing middle” to access social assistance.
- e) Ensure that recipients of social assistance benefits are allowed access to an additional package of services and skills training to allow for exit strategies from the welfare system.
- f) Promulgate regulations on the proposed NSSF for public comment in order to ascertain if it is feasible for low income earners in the country, as well as those with no access to employment.

Research policy brief on the state of economic and social rights: management and rights of learners at special needs schools

Following the receipt of myriad complaints regarding the abuse of learners in special-needs schools, the Centre for Child Law approached the South African Human Rights Commission for assistance with the matter. The Commission proceeded to visit seven schools in different provinces to question relevant school representatives on various aspects of school management and policies.

The Commission found that despite the fact that all schools had various policies in place, many of these were drafted with little or no assistance from their respective provincial DBE. This exposes the school and its learners to unnecessary risk. The Guidelines to Ensure Quality Education and Support in Special Schools and Special School Resource Centres to Support Inclusive Education state unequivocally that:

As indicated by the inclusive education policy, [Special School Resource Centres] must be part of district-based support teams (DBSTs). They must provide specialised professional support in curriculum, assessment and instruction to designated full-service and other neighbourhood schools as part of these teams. They should provide this support whilst also providing improved educational services to those learners who require high levels of support that are enrolled at their schools.¹²

Further, while learners were made aware of their rights as learners, the extent to which this was covered was limited and would do very little to curb abuse or ill treatment at the hands of staff at their school. All schools had grievance mechanisms in place and learners were regularly encouraged to report complaints via this mechanism or to a staff member that they trusted.

¹² DBE (Note 19 above) 19.

Despite various mechanisms in place, occurrences of abuse were not uncommon as evidenced by testimony from the schools and media reports. Some of these cases could be attributed to the lack of adequate numbers of staff to assist with monitoring and the lack of vetting of staff members prior to employment.

Recreational activities were provided to all hostel dwellers but were limited by funding constraints. There remains concern around the lack of qualified medical professionals at some schools and / or the lack of health and safety policies. It is clear that greater monitoring and assistance from provincial DBEs are required, with broad oversight from the national DBE. It was also clear that the schools based in metropolitan or urban areas were better resourced and offered greater support and access to services than rural and outlying schools.

As one respondent indicated, special-needs schools are not only neglected compared to mainstream schools, but current systems exacerbate existing inequalities. Schools that have always been well resourced continue to offer the best services, while benefitting from support and infrastructure. Poorer schools must therefore be prioritised.

Accordingly, it is clear that there is a systemic violation of the rights of learners that attend and, in some cases, live at special-needs schools in South Africa. Their rights to *inter alia* dignity, basic education, health, equality, and freedom and security of person are threatened or infringed, and urgent attention by the respective provincial DBEs and national DBE is required.

Recommendations

Given the large number of challenges facing special-needs schools and the fact that each province works differently in managing these schools, the only recommendation at this time is for the South African Human Rights Commission to convene a meeting with the National Department of Basic Education within eight weeks of the end of the 2017/2018 financial year, to highlight all of the listed complaints and challenges. Subsequently, the Commission can monitor the implementation of plans to improve the conditions in schools for learners with special-needs.

Assessment of the state of equality

Poverty in South Africa has increased in recent years, whereas income and wealth inequality remain amongst the highest in the world. Expedited transformation through the implementation of rights-based policies is therefore urgently needed. The Equality Report 2017/18 evaluates government's programme of radical socio-economic transformation from a rights-based perspective. It explores government's programme of radical transformation and establishes its roots in the Freedom Charter. It further shows that radical socio-economic transformation should aim to achieve substantive socio-economic equality. Whereas the majority of equality-related research focuses on horizontal status equality between groups sharing characteristics that render them prone to unfair discrimination, this Report responds to international calls to address gross economic inequality. The need to evaluate government's programme of radical transformation from an equality perspective is therefore explained.

Poverty and economic inequality manifest in patterns that severely prejudice vulnerable individuals and groups based on their race, geographic location, and gender and disability status. It is accordingly found that government's programme of radical socio-economic transformation is necessary, and should focus on addressing the extreme concentration of income and wealth in the top deciles of society. Tailored policies should aim to address economic inequality. However, horizontal or status inequality should simultaneously be addressed, since economic inequality results from structural patterns of discrimination in the economy and society more broadly. Redistributive fiscal policy choices should thus respond to vulnerable groups subject to patterns of unfair discrimination, and should

not exacerbate inequality. The right to equality, the right to further education, and the right of equitable access to land, are potential key drivers of a process of radical socio-economic transformation. In investigating the potential of the right to equality to be utilised to catalyse radical transformation, the potential of remedial special measures or 'affirmative action' to effect radical change is emphasised.

Government's efforts to institute special measures in the context of the labour market, transformation of the economy more broadly, preferential procurement in particular, and small business development and the creation of work opportunities, are evaluated. Special measures in respect of funding increases in higher education, accessibility and equality in further education, and in the context of land, are further evaluated. It is found that special measures currently fail to respond to socio-economic need. This may thus give rise to new economic imbalances and patterns of exclusion based on race or ethnic origin, gender and disability. Moreover, institutional-, legislative-, policy- and implementation fragmentation and misalignment are apparent in all contexts where special measures are applied. Finally, it was found that the private sector insufficiently contributed to government's programme of radical transformation through the implementation of special measures in various contexts.

Pressing equality related issues that the South African Human Rights Commission has sought to address are highlighted throughout the Report. Much of this work aims to promote horizontal or status equality, which is a necessary precondition for the achievement of substantive economic equality. Whereas emphasis is placed on work of the Commission that took place in 2017, reference is also made to previous work where related recommendations have not been implemented.

Key findings made in this Report include:

(i) Government's increase of Value-Added Tax seriously threatens the human rights of the poor, and is not constitutionally justifiable.

(ii) The Employment Equity Act, 55 of 1998's definition of 'designated groups' and South Africa's system of data disaggregation is not in compliance with constitutional or international law obligations. Government's failure to measure the impact of various affirmative action measures on the basis of need and disaggregated data, especially the extent to which such measures advance indigenous peoples and people with disabilities, likewise violates international law obligations.

(iii) The implementation of special measures in the employment equity sphere is currently misaligned to the constitutional objective of achieving substantive equality, to the extent that implementation may amount to rigid quotas and absolute barriers as opposed to flexible targets. This practice may inadvertently set the foundations for new patterns of future inequality and economic exclusion within and amongst vulnerable population groups.

(iv) The concept of special measures is rooted in the right to equality, but can and should be implemented across government's focus areas. Currently, in addition to employment equity special measures, Broad-Based Black Economic Empowerment special measures are instituted in the contexts of, amongst others, preferential procurement, small business development, and land. Special measures should be specifically designed for further education. However, it was found that severe institutional fragmentation exists in that no central coordinating body steers the implementation of special measures across varying contexts. It was accordingly found that there is a misalignment between institutions, legislation, policies and implementation in the broad B-BBEE context generally.

(v) Government policy and conduct consistently neglect persons with disabilities, who constitute approximately 7.5 percent of the population, both in ensuring accessibility for such persons through universal design of goods, services, equipment and facilities, and through the failure to reasonably accommodate people with disabilities in

specific contexts.

(vi) The private sector is not sufficiently contributing to the transformation of the labour market, transformation of the economy more broadly, further education in particular, or land reform.

Relevant recommendations are made in respect of government's announced increase in Value-Added Tax, the current legislation and implementation of special measures in the employment equity context, and the misalignment and absence of coordination for special measures through Broad-Based Black Economic Empowerment generally, preferential procurement in particular, and in the sphere of small business development and the creation of work opportunities. In the context of further education, recommendations from previous reports by the South African Human Rights Commission are repeated. It is further noted that whereas recent Constitutional Court jurisprudence has addressed certain language policy-related special measures in further education, government's increased funding of higher education conspicuously omits any reference to students with disabilities. Recommendations in this respect are thus targeted at ensuring accessibility for and reasonable accommodation of students with disabilities in higher education. Finally, although the crucial role of equitable access to land in achieving radical socio-economic transformation is acknowledged, the complexity of this issue implies that further research must be conducted before recommendations are made.

Research brief on the state of civil and political rights: gaps and challenges in addressing gender based violence in South Africa

This research brief highlights the multiple ways in which gender based violence (GBV) manifests in South Africa and is reinforced in society. Overarching policy gaps regarding the lack of central oversight and implementation of policies aimed at the eradication of GBV by the Department of Women, as well as the similar absence of gender mainstreaming in all policy spheres and budgeting, were identified. Overarching policy deficiencies ultimately inhibit women, including girls, from accessing basic socio-economic rights to water and sanitation, education, transport, and sexual and reproductive health care. Access to these socio-economic rights is particularly important for women and girls to live a life with dignity, and to fully participate politically, economically and socially in South African society. The research brief further reiterates existing recommendations made by human rights activists, CSOs, the CGE and government departments seeking to eliminate GBV and promote gender justice for victims of GBV.

The SAHRC is concerned that despite the recognition and protection of rights afforded in the Constitution, the high numbers of GBV incidences perpetrated against women and girls demonstrate the lack of a clear commitment by the government to prioritise and implement the numerous recommendations that have been made by domestic, regional and international bodies to reduce and eliminate GBV in all of its forms in South Africa.

The SAHRC is particularly concerned about the lack of disaggregated data gathered by the SAPS as it relates to various forms of GBV, which impacts on the ability of members of the public to effectively monitor whether perpetrators have been held accountable for their actions through the criminal justice system. It is envisioned that the recommendations contained herein will form the basis of the development of a mechanism for the SAHRC to monitor and evaluate the measures undertaken by the state to promote and protect the rights of women and girls, toward the advancement of a society infused with the values of justice, dignity and equality.

Research brief on the state of civil and political rights: the status of human rights defenders in South Africa

A human rights defender (HRD) can be defined to include anyone, who individually or in association with others, seeks to promote and to strive for the protection and realisation of human rights and fundamental freedoms. However, due to a lack of domestic legal definition as to who constitutes an HRD, there is a considerable dearth in government information on the status of HRDs in South Africa. Moreover, the South African government has

been inconsistent in its approach on matters pertaining to HRDs at an international level, thus creating uncertainty about its approach to human rights broadly. This research brief seeks to highlight the current landscape and environment for human rights activism in South Africa, and the importance of ensuring that the work of HRDs receives the necessary promotion and protection from both State and non-State actors in ultimately achieving the goals enshrined in the Constitution.

Unsustainable levels of poverty and inequality, compounded by widespread unemployment and inadequate access to basic services for many poor communities, continue to violate people's rights, resulting in persistent political, economic and social unrest. The perpetual exclusion of poor communities has resulted in the inability of the majority of the country's population to access political and economic institutions, and influence social change that prioritises human rights. HRDs seek the promotion and protection of civil and political rights, and the promotion, protection and realisation of economic, social and cultural rights. HRDs are active in support of the rights to access food, water, health care, adequate housing, education, a clean environment, land and the equitable distribution of resources.

Despite the rights and protections afforded in the South African Constitution, such as freedom of assembly, association, and the ability to actively participate in decision-making processes that shape their lives and promote good governance – all of which comprise the right to freedom of expression, and are fundamental for the full realisation of socio-economic rights – HRDs frequently experience multiple violations of these rights. The disruption of peaceful human rights assemblies and excessive use of force by the police under the pretext of maintaining public order has become a frequent occurrence in South Africa. Reports have emerged of threats and intimidation by political party actors and State authorities toward a number of human rights civil society organisations (CSOs) and those critical of the government in South Africa. Despite the establishment of various legal mechanisms that aim to facilitate community participation in public affairs, poor communities in particular are frequently excluded from decision-making processes that directly affect their daily lived experience, and subsequently confront repressive actions from both State and non-State actors, including the private sector. Moreover, when advocating for the promotion and protection of rights, HRDs experience difficulty in accessing relevant public information to which they are entitled, or face threats to their freedom of expression when highlighting violations.

The obligation of the State to provide HRDs (and those whose rights they aim to promote and protect) with an effective remedy in instances where their rights have been violated requires a prompt and impartial investigation into the alleged violations, and the prosecution of the perpetrators regardless of their status. This includes appropriate compensation to victims, and the enforcement of decisions or judgments. The failure to adequately protect HRDs further violates their rights. However, access to justice remains slow and inefficient

Women HRDs are more at risk of suffering certain forms of violence, prejudice, exclusion and repudiation, not experienced by their male counterparts. This is often because women HRDs are perceived as challenging accepted socio-cultural norms, traditions, perception and stereotypes about their femininity, sexual orientation, and the role and status of women in society. Children are frequently involved in various forms of political and social resistance, either as political agents aiming to advance their human rights or as members of affected communities confronting human rights violations. However, as a result of their activism, children have also been victims of excessive use of force by State police when claiming human rights. Children have been shot at with rubber bullets and tear gas when demanding access to education and the closure of schools.

Noting the crucial role that HRDs play in ensuring the advancement and entrenchment of South Africa's nascent democracy, this brief reiterates the following key recommendations made by the SAHRC, regional and international human rights bodies to ensure that their rights are adequately promoted and protected.

Key recommendations:

- a) The Minister of Police and the South African Police Service (SAPS) must ensure that the excessive and disproportionate use of force by law enforcement officials in the context of public protests in South Africa is halted through strengthening front line supervision and officer accountability mechanisms, so that public ordering policing is improved. As a matter of urgency, the Minister of Police must implement the recommendations of the National Development Plan and the White Paper on the Police aimed at achieving the vision of a professional, ethical and accountable SAPS.
- b) Political parties and executive structures, including Ministers involved in State security agencies, should ensure that none of their structures, members or supporters attempt to intimidate or prevent any organisation or group from exercising their rights of freedom of expression and association.
- c) Communities should be consulted with by both State and non-State actors in all aspects concerning their living arrangements and living experiences, in a meaningful way, prior to the conclusion of development plans and agreements, in order to enhance transparency and accountability and to ensure that programmes and processes accommodate the needs of communities in a sustainable manner. Community representatives must reflect the demographics of the community concerned, with particular attention given to ensure that marginalised groups such as women, people with disabilities and young people are represented.
- d) The government, including the Department of Communications, should publicly condemn any instances that appear to attack freedom of the press and instances that encourage censorship through acts of violence and intimidation by members of the public.
- e) The Department of Justice and Constitutional Development (DOJ&CD), together with the Office of the Public Protector and other Chapter 9 bodies, should investigate the establishment of a specialised unit tasked with protecting the rights of whistle blowers. These institutions should also engage in an active campaign to promote the work of whistle blowers to ensure that they feel protected by their communities.
- f) The Department of Correctional Services (DCS) needs to urgently address the issue of overcrowding in correctional centres across the country and increase its efforts to ensure that detainees are treated with humanity and dignity. All detainees must be able to access adequate food, health care and ventilation, and be housed in structures that are sanitary while awaiting trial.
- g) The SAPS should improve its data collection mechanisms to provide sufficient detail on the complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment. The SAPS should strengthen its public complaints and internal disciplinary systems to reduce the levels of ill-treatment and brutality against the civilian population.
- h) The South African government should prioritise the ratification of the Optional Protocol to the Convention against Torture (OPCAT) and establish the establishment of a National Preventive Mechanism (NPM) to monitor places of deprivation of liberty, supported by the necessary resources to ensure its effectiveness.
- i) All HRD-related killings must be thoroughly investigated, and perpetrators must be prosecuted and held accountable for the killings.
- j) The DOJ&CD, together with the Department of Women (DOW) should take political, administrative and legislative measures to ensure that the environment in which women HRDs operate is enabling to the protection of their rights, including a response to religious and cultural norms that subjugate women in general and women HRDs in particular. When children are involved in protest action, the Ministry of Police and SAPS must ensure that the excessive and disproportionate use of force by law enforcement officials is halted.

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

In order to continuously improve effectiveness and efficiency, the Commission focuses on a review and the enhancement of the governance framework and structures, including the risk and audit elements, support and review of administrative systems, policies, and processes, comprehensive human resources planning, as well as a comprehensive monitoring and evaluation system.

Table 9: Achievement on improving the effectiveness and efficiency of the Commission to support delivery on the mandate

| Strategic Objective 5: Improve the effectiveness and efficiency of the Commission to support delivery on the mandate | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------|------------------------------------|--------------------------------------------------|-----------------------------------------|--------------------------------------------------------|
| Objective Statement: Review governance framework and institutional policies, systems and processes, ensure comprehensive human resources planning, and comprehensive monitoring and evaluation | | | | | | |
| Performance indicator | Actual achievement 2016/17 | Annual Planned target 2017/18 | Actual achievement 2017/18 | Deviation from planned target for 2017/18 | Variance from 2016/17 to 2017/18 | Comment on variances/ corrective measures |
| Implementation of risk management plans | Full implementation | Full implementation of annual plan | Full implementation | Target achieved | None | None |
| Implementation of human resources management plan | Strategy developed; 61% implementation of capacity development plan | Full implementation of HR annual plan | 86% implementation | 14% less than targeted | Improved from 61% to 86% | None |
| Full implementation of IT Strategic Plan | Developed IT Strategy and Plan | Full implementation of annual plan | 89% | 11% less than targeted | None | Outstanding tasks carried over for full implementation |
| Completion of Monitoring Report on compliance and effectiveness of institutional policies | 90% (compliance) | Complete institutional policy monitoring report | Monitoring Report completed | Target achieved | None | None |
| Adherence with Corporate Services Charter | Monitoring report on adherence | Full adherence on identified areas | Full adherence on identified areas | Target achieved | None | None |
| Implementation of Organisational Renewal Plan | Annual plan implemented | Full (100%) implementation of annual plan | 80% | 20% less than targeted | Reduced from 100% to 80% | Capacity constraints. To review responsibilities |
| Implementation of knowledge management plan | Plan revised, developed, and aspects implemented | Full implementation of annual plan | 80% | 20% less than targeted | None | Outstanding tasks carried over for full implementation |
| Implementation of Internal Audit Plan | Full implementation | Full implementation | Full implementation | Target achieved | None | None |
| Audit opinion | Clean audit opinion | Unqualified audit | Unqualified audit | Target achieved | From clean to | Implementation of action plans |

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

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

| Performance indicator | Actual achievement 2016/17 | Annual Planned target 2017/18 | Actual achievement 2017/18 | Deviation from planned target for 2017/18 | Variance from 2016/17 to 2017/18 | Comment on variances/ corrective measures |
|--------------------------------------------------------------|-----------------------------------------------|------------------------------------|-----------------------------|-------------------------------------------|----------------------------------|-------------------------------------------------------------------|
| | | | | | unqualified audit | to deal with any matters raised. |
| Monitoring report on resolution of audit findings | Not achieved (70% of audit findings resolved) | Monitoring Report: 100% resolution | 91% resolved | 9% less than targeted | Improved from 70% to 91% | Engagements with internal audit to improve resolution of findings |
| Completion of institutional monitoring and evaluation report | Completed 1 report | Complete 1 report | Report completed | Target achieved | None | None |
| Monitoring report on compliance with governance framework | Monitoring report | Complete monitoring report | Monitoring report completed | Target achieved | None | None |

Strategies to deal with areas of under-performance

The following planned performance targets were not achieved during the 2017-18 financial year:

Table 10: Areas of under-performance

| | INDICATOR | ANNUAL TARGET | ANNUAL ACHIEVEMENT | REASONS FOR NON-ACHIEVEMENT AND CORRECTIVE ACTION |
|----|------------------------------------------------------------------------------------------------|-----------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Finalisation of complaints and enquiries | 85% | 83% | Increased intake of cases as well as staff turnover; and Commissioner location. Target has been revised to reflect institutional carrying capacity regardless of case intake. |
| 2. | Submission of civil and political rights research briefs to relevant stakeholders / Parliament | Submit 2 briefs | 0 briefs submitted | Due to the nature of the output, and it being no statutory requirement, the briefs, while both completed within the financial year, would be distributed through various and more effective means during the 2018-19 financial year. |
| 3. | Implementation of HR Plan | 100% | 86% | Dependency of training plan on other activities – e.g. availability of service providers and staff to undergo training on determined dates. Management Development – there was a need for alignment with the skills audit and succession planning processes. |

| | INDICATOR | ANNUAL TARGET | ANNUAL ACHIEVEMENT | REASONS FOR NON-ACHIEVEMENT AND CORRECTIVE ACTION |
|----|-----------------------------------------------|---------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | | Job profiles review – Implementation of the project was delayed by the establishment of a Committee as required in terms of the policy. Outstanding activities have been carried over for implementation during 2018-19. |
| 4. | Implementation of ICT Plan | 100% | 89% | Electronic Document Management System not finalised due to: a) Extended scoping for finalising the landing page and the configuration process. b) Delays in finalisation of changes as per ICT Steering Committee directives. c) Training of the trainers for users not completed by year-end. Bandwidth upgrade delayed due to: a) Site visits to establish the availability of fibre infrastructure before drawing up an installation project plan Outstanding activities carried over for full implementation by 2018-19. |
| 5. | Implementation of organisational renewal plan | 100% | 80% | Lack of capacity and dedicated function. Reliance on voluntary staff – often core deliverables received priority. To review responsibilities and find alternative means for full implementation. |
| 6. | Implementation of knowledge management plan | 100% | 80% | Unavailability of service providers to provide training elements of the plan. Outstanding activities carried over for full implementation by 2018-19. |
| 7. | Resolution of audit findings | 100% | 91% | Ongoing engagement with the Internal Audit to find appropriate mechanisms to address some of the outstanding findings. |

PART C: CORPORATE GOVERNANCE

1. COMMISSIONERS

The Commissioners provide leadership and guidance concerning the professional work of the Commission by facilitating the South African human rights agenda at the 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 members of the Commission for the year under review include:

Table 11: Members of the Commission 2017 to 2018

| | Name | Appointment status |
|----|--------------------|-------------------------------------------------------------|
| 1. | Adv. B. C. Majola | Chairperson Full time – appointed January 3, 2017 |
| 2. | Ms. D. P. Jana | Deputy Chairperson Full time – appointed January 3, 2017 |
| 3. | Adv. A. H. Gaum | Full time – appointed January 3, 2017 |
| 4. | Adv. M. S. Ameerma | Full time – appointed February 3, 2014 |
| 5. | Ms. M. A. Makwetla | Full time – appointed January 3, 2017 |
| 6. | Adv. J. B. Malatji | Full time – appointed January 3, 2017 |
| 7. | Mr. A. C. Nissen | Part time – appointed January 3, 2017 |
| 8. | Mr. J. Sibanyoni | Part time – appointed January 3, 2017 |

2. RISK MANAGEMENT

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

The Commission continues to recognise the importance of risk management to ensure the realisation of objectives and, therefore, endeavors to comply with the requisite legislation as it pertains to risk management. The Chief

Financial Officer is responsible for the risk management processes in the Commission, and facilitates the development and review of a risk register while also monitoring the implementation of a risk management plan. The register and plan capture institutional strategic risks and mitigating actions, and are reviewed for progress on a quarterly basis.

3. COMPLIANCE WITH LAWS AND REGULATIONS

The function of legislative and regulatory compliance has been delegated to the heads of units to ensure compliance with the relevant legislation and statutes pertaining to their programmes. 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 the ultimate responsibility to monitor and ensure institutional and financial compliance as the accounting officer. The Chairperson as Executive Authority is responsible for overall strategic and governance oversight.

4. INSTITUTIONAL GOVERNANCE FRAMEWORK

The Commission established various governance structures to enhance delivery on the constitutional mandate through provision of strategic direction and oversight; ensuring operational effectiveness and efficiencies; as well as legislative compliance. These governance structures include committees of Commissioners; Section 11 Advisory Committees; Audit Committee; Risk Management Committee; Executive Management Committee; and various other committees set up in response to legislative requirements and operational effectiveness.

5. AUDIT COMMITTEE

The Audit Committee Report reflecting on the composition and responsibilities of the Audit Committee is included with the Annual Financial Statements.

PART D: HUMAN RESOURCES MANAGEMENT

1. HUMAN RESOURCES MANAGEMENT

Expenditure

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

Table 12: Personnel costs by programme for 2017 to 2018

| Programme | Total expenditure (R'000) | Personnel expenditure (R'000) | Training expenditure (R'000) | Professional and special services (R'000) | Personnel cost as a percentage of total expenditure | Average personnel cost per employee (R'000) |
|------------------------------------------|---------------------------|-------------------------------|------------------------------|-------------------------------------------|-----------------------------------------------------|---------------------------------------------|
| Chief Executive Officer | 10,877 | 8,645 | - | 2,232 | 79% | 786 |
| Commissioners | 19,278 | 16,549 | - | 2,729 | 86% | 752 |
| Corporate and financial support services | 58,227 | 20,165 | 598 | 37,464 | 35% | 531 |
| Programme support | 78,773 | 68,978 | 200 | 9,595 | 88% | 600 |
| Total | 167,155 | 114,337 | 798 | 52,020 | 68% | 615 |

Table 13: Personnel costs by salary bands for 2017 to 2018

| Salary bands | Personnel expenditure (R'000) | % of total personnel cost | Average personnel cost per employee (R'000) |
|------------------------------------------|-------------------------------|---------------------------|---------------------------------------------|
| Lower skilled (levels 1--2) | 1,481 | 1% | 135 |
| Skilled (levels 3-5) | 1,492 | 1% | 249 |
| Highly skilled production (levels 6-8) | 27,095 | 24% | 387 |
| Highly skilled supervision (levels 9-12) | 55,448 | 49% | 760 |
| Senior management (levels 13-16) | 28,822 | 25% | 1,109 |
| Total | 114,337 | 100% | 615 |

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 for 2017 to 2018

| Programme | Salaries | | Overtime | | Home owners' allowance | | Medical assistance | |
|------------------------------------------|----------------|-----------------------------------|----------------|-----------------------------------|------------------------|------------------------------|--------------------|---------------------------------------------|
| | Amount (R'000) | Salaries as a % of personnel cost | Amount (R'000) | Overtime as a % of personnel cost | Amount (R'000) | HOA as a % of personnel cost | Amount (R'000) | Medical assistance as a % of personnel cost |
| Chief Executive Officer | 8,645 | 8% | 4 | - | 59 | 1% | 299 | 3% |
| Commissioners | 16,549 | 14% | - | - | 325 | 2% | 294 | 2% |
| Corporate and financial support services | 20,165 | 18% | 140 | 1% | 611 | 3% | 1,077 | 5% |
| Programme support | 68,978 | 60% | 168 | - | 1,417 | 2% | 2,093 | 3% |
| Total | 114,337 | 100% | 313 | 0% | 2,413 | 2% | 3,763 | 3% |

Table 15: Salaries, overtime, home owners allowance, and medical assistance by salary bands for 2017 to 2018

| Salary bands | Salaries | | Overtime | | Home owners' allowance | | Medical assistance | |
|------------------------------------------|----------------|-----------------------------------|----------------|-----------------------------------|------------------------|------------------------------|--------------------|---------------------------------------------|
| | Amount (R'000) | Salaries as a % of personnel cost | Amount (R'000) | Overtime as a % of personnel cost | Amount (R'000) | HOA as a % of personnel cost | Amount (R'000) | Medical assistance as a % of personnel cost |
| Lower skilled (levels 1-2) | 1,481 | 1% | - | - | 163 | 11% | 59 | 4% |
| Skilled (levels 3-5) | 1,492 | 1% | - | - | 89 | 6% | 172 | 11% |
| Highly skilled production (levels 6-8) | 27,095 | 24% | 62 | 0.2% | 968 | 3% | 1,559 | 6% |
| Highly skilled supervision (levels 9-12) | 55,448 | 49% | 251 | 0.4% | 825 | 1% | 1,606 | 3% |
| Senior management (levels 13-16) | 28,822 | 25% | - | 0% | 367 | 1% | 367 | 1% |
| Total | 114,337 | 100% | 313 | 0.7% | 2,413 | 2% | 3,763 | 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 at March 31, 2018

| Programme | Number of posts | Number of posts filled | Vacancy rate | Number of posts filled additional to the establishment |
|------------------------------------------|-----------------|------------------------|--------------|--------------------------------------------------------|
| Chief Executive Officer | 12 | 11 | 8% | - |
| Commissioners | 23 | 22 | 4% | - |
| Corporate and financial support services | 40 | 38 | 5% | - |
| Programme support | 123 | 115 | 7% | - |
| Total | 198 | 186 | 6% | - |

Table 17: Employment and vacancies by salary bands at March 31, 2018

| Salary band | Number of posts | Number of posts filled | Vacancy rate | Number of posts filled additional to the establishment |
|------------------------------------------|-----------------|------------------------|--------------|--------------------------------------------------------|
| Lower skilled (levels 1-2) | 11 | 11 | 0% | - |
| Skilled (levels 3-5) | 6 | 6 | 0% | - |
| Highly skilled production (levels 6-8) | 74 | 70 | 5% | - |
| Highly skilled supervision (levels 9-12) | 78 | 73 | 6% | - |
| Senior management (Levels 13-16) | 29 | 26 | 10% | - |
| Total | 198 | 163 | 6% | - |

Table 18: Employment and vacancies by critical occupation for March 31, 2018

| Critical occupations | Number of posts | Number of posts filled | Vacancy rate | Number of posts filled additional to the establishment |
|-----------------------------|-----------------|------------------------|--------------|--------------------------------------------------------|
| Legal | 55 | 51 | 7% | - |
| Advocacy and Communications | 24 | 24 | 0% | - |
| Research | 13 | 10 | 23% | - |
| Total | 92 | 85 | 8% | - |

The information in each case reflects the situation as at March 31, 2017. 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 in an organisation. In terms of the regulations, all vacancies on salary levels nine and higher must be evaluated before they are filled.

The following table (Table 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 for April 1, 2016 to March 31, 2017 (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 | - | - | - | - | - | - | - |
| Senior management service, band B | - | - | - | - | - | - | - |
| Senior management service, band C | - | - | - | - | - | - | - |
| Senior management service, band D | - | - | - | - | - | - | - |
| Total | - | - | - | - | - | - | - |

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 from April 1, 2017 to March 31, 2018 (excluding vacant positions)

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

Employment changes

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the department.

Table 21: Annual turnover rates by salary band for April 1, 2017 to March 31, 2018

| Salary band | Number of employees per band at April 1, 2017 | Appointments and transfers into the department | Terminations and transfers out of the department | Turnover rate |
|----------------------------------------------|-----------------------------------------------|------------------------------------------------|--------------------------------------------------|---------------|
| Lower skilled (levels 1-2) | 11 | 11 | - | - |
| Skilled (levels 3-5) | 6 | - | - | - |
| Highly skilled production (levels 6-8) | 65 | 11 | 3 | 5% |
| Highly skilled supervision (levels 9-12) | 66 | 10 | 8 | 12% |
| Senior management service, band A (level 13) | 21 | 2 | - | - |
| Senior management service, band B (level 14) | 3 | - | - | - |
| Senior management service, band C (level 15) | 1 | 1 | - | 50% |
| Total | 173 | 35 | 11 | 6% |

Table 22: Annual turnover rates by critical occupation for April 1, 2017 to March 31, 2018

| Occupation | Number of employees per occupation at April 1, 2015 | Appointments and transfers into the department | Terminations and transfers out of the department | Turnover rate |
|-----------------------------|-----------------------------------------------------|------------------------------------------------|--------------------------------------------------|---------------|
| Legal services | 55 | 4 | 5 | 9% |
| Advocacy and Communications | 24 | 9 | 0 | 0% |
| Research | 13 | 3 | 4 | 17% |
| Total | 92 | 16 | 9 | 10% |

Table 23: Reasons why staff are leaving the department

| Termination type | | |
|--------------------------------------------------------------------------|-----------|--|
| Death | - | |
| Resignation | 8 | |
| Retrenchment | - | |
| Expiry of contract | 1 | |
| Dismissal – operational changes | - | |
| Dismissal – misconduct | 1 | |
| Dismissal – inefficiency | - | |
| Discharged due to ill-health | - | |
| Retirement | - | |
| Transfers to other public service departments | - | |
| Other (voluntary separation package) | - | |
| Total | 10 | |
| Total number of employees who left as a % of the total employment | 5% | |

Table 24: Promotions by critical occupation

| Occupation | Employees at April 1, 2017 | 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 | 2 | 4% | 41 | 77% |
| Advocacy and Communications | 14 | - | - | 11 | 79% |
| Research | 24 | - | - | 8 | 33% |
| Total | 91 | 2 | 2% | 60 | 66% |

Table 25: Promotions by salary band

| Salary band | Employees at April 1, 2017 | Promotions to another salary level | Salary bands promotions as a % of employees by salary level | Progressions to another notch within a salary level | Notch progressions as a % of employees by salary band |
|------------------------------------------|----------------------------|------------------------------------|-------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------|
| Lower skilled (levels 1-2) | 11 | - | - | - | - |
| Skilled (levels 3-5) | 6 | - | - | 6 | 100% |
| Highly skilled production (levels 6-8) | 65 | - | - | 57 | 88% |
| Highly skilled supervision (levels 9-12) | 66 | 2 | 3% | 53 | 80% |
| Senior management (levels 13-16) | 25 | - | - | 15 | 60% |
| Total | 173 | 2 | 1% | 131 | 76% |

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 bands at March 31, 2018 (including part-time Commissioners)

| Occupational bands | Male | | | | Female | | | | Total |
|--------------------------------------------------------------------------------------------------------------------|-----------|----------|----------|----------|-----------|-----------|----------|----------|------------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Top management | 5 | 1 | 1 | 1 | 1 | 0 | 2 | 0 | 11 |
| Senior management | 8 | 1 | 0 | 1 | 3 | 1 | 1 | 0 | 16 |
| Professionally qualified and experienced specialists and mid-management | 23 | 3 | 0 | 2 | 26 | 5 | 3 | 4 | 66 |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents | 14 | 0 | 1 | 0 | 31 | 2 | 1 | 2 | 51 |
| Semi-skilled and discretionary decision-making | 4 | 0 | 0 | 1 | 21 | 1 | 0 | 0 | 27 |
| Unskilled and defined decision-making | 3 | 0 | 0 | 0 | 12 | 1 | 0 | 0 | 16 |
| Total | 57 | 5 | 2 | 5 | 94 | 10 | 7 | 6 | 186 |

Table 27: Recruitment (including employees with disabilities and research associates) for April 1, 2017 to March 31, 2018.

| Occupational bands | Male | | | | Female | | | | Total |
|--------------------------------------------------------------------------------------------------------------------|-----------|----------|----------|----------|-----------|----------|----------|----------|-----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Top management | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Senior management | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Professionally qualified and experienced specialists and mid-management | 4 | 0 | 0 | 0 | 5 | 0 | 0 | 1 | 10 |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents | 8 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 12 |
| Semi-skilled and discretionary decision-making | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unskilled and defined decision-making | 0 | 0 | 0 | 0 | 10 | 1 | 0 | 0 | 0 |
| Total | 14 | 0 | 0 | 0 | 19 | 1 | 0 | 1 | 35 |
| Employees with disabilities | - | - | - | - | - | - | - | - | - |

Table 28: Terminations (including employees with disabilities, interns, and contractors) for April 1, 2017 to March 31, 2018

| Occupational bands | Male | | | | Female | | | | Total |
|--------------------------------------------------------------------------------------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Top management | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Senior management | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 |
| Professionally qualified and experienced specialists and mid-management | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 3 |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 3 |
| Semi-skilled and discretionary decision-making | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 |
| Unskilled and defined decision-making | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 2 | 0 | 0 | 0 | 4 | 0 | 1 | 2 | 10 |
| Employees with disabilities | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |

Table 29: Disciplinary action for April 1, 2017 to March 31, 2018

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

Table 30: Skills development for April 1, 2017 to March 31, 2018

| Occupational categories | Male | | | | Female | | | | Total |
|---------------------------------------------|-----------|----------|----------|----------|-----------|----------|----------|----------|------------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Legislators, senior officials, and managers | 3 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 6 |
| Professionals | 6 | 1 | 0 | 0 | 4 | 3 | 1 | 2 | 17 |
| Technicians and associate professionals | 20 | 0 | 1 | 1 | 27 | 1 | 0 | 1 | 51 |
| Clerks | 3 | 0 | 0 | 1 | 14 | 0 | 0 | 0 | 18 |
| Elementary occupations | 2 | 0 | 0 | 0 | 11 | 1 | 0 | 0 | 14 |
| Total | 34 | 2 | 1 | 2 | 57 | 5 | 2 | 3 | 106 |
| Employees with disabilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Performance rewards

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

Table 31: Performance rewards by race, gender, and disability for April 1, 2016 to March 31, 2017

| | 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 | 113 | 163 | 69% | 5,567 | 49 |
| Male | 39 | 66 | 59% | 2,349 | 60 |
| Female | 74 | 97 | 76% | 3,218 | 43 |
| Total Asian | 4 | 6 | 67% | 382 | 96 |
| Male | 1 | 1 | 100% | 67 | 67 |
| Female | 3 | 5 | 60% | 315 | 105 |
| Total Coloured | 16 | 20 | 80% | 986 | 62 |
| Male | 4 | 4 | 100% | 236 | 59 |
| Female | 12 | 16 | 75% | 750 | 63 |
| Total White | 7 | 11 | 64% | 487 | 70 |
| Male | 2 | 3 | 67% | 126 | 63 |
| Female | 5 | 8 | 63% | 361 | 72 |
| Employees with a disability | 2 | 2 | 100% | 76 | 38 |
| Total | 142 | 202 | 70% | 7,498 | 62 |

Table 32: Performance rewards by salary bands for personnel below senior management service for April 1, 2016 to March 31, 2017

| Salary bands | Beneficiary profile | | | Cost | | |
|-------------------------------------------|-------------------------|---------------------|--------------------------------|--------------------|---------------------------|------------------------------------------------------|
| | Number of beneficiaries | Number of employees | % of total within salary bands | Total cost (R'000) | Average cost per employee | Total cost as a % of the total personnel expenditure |
| Lower skilled (levels 1-2) | 8 | 11 | 73% | 86 | 10 | 0% |
| Skilled (levels 3-5) | 6 | 6 | 100% | 143 | 24 | 0,1% |
| Highly- skilled production (levels 6-8) | 57 | 81 | 70% | 2,219 | 39 | 1,9% |
| Highly skilled supervision (levels 9-12) | 53 | 85 | 62% | 3,679 | 69 | 3,1% |
| Total | 124 | 183 | 68% | 6,127 | 49 | 5.1% |

Table 33: Performance- related rewards (cash bonus) by salary band for senior management service

| Salary band | Beneficiary profile | | | Total cost (R'000) | Average cost per employee | Total cost as a % of the total personnel expenditure |
|--------------|-------------------------|---------------------|------------------------|--------------------|---------------------------|------------------------------------------------------|
| | Number of beneficiaries | Number of employees | % of total within band | | | |
| Band A | 13 | 23 | 57% | 1,101 | 85 | 1% |
| Band B | 2 | 3 | 67% | 270 | 121 | 0% |
| Band C | 0 | 1 | 0% | 0 | 0 | 0% |
| Band D | 0 | 1 | 0% | 0 | 0 | 0% |
| Total | 15 | 28 | 54% | 1,371 | 140 | 1% |

Foreign workers

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

Table 34: Foreign workers for April 1, 2017 to March 31, 2018 by salary band

| Salary band | April 1, 2016 | | March 31, 2017 | | Change | |
|-------------------------------------------|---------------|-------------|----------------|-------------|----------|------------|
| | Number | % of total | Number | % of total | Number | % change |
| Lower skilled (levels 1-2) | - | - | - | - | - | - |
| Skilled (levels 3-5) | - | - | - | - | - | - |
| Highly- skilled production (levels 6-8) | 1 | 13% | 1 | 14% | - | - |
| Highly- skilled supervision (levels 9-12) | 5 | 63% | 5 | 71% | - | - |
| Senior management (levels 13-16) | 2 | 25% | 1 | 14% | 1 | 50% |
| Total | 8 | 100% | 7 | 100% | 1 | 13% |

Table 35: Foreign workers for April 1, 2017 to March 31, 2018 by major occupation

| Major occupation | April 1, 2017 | | March 2 31, 2018 | | Change | |
|------------------|---------------|-------------|------------------|-------------|----------|------------|
| | Number | % of total | Number | % of total | Number | % change |
| Legal | 2 | 29% | 2 | 33% | 0 | 0% |
| Education | 0 | 0% | 0 | 0% | 0 | 0% |
| Research | 5 | 71% | 4 | 67% | 1 | 20% |
| Total | 7 | 100% | 6 | 100% | 1 | 14% |

Leave utilisation for January 1, 2017 to March 31, 2018

The Public Service Commission identified the need for careful monitoring of sick leave within the public service. The following table provides an indication of the use of sick leave and the estimated cost of the leave.

Table 36: Sick leave for January 1, 2017 to March 31, 2018

| 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) | 51 | - | 7 | 64% | 7.3 |
| Skilled (levels 3-5) | 23 | - | 4 | 67% | 5.8 |
| Highly- skilled production (levels 6-8) | 414 | - | 61 | 87% | 6.8 |
| Highly- skilled supervision (levels 9-12) | 365 | - | 58 | 79% | 6.3 |
| Senior management (levels 13-16) | 52 | - | 17 | 65% | 3.1 |
| Total | 904 | - | 147 | 79% | 6.2 |

Table 37 summarises the use of annual leave. The wage agreement (concluded with trade unions in the PSCBC in 2000), requires management to take annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

Table 37: Annual leave for January 1, 2017 to March 31, 2018

| Salary bands | Total days taken | Average per employee |
|-------------------------------------------|------------------|----------------------|
| Lower skilled (levels 1-2) | 163 | 15 |
| Skilled (levels 3-5) | 109 | 18 |
| Highly- skilled production (levels 6-8) | 1 250 | 19 |
| Highly- skilled supervision (levels 9-12) | 1 232 | 19 |
| Senior management (levels 13-16) | 284 | 11 |
| Total | 3 038 | 17 |

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

Table 38: Leave pay-outs for April 1, 2017 to March 31, 2018

| Reason | Total amount (R'000) | Number of employees | Average payment per employee (R'000) |
|---------------------------------------------------------------------------|----------------------|---------------------|--------------------------------------|
| Leave pay-out for 2017 to 2018 for the non-use of leave in previous cycle | - | - | - |
| Capped leave pay-outs on termination of service for 2017 to 2018 | - | - | - |
| Current leave pay-out on termination of service for 2017 to 2018 | 94 | 9 | 10 |
| Total | 94 | 9 | 10 |

HIV/ AIDS and Health Promotion Programmes

Table 39: Steps taken to reduce the risk of occupational exposure

| Units/categories of employees identified to be at high risk of contracting HIV/AIDS and related diseases (if any) | Key steps taken to reduce the risk |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| None. ICAS has a full-fledged HIV/AIDS unit that the Commission's staff members may access 24 hours a day, 7 days a week. Contact details are readily available to staff | An HIV/AIDS and health awareness workshop was held on December 1, 2017 |

Table 40: Details of health promotion and HIV/AIDS programmes (tick the applicable boxes and provide the required information)

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

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

| | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---|----------------------------------------------------------------------------------------------|
| 8. Has the department developed measures and/or indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures and/or indicators. | | X | Health promotion is done through ICAS services. Quarterly reports are provided and analysed. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---|----------------------------------------------------------------------------------------------|

Table 41: Misconduct and disciplinary hearings finalised for April 1, 2017 to March 31, 2018

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

Table 42: Types of misconduct addressed at disciplinary hearings

| Type of misconduct | Number | % of total |
|------------------------------|----------|-------------|
| Insolence and disobedience | - | - |
| Poor performance termination | - | - |
| Gross dishonesty | 1 | 100% |
| Total | 1 | 100% |

Table 43: Grievances lodged for April 1, 2017 to March 31, 2018

| | Number | % of total |
|------------------------------------------|----------|-------------|
| Number of grievances resolved | 2 | 40% |
| Number of grievances not resolved | 3 | 60% |
| Total number of grievances lodged | 5 | 100% |

Skills development

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

Table 44: Training needs identified for April 1, 2017 to March 31, 2018

| Occupational categories | Gender | Number of employees at April 1, 2017 | Training needs identified at start of reporting period | | | |
|------------------------------------------------------------|--------|--------------------------------------|--------------------------------------------------------|-------------------------------------------|-------------------------|-------|
| | | | Learnerships | Skills programmes and other short courses | Other forms of training | Total |
| Legislators, senior officials, and managers (levels 13-16) | Female | 6 | - | 6 | - | 6 |
| | Male | 9 | - | 9 | - | 9 |
| Professionals (levels 11-12) | Female | 10 | - | 10 | - | 10 |
| | Male | 7 | - | 7 | - | 7 |
| Technicians and associate professionals (levels 8-10) | Female | 29 | - | 27 | 2 | 29 |
| | Male | 22 | - | 21 | 1 | 22 |
| Clerks (levels 4-7) | Female | 14 | - | 14 | - | 14 |
| | 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 (levels 1-3) | Female | 12 | - | 12 | - | 12 |
| | Male | 2 | - | 2 | - | 2 |
| <i>Sub Total</i> | <i>Female</i> | <i>71</i> | <i>-</i> | <i>71</i> | <i>2</i> | <i>71</i> |
| | <i>Male</i> | <i>44</i> | <i>-</i> | <i>44</i> | <i>1</i> | <i>44</i> |
| Total | | 115 | - | 115 | 3 | 115 |

Table 45: Training provided for April 1, 2017 to March 31, 2018

| Occupational categories | Gender | Number of employees at April 1, 2017 | Training provided within the reporting period | | | |
|---------------------------------------------|--------|--------------------------------------|-----------------------------------------------|-------------------------------------------|-------------------------|-------|
| | | | Learnerships | Skills programmes and other short courses | Other forms of training | Total |
| Legislators, senior officials, and managers | Female | 2 | - | 2 | - | 2 |
| | Male | 4 | - | 4 | - | 4 |
| Professionals | Female | 10 | - | 10 | - | 10 |
| | Male | 7 | - | 7 | - | 7 |
| Technicians and associate professionals | Female | 29 | - | 27 | 2 | 29 |
| | Male | 22 | - | 21 | 1 | 22 |
| Clerks | Female | 14 | - | 14 | - | 14 |
| | 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 | 12 | - | 12 | - | 12 |
| | Male | 2 | - | 2 | - | 2 |

| | | | | | | |
|------------------|---------------|------------|---|-----------|----------|------------|
| <i>Sub Total</i> | <i>Female</i> | 67 | - | 53 | 2 | 67 |
| | <i>Male</i> | 39 | - | 36 | 1 | 39 |
| Total | | 106 | - | 89 | 3 | 106 |

Injury on duty

The following tables provide basic information on injury on duty.

Table 46: Injury on duty for April 1, 2017 to March 31, 2018

| Nature of injury on duty | Number | % of total |
|---------------------------------------|----------|-------------|
| Required basic medical attention only | 1 | 100% |
| Temporary total disablement | - | - |
| Permanent disablement | - | - |
| Fatal | - | - |
| Total | 1 | 100% |

Utilisation of consultants

Table 47: 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 |
|--------------------|--------------------------------------------------------|---------------------|------------------------|
| Definition of KPIs | 2 | 120 | R384 168 |

Table 48: 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 worked on the project |
|---------------|------------------------------------|-------------------------------------|------------------------------------------------------------------|
| None | None | None | None |
| | | | |

Table 49: 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 |
|----------------------|---------------------------------------------------------------|----------------------------|-----------------------------------------|
| N/A | N/A | N/A | N/A |

| Total number of projects | Total individual consultants | Total duration: work days | Total contract value in Rand |
|---------------------------------|-------------------------------------|----------------------------------|-------------------------------------|
| N/A | N/A | N/A | N/A |

Table 50: 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 worked on the project |
|----------------------|-------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------|
| N/A | N/A | N/A | N/A |



**ANNUAL FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 MARCH 2018**

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

General Information

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Index

The reports and statements set out below comprise the annual financial statements presented to the Executive Authority:

| Index | Page |
|------------------------------------------------------|-------------|
| Audit Committee Report | 3 - 4 |
| Report of the Auditor General | 5 - 10 |
| Chief Executive Officer Report | 11 - 12 |
| Statement of Financial Position | 13 |
| Statement of Financial Performance | 14 |
| Statement of Changes in Net Assets | 15 |
| Cash Flow Statement | 16 |
| Statement of Comparison of Budget and Actual Amounts | 17 |
| Accounting Policies | 18 - 27 |
| Notes to the Annual Financial Statements | 28 - 43 |

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Audit Committee Report

The Audit Committee is pleased to present its report for the financial year ended 31 March 2018.

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 five (5) meetings were held.

| Name of member | Number of meetings attended |
|----------------------------------------------|-----------------------------|
| Mr W Hattingh | 5 |
| Ms PC Motsielwa (Term ended: 31 August 2017) | 3 |
| Ms M Malope | 5 |
| Mr G Matthee | 3 |

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
- Complaints Management Review
- Human Rights Advocacy and Communication Review
- Supply Chain Management Review
- Asset Management Review
- Human Resources Review
- IT Governance Review
- External Quality Assurance Review
- Follow-up & Adhoc Management Requests

The following concerns were highlighted by Internal Audit during the year under review:

- Inadequate governance processes in place.
- Non-compliance with complaints handling procedures relating to prescribed timelines and communication with complainants.
- No benefits realisation plan in place for new Complaints Management system procured.
- Inadequate and Ineffective Monitoring & Evaluation (M&E) procedures.
- The findings and recommendations made by the Commission not adequately monitored and evaluated.
- Non Compliance to the Human Rights Advocacy procedure manual.
- The Commissions IT Governance framework is not fully aligned to the government-wide CGICT framework.
- Inadequate IT Security Management processes in place.
- Suppliers rendering services without valid contracts in place. Contracts with these suppliers expired.
- Audit trail of payroll and banking system not independently reviewed.
- 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 annual financial statements

The audit committee has:

- Reviewed and discussed the audited annual financial statements to be included in the annual report, with the Auditor-General and the auditors;
- Reviewed the Auditor-General of South Africa's management letter and management's response thereto;
- Reviewed changes in accounting policies and practices;

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Audit Committee Report

- Reviewed the entities compliance with legal and regulatory provisions;
- Reviewed significant adjustments resulting from the audit.

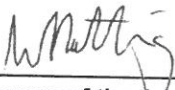
Auditor's Report

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

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.

Internal audit

The audit committee is satisfied that the internal audit function is operating effectively and that it has addressed the risks pertinent to the entity and its audits.



Chairperson of the Audit Committee

Date: 31 July 2018

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

Report on the audit of the financial statements

Opinion

1. I have audited the financial statements of the South African Human Rights Commission set out on pages ... to ..., which comprise the statement of financial position as at 31 March 2018, the statement of financial performance, statement of changes in net assets, cash flow statement and statement of comparison of budget and actual amounts for the year then ended, as well as the notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the South African Human Rights Commission as at 31 March 2018, and its financial performance and cash flows for the year then ended in accordance with the Standards of Generally Recognised Accounting Practice (Standards of GRAP) and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).

Basis for opinion

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

Emphasis of matter

6. I draw attention to the matter below. My opinion is not modified in respect of this matter.

Restatement of corresponding figures

7. As disclosed in note 28 to the financial statements, the corresponding figures for 31 March 2017 were restated as a result of errors in the financial statements of the constitutional institution at, and for the year ended, 31 March 2018.

Responsibilities of the accounting officer for the financial statements

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

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

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

Report on the audit of the annual performance report

Introduction and scope

12. 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 material findings on the reported performance information against predetermined objectives for selected objectives presented in the annual performance report. I performed procedures to identify findings but not to gather evidence to express assurance.
13. My procedures address the reported performance information, which must be based on the approved performance planning documents of the constitutional institution. I have not evaluated the completeness and appropriateness of the performance indicators/ measures included in the planning documents. My procedures also did not extend to any disclosures or assertions relating to planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.
14. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected objectives presented in the annual performance report of the constitutional institution for the year ended 31 March 2018:

| Objectives | Pages in the annual performance report |
|----------------------------------------------------------------------------------------------------------|----------------------------------------|
| Strategic Objective 1 : Promote compliance with international and regional human rights related treaties | 18 – 20 |
| Strategic Objective 2 : Advance the realisation of human rights | 20 – 25 |
| Strategic Objective 3 : Deepen the understanding of human rights to entrench human rights culture | 26 – 40 |
| Strategic Objective 4 : Ensure fulfilment of constitutional and legislative mandates | 40 – 52 |

15. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.
16. I did not raise any material findings on the usefulness and reliability of the reported performance information for the following objectives:
- Strategic Objective 1: Promote compliance with international and regional human rights related treaties
 - Strategic Objective 2: Advance the realisation of human rights
 - Strategic Objective 3: Deepen the understanding of human rights to entrench human rights culture
 - Strategic Objective 4: Ensure fulfilment of constitutional and legislative mandates

Other matters

17. I draw attention to the matters below.

Achievement of planned targets

18. Refer to the annual performance report on pages ... to ... for information on the achievement of planned targets for the year and explanations provided for the under achievements of a number of targets.

Adjustment of material misstatements

19. I identified a material misstatement in the annual performance report submitted for auditing. This material misstatement was on the reported performance information of Strategic Objective 4: Ensure fulfilment of constitutional and legislative mandates. As management subsequently corrected the misstatement, I did not raise any material findings on the usefulness and reliability of the reported performance information.

Report on the audit of compliance with legislation

Introduction and scope

20. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the compliance of the constitutional constitution with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.
21. The material findings on compliance with specific matters in key legislations are as follows:

Annual financial statements, performance and annual report

22. The financial statements submitted for auditing were not prepared in accordance with the prescribed financial reporting framework as required by section 40(1) (b) of the PFMA. Material misstatements of liabilities, expenditure and disclosure items identified by the auditors in the submitted financial statement were corrected resulting in the financial statements receiving an unqualified opinion.

Procurement and contract management

23. Some of the goods and services with a transaction value below R500 000 were procured without obtaining the required price quotations, as required by treasury regulation 16A6.1.

Other information

24. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report. The other information does not include the financial statements, the auditor's report and those selected objectives presented in the annual performance report that have been specifically reported in this auditor's report.
25. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion thereon.
26. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected objectives presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.
27. If, based on the work I have performed, I conclude that there is a material misstatement in this other information, I am required to report that fact. I have nothing to report in this regard.

Internal control deficiencies

28. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it. The matters reported below are limited to the significant internal control deficiencies that resulted in the findings on compliance with legislation included in this report.

Financial and performance management

29. Management did not adequately review and monitor compliance with applicable financial reporting framework.
30. Management did not properly review and monitor compliance with legislation.

Auditor General

Pretoria

31 July 2018



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence

Annexure – Auditor-general’s responsibility for the audit

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

Financial statements

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

Communication with those charged with governance

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Chief Executive Officer Report

The members submit their report for the year ended 31 March 2018.

1. Incorporation

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

2. Going concern

We draw attention to the fact that at 31 March 2018, the entity had an accumulated surplus of R 11,305 million and that the entity's total assets exceed its liabilities by R 11,305 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 the executive authority during the year under review:

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

4. Corporate governance

General

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

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

Functioning of the Audit Committee

The SAHRC Audit Committee continues to function and has met 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.

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Chief Executive Officer Report

Internal Control

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

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

5. Auditors

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

6. Risk Management

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

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

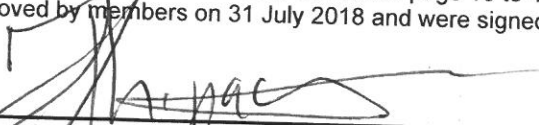
The risk management process is facilitated by the Chief Financial Officer who is also responsible for chairing the Risk Management Committee.

7. Approval of finances

The financial statements fairly represent the state of affairs of the Commission as at 31 March 2018. 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 2018 were submitted to the Audit Committee for review. The Executive Authority has approved these financial statements on 31 July 2018, 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 page 13 to 43, which have been prepared on the going concern basis, were approved by members on 31 July 2018 and were signed on its behalf by:



Adv T Thipanyane
Chief Executive Officer

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Statement of Financial Position as at 31 March 2018

| | Note(s) | 2018 R '000 | 2017 Restated* R '000 |
|-----------------------------------------|---------|----------------|-----------------------------|
| Assets | | | |
| Current Assets | | | |
| Inventories | 6 | 212 | 196 |
| Operating lease asset | 4 | 32 | 20 |
| Receivables from exchange transactions | 7 | 46 | 48 |
| Prepayments | 5 | 664 | 560 |
| Cash and cash equivalents | 8 | 12 226 | 8 289 |
| | | 13 180 | 9 113 |
| Non-Current Assets | | | |
| Property, plant and equipment | 2 | 15 086 | 15 571 |
| Intangible assets | 3 | 1 446 | 651 |
| | | 16 532 | 16 222 |
| Total Assets | | 29 712 | 25 335 |
| Liabilities | | | |
| Current Liabilities | | | |
| Finance lease obligation | 9 | 2 258 | 2 015 |
| Operating lease liability | 4 | 39 | 87 |
| Payables from exchange transactions | 13 | 2 292 | 2 334 |
| Unspent conditional grants and receipts | 10 | 132 | - |
| Provisions for performance bonuses | 11 | 2 682 | 7 503 |
| Employee benefit | 12 | 1 240 | 1 032 |
| Provision for leave accrued | 11 | 4 874 | 4 679 |
| | | 13 517 | 17 650 |
| Non-Current Liabilities | | | |
| Finance lease obligation | 9 | 1 658 | 1 722 |
| Operating lease liability | 4 | 3 232 | 2 094 |
| | | 4 890 | 3 816 |
| Total Liabilities | | 18 407 | 21 466 |
| Net Assets | | 11 305 | 3 869 |
| Accumulated surplus | | 11 305 | 3 869 |

* See Note 28

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Statement of Financial Performance

| | Note(s) | 2018 R '000 | 2017 Restated* R '000 |
|------------------------------------------------------------------|---------|------------------|-----------------------------|
| Revenue | | | |
| Revenue from exchange transactions | | | |
| Administrative fees | | 128 | 472 |
| Donation Income | 15 | 102 | - |
| Interest received - investment | | 1 119 | 960 |
| Total revenue from exchange transactions | | 1 349 | 1 432 |
| Revenue from non-exchange transactions | | | |
| Transfer revenue | | | |
| Government grants & subsidies | 16 | 173 360 | 153 487 |
| Total revenue | 14 | 174 709 | 154 919 |
| Expenditure | | | |
| Employee related costs | 17 | (114 337) | (105 165) |
| Depreciation and amortisation | | (4 212) | (4 483) |
| Finance costs | 18 | (479) | (415) |
| Lease rentals on operating lease | | (15 237) | (15 463) |
| Debt Impairment | 19 | - | (623) |
| General Expenses | 20 | (32 890) | (33 835) |
| Total expenditure | | (167 155) | (159 984) |
| Surplus (deficit) for the year from continuing operations | | 7 554 | (5 065) |
| Loss on disposed of asset and liability | | (119) | (53) |
| Surplus (deficit) for the year | | 7 435 | (5 118) |

* See Note 28

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Statement of Changes in Net Assets

| | Accumulated surplus R '000 | Total net assets R '000 |
|----------------------------------------------|-------------------------------|----------------------------|
| Opening balance as previously reported | 14 575 | 14 575 |
| Adjustments | | |
| Prior period error | (5 588) | (5 588) |
| Balance at 01 April 2016 as restated* | 8 987 | 8 987 |
| Changes in net assets | | |
| Deficit for the year | (5 118) | (5 118) |
| Total changes | (5 118) | (5 118) |
| Restated* Balance at 01 April 2017 | 3 870 | 3 870 |
| Changes in net assets | | |
| Surplus for the year | 7 435 | 7 435 |
| Total changes | 7 435 | 7 435 |
| Balance at 31 March 2018 | 11 305 | 11 305 |

*The opening balance of accumulated surplus as at 01 April 2016 has been restated, for more detailed information refer to **Note 28**.

* See Note 28

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Cash Flow Statement

| | Note(s) | 2018 R '000 | 2017 Restated* R '000 |
|-------------------------------------------------------------|---------|------------------|-----------------------------|
| Cash flows from operating activities | | | |
| Receipts | | | |
| Non exchange revenue- Government grant | | 173 360 | 153 487 |
| Administrative fees | | 128 | 472 |
| Interest income | | 1 119 | 960 |
| Donation Income | | 234 | - |
| | | <u>174 841</u> | <u>154 919</u> |
| Payments | | | |
| Employee costs | | (118 400) | (102 243) |
| Suppliers | | (47 970) | (50 226) |
| Finance cost | | (479) | (415) |
| | | <u>(166 849)</u> | <u>(152 884)</u> |
| Net cash flows from operating activities | 22 | 7 992 | 2 035 |
| Cash flows from investing activities | | | |
| Purchase of property, plant and equipment | 2 | (1 011) | (1 609) |
| Purchase of other intangible assets | 3 | (888) | (209) |
| Net cash flows from investing activities | | (1 899) | (1 818) |
| Cash flows from financing activities | | | |
| Finance lease payments | | (2 156) | (3 215) |
| Net increase/(decrease) in cash and cash equivalents | | 3 937 | (2 998) |
| Cash and cash equivalents at the beginning of the year | | 8 289 | 11 287 |
| Cash and cash equivalents at the end of the year | 8 | 12 226 | 8 289 |

* See Note 28

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Statement of Comparison of Budget and Actual Amounts

Budget on Cash Basis

| | Approved budget | Adjustments | Final Budget | Actual amounts on comparable basis | Difference between final budget and actual | Reference |
|------------------------------------------------------------------------------------------------------|------------------|-------------|------------------|------------------------------------|--------------------------------------------|-----------|
| | R '000 | R '000 | R '000 | R '000 | R '000 | |
| Statement of Financial Performance | | | | | | |
| Revenue | | | | | | |
| Revenue from exchange transactions | | | | | | |
| Administrative fees | - | - | - | 128 | 128 | |
| Donation income | - | - | - | 234 | 234 | |
| Interest received - investment | - | - | - | 1 119 | 1 119 | |
| Total revenue from exchange transactions | - | - | - | 1 481 | 1 481 | |
| Revenue from non-exchange transactions | | | | | | |
| Transfer revenue | | | | | | |
| Government grants & subsidies | 173 360 | - | 173 360 | 173 360 | - | |
| Total revenue | 173 360 | - | 173 360 | 174 841 | 1 481 | |
| Expenditure | | | | | | |
| Personnel | (117 880) | - | (117 880) | (118 400) | (520) | 34 |
| Finance costs | (479) | - | (479) | (479) | - | |
| Lease rentals on operating lease | (17 099) | - | (17 099) | (14 500) | 2 599 | 34 |
| General Expenses | (32 551) | - | (32 551) | (28 701) | 3 850 | 34 |
| Finance lease payments | (3 604) | - | (3 604) | (2 156) | 1 448 | 34 |
| Total expenditure | (171 613) | - | (171 613) | (164 236) | 7 377 | |
| Surplus before taxation | 1 747 | - | 1 747 | 10 605 | 8 858 | |
| Surplus for the year from continuing operations | 1 747 | - | 1 747 | 10 605 | 8 858 | |
| Payment of property, plant and equipment and intangible assets | (1 747) | - | (1 747) | (1 899) | (152) | |
| Actual Amount on Comparable Basis as Presented in the Budget and Actual Comparative Statement | - | - | - | 8 706 | 8 706 | |
| Reconciliation | | | | | | |

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Accounting Policies

1. Presentation of Annual Financial Statements

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

These 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.

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

These accounting policies are consistent with the previous period.

1.1 Presentation currency

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

1.2 Going concern assumption

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

1.3 Significant judgements and sources of estimation uncertainty

In preparing the 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. Judgements include decisions on property plant and equipment.

1.4 Property, plant and equipment

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

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

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

Property, plant and equipment is initially measured at cost.

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

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

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

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

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

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

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Accounting Policies

1.4 Property, plant and equipment (continued)

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

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

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

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

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

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

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

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

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

1.5 Intangible assets

An asset is identified as an intangible asset when it:

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

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

An intangible asset is recognised when:

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

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Accounting Policies

1.5 Intangible assets (continued)

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

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

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

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

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

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

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

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

Intangible assets are derecognised:

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

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

1.6 Financial instruments

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

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

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

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

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Accounting Policies

1.6 Financial instruments (continued)

A financial asset is:

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

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

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

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

Initial recognition

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

The entity recognises financial assets using trade date accounting.

Initial measurement of financial assets and financial liabilities

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

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

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

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Accounting Policies

1.6 Financial instruments (continued)

Subsequent measurement of financial assets and financial liabilities

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

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

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

Fair value measurement considerations

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

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

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

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

Gains and losses

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

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

1.7 Leases

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

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

Finance leases - lessee

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

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

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Accounting Policies

1.7 Leases (continued)

Operating leases - lessee

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

1.8 Inventories

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

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

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

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

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

1.9 Employee benefits

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

Short-term employee benefits

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

Short-term employee benefits include items such as:

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

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

Post-employment benefits: Defined contribution plans

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

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

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Accounting Policies

1.10 Provisions and contingencies

Provisions are recognised when:

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

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

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

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

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

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

A constructive obligation to restructure arises only when an entity:

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

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

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

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

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

Contingent assets and contingent liabilities are not recognised. Contingencies are disclosed in note 25.

1.11 Commitments

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

Disclosures are required in respect of unrecognised contractual commitments.

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

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Accounting Policies

1.12 Revenue from exchange transactions

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

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

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

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

Measurement

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

Interest and administrative fees

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

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

1.13 Revenue from non-exchange transactions

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

Recognition

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

1.14 Unauthorised expenditure

Unauthorised expenditure means:

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

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

1.15 Fruitless and wasteful expenditure

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

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

1.16 Irregular expenditure

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

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

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Accounting Policies

1.16 Irregular expenditure (continued)

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

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

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

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

1.17 Budget information

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

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

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

The approved budget covers the fiscal period from 2017/04/01 to 2018/03/31.

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

1.18 Related parties

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

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

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

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

1.19 Events after reporting date

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

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Accounting Policies

1.19 Events after reporting date (continued)

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

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

1.20 Effects of new standards

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

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

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

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 | | | 2017 | | |
|-------------------------------------|------------------|-----------------------------------------------------|----------------|------------------|-----------------------------------------------------|----------------|
| | Cost / Valuation | Accumulated depreciation and accumulated impairment | Carrying value | Cost / Valuation | Accumulated depreciation and accumulated impairment | Carrying value |
| Leasehold property | 7 605 | (3 944) | 3 661 | 10 087 | (6 525) | 3 562 |
| Furniture and fittings | 4 181 | (2 159) | 2 022 | 4 365 | (2 177) | 2 188 |
| Motor vehicles | 5 487 | (2 245) | 3 242 | 5 601 | (1 887) | 3 714 |
| Office equipment | 2 018 | (539) | 1 479 | 1 612 | (461) | 1 151 |
| IT equipment | 4 809 | (1 360) | 3 449 | 4 777 | (1 213) | 3 564 |
| Leasehold improvements | 696 | (370) | 326 | 728 | (282) | 446 |
| Other property, plant and equipment | 1 484 | (577) | 907 | 1 450 | (504) | 946 |
| Total | 26 280 | (11 194) | 15 086 | 28 620 | (13 049) | 15 571 |

Reconciliation of property, plant and equipment - 2018

| | Opening balance | Additions | Disposals | Depreciation | Total |
|------------------------|-----------------|--------------|--------------|----------------|---------------|
| Finance lease | 3 562 | 2 906 | (33) | (2 774) | 3 661 |
| Furniture and fittings | 2 188 | 70 | (12) | (224) | 2 022 |
| Motor vehicles | 3 714 | 319 | (322) | (469) | 3 242 |
| Office equipment | 1 151 | 478 | (43) | (107) | 1 479 |
| Computer equipment | 3 564 | 271 | (53) | (333) | 3 449 |
| Leasehold improvements | 446 | 18 | - | (138) | 326 |
| Library Materials | 946 | 35 | - | (74) | 907 |
| | 15 571 | 4 097 | (463) | (4 119) | 15 086 |

Reconciliation of property, plant and equipment - 2017

| | Opening balance | Additions | Disposals | Depreciation | Total |
|------------------------|-----------------|--------------|--------------|----------------|---------------|
| Finance lease | 3 403 | 3 288 | (28) | (3 101) | 3 562 |
| Furniture and fittings | 2 379 | 48 | (17) | (222) | 2 188 |
| Motor vehicles | 4 183 | - | - | (469) | 3 714 |
| Office equipment | 1 139 | 122 | (16) | (94) | 1 151 |
| Computer equipment | 2 797 | 1 164 | (102) | (295) | 3 564 |
| Leasehold improvements | 366 | 222 | - | (142) | 446 |
| Library Materials | 965 | 52 | - | (71) | 946 |
| | 15 232 | 4 896 | (163) | (4 394) | 15 571 |

Assets with zero book value

During the year, assets with Nil book value were identified and transferred to the minor asset register due to the age of the assets and initial purchase prices. Replacement of these assets was decided against due to cost containment measures.

For Intangible assets, the old complaints handling system has reached the end of its useful life and management decided to replace it with a new complaints handling system. The old system remains in the main asset register as it is running parallel with a new system as at 31 March 18.

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 R '000 | 2017 R '000 |
|--|----------------|----------------|
|--|----------------|----------------|

3. Intangible assets

| | 2018 | | | 2017 | | |
|-------------------|------------------|-----------------------------------------------------|----------------|------------------|-----------------------------------------------------|----------------|
| | Cost / Valuation | Accumulated amortisation and accumulated impairment | Carrying value | Cost / Valuation | Accumulated amortisation and accumulated impairment | Carrying value |
| Computer software | 2 175 | (729) | 1 446 | 1 295 | (644) | 651 |

Reconciliation of intangible assets - 2018

| | Opening balance | Additions | Amortisation | Total |
|-------------------|-----------------|-----------|--------------|-------|
| Computer software | 651 | 888 | (93) | 1 446 |

Reconciliation of intangible assets - 2017

| | Opening balance | Additions | Amortisation | Total |
|-------------------|-----------------|-----------|--------------|-------|
| Computer software | 532 | 209 | (90) | 651 |

4. Operating lease

| | | |
|-------------------------|----------------|----------------|
| Current assets | 32 | 20 |
| Non-current liabilities | (3 232) | (2 094) |
| Current liabilities | (39) | (87) |
| | (3 239) | (2 161) |

Operating lease represents the rentals expensed by the commission for the office building for Head Office and Provincial Offices

| | |
|--------|--------|
| 15 237 | 15 463 |
|--------|--------|

Terms and conditions

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

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

| | | |
|------------------------------|---------------|---------------|
| Due within one year | 14 342 | 14 251 |
| Due within two to five years | 32 601 | 46 943 |
| | 46 943 | 61 194 |

5. Prepayments

| | | |
|-----------------------------------|------------|------------|
| Pro forma invoices | 143 | 114 |
| Subscriptions and annual licences | 521 | 446 |
| | 664 | 560 |

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 R '000 | 2017 R '000 |
|---------------------------------------------------------------------------------------------------------------|----------------|----------------|
| 6. Inventories | | |
| Consumable stores | 212 | 196 |
| 7. Receivables from exchange transactions | | |
| Trade debtors | 46 | 48 |
| Trade and other receivables impaired | | |
| As of 31 March 2018, trade and other receivables of R 45 849 (2017: R 48 406) were impaired and provided for. | | |
| The amount of the provision was R nil as of 31 March 2018 (2017: R nil). | | |
| The ageing of these loans is as follows: | | |
| 3 to 6 months | 46 | 48 |
| 8. Cash and cash equivalents | | |
| Cash and cash equivalents consist of: | | |
| Cash on hand | 55 | 47 |
| Bank balances | 119 | 512 |
| Short-term deposits | 12 052 | 7 730 |
| | 12 226 | 8 289 |

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 R '000 | 2017 R '000 |
|----------------------------------------------------|---------------------|---------------------|
| 9. Finance lease obligation | | |
| Minimum lease payments due | | |
| - within one year | 2 557 | 2 294 |
| - in second to fifth year inclusive | 1 759 | 1 849 |
| | <u>4 316</u> | <u>4 143</u> |
| less: future finance charges | (400) | (406) |
| Present value of minimum lease payments | <u>3 916</u> | <u>3 737</u> |
| Present value of minimum lease payments due | | |
| - within one year | 2 258 | 2 015 |
| - in second to fifth year inclusive | 1 658 | 1 722 |
| | <u>3 916</u> | <u>3 737</u> |
| Non-current liabilities | 1 658 | 1 722 |
| Current liabilities | 2 258 | 2 015 |
| | <u>3 916</u> | <u>3 737</u> |

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

The average lease term is 3 years and the average effective borrowing rate was 10% (2017: 11%).

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

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

Terms and conditions

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

10. Unspent conditional grants and receipts

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

Unspent conditional grants and receipts comprises of:

Unspent conditional grants and receipts

| | | |
|-----------------------------------|------------|----------|
| Danish Institute for Human Rights | 132 | - |
| | <u>132</u> | <u>-</u> |

Movement during the year

| | | |
|--------------------------------------|------------|----------|
| Balance at the beginning of the year | - | - |
| Additions during the year | 234 | - |
| Income recognition during the year | (102) | - |
| | <u>132</u> | <u>-</u> |

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 R '000 | 2017 R '000 |
|--|----------------|----------------|
|--|----------------|----------------|

11. Provisions for performance bonuses

Reconciliation of provisions for performance bonuses - 2018

| | Opening Balance | Additions | Utilised during the year | Total |
|---------------------------------|--------------------|--------------|--------------------------------|--------------|
| Provision for leave pay | 4 679 | 5 596 | (5 401) | 4 874 |
| Provision for performance bonus | 7 503 | 2 682 | (7 503) | 2 682 |
| | 12 182 | 8 278 | (12 904) | 7 556 |

Reconciliation of provisions for performance bonuses - 2017

| | Opening Balance | Additions | Utilised during the year | Total |
|---------------------------------|--------------------|---------------|--------------------------------|---------------|
| Provision for leave pay | 3 684 | 5 584 | (4 589) | 4 679 |
| Provision for performance bonus | 5 588 | 7 503 | (5 588) | 7 503 |
| | 9 272 | 13 087 | (10 177) | 12 182 |

12. Employee Benefit

| | | |
|---------------------|-------|-------|
| 13th Cheque accrual | 1 240 | 1 032 |
|---------------------|-------|-------|

Employee benefit relates to employee's 13th cheque accrued and incurred in the current year R 1,239, 771.81 (2017 R 1,031,829.84)

13. Payables from exchange transactions

| | | |
|-----------------|--------------|--------------|
| Trade payables | 935 | 1 774 |
| Accrued expense | 1 357 | 560 |
| | 2 292 | 2 334 |

14. Revenue

| | | |
|--------------------------------|----------------|----------------|
| Administrative Income | 128 | 472 |
| Donation income | 102 | - |
| Interest received - investment | 1 119 | 960 |
| Government grants & subsidies | 173 360 | 153 487 |
| | 174 709 | 154 919 |

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

| | | |
|--------------------------------|--------------|--------------|
| Administrative Income | 128 | 472 |
| Donation Income | 102 | - |
| Interest received - investment | 1 119 | 960 |
| | 1 349 | 1 432 |

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

| | | |
|-------------------------------|---------|---------|
| Taxation revenue | | |
| Transfer revenue | | |
| Government grants & subsidies | 173 360 | 153 487 |

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 R '000 | 2017 R '000 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| 15. Donation Income | | |
| Danish Institute for Human Rights | 102 | - |
| 16. Government grants and subsidies | | |
| Operating grants | | |
| Government grant | 173 360 | 153 487 |
| 17. Employee related costs | | |
| Basic Salary | 78 483 | 68 331 |
| Performance Bonus | 2 682 | 7 503 |
| Medical aid - company contributions | 3 763 | 3 313 |
| Unemployment Insurance Fund (UIF) | 338 | 324 |
| Pension Fund Contributions | 8 893 | 7 128 |
| Non pensionable contributions | 10 358 | 7 601 |
| Other Short term benefit | 1 690 | 3 408 |
| 13th Cheques | 5 177 | 4 163 |
| Car allowance | 540 | 697 |
| Housing benefits and allowances | 2 413 | 2 040 |
| Voluntary S Package | - | 657 |
| | 114 337 | 105 165 |
| 18. Finance costs | | |
| Finance leases | 479 | 415 |
| Total interest expense, calculated using the effective interest rate, on financial instruments not at fair value through surplus or deficit amounted to R 479 122 (2017: R 414 534). | | |
| 19. Debt impairment | | |
| Bad debts written off | - | 623 |

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 R '000 | 2017 R '000 |
|--------------------------------------------------|----------------------------|--------------------|
| 20. General expenses | | |
| Advertising | 396 | 428 |
| Auditors remuneration | 2 207 | 2 458 |
| Bank charges | 91 | 56 |
| Cleaning | 205 | 278 |
| Computer expenses | 94 | 21 |
| Consulting and professional fees | 331 | 972 |
| Hire | 1 110 | 273 |
| Insurance | 381 | 366 |
| Conferences and seminars | 305 | 1 432 |
| Municipality service | 5 788 | 4 489 |
| Motor vehicle expenses | 308 | 142 |
| Motor vehicle expense (Fuel) | 405 | 445 |
| Placement fees | 1 352 | 1 265 |
| Postage and courier | 319 | 519 |
| Printing and stationery | 798 | 1 005 |
| Repairs and maintenance | 475 | 623 |
| Security (Guarding of municipal property) | 1 405 | 1 176 |
| Staff welfare | 218 | 173 |
| Subscriptions and membership fees | 804 | 681 |
| Telephone and fax | 3 603 | 3 648 |
| Transport and freight | 881 | 232 |
| Training | 802 | 1 543 |
| Operating expense | 10 612 | 11 610 |
| | 32 890 | 33 835 |
| 21. Auditors' remuneration | | |
| Fees | 2 207 | 2 458 |
| 22. Cash generated from operations | | |
| Surplus (deficit) | 7 435 | (5 118) |
| Adjustments for: | | |
| Depreciation and amortisation | 4 212 | 4 483 |
| Loss on disposal of assets | 119 | 53 |
| Debt impairment | - | 623 |
| Movements in operating lease assets and accruals | 1 078 | 2 512 |
| Changes in working capital: | | |
| Inventories | (16) | 53 |
| Receivables from exchange transactions | 2 | 861 |
| Prepayments | (104) | (477) |
| Payables from exchange transactions | (45) | (2 870) |
| Unspent conditional grants and receipts | 132 | - |
| Provision for performance bonus | (4 821) | 1 915 |
| | 7 992 | 2 035 |
| 23. Financial instruments disclosure | | |
| Categories of financial instruments | | |
| 2018 | | |
| Financial assets | | |
| Receivables from exchange transactions | At fair value 46 | Total 46 |

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 R '000 | 2017 R '000 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------|
| 23. Financial instruments disclosure (continued) | | |
| Cash and cash equivalent | 12 226 | 12 226 |
| | 12 272 | 12 272 |
| Financial liabilities | | |
| | At fair value | Total |
| Payables from exchange transactions | 2 293 | 2 293 |
| Employee benefit due | 6 114 | 6 114 |
| Finance lease liability obligation | 2 258 | 2 258 |
| | 10 665 | 10 665 |
| 2017 | | |
| Financial assets | | |
| | At fair value | Total |
| Receivables from exchange transactions | 48 | 48 |
| Cash and cash equivalent | 8 289 | 8 289 |
| | 8 337 | 8 337 |
| Financial liabilities | | |
| | At fair value | Total |
| Payables from exchange transactions | 2 334 | 2 334 |
| Employee benefit due | 5 711 | 5 711 |
| Finance lease liability obligation | 2 015 | 2 015 |
| | 10 060 | 10 060 |
| 24. Commitments | | |
| Authorised operational expenditure | | |
| Purchase order issued | | |
| • Acquisitions of PPE | 3 550 | 4 652 |
| • Authorised operating expenditure | 2 570 | 208 |
| | 6 120 | 4 860 |
| This committed expenditure relates to open purchase orders issued to suppliers for goods and services not yet received as at 31 March 2018 and will be financed by available funds. | | |
| 25. Contingencies | | |
| Categories of contingent liability | | |
| Guarantee issued by First National Bank per requirement on Head Office lease agreement | 685 | 685 |

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 R '000 | 2017 R '000 |
|----------------------------------------------------------|----------------|----------------|
| 26. Related parties | | |
| Department of Public Works | | |
| Related party transactions | | |
| Transaction with related party | | |
| Department of Public Works for municipal service charges | 465 | 538 |

Related party transactions to the value of R 464,995.44 (2017: R 538,352.19) was incurred in the current financial year. Related party transactions emanates from municipal services for Kwazulu Natal, Limpopo and Western Cape Provincial offices.

The following amounts was the annual allocation received from National Treasury via the Department of Justice and Constitutional Development R 173,360 000 (R 153, 487 000) as disclosed in note 16.

For remuneration of Key Management positions refer to note 27 below.

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

Figures in Rand thousand

27. Members' emoluments

Executive

2018

| | Salary | Bonuses and performance payments | Expenses allowance | Provident contributions | Termination leave payout and backpay | Acting allowance | 3G and cell allowance | Total |
|-----------------------------------------------------------|---------------|----------------------------------|--------------------|-------------------------|--------------------------------------|------------------|-----------------------|---------------|
| Chief Executive Officer: Adv. T.S. Thipanyane | 873 | 52 | 400 | 110 | 31 | - | 32 | 1 498 |
| Chief Financial Officer: P Makeneta | 740 | 191 | 339 | 93 | 55 | 52 | 29 | 1 499 |
| Head of Corporate Services: A Price | 653 | 64 | 356 | 81 | 60 | - | 24 | 1 238 |
| Head SS&G: S Giyose | 622 | 160 | 285 | 79 | 47 | - | 24 | 1 217 |
| Chief Audit Executive: G Pause | 626 | 60 | 339 | 78 | 41 | - | 24 | 1 168 |
| Head Legal Service (LSP) P Gregoriou | 632 | 163 | 290 | 79 | 47 | - | 24 | 1 235 |
| PM: KZN T Munno | 586 | 152 | 269 | 73 | 44 | - | 24 | 1 148 |
| PM MPL: E Mokonyama | 622 | 160 | 285 | 79 | 47 | - | 24 | 1 217 |
| Chief Operation Officer (COO): Ms.C Kisoona | 677 | 174 | 310 | 85 | 51 | - | 26 | 1 323 |
| Provincial Manager WC: Adv. L.C. Lotz | 509 | 32 | 233 | 64 | 20 | - | - | 858 |
| PM LP: V Mavhidula | 613 | 158 | 281 | 77 | 46 | - | 24 | 1 199 |
| PM NC: C Williams | 586 | 151 | 269 | 74 | 44 | - | 24 | 1 148 |
| PM GP: Mr.B.Jones | 554 | 47 | 254 | 66 | 28 | - | 19 | 968 |
| Strategic support and Governance: Ms.N Webster | 47 | - | 22 | 5 | - | - | 2 | 76 |
| Head: Human rights Advocacy & Communications : Ms.G Smith | 564 | 103 | 259 | 71 | 36 | - | - | 1 033 |
| PM FS: Mr.T.M.Kheswa | 142 | - | 65 | 18 | - | - | - | 225 |
| Head of Research: Dr. O Adeleke | 458 | - | 232 | 57 | 25 | - | 20 | 792 |
| Senior Manager Operation: Kathleen Hardy | 389 | - | 210 | 48 | 40 | - | - | 687 |
| Operations Manager: Dr.MS Nsibirwa | 564 | 54 | 306 | 71 | 36 | - | 24 | 1 055 |
| Provincial Manager E.C: Mr.A.Sipond | 554 | 47 | 254 | 69 | 25 | - | 20 | 969 |
| Provincial Manager N.W.: Ms M.Boikanyo | 564 | 102 | 258 | 70 | 38 | - | - | 1 032 |
| | 11 575 | 1 870 | 5 516 | 1 447 | 761 | 52 | 364 | 21 585 |

2017

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

Figures in Rand thousand

27. Members' emoluments (continued)

| | Salary | Bonuses and performance payments | Expenses allowance | Provident contributions | Termination leave payout and backpay | Acting allowance | 3G and cell allowance | Total |
|----------------------------------------------------------|---------------|----------------------------------|--------------------|-------------------------|--------------------------------------|------------------|-----------------------|---------------|
| Chief Accounting Officer: L. Khumalo | 501 | 155 | 230 | 63 | 204 | - | 17 | 1 170 |
| Chief Operating Officer: Ms S.E. Motara | 166 | - | 91 | 20 | 34 | - | 8 | 319 |
| Chief Financial Officer: P. Mkaneta (ACEO 01 OCT 2016) | 687 | 125 | 315 | 86 | 32 | 156 | 29 | 1 430 |
| Head of Corporate Services: A. Price | 625 | 61 | 348 | 78 | 62 | - | 24 | 1 198 |
| Head of Parliamentary: J. Cohen | 212 | 25 | 97 | 27 | 60 | - | 9 | 430 |
| Head SS&G: S. Giyose | 573 | 106 | 263 | 72 | 36 | - | 24 | 1 074 |
| Head of Research and Documentation: Dr. RPD Miamingi | 86 | - | 47 | 11 | 9 | - | - | 153 |
| Chief Audit Executive: G. Palse | 578 | 103 | 313 | 72 | 43 | - | 24 | 1 133 |
| Head Legal Service (LSP): P. Gregoriou | 581 | 149 | 266 | 73 | 43 | - | 24 | 1 136 |
| PM KZN: T. Munno | 540 | 100 | 248 | 68 | 34 | - | 24 | 1 014 |
| PM MPL: E. Mokonyama | 575 | 104 | 263 | 72 | 36 | - | 24 | 1 074 |
| Chief Operational Officer: C. Kisoou | 616 | 155 | 282 | 77 | 30 | - | 24 | 1 184 |
| PM WC: K. Singh | 307 | - | 166 | 38 | 100 | - | 13 | 624 |
| PM LP: V. Mavhidula | 565 | 105 | 259 | 71 | 36 | - | 24 | 1 060 |
| PM NC: C. Williams | 541 | 98 | 248 | 68 | 34 | - | 24 | 1 013 |
| PM FS: Mr B. Jones | 401 | 95 | 184 | 50 | 12 | - | 11 | 753 |
| Strategic support and Governance: Ms. N. Webster | 549 | 102 | 261 | 69 | 34 | - | 24 | 1 039 |
| Head Human rights Advocacy and Communications: Ms. Diale | 531 | - | 276 | 66 | 15 | - | - | 888 |
| Operations Manager: Dr Ms. U. Lottering | 140 | - | 76 | 18 | 15 | - | - | 249 |
| Head of Commissioners: CL. Duma | 408 | 42 | 187 | 51 | 63 | - | - | 751 |
| Head of Research: Dr O. Adeleke | 135 | - | 73 | 17 | 4 | - | - | 229 |
| Senior Manager Operations: Kathleen Hardy | 225 | - | 122 | 28 | - | - | - | 375 |
| Operations Manager: Dr M.S. Nsibirw | 531 | - | 287 | 66 | 23 | - | 26 | 933 |
| Provincial Manager EC: Mr A. Sipondo | 401 | 22 | 184 | 50 | 6 | - | - | 663 |
| Provincial Manager N.W Ms M. Boikanyo | 315 | 45 | 144 | 39 | - | - | - | 543 |
| | 10 789 | 1 592 | 5 230 | 1 350 | 965 | 156 | 353 | 20 435 |

Non-executive

2018

South African Human Rights Commission
Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

Figures in Rand thousand

27. Members' emoluments (continued)

| | Salary | Bonus and performance bonuses | Provident contributions | Other Benefits | Total |
|-----------------|--------------|-------------------------------|-------------------------|----------------|--------------|
| Adv BC Majola | 754 | - | 94 | 443 | 1 291 |
| Ms DP S Jana | 640 | 53 | 80 | 322 | 1 095 |
| Adv. AH Gaum | 586 | - | 73 | 342 | 1 001 |
| Adv MS Ameerma | 586 | 49 | 73 | 298 | 1 006 |
| Ms MA Makwetla | 586 | 49 | 73 | 293 | 1 001 |
| Adv. JB Malatji | 586 | 49 | 73 | 293 | 1 001 |
| Mr AC Nissen | 681 | - | - | 14 | 695 |
| Mr J Sibanyoni | 392 | - | - | 15 | 407 |
| | 4 811 | 200 | 466 | 2 020 | 7 497 |

2017

| | Salary | Bonus and performance bonuses | Provident contributions | Other Benefit | Total |
|------------------|--------------|-------------------------------|-------------------------|---------------|--------------|
| Adv. B.C. Majola | 188 | - | - | 134 | 322 |
| Adv D.P. Jana | 160 | - | - | 100 | 260 |
| Adv AH Gaum | 147 | - | 6 | 98 | 251 |
| Adv MS Ameerma | 577 | 48 | 72 | 340 | 1 037 |
| Ms M.A. Makwetla | 147 | - | - | 92 | 239 |
| BJ Malatji | 433 | 36 | 36 | 480 | 985 |
| Mr AC Nissen | 146 | - | - | 4 | 150 |
| Mr J Sibanyoni | 82 | - | - | 4 | 86 |
| Mr J Sibanyoni | 396 | - | - | 535 | 931 |
| Adv L. Mushwana | 286 | 36 | 36 | 291 | 649 |
| Ms L Mokate | 168 | - | - | 12 | 180 |
| Ms J Love | - | - | - | 7 | 7 |
| Dr D Titus | - | - | - | - | - |
| | 2 730 | 120 | 150 | 2 097 | 5 097 |

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | | |
|--|----------------|----------------|
| | 2018 R '000 | 2017 R '000 |
|--|----------------|----------------|

28. Prior period errors

As part of preparing its annual financial statements for the 2017/18 financial year, management discovered that there were activities that led to prior-period errors. Consequently, the Commission had to restate both the 2017 and 2016 financial years to take into account the errors discovered. The nature of the prior period errors are explained below.

Provision of performance bonus

During the 2017/18 financial year, the Commission realised that the performance bonuses qualified to be recognised as a provision based on the continuous practice of paying those bonuses every year for the past five years. The nature of the practice has raised an expectation by the employees that in the future the Commission will settle such expectation, therefore, based on the GRAP standard such liability should have been recognised and classified even in the prior period. As a result of the GRAP 19 standard in the current year, the provision for performance bonus balances reported in 2016 and 2017 financial years had to be restated to take into account such expectations.

For more details relating to 2017 prior year adjustment, refer to the disclosure below.

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

Statement of financial position as at 31 March 2016

| | | |
|----------------------------------------|---|---------|
| Provision for performance bonus | - | (5 588) |
| Opening Accumulated Surplus or Deficit | - | 5 588 |

Reclassified transactions

Municipal charges were classified under lease rentals for operating leases for the year under review, management decided to report it separately from rental expenses for office buildings, therefore, affecting the prior year to be re-classified.

Employee benefit was disclosed under the provisions note for consistent reasons, however, after reviewing the transactions, management decided to disclose it separately from the provision for performance bonus and leave pay. Employee benefit is disclosed separately for fair presentation in note 12.

Related party transactions was disclosed not taking into consideration the Department of Public Works and the annual allocation into account. The related party disclosure has been updated accordingly.

Capital commitments were split between commitments of a capital nature and operational nature as disclosed in note 24.

Below are the transactions reclassified.

Descriptions

| | | |
|-----------------------------|---------|---------|
| 13th cheque accrual | (1 238) | (1 032) |
| Municipal Charges | 5 540 | 4 387 |
| Employee benefit provision | 1 238 | 1 032 |
| Operating lease expenditure | (5 540) | (4 387) |
| | - | - |

Statement of financial position

| | | | | |
|---------------------------------|------------------------|---------------------|--|-------|
| | As previously reported | Correction of error | | Total |
| Provision for performance bonus | - | 7 503 | | 7 503 |

Statements of financial performance

| | | | | |
|---------------------------|------------------------|---------------------|--|-------|
| | As previously reported | Correction of error | | Total |
| Performance bonus expense | 5 588 | 1 915 | | 7 503 |

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 R '000 | 2017 R '000 |
|--|----------------|----------------|
|--|----------------|----------------|

29. 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 | 2018 | 2017 |
|----------------------------------------|--------|-------|
| Receivables from exchange transactions | 46 | 48 |
| Prepayments | 664 | 560 |
| Cash and cash equivalents | 12 226 | 8 289 |

30. Going concern

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.

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

31. Events after the reporting date

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

32. Fruitless and wasteful expenditure

| | | |
|----------------------|-----|------|
| Opening balance | - | 11 |
| Additions | 4 | 59 |
| Less amount resolved | (4) | (70) |
| | - | - |

Fruitless and wasteful expenditure to the value of R 3,808.41 (2017: R 59,002.58) was incurred in the current year. Fruitless and wasteful expenditure emanating mainly from expenses attached to changes in travel arrangements. No action taken as the cause for travel expenditure was deemed necessary.

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| | 2018 R '000 | 2017 R '000 |
|-------------------------------------------|----------------|----------------|
| 33. Irregular expenditure | | |
| Opening balance | | |
| Add: Irregular Expenditure - current year | 1 348 | 1 348 |
| Less: Amounts condoned | 215 (154) | - |
| | 1 409 | 1 348 |

Irregular expenditure to the value of R 214,945 (2017: R nil) 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.

Analysis of expenditure awaiting condonation per age classification

| | | |
|--------------|--------------|--------------|
| Current year | 61 | - |
| Prior years | 1 348 | 1 348 |
| | 1 409 | 1 348 |

Details of irregular expenditure – current year

| Incident 1 | Disciplinary steps taken/criminal proceedings | |
|------------|-------------------------------------------------------------------------------------|----|
| | Deviation from normal procurement process as required by treasury regulation 16A6.1 | 61 |

Details of irregular expenditure condoned

| Incident 1 | Condoned by (condoning authority) | |
|------------|------------------------------------------------------------------------|-----|
| | Condoned by the Accounting Officer after the expenditure was incurred. | 154 |

34. Budget differences

Budget Reconciliation per GRAP 24

A reconciliation between the actual amounts on a comparable basis as presented in the statement of comparison of budget and actual amounts and the actual amounts in the cash flow statement for the period ended 31 March 2018 is presented below. The financial statements and budget documents are prepared for the same period. There is a basis difference: the budget is prepared on a cash basis and the financial statements on the accrual basis.

| | Operating | Financing | Investing | Total |
|-----------------------------------------------------------------------------------------------|--------------|----------------|----------------|--------------|
| Actual amount on comparable basis as presented in the budget and actual comparative statement | 7 435 | - | - | 7 435 |
| Basis differences | 557 | (2 156) | (1 899) | (3 498) |
| Timing differences | - | - | - | - |
| Entity differences | - | - | - | - |
| Actual amount in the cash flow statement | 7 992 | (2 156) | (1 899) | 3 937 |

Differences between budget and actual amounts basis of preparation and presentation

The budget and the accounting bases differ. The annual financial statements for the whole-of-government are prepared on the accrual basis using a classification based on the nature of expenses in the statement of financial performance. The annual financial statements are for the fiscal period from 2017/04/01 to 2018/03/31. The annual financial statements differ from the budget, which is approved on the cash basis.

(i) Personnel expenditure

South African Human Rights Commission

Annual Financial Statements for the year ended 31 March 2018

Notes to the Annual Financial Statements

| 2018 | 2017 |
|--------|--------|
| R '000 | R '000 |

34. Budget differences (continued)

The higher spend is attributable to all vacant posts being filled in the current year.

(ii) Lease rentals on Operating lease

Municipal charges paid through to Department of Public Works, were allocated here in the budget.

(iii) General Expenses

Following on from an ICT Assessment, the requirement for setting up a governance structure to monitor and manage expenditure on IT infrastructure, resulted in certain projects being delayed.

(iii) Finance lease payments

In line with cost containment measures, finance leases (for computers and photocopiers) were not replaced with new leases as expected in the budget.